

# Clearinghouse REVIEW

September–October 2010  
Volume 44, Numbers 5–6

Journal of  
Poverty Law  
and Policy



Meaning of Climate Change  
Cap-and-Trade Policies  
and Consumers  
A Mandatory Cap-and-  
Trade Program and  
Environmental Justice  
Rural Communities and the  
Carbon Offset Market  
Green, Healthy Housing  
Lawyers and Holistic  
Green Communities  
Weatherization Assistance for  
Affordable Multifamily Housing  
Urban Agriculture  
Green-Collar Jobs  
State and Regional Land-Use and  
Transportation Planning  
Utilities and the Smart Grid  
Health of Communities  
Adaptation to Climate Change

Climate Change  
and a Green Economy  
**NEW ADVOCACY  
OPPORTUNITIES**



A site in Brooklyn, New York, in Cypress Hills Local Development Corporation's study area as a possible location for brownfield redevelopment. Photo courtesy of Cypress Hills Local Development Corporation.

## Community Economic Development Lawyers Assist Nonprofit Organizations in Creating Holistic Green Communities

By Jessica Rose, Nicole Prenoveau, and Daniel S. Hafetz

**Jessica Rose**  
Director, Community and  
Economic Development Unit

**Nicole Prenoveau**  
Equal Justice Works Fellow,  
Community and Economic  
Development Unit

**Daniel S. Hafetz**  
Skadden Fellow, Community and  
Economic Development Unit

Brooklyn Legal Services Corp. A  
80 Jamaica Ave.  
Brooklyn, NY 11207  
718.487.1300  
jrose@bka.org  
nprenoveau@bka.org  
dhafetz@bka.org

Community-based organizations in Brooklyn, New York, are using a green development approach toward systemic neighborhood issues. They are taking on high rates of asthma, shortages of decent and truly affordable housing, and energy consumption; they are redeveloping toxic and blighted lands; and they are creating new jobs. Despite much public discourse on climate change and the new green economy, few commentators focus on the grassroots efforts of nonprofit organizations pursuing green community economic development (CED) in low-income neighborhoods.<sup>1</sup> As lawyers in the CED Unit of Brooklyn Legal Services Corporation A (Brooklyn A), we have been providing transactional legal advocacy to groups pursuing this cutting-edge work.<sup>2</sup> We have seen firsthand that our national transition to a green economy is beginning to be applied in substantial ways to some of New York's lowest-income communities. Local efforts to make neighborhoods green often are simultaneously antipoverty initiatives. Here we highlight two of these efforts and demonstrate how lawyers can provide legal services that are key to nonprofit community-based organizations embarking in this new area of CED. The type of CED lawyering described

<sup>1</sup>Community economic development (CED) generally refers to low-income communities' and their allies' efforts to gain and maintain control over resources, including housing, land, businesses, health care, child care, and community institutions. The modern CED movement emerged in the late 1960s from the popular social movements at that time and from the reaction of the government and other institutions to these movements particularly in African American and Latino urban centers. For a discussion of CED, see Brian Glick & Matthew J. Rossman, *Neighborhood Legal Services as House Counsel to Community-Based Efforts to Achieve Economic Justice: The East Brooklyn Experience*, 23 NEW YORK UNIVERSITY REVIEW OF LAW AND SOCIAL CHANGE 105, 107–108 (1997); Laurie A. Morin, *Legal Services Attorneys as Partners in Community Economic Development: Creating Wealth for Poor Communities Through Cooperative Economics*, 5 DISTRICT OF COLUMBIA LAW REVIEW 125, 130 (2000). For the Sargent Shriver National Center on Poverty Law's special issue on CED, see *Economic Development Strategies for Individuals and Communities*, 37 CLEARINGHOUSE REVIEW (July–Aug. 2003), <http://bit.ly/cOOq7L>.

<sup>2</sup>Brooklyn Legal Services Corporation A's CED Unit does not receive federal Legal Services Corporation (LSC) funding. The unit is supported by private donations, an annual fund-raiser, and fees generated through its larger projects where the project funding provides for legal fees. The unit's work complies with LSC requirements and restrictions applicable to group representation matters that are not supported by LSC funds. Under the LSC regulations, representation of groups is permissible and, in certain circumstances, may be funded by LSC (45 C.F.R. § 1611.6 (2009)).

here is in keeping with and exemplary of Brooklyn A's commitment to growing and adapting its legal practice to meet the needs and community development priorities of its clients.<sup>3</sup>

Green (also referred to as environmentally sustainable) CED builds on decades of dedicated work by nonprofit community-based organizations to improve their communities.<sup>4</sup> While the community-based organization and community organizer clients of Brooklyn A's CED Unit have provided affordable and high-quality housing, education, and health care for many low-income residents of North and East Brooklyn, New York, shortages persist. Local residents also face significant environmental and health risks due, in part, to an older and poorly maintained housing stock and polluting industrial (or formerly industrial) facilities located in their neighborhoods.<sup>5</sup> The substandard infrastructure

and environmental contamination in low-income neighborhoods of color have contributed not only to the lack of decent affordable housing but also to a high incidence of environment-related illnesses. As a response, several of Brooklyn A's CED clients, along with other nonprofit developers and community organizations throughout New York City, are incorporating environmentally sustainable concepts into their practices as one strategy to confront these issues.<sup>6</sup>

Community-based organizations and nonprofit legal services providers dedicated to CED can be leaders in remediating and challenging the impact of these problems, for instance, by assisting residents to take control of the land and resources in their communities; by implementing programs designed to promote public health and sustainable food production; by pursuing environmentally responsible economic develop-

<sup>3</sup>Brooklyn A was founded in 1968, and its CED practice began in the mid-1970s as a natural extension of its community-based lawyering approach. Initially attorneys in East New York (a section of Brooklyn) represented tenants in individual housing cases. Then, as some tenants organized tenant associations, Brooklyn A's housing work expanded to encompass group representation. Tenant clients, many of whom were also parents of small children, began to organize around the lack of affordable child care in the neighborhood. Together local residents formed one of the earliest Head Start programs in Brooklyn and asked Brooklyn A to represent it in the formation of the child care corporation and the leasing and renovation of its first facility. The Brooklyn A attorneys who had litigation backgrounds quickly adapted to meet the clients' needs, and during the 1970s the CED practice grew and became an independent unit within the office. Today the CED Unit's legal work involves real estate, including predevelopment coordination (the period during which the required examination of a project's technical and financial feasibility is undertaken before the project sponsor begins full development of a facility) and title and loan closings; contract drafting and negotiation; public and private project financing; regulatory representation and negotiations with governmental authorities; corporate and tax advice; employee relations; and corporate governance. The CED attorneys are integral members of their clients' project teams and help strategize, issue-spot, and plan individual projects; achieve overall community and facility development goals; and, for a number of their clients, support general organizational growth (see Brooklyn Legal Services Corporation A, Community and Economic Development Docket 2009, at 2, 6–15 (2009), <http://bit.ly/9JtjVv> (describing CED Unit and recent CED projects)). Nonprofit community-based organizations and community development corporations require the same kind of transactional legal representation as does any for-profit corporation. They also need attorneys who understand the clients' missions and make the clients' empowerment a priority (see Morin, *supra* note 1, at 147–51). Since project financing in the private and nonprofit sectors has become increasingly complex, the role of the CED attorney has become more central to the success of a project (e.g., one of the primary funding mechanisms for community health care centers in New York state has become the issuance of tax-exempt bonds, and, over the past twenty-plus years, the low-income housing tax credit program has been one of the few new funding streams for affordable housing development (26 U.S.C. § 42)). As a result, CED clients need long-term relationships with lawyers who understand both their complex legal needs and the needs of their communities (see Glick & Rossman, *supra* note 1, at 110–12).

<sup>4</sup>In this context "environmentally sustainable" means ensuring that development activity is undertaken so that any negative environmental impact is minimized or eliminated.

<sup>5</sup>See Jason Corburn, *Combining Community-Based Research and Local Knowledge to Confront Asthma and Subsistence-Fishing Hazards in Greenpoint/Williamsburg, Brooklyn, New York*, 110 ENVIRONMENTAL HEALTH PERSPECTIVES SUPPLEMENT 241–42 (2002), <http://bit.ly/dug9rx> (discussing community-based participatory research conducted by El Puente and Watchperson Project). North and East Brooklyn have extremely high rates of cancer, asthma, and lead-related illnesses due in part to environmentally hazardous housing and contaminated soil and air (*id.* at 242). Data on emissions from state and local databases generally show that economically disadvantaged and predominately minority neighborhoods have the highest pollution levels (*id.* at 241). The Williamsburg-Greenpoint section of Brooklyn is the site of a number of "dirty industries" such as oil and gas pipelines, private garbage transfer stations, a low-level radioactive waste storage facility, a municipal waste incinerator, and the largest sewage treatment plant in the Northeast (*id.* at 242). In our practice, we see environmental and health problems continuing to persist in our clients' communities.

<sup>6</sup>See Carmen Huertas-Noble et al., *The Greening of Community Economic Development: Dispatches from New York City*, 31 WESTERN NEW ENGLAND LAW REVIEW 645 (2009).

ment; and by demanding that inclusive land-use planning be a requirement for those seeking to build in the neighborhoods that are served by and home to the community-based organizations and the legal services offices that represent them.<sup>7</sup> Two methods of environmentally sustainable development are to construct new green housing and community facilities and to weatherize and to retrofit existing buildings.<sup>8</sup> Such construction and renovation can provide both economic benefits (realized primarily through lower energy costs) and health benefits (e.g., decreased asthma incidences due to improved indoor air quality) for increased project costs that are relatively low.<sup>9</sup> Moreover, increasing building performance and decreasing energy use are generally beneficial to the environment. Many community-based organizations are looking to build on the momentum of the green building movement and create large-scale communitywide initiatives.

We believe that transactional public interest attorneys can be essential, value-adding members of the project team on green development projects. As CED clients develop and implement ambitious holistic community greening projects, they need attorneys who can assist them in the complicated legal aspects of these projects and who share in their clients' creativity and expansive vision. We are working with two such clients, Cypress Hills Local Development Corporation located in Cypress Hills, Brooklyn, and El Puente, located in Williamsburg and Bushwick, Brooklyn, as they begin to integrate environmentally sustainable design, development, and practice into their operations and community development efforts. A discussion of their respective initiatives demonstrates how

lawyers are essential to helping them transform these communities.

While our clients' comprehensive plans for green redevelopment are just getting started, Brooklyn A has already been practicing green CED with a number of its clients through its Green Building Law and Justice Project—begun in 2008 with the assistance of an Equal Justice Works Fellowship cosponsored by the insurance company American International Group Inc. and the law firm Sullivan & Cromwell LLP. Through this project, Brooklyn A has been assisting nonprofit community development corporations in building and maintaining green affordable housing, health centers, and other vital neighborhood infrastructure primarily in North and East Brooklyn and has been developing an expertise in green CED lawyering that can be shared with other advocates who represent similar clients wanting to “go green.” The initial legal work of the Green Building Law and Justice Project consisted of advising clients in connection with emerging green financing and other new legal issues, helping clients conceptualize and implement their green programs, and drafting model contracts for transactions relating to green development. As Brooklyn A clients such as Cypress Hills Local Development Corporation and El Puente develop communitywide green projects, our green practice will expand along with them.

### The Cypress Hills Verde Initiative

For more than twenty-five years, Cypress Hills Local Development Corporation, a nationally recognized community developer in eastern Brooklyn, has been an engine for community economic devel-

<sup>7</sup>See Rachel D. Godsil & James S. Freeman, *Jobs, Trees, and Autonomy: The Convergence of the Environmental Justice Movement and Community Economic Development*, 5 MARYLAND JOURNAL OF CONTEMPORARY LEGAL ISSUES 25, 28 (1994).

<sup>8</sup>For information on weatherizing multifamily housing, see Jessica Sklarsky, *How to Use the Weatherization Assistance Program to Green Affordable Multifamily Rental Housing*, in this issue.

<sup>9</sup>See Bendix Anderson, *Green Ideas Help Old Buildings Save Energy*, AFFORDABLE HOUSING FINANCE, March 2006, at S-7, <http://bit.ly/cD9lQz> (nonprofit organization doing green rehabilitation of existing building typically encounters increased costs between 2 percent and 4 percent more than conventional rehabilitation); Gregory H. Kats, *Green Building Costs and Financial Benefits 3* (2003), <http://bit.ly/bCXMOo> (meeting green standards only increases development costs by average of less than 2 percent). For a discussion of the health benefits of rehabilitating low-income housing using green criteria, see Robin Jacobs et al., *Home Is Where the Health Is: Bringing Green, Healthy Housing to Low-Income Populations*, in this issue.

opment. It is a leading developer of affordable housing and a provider of social services, including early childhood and adult education, homeownership, and foreclosure prevention counseling and small business support. Cypress Hills Local Development Corporation is now expanding its community development work through “Cypress Hills Verde” (“Green Cypress Hills” in Spanish), an ambitious and visionary initiative for green redevelopment of the Cypress Hills neighborhood.<sup>10</sup>

Cypress Hills Local Development Corporation is located in the Cypress Hills and East New York neighborhoods of eastern Brooklyn, a predominantly low-income African American and Latino area that is one of the most economically, socially, and environmentally challenged urban areas in the country. The neighborhood has one of the highest foreclosure rates in New York City and has a higher-than-average incidence of lead poisoning and asthma hospitalizations among children.<sup>11</sup> Approximately 31 percent of the 95,000 residents there live below the federal poverty level.<sup>12</sup>

The Cypress Hills Verde initiative seeks to address the shortages of affordable, healthy housing, employment, and commercial space through a multipronged strategy initially consisting of a “Model Block” energy retrofit program; the redevelopment of brownfields—sites that may be contaminated with hazardous substances—into green commercial or residential properties; and the creation of a green-collar worker training center. The retrofits and new construction will create a demand for skilled labor, which

will be partially supplied by the worker training center that Cypress Hills Local Development Corporation plans to create. The initiative will also focus on neighborhood beautification, improving pedestrian and bicycle-oriented transit, and expanding farmers markets.<sup>13</sup>

The initiative is under way: Cypress Hills Local Development Corporation already has incorporated green design and architecture in its latest affordable housing constructions, making the units more affordable “not just to purchase, but to operate.”<sup>14</sup> It is working with the Community Environmental Center and Green City Force, an organization that trains young people in the green jobs industry, to conduct low-cost energy retrofits to homes as part of its Model Block program. Cypress Hills Local Development Corporation is retrofitting other buildings that it owns and operates, reducing electricity and gas usage, removing lead-based paint, and dealing with the causes of mold. And it has begun to study possible locations for the redevelopment of brownfields (typically highly contaminated, abandoned, or underused properties) to reduce blight and remove toxins from the local environment.<sup>15</sup> This focus on brownfields matches New York City’s own recent focus on brownfields as the new frontier for construction.<sup>16</sup>

### Legal Services Lawyers and the Cypress Hills Verde Initiative

Fulfilling Cypress Hills Verde’s promise requires an expansive approach to legal representation. The primary components of the initiative will require legal services in such areas as the creation of

<sup>10</sup>Interview with Betsy MacLean, Director of Community Development Division, and Zoe Levitt, former Project Coordinator, Cypress Hills Verde, Cypress Hills Local Development Corporation, in Brooklyn, N.Y. (April 6, 2010).

<sup>11</sup>See New York City Department of Health and Mental Hygiene, Preventing Lead Poisoning in New York City: Annual Report 2005, at 19, 46–47 (2007), <http://bit.ly/bb2U8P>; New York City Childhood Asthma Initiative, Asthma Facts 16 (2d ed. 2003), <http://bit.ly/bkCwWn>.

<sup>12</sup>Pratt Center for Community Development, East Brooklyn Housing and Development Study 2008: Context Report 9 (2008), <http://bit.ly/buestA>.

<sup>13</sup>MacLean, *supra* note 10.

<sup>14</sup>*Id.*

<sup>15</sup>U.S. Department of Housing and Urban Development, Brownfields Definition (July 30, 2009), <http://bit.ly/aWii5p>.

<sup>16</sup>See Posting of Eliot Brown, City Makes New Office for Brownfield Cleanup, *NEW YORK OBSERVER: REAL ESTATE*, <http://bit.ly/a3z7gl> (June 9, 2008, 5:05 p.m.).

new legal entities to undertake the various projects, real estate development and construction, and brownfield redevelopment. The work of Brooklyn A's CED attorneys to support this initiative exemplifies how developing greener communities is consistent with and draws on the skills and expertise typical of CED transactional legal work.

**Subsidiary and Joint Venture Formation.** Cypress Hills Local Development Corporation will likely need to form subsidiary entities to manage new projects. For example, it plans to create a green-collar-job worker training center for which it may form a subsidiary entity, which will then partner with an established green-collar-job training organization. Legal counsel will assist in corporate formation on two levels—first, the creation of the subsidiary entity and, second, the structuring of the joint venture agreement, which will set the purpose and goals of the venture and establish the roles and responsibilities of the partnering organizations. Critical to creating those entities and structuring their relationships will be identifying and taking advantage of available tax incentives.

**Construction and Real Estate Development.** The development of green affordable housing and commercial and manufacturing space will draw on a CED attorney's typical real estate practice. Each project will require negotiating the design and construction agreements, securing project financing, handling transfers of title, and leveraging city, state, and federal real estate and green development incentives. In the new green economy the need for sophisticated legal representation to navigate and maximize new and complex government incentives is increased—for example, energy-efficiency mortgages and tax rebates and credits. Thus CED attorneys will be crucial in identifying and analyzing existing incentives and will use that knowledge to advise clients on the

best options for residential and commercial development.

**Risk Management and Insurance Issues in Brownfield Redevelopment.**

Cypress Hills Local Development Corporation's proposal to remediate and redevelop brownfields in the community must overcome regulatory and administrative hurdles. The redevelopment of brownfields is often onerous due to the costs of remediation and the need to manage the prospective purchaser's liability for any past environmental damage. Redeveloping these sites thus requires legal expertise in many areas connected to environmental remediation, including assisting clients in coordinating and analyzing environmental assessments; reducing liability under the federal Comprehensive Environmental Response Compensation and Liability Act of 1980 (also known as the "Superfund Act"); arranging for rezoning of the site (if necessary); obtaining insurance and financing; and negotiating with city, state, and federal agencies.<sup>17</sup> While these challenges may be steep, a wealth of resources is available to support legal services programs undertaking such an initiative, and opportunities abound for pro bono assistance and professional consultants specializing in assisting organizations on the environmental remediation process and brownfield redevelopment.<sup>18</sup> As counsel to the Cypress Hills Local Development Corporation in this effort, Brooklyn A hopes to develop best practices that it can share with other clients and organizations undertaking similar projects across the city and country.

By combining the best and most ambitious goals of green redevelopment, Cypress Hills Verde will serve as a model for community developers nationally. The legal work that Brooklyn A does for this initiative will also serve as a model for transactional lawyers working with communities transitioning to a green economy.

<sup>17</sup>Comprehensive Environmental Response Compensation and Liability Act of 1980, 42 U.S.C. §§ 9601 *et seq.* (also known as "Superfund Act").

<sup>18</sup>See, e.g., New York State Department of Environmental Conservation, Brownfield Redevelopment Toolbox: A Guide to Assist Communities in Redeveloping New York State's Brownfields (n.d.), <http://bit.ly/aQe0Ny>.

### The Green Light District Initiative

El Puente, a community human rights organization headquartered in the Southside of Williamsburg (a section of Brooklyn), inspires and nurtures leadership for peace and justice by engaging youths and adults in environmental action, wellness, and other issue-based community campaigns as well as in the arts, sciences, and education.<sup>19</sup> This fall El Puente will launch the Green Light District initiative, an ambitious ten-year project to transform the Southside from one of the most challenged neighborhoods in New York City into one of the most sustainable urban neighborhoods in the country.

The Southside is about one square mile and home to 40,000 mostly Latino residents. Like Cypress Hills and East New York, it has long been burdened with numerous social ills, from poverty, unemployment, and poorly performing schools to environmental pollution and high rates of asthma, obesity, and diabetes.<sup>20</sup> Its community district has the fourth highest blood-lead levels and the fifth highest poverty rate among children in New York City.<sup>21</sup>

To combat these injustices, El Puente has been leading many successful grassroots health and environmental justice campaigns, including one that successfully stopped the city from siting a fifty-five-story garbage incinerator adjoining the Southside (in the Brooklyn Navy Yard) in the 1990s and another that limited the activities of a radioactive and hazardous chemical waste storage facility throughout the 1980s and 1990s. El Puente also coordinated a three-year asthma study that resulted in the first scientific, peer-reviewed article written by a community group and published in the *American Journal of Public Health*.<sup>22</sup>

Brooklyn A has worked closely with El Puente for twenty-eight years, from helping it incorporate as a not-for-profit organization and advising it in numerous real estate and contractual matters to serving as general counsel to the Community Alliance for the Environment (well known as CAFÉ), the coalition that El Puente launched in partnership with the United Jewish Organization and the New York Public Interest Group and that led the fight in the incinerator struggle.

In 2009 El Puente began to conceive of the Green Light District initiative, a holistic strategy to deal with the growing barriers to community wellness. The initiative seeks to improve the Southside's physical environment and the health of its inhabitants while creating opportunities for the economic and educational development and cultural and political engagement of its residents.<sup>23</sup> The Green Light District spans four focus areas:

1. Community health: undertaking a door-to-door wellness assessment and action plan; increasing access to healthy food and encouraging exercise; and reducing household toxicity and outdoor air pollution.
2. Energy and carbon emissions: expanding local control of energy production and use in new and old buildings; reducing carbon emissions through alternative energy; and creating green jobs.
3. Greening spaces: creating healthier and more vibrant public spaces by integrating streets, infrastructure, open spaces, and the Williamsburg waterfront.
4. Education and culture: creating venues for creative and cultural expression, creating internships, and establishing the "13th Grade," a one-year credit-bearing college program in the Southside.

<sup>19</sup>See El Puente, Mission (n.d.), [www.elpuente.us/organization/index.htm](http://www.elpuente.us/organization/index.htm).

<sup>20</sup>Telephone Interview with Luis Garden Acosta, President and Founder, El Puente, in Brooklyn, N.Y. (May 7, 2010).

<sup>21</sup>FURMAN CENTER FOR REAL ESTATE AND URBAN POLICY, NEW YORK UNIVERSITY, STATE OF NEW YORK CITY'S HOUSING AND NEIGHBORHOODS 38, 48 (2009), <http://bit.ly/9YH302>.

<sup>22</sup>Robert J. Ledogar et al., *Asthma and Latino Cultures: Different Prevalence Reported Among Groups Sharing the Same Environment*, 90 AMERICAN JOURNAL OF PUBLIC HEALTH 929 (2000).

<sup>23</sup>Acosta, *supra* note 20; see also Pratt Institute Sustainable Development Studio, Southside Green Light District Plan (Fall 2009) (unpublished draft) (on file with Luis Garden Acosta, El Puente) (initial feasibility study commissioned by El Puente and done by team of graduate urban planning students from Pratt Institute).

In July 2009 El Puente convened the first meeting of a planning group, the Green Light District Development Team, which consists of scores of activists, representatives from schools and nonprofit organizations, and experts in the areas of health, education, the arts, sustainable development, and environmental justice (including attorneys from Brooklyn A's CED Unit). Discrete projects will emanate from the Green Light District Development Team's efforts over the life of the Green Light District initiative.

### **Legal Services Lawyers and the Green Light District Initiative**

A longtime partner and advocate of El Puente, Brooklyn A will support this dynamic organization by acting as counsel to the Green Light District initiative. Although the initiative's specific legal needs are not yet clear, Brooklyn A's CED attorneys are there to advise El Puente in multiple capacities—from contract drafting to representing El Puente in real estate transfers or financing transactions.

During the next ten years, El Puente will engage in a wide range of activities in pursuit of the Green Light District initiative's goals. As counsel to this initiative, Brooklyn A's legal work must match the breadth and depth of the activities undertaken by El Puente. Through conversations with El Puente and by participating in the Green Light District Development Team, Brooklyn A's attorneys have generated potential ideas as to how they might contribute to the initiative.

For example, Brooklyn A's CED lawyers could investigate whether forming an El Puente subsidiary entity to manage Green Light District work is necessary, and, if so, Brooklyn A would help form this subsidiary. Brooklyn A attorneys may draft, review, and negotiate agreements to be executed during the course of the initiative, including grants or other funding agreements, contracts with consultants, agreements between El Puente and partner organizations or service providers (e.g., weatherization assistance providers or home energy auditors), and agreements between El Puente and individual members of the commu-

nity (e.g., if El Puente directly provides services to individuals or businesses or enters into agreements with landlords). They may need to obtain consent from various parties to conduct some of the activities currently being discussed by the Green Light District Development Team (e.g., commissioning of neighborhood murals and undertaking a community wellness assessment). As counsel, Brooklyn A could advise El Puente on potential liability issues and draft legal documents allocating such risks—documents such as consent or waiver forms, if needed.

Should complicated financing mechanisms need to be pursued or any real property interests need to be transferred—for instance, El Puente might acquire abandoned or underutilized property to develop community gardens or even form a community land trust—Brooklyn A could represent El Puente in these transactions. As with the Cypress Hills Verde initiative and as it has done in past community initiatives, Brooklyn A could assist El Puente and the Green Light District Development Team in negotiations with governmental agencies and keep El Puente apprised of any applicable laws that might affect the initiative or any incentive programs from which the initiative could benefit.

The Green Light District initiative is still in its infancy, and thus Brooklyn A's activities as the initiative's general counsel have yet to be defined. However, in the coming months, Brooklyn A will remain active as a Green Light District Development Team member and will counsel El Puente as the initiative takes shape.

### **Community Partners Working Toward Equity, Justice, and Environmental Sustainability**

The general goals of the green movement in the United States—the elimination of hazardous elements from our land and atmosphere, the improvement of our built environment, and the promotion of human wellness and more efficient use of resources, both natural and economic—are inextricably intertwined with the social, economic, and political

issues that community-based organizations such as Cypress Hills Local Development Corporation and El Puente have been struggling with for years. For example, the lack of truly affordable quality housing, health care, and food are all justice, environmental, and poverty issues. Thus these groups, and others like them, naturally are evolving and incorporating sustainability principles into their work by pursuing holistic and multipronged strategies to green entire neighborhoods. Likewise, Brooklyn A's CED Unit, as a provider of the transactional legal advocacy necessary to assist clients in achieving their goals, is also evolving by adding green expertise to its practice. Every day one can find news coverage on the growing environmental crisis and economic disparities in the United States and throughout the world. Public interest and legal services attorneys should partner with their clients and the communities they serve to create long-term solutions to these challenging problems.

Lawyers can assist nonprofit, community-based organizations in ensuring that the poorest, most polluted neighborhoods enjoy the health, environmental, and economic benefits of green building. Examples of the benefits of green building are improved air quality, increased public and private green space,

and lower energy costs. And, with the assistance of the sophisticated organizing apparatus of experienced nonprofit organizations, some of the nation's lowest-income communities might become the greenest and most innovative. Nonprofit developers and CED attorneys can partner to integrate green building into the development of affordable housing and community facilities. Together they can ensure that low-income communities reap the same benefits from environmentally sustainable building practices as do wealthier communities throughout the country. The green movement is not solely an environmental issue—it is also an issue of equity and justice.

#### **Authors' Acknowledgments**

*We would like to thank Cypress Hills Local Development Corporation Inc. (most especially Betsy MacLean, director of Community Development Division, and Zoe Levitt, former project coordinator, Cypress Hills Verde) and El Puente (most especially Luis Garden Acosta, president and founder, and Mariluz Lopez, executive associate to the president and founder) for sharing their valuable histories, perspectives, and dreams with us in the preparation of this article and in our work every day. We would also like to thank Elizabeth B. Cooper, professor, Fordham University School of Law, for her assistance and guidance in the writing of this article.*

### **More Practical Guidance on Working with Community-Based Organizations on Community Economic Development Projects**

*Economic Development Strategies for Individuals and Communities*, the July–August 2003 special issue of CLEARINGHOUSE REVIEW, shares practical tips on getting started with community economic development advocacy and on the basics of representing community-based organizations. Subscribers can access the issue at <http://bit.ly/c0Oq7L>. About twenty hard copies are available for purchase at \$30 a copy plus shipping and handling. Contact Mae English, Sargent Shriver National Center on Poverty Law, 312.368.5193 or [maeenglish@povertylaw.org](mailto:maeenglish@povertylaw.org).



# Subscribe to CLEARINGHOUSE REVIEW!

CLEARINGHOUSE REVIEW: JOURNAL OF POVERTY LAW AND POLICY is the advocate's premier resource for analysis of legal developments, innovative strategies, and best practices in representing low-income clients. Each issue of the REVIEW features in-depth, analytical articles, written by experts in their fields, on topics of interest to poor people's and public interest lawyers. The REVIEW covers such substantive areas as civil rights, family law, disability, domestic violence, housing, elder law, health, and welfare reform.

## Subscribe today!

We offer two ways to subscribe to CLEARINGHOUSE REVIEW.

A **site license package** includes printed copies of each monthly issue of CLEARINGHOUSE REVIEW and online access to our archive of articles published since 1967. With a site license your organization's entire staff will enjoy fully searchable access to a wealth of poverty law resources, without having to remember a username or password.

Annual site license package prices vary with your organization size and number of printed copies.

- Legal Services Corporation–funded programs: \$170 and up
- Nonprofit organizations: \$250 and up
- Law school libraries: \$500

A **print subscription** includes one copy of each of six issues, published bimonthly. Annual rates for the print-only subscription package are as follows:

- Legal Services Corporation–funded programs: \$105
- Nonprofit organizations: \$250
- Individuals: \$400

A print subscription for Legal Services Corporation–funded programs and nonprofit organizations does not include access to the online archive at [www.povertylaw.org](http://www.povertylaw.org).

Please fill out the following form to receive more information about subscribing to CLEARINGHOUSE REVIEW.

Name \_\_\_\_\_

Organization \_\_\_\_\_

Street address \_\_\_\_\_ Floor, suite, or unit \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

E-mail \_\_\_\_\_

My organization is

- Funded by the Legal Services Corporation
- A nonprofit
- A law school library
- None of the above

What is the size of your organization?

- 100+ staff members
- 51–99 staff members
- 26–50 staff members
- 1–25 staff members
- Not applicable

Please e-mail this form to [subscriptions@povertylaw.org](mailto:subscriptions@povertylaw.org).  
Or fax this form to Ilze Hirsh at 312.263.3846.

Sargent Shriver National Center on Poverty Law  
50 E. Washington St. Suite 500  
Chicago, IL 60602

CUT HERE