



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG 20 2015

OFFICE OF
CIVIL RIGHTS

Return Receipt Requested

Certified Mail#: 7009 2820 0002 1759 1995

In Reply Refer to:

EPA File No. 11D-15-R3

Mr. Gilbert J. Winn, Chief Executive Officer
Mr. Daniel E. Willert, General Counsel
Winn Companies
Six Faneuil Hall Marketplace
Boston, Massachusetts 02109

Re: Rejection and Referral of Administrative Complaint

Dear Mr. Winn and Mr. Willert:

This letter is to notify you that the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) is rejecting the administrative complaint filed against the Winn Companies received by the EPA on June 8, 2015. The complaint generally alleges that Winn Companies is discriminating against the Complainant based on disability, age and sex in violation of Title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, Section 504 of the Rehabilitation Act of 1973, and the EPA's nondiscrimination regulations found at 40 Code of Federal Regulations (C.F.R.) Part 7.

Pursuant to EPA's nondiscrimination administrative regulations, OCR conducts a preliminary review of administrative complaints for acceptance, rejection, or referral to another 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 regulations. First, it must be in writing. *See* 40 C.F.R. § 7.120(b)(1). Second, it must allege discriminatory acts that would violate the EPA's nondiscrimination regulations, such as an intentionally discriminatory act or a policy with discriminatory effects based on race, color, national origin, sex, age or disability. *Id.* Third, it must be received within 180 calendar days of the alleged discriminatory act. *See* 40 C.F.R. § 7.120(b)(2). Finally, it must be filed against an applicant for, or a recipient of, EPA financial assistance that committed the alleged discriminatory act. *See* 40 C.F.R. § 7.15.

The OCR is not accepting the allegation for investigation because it does not meet the EPA's jurisdictional requirements. Winn Companies is not a recipient of federal financial assistance from EPA and therefore not within the OCR's jurisdiction. However, due to the circumstances underlying the allegation, the OCR is referring this complaint for potential further action to the D.C. Department of Consumer & Regulatory Affairs (DCRA) Housing Code Inspection Division and the D.C. Department of Health (DOH) Rodent Control Office. Contact

information for the DCRA Housing Code Inspection Division is as follows: 1100 Fourth Street, S.W., Fourth Floor, Washington, D.C. 20024, dcra.housingcomplaints@dc.gov, (202) 442-4400. Contact information for the DOH Rodent Control Office is as follows: 899 North Capitol Street, N.E., Washington, D.C. 20002, (202) 535-2323, doh@dc.gov. Please direct further inquiries on this complaint to these offices. We are notifying their Directors by copying them on the correspondence.

If you have questions regarding this letter, please contact Jonathan Stein of the OCR External Compliance Program at (202) 564-2088, via email at stein.jonathan@epa.gov, or by mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, DC 20460.

Sincerely,

Velveta Golightly-Howell
Director
Office of Civil Rights

cc: Elise Packard
Associate General Counsel, Civil Rights & Finance Law Office
(MC 2399A)

William Early, Deputy Regional Administrator
Deputy Civil Rights Official, U.S. EPA, Region 3
(MC 3DA00)

Ms. Melinda Bolling, Acting Director
D.C. Department of Consumer & Regulatory Affairs
1100 Fourth Street, S.W.
Washington, D.C. 20024

LaQuandra S. Nesbitt MD, MPH, Director
D.C. Department of Health
899 North Capitol Street, N.E.
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