**Section 3: The Great, Unused Tool to Uplift Communities and Combat Pandemics. By Edna Wells Handy and Clem Richardson[[1]](#footnote-1)**

**Introduction**

American streets were face-offs between cops and the community. Shouts of protests rang out. Batons lifted. Buildings burned. All this over the death of an unarmed, peace-loving black man.[[2]](#footnote-2) That black man was the Reverend Dr. Martin Luther King, Jr. President Johnson needed to act and to do so quickly to quell the uprisings that followed. With that impetus, he was able to get through Congress and sign the Housing and Urban Development Act of 1968.[[3]](#footnote-3) This comprehensive “civil rights” law would address the twin evils of employment and housing discrimination that trapped black, brown, and poor people into indecent housing and low-income employment. It would do so by making sure—

“…[t]hat employment and other economic opportunities.

generated by certain HUD financial assistance shall, to the

greatest extent feasible, … be directed to low-and very low-

income persons, particularly those who are recipients of govern-

mental assistance for housing, and to business concerns which

provide economic opportunities to low-and very low-income person.”[[4]](#footnote-4)

Over the last half century, that economic engine derailed from its tracks towards lives of promise of less poverty, racial segregation, inadequate housing, unaffordable quality health care and under-employment—*the stuff of pandemics.*[[5]](#footnote-5) Here, we will explore some of the reasons for Section 3 opportunity failures and opportunity still be that powerful engine it was designed to be, and we will present a pathway that can ensure its successful run for the next half-century to come.

**Section 3 then and now**

The economic engine thus created — “colloquially” referred to as Section 3—mandated that any new hires or subcontracting opportunities flowing from the specified government-funded contracts go to public housing residents, low and very low-income persons, and Section 3 business concerns. The law and its regulations provided a system of legal set asides and quotas, in the following way—30 percent of new hires, 10 percent for construction contracts, and three percent of non-construction contracts were to go to Section 3 beneficiaries. See, 24 CFR §135.50. [[6]](#footnote-6)

The Department of Housing and Urban Development, also created by the 1968 Act, and which oversees the operation of Section 3, lists employment and contracts requirements, job training, and a myriad of positions to which Section 3 applies:

Administrative/Management: accounting, payroll, research, bookkeeping, purchasing, and word processing.

Services: appliance repair, florist, marketing, carpet installation, janitorial, photography, catering, landscaping, printing, computer/information, manufacturing, and transportation.

Construction: architecture, bricklaying, carpentry, cement/masonry, demolition, drywall, electrical, elevator, construction, fencing, heating,

ironworks, machine, operation, painting, plastering, plumbing, surveying, and

tile setting. [[7]](#footnote-7)

The expanse of Section 3’s reach is illustrated by New York City and its public housing arm, the New York City Housing Authority (NYCHA). As of this writing, it was yet to be determined how much of New York City’s $92.28 billion FY22 Preliminary Budget would consist of Section 3 dollars.[[8]](#footnote-8) We do know, however, that New York City receives billions in housing and community development assistance, such as CDBG and CDBG-DR programs, and at least eleven (11) of its agencies receive funds covered by Section 3—Departments of Housing Preservation and Development, Small Business Services, Emergency Management, Environmental Protection, Parks and Recreation, Education, Design and Construction, and the Mayor’s Office of Housing Recovery Operations and Resiliency and Recovery. We also know that the New York State $150.1 billion dollar budget contains Section 3 funds that flow through the Division of Homes and Community Renewal. [[9]](#footnote-9)

Of NYCHA’s $2.19 billion of the Authority’s Operating Budget in 2020, 57 percent comes from the federal funds.[[10]](#footnote-10) That amount makes all NYCHA’s and a covered contractor’s employment opportunities subject to Section 3.[[11]](#footnote-11) NYCHA’s Section 3 hiring and contracting is stretched across three canvases. One canvass is the hiring requirement of 30 percent of new hires be Section 3 beneficiaries. A second canvass incudes NYCHA’s “Resident Employment Program” that requires an additional 15 percent resident hiring on contracts over $500,000. The third canvass includes the requirement of 10 percent contract set aside to Section 3 Business Concerns (those made up of 51 percent resident ownership, 30 percent full-time Section 3 residents or businesses that evidence a firm commitment to award 24 percent or more of sub-contracts to the 50 percent resident-owned or 30 percent resident employees).

NYCHA and City officials have touted NYCHA’s Section 3 program as a model. In testimony before the New York City Council, they set forth the progress the authority has made in its Section 3 efforts: [[12]](#footnote-12)

“We recently announced nearly 15,000 resident job placements,

since 2014. This significant milestone was made possible

by the work of our Office of Resident Economic Empower-

ment and Sustainability (REES)… Since 2015, about 5,700

residents were hired through Section 3.”[[13]](#footnote-13)

Yet resident leadership at NYCHA does not find this much of a “significant milestone”, especially when considering the 2014 unemployment rate for NYCHA residents at 22 percent compared to 8 percent for the City.[[14]](#footnote-14) In fact, according to Daniel Barber, President of the City-wide Council of [Resident/Tenant Associations] Presidents (CCOP), they filed suit against NYCHA for, among other significant failures like lead inspections, its “spectacular” failure to abide by Section 3.[[15]](#footnote-15) Covering sixteen pages in their Verified Petition, the Residents allege Section 3 violations established by NYCHA’s very own reports in three detailed ways. First, they alleged that NYCHA did not provide job assistance, especially for non-union tenants, or tenants who were not in unions. Second, NYCHA did not penalize non-compliant contractors for their failure to hire tenants. NYCHA did not successfully incentivize those who did. Moreover, according to this Petition, NYCHA did not give tenants any meaningful input in decision-making when it came to contractors who received awards or to individuals who were hired under Section 3.[[16]](#footnote-16)

These are some of the allegations with respect to failure to hiring pursuant to Section 3:

* Morrisania Air Rights (NYCHA Development) awarded a multi-million construction contract that resulted in 62 new hires: only 8 (less than 13 percent) were Section 3, and four of those were in low wage administrative assistant positions.
* Red Hook Houses: a $63 million roof repair contract was awarded that resulted in 23 new hires, of which 3 were Section 3.
* Alfred E. Smith Houses awarded a $69 million contract that added 76 new hires, only 15 of which were Section 3. [[17]](#footnote-17)

With respect to contracting, the Petition alleges:

* 2015: Over $835 million awarded for construction contracts, $84 million was to go to Section 3 Business Concerns, not a single dollar did.
* 2016: $150 million awarded for construction contracts, though $15 million should have gone to Section 3 Business Concerns, 0.04 percent—$60,857—did. [[18]](#footnote-18)

Residents are not the only ones to find fault with NYCHA’s Section 3 programs. As to Section 3 hiring, a 2015 audit by the New York City Comptroller made findings consistent with resident’s views if not facts of NYCHA’s Section 3 failures:

* Contractors did not consistently meet Section 3 and REP Hiring Requirements
* Inadequate Monitoring of Hiring Requirements
* Limited Verification of Documentation Submitted by Contractors
* Inadequate Controls to Determine Section 3 Compliance
* Inadequate Follow-up of Resident Referrals to Contractors
* No Evidence that Corrective Action Was Taken in Stances of Non-compliance [[19]](#footnote-19)

As to NYCHA’s own Resident Employment Program’s (REP) requirement that for contracts over $500,000 for modernization, new construction, and building maintenance work, at least 15 percent of the total labor costs must be expended on resident hiring and/or training, NYCHA’s own Inspector General, along with finding record-keeping and monitor deficiencies like the Comptroller, called for the assessment and elimination of the REP program if it continued to fail to create “significant employment opportunities for residents beyond existing Section 3 obligations.”[[20]](#footnote-20) Finally, as to Section 3 Business Concerns and the alleged failure to provide 10 percent set aside to resident-owned, operated or committed businesses, the record is remarkably silent.

We do note that City and NYCHA officials, in praise of their program, may be relying upon that same Inspector General’s Letter to Chair Olatoye. The IG found, according to NYCHA’s records, “[o]verall, since 2008, 53 percent of NYCHA new hires and 91percent of contractors’ new hires.” [[21]](#footnote-21)

**The “New” Section 3**

 We have taken great pains to detail Section 3’s framework for empowerment and upward mobility. We do so because Section 3 has recently been amended in such a way as to replace the entirety of the old regulation, Part 135, with the new Part 75, effective (November 1, 2020). Specifically, numerical goals have been replaced with “time worked.” This was all to make Section 3 more effective and less susceptible to fraudulent contracting. It is too soon to say whether these goals have been or can be achieved. This is especially so regarding Section 3 business concerns and the continued viability of this and other categories from the old law, under the new one. [[22]](#footnote-22) Of equal concern is the impact of the new law on existing Section 3 hires and their job security—

 “Notwithstanding the gains accruing to Section 3 program

 participants, particularly in hiring and contracting, it can

 be argued that the success of the program could be at the

 expense of those non-Section 3 participants who would have

 received jobs or contracts without the change in regulation.

 Whether this transfer is significant can be measured only

 retrospectively. If the change has its intended impact, the

 economic transfer would be significant. Many good reasons for

 redistributing economic opportunity may exist, however. Any

 gain in economic well-being for the community would carry with

 it the costs of displacing some of the current recipients of

 Section 3 funds.” [[23]](#footnote-23)

The Pros and Cons of the new rule are too complex to address fully here. Suffice it to say that Section 3 regulations may have undergone significant amendment recently. Its mission however has not—

“[Use] of existing federal funding streams for low-income housing

and community development to maximize economic opportunities to low-income individuals.” [[24]](#footnote-24)

Thus, the following recommendations remain relevant under new as well as the old regulations and we make them with the same urgency and authority.

**Recommendations**

Covid-19 may be an egalitarian disease, but its impact on communities is anything but equal. While the virus will infect anyone exposed to it, like so many of society’s ills, available mortality data show a disproportionate number of pandemic deaths are concentrated in economically- disadvantaged communities.[[25]](#footnote-25) Theories as to “why” fall into two categories that eventually roll up into one—economics. One category is medical and implicates access to quality healthcare. Black and brown people make up a disproportionate percentage of persons with pre-existing health conditions that make the body susceptible to COVID-19, e.g., asthma, diabetes, high blood pressure and obesity. [[26]](#footnote-26)

The other is structural. “How people live, and work are hugely important in understanding why they get sick.” [[27]](#footnote-27) This is not new information. With the H1N1 crisis in 2009, nonwhite patients got sicker faster, recovered more slowly, and died at higher rates than white patients.[[28]](#footnote-28) Then as now, lower-income and black and brown workers were more likely to have public-facing jobs. Black workers were three times as likely as white workers to live in apartments, as opposed to single-family homes. They were twice as reliant on public transportation. Moreover, a 2018 report from the Bureau of Labor Statistics found that twenty percent of black workers had the option of working from home, compared with 30 percent of white workers and 37 percent of Asian workers. [[29]](#footnote-29)

To address these challenges, we raise up Section 3 and the make the following recommendations.[[30]](#footnote-30)

Federal

1. Allow for a private right of action so that the intended Section 3 beneficiaries can enforce their rights under the law. Representative Nydia Velazquez had drafted the Earnings and Living Opportunities Act of 2009 authorizing complaints to be filed under the Administrative Procedures Act. The Bill was an acknowledgement that “HUD’s self-certification, monitoring, administrative complaint, and conciliation process will never be robust enough to broadly implement requirements of [Section 3].”[[31]](#footnote-31)

2. Halt the implementation of the new regulations. Its impact on Section 3 business concerns, the least reviewed component of the regulations, yet arguably that with the most potential for sustained economic growth and upward mobility, needs review, renewal, and enforcement.

3. Resolve and learn from outstanding complaints alleging violations of Section 3 by municipalities, housing authorities and contractors.

4. Enforce sanctions against public housing authorities for lax enforcement of Section 3, old or new regulations.

5. Require Public Housing Authorities (PHAs) to establish resident-led Section 3 work groups that include neighborhood-based businesses and community groups.

6. Require PHAs and other recipients to account for every Section 3 dollar spent.

7. Look for success models. Chicago is often pointed to as a model Section 3 program. According to their website, Chicago Housing Authority (CHA) boasts that some 64 percent of hires by contractors doing business with the Authority from 2013 -2018 (the latest statistics as of this writing) were either CHA residents or low-income city residents. In addition, the Authority had thousands of its residents signed up for Section 3. It employed more than one hundred Section 3 qualifying companies as subcontractors during the period, paying more than $85 million to these business concerns. [[32]](#footnote-32) Many of the subcontracting firms were hired repeatedly, a testament to the quality of their work and the viability of the program—that through Section 3, these men and women raised the economic profiles of their families and their communities.

8. Require a Section 3 Implementation, Monitoring and Enforcement Plans for every Section 3-covered project.

9. Establish a moratorium on rent actions due to Section 3 income increases pending review of impacts and the availability of affordable housing options.

State

1. Engage in an assessment of Section 3 dollars coming into State coffers and identify opportunities for engagement of residents, businesses, community groups and other levels of government. For example, NY’s Governor pledged to engaging Section 3 and using public housing residents in a $450 million boiler and elevator replacement project for NYCHA. To our knowledge, that money is yet unspent. Opportunity is ripe for Section 3 planning in detail.

3. Liaise with local PHAs to maximize access, size, and opportunities.

4. Establish a point person for State projects funded by Section 3 dollars.

Local/City

1. Establish a point person for City projects funded by Section 3 dollars that incudes monies coming into the local public housing authority. Former Commissioner of NYC’s Department of Small Business Services appointed a city-wide Section 3 Coordinator. It did not, however include NYCHA.

2. Attach Section 3 Action Plans to covered, local government projects.

3. Make all potential Section 3 beneficiaries aware of the regulations and their rights created by them.

4. Integrate training programs to create a pipeline into jobs most frequently hired using Section 3 funds. For example, NYC Department of Education has a high school dedicated to the skilled trades. It could link to NYCHA’s pre-apprentice program that could then link to union apprentice programs, etc.

5. Create working groups consisting of Section 3 coordinators, lead procurement officers, construction managers to develop short- and long-term construction and development plans that include Section 3 components that are definable and measurable.

Section 3 Beneficiaries

1. Learn rights under Section 3 and align with others to enforce and protect them.

2. Create demand for Section 3 compliance through community collaboration.

3. Ask for Section 3 policy inclusion in political platforms.

5. Hold Section 3 policy makers and managers accountable.

**Conclusion**

It has been said:

 “Epidemics emerge along the fissures of our society,

 reflecting not only the biology of the infectious agent,

 but patterns of marginalization, exclusion, and discrimination.

 We are seeing that our society is only as healthy as our

 sickest person, our country is only as secure as the least

 secure homeless family, low-wage worker, indebted student

 or uninsured person. Times such as these require that

 we come together in bold, new ways and build a moral

 fusion movement that has everybody in, nobody out.” [[33]](#footnote-33)

Section 3 gives us all—lawmakers, businesses, concerned citizens alike—a tool to assist the most challenged of our neighbors during this most challenging time a way to rebuild their lives and their communities in the wake of COVID-19’s devastating onslaught.

In rebuilding communities, we rebuild our cities.

The tools are in place.

We only need the will to use them.

1. Edna Wells Handy is a SIPA alumnae and principle of the management consulting firm, LSC-LLC. Clem Richardson is former columnist with the New York Daily News. We acknowledge the invaluable assistance of our colleagues: Kenya Handy-Hillard, Maya Glaspie, Christopher Scott, Annatestia Harris and Takisha Whites. [↑](#footnote-ref-1)
2. Douglass S. Massey, *The Legacy of the 1968 Fair Housing Act,* part of a special issue entitled “*Commemorating the Fiftieth Anniversary of the 1960s Civil Rights Legislation.”* Andrews and Gaby (2015); Bonastia (2015), Lee (2015), McAdam (2015), Petit and Sykes (2015), Santoro (2015), Valdez (2015), Whitlinger (2015), Social Forum (Randolph NJ) [↑](#footnote-ref-2)
3. There are two housing laws at play. On April 11, 1968, President Lyndon B. Johnson signed into law the Civil Rights Act of 1968, also known as the Fair Housing Act. Its predecessors were the Civil Rights Act of 1964 and Civil Rights Act of 1866. The housing law least known and subject of this paper is the Housing and Urban Development Act of 1968. It is called “The Forgotten 1968 Housing Law,” says one author. He goes on to say, it was “the most important housing law passed in 1968, is not the Fair Housing Act, it was the Housing and Urban Development Act of 1968. But that is not how history has remembered it. If you Goggle “housing Act of 1968” nearly every result refers to the Fair Housing Act. This misremember is not accidental-it reflects the race and class trajectory of America over the past five decades.” Fred McGhee, *The Most Important Housing Law Passed in 1968 Wasn’t the Fair Housing Act,* Sehlterforce.org., <https://shelterforce.org/2018/09/05/the-most-important-housing-law-passed-in-1968-wasnt-the-fair-housing-act/>. He contends the law that created the Department of Housing and Urban Development, Model Cities, Section 235 homeownership subsidies, Section 236 rental assistance (“Fair Market Rent”), business insurance, public housing construction and even green-building was killed around 1972 by “white resistance to integration as well as overall hostility to government housing efforts, especially in northern cities…. Consequently, President Richard Nixon declared a moratorium on the entire federal housing effort in 1971, and the liberal era of American housing policy started during the New Deal in the 1930s came to an end.” It is in this context we examine the failures and opportunities of Section 3 of that Act. [↑](#footnote-ref-3)
4. Deborah M. Austin and Matthew M. Gerend, *The Scope and Potential of Section 3 as Currently Implemented*, Journal of Affordable Housing & Community Development Law, Vol. 19, No. 1, Economic Crisis, Affordable Housing & Community Development (Fall 2009), pp. 89-102, American Bar Association, <https://www.jstor.org/stable/25781136>, citing 24 C.F.R. §135.1(a)(1996). [↑](#footnote-ref-4)
5. See, e.g., Rachel Bogardus Drew and Ahmad Abu-Khalaf, *Linking Housing Challenges and Racial Disparities in COVID-19,* [*https://www.enterprisecommunity.org*](https://www.enterprisecommunity.org/blog/04/20/housing-challenges-racial-disparities-in-covid-19?utm_source=mc%E2%80%8B&utm_medium=email%E2%80%8B&utm_campaign=todayinhousing%E2%80%8B&utm_term=20200415-0031O000036QukrQAC%E2%80%8B&utm_content=april15&sfmckey=bWVsaXNzYS50aGF0ZUBkZW52ZXJnb3Yub3Jn&j=146358&sfmc_sub=13178103&l=2081_HTML&u=9428677&mid=10965565&jb=8), April 15, 2020 [↑](#footnote-ref-5)
6. Unpublished opinion of New York City Law Department, July 26, 2018, HUD “Section 3”: “Section 3 applies to certain projects and activities funded by HUD, as set forth in 12 U.S.C. §17017u and the HUD implementing regulations codified at 24 CFR Part 135. These requirements are colloquially referred to as Section 3 requirements because they stem from Section 3 of the Housing & Urban Development Act of 1968”, at 1. [↑](#footnote-ref-6)
7. <https://www.hud.gov/program_offices/fair_housing_equal_opp>. [↑](#footnote-ref-7)
8. Mayor de Blasio Presents the Fiscal Year 2022 Preliminary Budget, <https://www1.nyc.gov/site/omb/index.page>. [↑](#footnote-ref-8)
9. Division of the Budget last date modified January 21, 2020 <https://www.budget.ny.gov> . The interplay between the State and City Section 3 funds needs further investigation. Suffice it to say, Section 3 operates on all levels of government. [↑](#footnote-ref-9)
10. Notes on the Fiscal 2021 Executive Budget for the Committee on Public Housing, May 29, 2020, <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2020/03/NYCHA.pdf>. [↑](#footnote-ref-10)
11. 24 C.F.R. §135.5 See also, *supra* note 6, Unpublished New York City Law Department opinion that notes: “For public housing assistance, which NYCHA receives, all of NYCHA’s and a covered contractor’s employment opportunities are subjection to Section 3. [citations omitted] Section 3, consequently, will apply broadly to NYCHA’s operations and contracts. For housing assistance and community development assistance (such as the Community Development Block Grant (CDBG), which is what typically triggers Section 3 requirements for the City, Section 3 applies only to those employment opportunities that arise in connection with Section 3 covered projects, including, for example, architects/engineers that develop plans and specs, construction management professionals, and payroll clerks. [citation omitted] Because only a few City agencies receive the covered housing assistance and community development assistance funds and then only for limited parts of their operations, relatively few City contracts are subject to Section 3.” [↑](#footnote-ref-11)
12. Testimony of Sideya Sherman, NYCHA’s Executive Vice President for Community Engagement and Partnerships, on Section 3 Hiring Requirements before the Committee on Public Housing with the Committee on Civil Service and Labor, January 33, 2019. [↑](#footnote-ref-12)
13. Id. [↑](#footnote-ref-13)
14. Josh Leopold, et. al, *Helping Public Housing Residents Find Jobs and Build Careers,* Research Report, Urban Institute, September 6, 2019, <https://www.urban.org/research/publication/helping-public-housing-residents-find-jobs-and-build-careers>. [↑](#footnote-ref-14)
15. In the Matter of Application of: The City-wide Council of Presidents [CCOP]and At-Risk Community Services, Inc., v. New York City Housing Authority, et al. It is not clear whether this petition was filed; or filed and then subsumed by the lawsuit filed by federal prosecutors. January 20, 2021 telephone call between Danny Barber, President CCOP and Edna Wells Handy. As of this writing, efforts are still underway to track down this complaint. [↑](#footnote-ref-15)
16. *Id* at 33-49. [↑](#footnote-ref-16)
17. *Id*. [↑](#footnote-ref-17)
18. *Id.* [↑](#footnote-ref-18)
19. Scott M. Stringer, Comptroller, *Management Audit, Audit Report on the New York City Housing Authority’s Section 3 and Resident Employment Programs*, August 15, 2014 (REVISED), <http://comptroller.nyc.gov>. [↑](#footnote-ref-19)
20. Letter from Mark G. Peters, Commissioner, NYC Department of Investigations, by Ralph M. Iannuzzi, NYCHA Inspector General to Shola Olatoye, Chair & Chief Executive Officer, New York City Housing Authority, October 29, 2015. The letter also noted that almost all the hires were lower titles of helper or laborer. [↑](#footnote-ref-20)
21. *Supra* at note 19. [↑](#footnote-ref-21)
22. There seems to have been universal agreement that Section 3 needed reform. The extent to which that reform reached in the new law is none too clear. See, e.g., J. Keith Swiney *Are You Ready to Track Section 3 Hours Worked?* May 22,2020, <https://event.webinarjam.com/register/1/n69m8u7>. [↑](#footnote-ref-22)
23. Yves Sopngwi Djoko and Alastair McFarlane*, Proposed Rule on Section 3,* Cityscape, Vol. 17, No. 2, Affordable, Accessible, Efficient Communities (2015), pp. 335-340, US Department of Housing and Urban Development, <https://www.jstor.org/stable/10.2307/26326953>. [↑](#footnote-ref-23)
24. Id. [↑](#footnote-ref-24)
25. Rashawn Ray, *Why Are Blacks Dying At Higher Rates From COVID-19?*, April 9, 2020, <https://www.brookings.edu/blog/fixgov/2020/04/09/why-are-blacks-dying-at-higher-rates-from-covid-19/> See also, Linda L. Kasimu Harris, “A Terrible Price’: The Deadly Racial Disparities of Covid-19 in America, New York Times, April 29, 2020, nytimes.com, which states: “On April 6, Louisiana became one of the first stated to release covid-19 data by race: While making p 33 percent of the population, African-Americans accounted for 79 percent of the deaths at that point. Around the same time, other cities and states began to release racial data in the absence of even a whisper from the federal government—where health data of all kinds is routinely categorized by race. Areas with large population of black people were revealed to have disproportionate, devastating death rates. In Michigan, black people make up 14% of the population but 40 percent of the deaths. (All data was current as of press time.) In Wisconsin, black people are 7 percent of the population but 33 percent of the deaths. In Milwaukee, black people are 39 percent of the population but 71 percent of the deaths. In Chicago, black people are 30 percent of the population but 56 percent of the deaths. In New York, which has the country’s highest numbers of confirmed cases and deaths, black people are twice as likely to dies as white people. In Orleans Parish, black people make up 60 percent of the population but 70 percent of the dead.” [↑](#footnote-ref-25)
26. <https://www.cdc.gov/mmwr/preview/ind2013_su.html/HealthDisparities2>. [↑](#footnote-ref-26)
27. Jocelyn Frye, *On the Frontlines at Work and at Home: The Disproportionate Economic Effects of the Coronavirus Pandemic on Women of Color*, April 23, 2020, <https://www.americanprogress.org/issues/women/reports/2020/04/23/483846/frontlines-work-home/> [↑](#footnote-ref-27)
28. Sidney Fussell, *The H1N1 Crisis Predicted Covid-19’s Toll on Black Americans*, Wired: Science, <https://freemarketdaily.com/2020/05/06/the-h1n1-crisis-predicted-covid-19s-toll-on-black-americans/> [↑](#footnote-ref-28)
29. *Id.* [↑](#footnote-ref-29)
30. One source noted: “Although these health disparities are certainly worsened by poverty, they are not erased by increased income or education.” *Supra* at note 21. [↑](#footnote-ref-30)
31. Austen & Gerend, *supra* at note 4. - [↑](#footnote-ref-31)
32. See, Chicago Public Housing Authority website, <https://www.thecha.org/residents/public-housing>. [↑](#footnote-ref-32)
33. Unaccredited quotation making its way around the Internet during the COVID-19 lockdown. [↑](#footnote-ref-33)