



OFFICE OF EXTERNAL CIVIL RIGHTS COMPLIANCE

WASHINGTON, D.C. 20460

December 6, 2024

In Reply Refer to:

EPA Complaint No. 04DR-24-R5

Mayor Sheldon Neeley
1101 S. Saginaw St.
Flint, MI 48502
mayor@cityofflint.com

RE: Rejection of Administrative Complaint

Dear Mayor Neeley:

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 (Complaint) filed against the City of Flint, which OECRC received on April 5, 2024, and has continued to receive additional correspondence from the complainant through the present date. The initial Complaint alleges that the City of Flint discriminated against two residents of the City of Flint on the basis of race and disability by wasting and misusing EPA funds. Subsequent correspondence alleged that the City of Flint also discriminated against the residents on the basis of race, disability, national origin, sex, and retaliation in different programs and activities, including the water service line replacement program, the water billing system, the blight elimination program, voting accessibility, and website accessibility, among other claims.

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 factors above. However, if OECRC obtains information leading OECRC to conclude that an investigation is unwarranted for prudential reasons, OECRC may reject the complaint.¹

After careful consideration, OECRC is rejecting the allegations against the City of Flint in the Complaint and supplemental correspondence for investigation because they either do not satisfy the jurisdictional requirements or OECRC has determined that an investigation of the allegations is unjustified for prudential reasons. OECRC sought clarification of the allegations on several occasions. However, after review, with the exception detailed here, the provided information does not describe discriminatory acts that if true would violate EPA's nondiscrimination regulation. The alleged acts of discrimination and retaliation are not sufficiently detailed or clear to infer that discrimination or retaliation may have occurred or is occurring, and whether such incidents occurred within 180 days of the submission of the Complaint. *See* 40 C.F.R. § 7.120.

With regards to the allegation about the alleged inaccessibility of the City of Flint's website for persons with disabilities, EPA has an existing Informal Resolution Agreement (IRA) with the City of Flint that addresses access to the City of Flint's programs and activities for persons with disabilities. Therefore, OECRC has determined that an investigation is unjustified at this time, because OECRC anticipates that EPA's monitoring of the IRA provides an appropriate process for resolving this allegation.² Accordingly, OECRC is rejecting this allegation.

Therefore, OECRC is rejecting this Complaint for investigation.

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 OECRC.

If you have questions about this letter, please feel free to contact me at (202) 809-3297 or by email at hoang.anhthu@epa.gov; or Hayley Cormack, Case Manager, at (202) 250-8851, by email at cormack.hayley@epa.gov.

¹ *See* U.S. EPA, OECRC Case Resolution Manual, Section 1.8 "Other Factors That May Be Considered Before Accepting a Complaint for Investigation," p. 11 available at: https://www.epa.gov/sites/default/files/2021-01/documents/2021.1.5_final_case_resolution_manual.pdf.

² The complainant raised an additional allegation about the inaccessibility of the City of Flint's website in an email sent on December 5, 2024. This allegation will be addressed in OECRC's monitoring of the existing IRA between the City of Flint and EPA as described above.

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

Cheryl Newton
Deputy Regional Administrator
Deputy Civil Rights Official
U.S. EPA Region 5

Robert Kaplan
Regional Counsel
U.S. EPA Region 5