



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D C 20460

JUN 15 2010

OFFICE OF
CIVIL RIGHTS

Return Receipt Requested

Certified Mail #7009-2820-0002-1759-3517

In Reply Refer To:

EPA File No: 06R-10-R10

Mayor Janet Taylor
555 Liberty Street, SE, Room 220
Salem, OR 97301

Re: Rejection of Administrative Complaint

Dear Mayor Taylor:

This is to notify you that the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) is rejecting the administrative complaint received by EPA on January 20, 2010, from the U.S. Department of Justice (DOJ). DOJ referred it to EPA and to U.S. Department of Housing and Urban Development (HUD). The complaint alleges that the City of Salem, Oregon violated Title VI of the Civil Rights Act of 1964, as amended (Title VI), 42 U.S.C. § 2000d *et seq.*, and EPA's nondiscrimination regulations found at 40 C.F.R. Part 7. Specifically, that the City of Salem, Oregon violated Title VI by changing its urban renewal project zoning from residential and commercial to only commercial zoning. Additionally, the complaint alleges that this change would create environmental problems; specifically that the high volume traffic, noise, light, and air pollution from commercial businesses would cause an adverse impact on residents in the surrounding area.

OCR is responsible for processing and investigating complaints of discrimination filed against programs or activities that receive financial assistance from EPA. Pursuant to EPA's nondiscrimination regulations, OCR conducts a preliminary review of discrimination complaints to determine acceptance, rejection, or referral. 40 C.F.R. § 7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in EPA's Part 7 regulations. First, it must be in writing. Second, it must describe an alleged discriminatory act that, if true, would violate EPA's nondiscrimination regulations (*i.e.*, an alleged discriminatory act based on race, color,

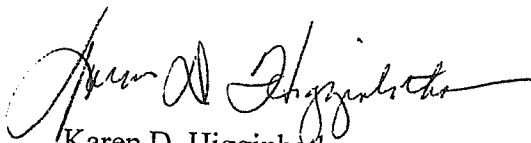
national origin, sex, or disability). Third, it must be filed within 180 days of the alleged discriminatory act. Finally, the complaint must be filed against an applicant for, or recipient of, EPA assistance that allegedly committed the discriminatory act.

After careful consideration, OCR cannot accept this allegation for investigation because it does not meet all of EPA's jurisdictional requirements. While OCR is unable to determine the exact date of the alleged discriminatory act, the complaint stated that the City of Salem had changed the urban renewal project to commercial zoning in March 2009. Thus, the decision to change the urban renewal project to commercial zoning only occurred prior to March 2009. Further, the complaint was filed with the Department of Justice on December 1, 2009, which is more than 180 days after March 2009 – the latest possible date of the discriminatory act. Therefore complaint is untimely and OCR cannot accept it for investigation.

Further, the complaint contains allegations of income-based discrimination. Neither Title VI nor EPA's nondiscrimination regulations cover discrimination on the basis of income. OCR, therefore, cannot investigate such claims.

If you have questions regarding this letter, please contact Ericka Farrell of the OCR External Compliance Program at (202) 343-9224, via electronic mail at Farrell.ericka@epa.gov, or by mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, NW, Washington, DC 20460-1000.

Sincerely,



Karen D. Higginbotham
Director

cc: Robert Hartman
EPA Region 10

Stephen G. Pressman, Associate General Counsel
Civil Rights Law and Finance Office (MC 2399A)