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 Christensen:

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.

Sincerely,

ANHTHU HOANG
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