

Mountain View Coalition

Mountain View Neighborhood Association • Mountain View Community Action •
Friends of Valle de Oro National Wildlife Refuge



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MOUNTAIN VIEW RESIDENTS FILE FEDERAL CIVIL RIGHTS COMPLAINT AGAINST CITY OF ALBUQUERQUE FOR INTERFERING WITH HEALTH, ENVIRONMENT & EQUITY IMPACTS (HEEI) HEARING

Mountain View Coalition Alleges City Blatantly & Deliberately Discriminated Against a Community of Color

ALBUQUERQUE, NM—During tonight’s [Albuquerque City Council meeting](#), several Mountain View residents charged City Council with racial discrimination, announcing that on Friday, May 31, 2024, the Mountain View Coalition—made up of Mountain View Neighborhood Association, Mountain View Community Action and Friends of Valle de Oro National Wildlife Refuge—represented by the New Mexico Environmental Law Center, filed a [federal Civil Rights Complaint](#) against the City of Albuquerque and Albuquerque City Council with the U.S. Environmental Protection Agency, alleging discrimination on the basis of race, color, and national origin, in violation of Title VI of the Civil Rights Act of 1964.

The Civil Rights Complaint is in response to the City Council’s passage of legislation abolishing the Air Board and placing a moratorium on the Board’s ability to take action during the Health, Environment and Equity Impacts (HEEI) rulemaking hearing held at the Convention Center from December 4 to 11, 2023, at which the MVC sought to address the historic, systemic, and ongoing discriminatory permitting practices the City of Albuquerque has engaged in for decades.

The Coalition spoke up during public comment and to reporters afterwards in the lobby outside of Council chambers, strongly criticizing the Council and the Environmental Health Department (EHD) for intentionally and discriminatorily blocking community-led efforts to address decades of city officials targeting their low-income community of color with polluting industries.

Albuquerque and Bernalillo County's overburdened communities have borne the disproportionate impacts of air pollution for far too long. The Mountain View Coalition is asking EPA to finally hold the City of Albuquerque accountable for its decades of discriminatory air pollution permitting and ensure that the City Council does not allow the City's practice of allowing polluting industries to profit off of Albuquerque's most vulnerable residents to continue.

Specifically, the Complaint asks EPA to:

- 1) Conduct an investigation into the City of Albuquerque and its City Council's discriminatory conduct and interference in the HEEI Rule Rulemaking Proceeding and associated rulemaking efforts;
- 2) Hold a public listening session and an opportunity to submit public comments on the matter;
- 3) If warranted, reduce or eliminate federal funding for the City of Albuquerque; and
- 4) Take all other actions equitable and necessary, including an affirmative compliance review of the City of Albuquerque, to ensure the City of Albuquerque and its City Council come into and remain in compliance with Title VI and EPA's implementing regulations.

An additional civil rights complaint against EHD stemming from EHD's actions during the HEEI hearing was filed last week against EHD by Los Jardines Institute represented by the Natural Resources Defense Council, alleging additional discrimination against Albuquerque and Bernalillo County's communities of color due to EHD's continued failure to address their discriminatory air pollution permitting practices, in violation of Title VI of the 1964 Civil Rights Act.

NMELC Senior Staff Attorney Maslyn Locke said, "Title VI of the Civil Rights Act of 1964 prohibits the City of Albuquerque and its City Council, who receive federal financial assistance from discriminating on the basis of race, color, and national origin. Our hope is, with this Complaint, EPA will investigate, and ultimately determine, that the Council's outrageous actions in December violated the Community's civil rights and take all necessary action to bring the City into compliance with the requirements of the Civil Rights Act."

Lauro Silva, Board Member, Mountain View Neighborhood Association, said, "The Albuquerque-Bernalillo County Environmental Health Department has allowed in a great number of these hazardous, toxic, and carcinogenic polluting industries by granting Special Use Permits despite opposition by community residents and the Neighborhood Association. The community's most recent attempt to establish a regulation by the Air Quality Control Board has resulted in extreme environmental racism against the approximately 80 percent Mexican American/Chicano community by the Albuquerque City Council, which is why we filed our Civil Rights Complaint to the EPA."

Nora Garcia, Board Member, Mountain View Neighborhood Association, told Councilors, "I have never before seen such discrimination displayed by City Council and

Councilor Lewis toward a poor and underserved community that is constantly being discriminated against for trying to improve Albuquerque's contaminating air pollution problems by heavy industrial systems."

Forest Graber, Board President, Friends of Valle de Oro National Wildlife Refuge, said, "The continued intentional discriminatory actions of Councilor Lewis and the majority of the Albuquerque City Council against its own low-income communities and communities of color is a violation of our Civil Rights."

Marla Painter, President, Mountain View Community Action, said, "Council President Dan Lewis found a way to upend our legal attempts at rulemaking. Councilor Lewis and City Attorney Kevin Morrow disrupted the hearings on the proposed regulation, and the Council passed resolutions to disband the City/County Air Board and delay the hearings until a new, industry-friendly Board could be seated. This political tactic violated our right to participate in the rulemaking process meaningfully. They have discriminated against Albuquerque's communities of color based on race, color, and national origin, which is a violation of Title VI of the Civil Rights Act of 1964. A pattern of discriminatory behavior by most of our City Council forces us to legally challenge their actions with a civil rights complaint."

Dr. Virginia Necochea, Executive Director of NMELC, said, "It's our responsibility, especially as people of color, to stand up and demand justice for our children, for our families, for our community, and that's why we at NMELC will continue to expend our energy and resources to work alongside our clients and their communities to ensure environmental justice continues to advance."



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