

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460



EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE  
OFFICE OF GENERAL COUNSEL

October 9, 2018

**Return Receipt Requested**

Certified Mail#: 7015 3010 0001 1267 0602

**In Reply Refer to:**

EPA Complaint No. 03D-16-R2

The Honorable Lovely Warren  
Mayor  
City Hall  
30 Church Street, Room 307A  
Rochester, NY 14615

**Re: Resolution and Closure of Administrative Complaint**

Dear Mayor Warren:

This letter is to notify you that the U.S. Environmental Protection Agency (EPA) External Civil Rights Compliance Office (ECRCO) is resolving and closing, as of the date of this letter, a complaint filed against the City of Rochester, New York (Rochester). The complaint generally alleged that Rochester violated Section 504 of the Rehabilitation Act of 1973 and EPA's nondiscrimination regulation, at 40 C.F.R. Part 7.

On April 17, 2018, ECRCO accepted for investigation the following issues:

1. Whether the City of Rochester discriminated on the basis of disability in violation of Section 504 of the Rehabilitation Act of 1973 and EPA's implementing regulation at 40 C.F.R. Part 7, by failing to respond to and/or accommodate a reasonable accommodation request submitted to the City by a resident with a disability.
2. Whether the City of Rochester has implemented a nondiscrimination program and adhered to specific procedural safeguards to ensure meaningful access to all City programs and activities by all persons, including access by individuals with disabilities, in compliance with its nondiscrimination obligations set forth in 40 C.F.R. Parts 5 and 7.

On July 19, 2018 ECRCO facilitated an Early Complaint Resolution (ECR) Agreement, between the Complainant and Rochester. The enclosed ECR Agreement serves to resolve the first issue above. Thank you for Rochester's cooperation and participation in ECR.

With respect to the second issue above, ECRCO initiated an investigation of Rochester's nondiscrimination program relative to the requirements of federal nondiscrimination laws and EPA's nondiscrimination regulation at 40 C.F.R. Parts 5 and 7. Specifically, ECRCO reviewed Rochester's: continuing notice of nondiscrimination; grievance procedures that assure the prompt and fair resolution of complaints which allege a violation of EPA's nondiscrimination regulation; and the designation of at least one person to coordinate its efforts to comply with its nondiscrimination obligations. ECRCO also reviewed whether Rochester has in place policies and procedures to ensure it provides meaningful access for persons with limited-English proficiency and persons with disabilities to all its programs and activities. In addition, ECRCO reviewed whether Rochester has in place a public participation policy and process.

During the pendency of this investigation, ECRCO communicated with Rochester on several occasions about the nondiscrimination program it had in place at the time this complaint was received. Specifically, on August 10, 2018, August 16, 2018, and September 6, 2018, ECRCO conferred with Rochester about the nondiscrimination and access requirements discussed above. ECRCO provided technical assistance and identified areas of deficiency in light of the regulatory requirements, which Rochester has addressed during the pendency of this investigation. Based on ECRCO's review of Rochester's current nondiscrimination program, including changes it has made to its Website, ECRCO finds insufficient evidence of noncompliance with EPA's nondiscrimination regulation at 40 C.F.R. Parts 5 and 7. This complaint is closed as of the date of this letter.

ECRCO would like to thank Rochester for its assistance and cooperation during the investigation and resolution of this case. ECRCO also commends Rochester on its commitment to go beyond the minimum requirements of the regulation and to continue to work with ECRCO to refine its nondiscrimination program and its policies and procedures for ensuring meaningful access for persons with limited English proficiency and persons with disabilities. If you have questions about this letter, please feel free to contact Zahra Khan, Case Manager, at 202-564-0460, by email at [khan.zahra@epa.gov](mailto:khan.zahra@epa.gov), or by mail at U.S. EPA External Civil Rights Compliance Office (Mail Code 2310A), 1200 Pennsylvania Avenue, NW, Washington, D.C. 20460.

Sincerely,



Lilian S. Dorka  
Director  
External Civil Rights Compliance Office  
Office of General Counsel

Enclosure: ECR Agreement between Complainant and Rochester

cc: Elise Packard  
Associate General Counsel  
Civil Rights & Finance Law Office

Richard Manna  
Assistant Regional Administrator  
Deputy Civil Rights Official  
U.S. EPA Region 2

Yvette Green  
Municipal Attorney  
City of Rochester