



## OFFICE OF EXTERNAL CIVIL RIGHTS COMPLIANCE

WASHINGTON, D.C. 20460

November 12, 2024

**In Reply Refer to:**

EPA Complaint No. 04R-24-R3

Robert M. Dyer  
Mayor  
City of Virginia Beach  
2401 Courthouse Drive  
Virginia Beach, VA 23456  
[mayorsoffice@vb.gov.com](mailto:mayorsoffice@vb.gov.com)

**Re: Rejection of Administrative Complaint**

Dear Mayor Dyer:

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Office of Environmental Justice and External Civil Rights, Office of External Civil Rights Compliance (OECRC) is rejecting for investigation an administrative complaint filed against the City of Virginia Beach received on July 15, 2024. The complaint alleges that the City of Virginia Beach discriminated against Black residents on the bases of race and retaliation in violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000(d) et seq. and EPA's nondiscrimination regulation, at 40 C.F.R. Part 7, by denying the complainants service, aid, or other benefit of the City's programs and activities, including but not limited to the City's Department of Housing & Neighborhood Preservation, Housing Development Division, Owner Occupied Rehabilitation program, and the City's contractual arrangements. For the reasons identified below, OECRC is rejecting this complaint as of the date of this letter.

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 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 EPA's nondiscrimination regulation (i.e., an alleged discriminatory act based on race, color, national origin, sex, age, or disability). Id. 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 jurisdictional

Mayor Robert M. Dyer

requirements. After careful consideration, OECRC is rejecting this complaint for investigation because it does not satisfy the jurisdictional requirements. The entity identified in the complaint, the City of Virginia Beach, is not a recipient of EPA federal financial assistance. Accordingly, as of the date of this letter, we are rejecting this complaint for lack of jurisdiction.

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 or group believing they were subjected to such harassment or intimidation may file a complaint with OECRC.

If you have any questions, please contact me at (202) 564-8796, or by email at [hoang.anhthu@epa.gov](mailto:hoang.anhthu@epa.gov).

Sincerely,



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

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

Catherine A. Libertz  
Deputy Regional Administrator  
Deputy Civil Rights Official  
U.S. EPA Region 3

Allison Gardner  
Acting Regional Counsel  
U.S. EPA Region 3