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HOW CAN THE GOVERNMENT ENSURE A SAFE AND HEALTHY ENVIRONMENT THROUGHOUT THE LASTING EFFECTS OF COVID?

Impact! (/full-blog/category/Impact%21), Environmental (/full-blog/category/Environmental)

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The recent COVID-19 pandemic has substantially impacted the economy resulting in many businesses struggling to keep their doors open and having to adapt to new changes within the workplace.[i] Unfortunately, due to the financial hardships and the various shutdowns, many small businesses have had to close their doors and abandoned their brick-and-mortar stores.[ii] 34% of small businesses that were closed in January of 2020 remain closed.[iii] Those stores and businesses that were able to stay afloat have had to implement significant changes to adapt to the pandemic, but at the time did not realize those changes would cause environmental issues to ensue.[iv]

A significant change businesses enacted that would result in environmental issues was allowing employees to work remotely.[v] Before the COVID-19 outbreak, “only about 6% of American employees worked remotely.”[vi] However, more recently, almost “a third of the entire U.S. workforce” has switched to remote working.[vii] For many businesses there seems to be no end in sight or hope for a return to the office environment.[viii] According to “a recent GoodHire survey finding, 45% of workers would rather quit or search for a new job than return to the office.”[ix] This data shows that employers have a tough decision on whether to make these work arrangements permanent or potentially lose employees.[x] In response to this issue and the continued presence of COVID-19, “45% of businesses with over 500 employees reported a permanent shutdown of all their office spaces, and over one-third (36%) of businesses have closed down at least a portion of their offices.”[xi]

These closures and new work arrangements have led to an increase in abandoned and vacant office spaces and buildings.[xii] These abandoned buildings have presented nuisances and created an unsafe environment due to not being adequately maintained.[xiii] For example, vacant and abandoned properties have frequently lead to an increase in crime due to the “broken windows theory.”[xiv] This theory states that “one sign of abandonment or disorder, such as a broken window, will encourage further disorder” and increase the overall crime rate.[xv] In addition to increasing crime, abandoned properties have increased the “risk to health and welfare” as well as decreased the surrounding property values which have contributed to the “overall community decline and disinvestment.”[xvi] With businesses unable to financially pay for the upkeep and maintenance it is unclear what is going to happen with these vacancies.[xvii]

One solution would be to utilize these increasing vacancies by providing shelter to the homeless.[xviii] During the pandemic, a significant issue for localities has been an inability to provide for the homeless.[xix] Homeless populations are at increased risk for transmission of COVID, and in order

to decrease these risks, shelters have had to decrease their occupancies in order to follow the Centers for Disease Control and Prevention (CDC) regulations for social distancing.[xx] This means that more individuals are left without places to stay, forcing them to stay on the streets which have presented further environmental and safety issues.[xxi]



Considering both the environmental needs created by these vacant properties and the health and safety issues presented by the increasing homeless population, it is time for the State and Federal governments to step in.[xxii] Many state constitutions recognize a right to a healthy environment to ensure the health and safety of their citizens and others are taking steps to put such a right in place. [xxiii] There has also been a federal constitutional amendment introduced in 2018 to codify this right to a healthy environment.[xxiv] If the government has an obligation to ensure a clean and safe environment for all of its citizens it could address the environmental and homelessness issues sprung on by COVID. The government then could mandate these vacant spaces be used to supply housing for homeless and low-income families in need.[xxv] With a right to a healthy environment present in the state's constitutions, this mandate can happen through government assistance and work programs where individuals could live in the building and receive payments to help maintain the property. Legislation in this area would solidify the government's duty to step up and utilize these abandoned buildings and office spaces into a solution for people in need within our communities.

[i] Iman Gosh, *34% of America's Small Businesses are Still Closed due to COVID-19. Here's why it Matters*, World Economic Forum (May 5, 2022), <https://www.weforum.org/agenda/2021/05/america-united-states-covid-small-businesses-economics/> [<https://perma.cc/U8BQ-YR8C>].

[ii] *Id.*

[iii] *Id.*

[iv] Kathy Gurchiek, *Small Businesses get Creative to Survive During the Pandemic*, SHRM (Sept. 19, 2020), <https://www.shrm.org/hr-today/news/all-things-work/pages/small-businesses-get-creative-to-survive-during-the-pandemic.aspx> [<https://perma.cc/4XLH-3PHX>].;

Vacant and Abandoned Properties: Turning Liabilities Into Assets, Housing and Urb. Dev. USER OFF. POLY DEV. AND RES. (2014), <https://www.huduser.gov/portal/periodicals/em/winter14/highlight1.html> [<https://perma.cc/2KDV-V4KD>].

[v] *Coronavirus: How the World of Work May Change Forever*, BBC, <https://www.bbc.com/worklife/article/20201023-coronavirus-how-will-the-pandemic-change-the-way-we-work> (last viewed Feb. 20, 2022) [<https://perma.cc/VS5K-QPEJ>].

[vi] Feli Oliveros, *69% of Businesses Have Permanently Closed Office Spaces During the COVID-19 Pandemic*, Value Penguin, <https://www.valuepenguin.com/news/69-percent-businesses-permanently-closed-office-space> (last updated Sept. 17, 2021) [<https://perma.cc/LYB9-E4CB>].

[vii] *Id.*

[viii] Alex Christian, *Why a Wide-scale Return to the Office is a Myth*, BBC (Jan. 14, 2022), <https://www.bbc.com/worklife/article/20220113-why-a-wide-scale-return-to-the-office-is-a-myth> [<https://perma.cc/4Z6S-SEZT>].

[ix] Oliveros, *supra* note vi.

[x] *Id.*

[xi] *Id.*

[xii] Nancy Loo, *Empty office spaces appearing as more employees work from home*, News Nation Now (Oct 16, 2020, 9:35 PM), <https://www.newsnationnow.com/health/coronavirus/empty-office-spaces-appearing-as-more-employees-work-from-home/> [<https://perma.cc/2G6T-EG5X>].

[xiii] *Vacant and Abandoned Properties: Turning Liabilities Into Assets*, *supra* note iv.

[xiv] *Id.*

[xv] *Id.*

[xvi] *Id.*

[xvii] *Id.*

[xviii] Loo, *supra* note xii.

[xix] *Population At-Risk: Homelessness and the COVID-19 Crisis*, Homeless Res. Inst. (Mar. 25, 2020), <https://endhomelessness.org/wp-content/uploads/2020/03/Covid-Fact-Sheet-3.25.2020-2.pdf> [<https://perma.cc/Y82K-FSXF>].

[xx] *Id.*; Samantha Batko, *Winter is Here. With COVID-19 Limiting Shelter Capacity, What Will it Mean for People Experiencing Homelessness?*, Urb. Inst. (Dec. 18, 2020), <https://www.urban.org/urban-wire/winter-here-covid-19-limiting-shelter-capacity-what-will-it-mean-people-experiencing-homelessness> [<https://perma.cc/6X67-S66B>].

[xxi] *Id.*; Beth Musgrave, *Number of Lexington Homeless Living Outside Explodes. Is COVID-19 to Blame?*, Lexington Herald Leader, <https://www.kentucky.com/news/local/counties/fayette-county/article246002810.html> (last updated Sept. 18, 2020, 2:55PM) [<https://perma.cc/84CP-PBU5>].

[xxii] *Vacant and Abandoned Properties: Turning Liabilities Into Assets*, *supra* note iv.; *Population At-Risk: Homelessness and the COVID-19 Crisis*, *supra* note xx.

[xxiii] Corinne Bell, *Every State Should Have a Right to a Healthy Environment*, Nat. Resources Def. Council (Mar. 29, 2021), <https://www.nrdc.org/experts/corinne-bell/every-state-should-have-right-healthy-environment> [<https://perma.cc/MKB8-GLUY>].

[xxiv] *Id.*

[xxv] *Vacant and Abandoned Properties: Turning Liabilities Into Assets*, *supra* note iv.

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