



UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY  
WASHINGTON, D C. 20460

Office of Environmental Justice and External Civil Rights  
Office of External Civil Rights Compliance

February 23, 2023

**In Reply Refer To:**

EPA Complaint No. 01RNO-23-R1

Gary Christensen  
Mayor  
City of Malden  
215 Pleasant Street, 4th Floor  
Malden, MA 02148  
mayor@cityofmalden.org

**Re: Acknowledgement and Rejection of Administrative Complaint**

Dear Mayor Christenson:

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Office of Environmental Justice & External Civil Rights Compliance, Office of External Civil Rights Compliance (OECRC), received correspondence on December 14, 2022, involving the City of Malden, MA (the City) alleging discrimination based on national origin in violation of Title VI of the Civil Rights Act of 1964. After careful review, OECRC has determined that we cannot accept the complaint for investigation because it does not meet the jurisdictional requirements described in the EPA's nondiscrimination regulation at 40 C.F.R. Parts 5 and 7. OECRC is closing this matter as of the date of this letter.

OECRC is responsible for processing complaints alleging that applicants for or recipients of EPA financial assistance have discriminated against persons, including on the basis of race, color or national origin, in violation of Title VI and other federal nondiscrimination laws and EPA's nondiscrimination regulation found at 40 C.F.R. Parts 5 and 7.

Pursuant to EPA's nondiscrimination regulation, OECRC conducts a preliminary review of administrative complaints to determine acceptance, rejection, or referral to the appropriate Federal agency. *See* 40 C.F.R. § 7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in the EPA's nondiscrimination regulation. First, the complaint must be in writing. *See* 40 C.F.R. § 7.120(b)(1). Second, it must describe an alleged discriminatory act that, if true, may violate the EPA's nondiscrimination regulation (i.e., an alleged discriminatory act based on race, color, national origin, sex, age, or disability). Third, it must be filed within 180 days of the alleged discriminatory act. *See* 40 C.F.R. § 7.120(b)(2). Finally, the complaint must be filed against an applicant for, or recipient of, EPA financial assistance that allegedly committed the discriminatory act. *See* 40 C.F.R. § 7.15.

In general, OECRC will accept, reject, or refer a complaint after considering the four jurisdictional factors discussed above. The correspondence does not meet the jurisdictional requirements of EPA's nondiscrimination regulation at 40 C.F.R. § 7.15. Specifically, the City is not a recipient of EPA financial assistance. As a result, OECRC must reject the complaint and close this case as of the date of this letter.

The City may be a recipient of financial assistance from the Department of Housing and Urban Development (HUD). Therefore, OECRC is referring this complaint to HUD for appropriate action. Please contact Mr. Daniel Weaver, Regional Director, Boston Regional Office, U.S. Department of Housing and Urban Development, New England Office, 10 Causeway Street, Suite 308, Boston, MA 02222 to follow up on this referral. Mr. Weaver is copied on this letter.

EPA's regulation prohibits applicants, recipients, and other persons from intimidating, threatening, coercing, or engaging in other discriminatory conduct against anyone because they have either taken action or participated in an action to secure rights protected by the civil rights requirements that we enforce. See 40 C.F.R. § 7.100. Any individual alleging such harassment or intimidation may file a complaint with ECRCO.

If you have any questions about the status of this correspondence, please contact me by telephone at (202) 809-3297 or by email at [hoang.anhthu@epa.gov](mailto:hoang.anhthu@epa.gov).

Sincerely,

Anhthu Hoang  
Acting Director  
Office of Environmental Justice & External Civil  
Rights  
Office of External Civil Rights Compliance

cc: Ariadne Goerke  
Deputy Associate General Counsel  
Civil Rights & Finance Law Office

Karen McGuire  
Deputy Regional Administrator  
Deputy Civil Rights Official  
US EPA Region 1

Carl Dierker  
Regional Counsel

Daniel Weaver  
Regional Director  
Boston Regional Office  
U.S. Department of Housing and Urban Development  
New England Office