OFFICE OF EXTERNAL CIVIL RIGHTS COMPLIANCE
WASHINGTON, D.C. 20460

June 17, 2024

**In Reply Refer To:**
EPA Complaint No. 06R-23-R1

The Honorable Arunan Arulampalam
Mayor of Hartford
Hartford City Hall
550 Main Street
2nd Floor, Room 200
Hartford, CT 06103
arunan.arulampalam@hartford.gov

**Re: Rejection of Administrative Complaint**

Dear Mayor Arulampalam:

On March 5, 2023, the U.S. Environmental Protection Agency (EPA), Office of External Civil Rights Compliance (OECRC) received an administrative complaint filed against the City of Hartford ("Hartford"). The Complaint alleged that Hartford discriminated against the Complainant and Black and Brown residents of the North End of Hartford on the basis of race in violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000(d) et seq., and EPA's nondiscrimination regulations, at 40 C.F.R. Part 7, by failing to provide appropriate stormwater sewer repair work and failing to allocate sufficient funding for infrastructure repairs to address flooding and sewage overflows as well as basement backups in Hartford's North End.

Pursuant to EPA's nondiscrimination regulations, 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 regulations. 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 regulations (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 four jurisdictional factors described above. However, if OECRC obtains information leading OECRC to conclude that an investigation is unjustified for prudential reasons, OECRC may reject a complaint allegation.[1]

After careful consideration,[2] OECRC is rejecting this Complaint for investigation because it does not satisfy the jurisdictional requirements. The alleged discriminatory actions that Hartford took did not occur within 180 days of filing this Complaint, nor does the Complaint allege facts related to a continuing policy or practice as defined by OECRC's Case Resolution Manual.[3] As such, the Complaint does not meet the timeliness requirement, and OECRC is rejecting this Complaint as of the date of this letter.[4]

EPA's nondiscrimination 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 any questions, please contact the Case Manager assigned to this matter, V'Hesspa Glenn by telephone at (202) 809-5029 or by email at glenn.vhesspa@epa.gov.

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[1] *See* OECRC Case Resolution Manual (CRM), Section 1.8 available at: https://www.epa.gov/sites/default/files/2021-01/documents/2021.1.5_final_case_resolution_manual_.pdf.

[2] In an effort to clarify the Complainant's allegations, OECRC conducted an interview with the Complainant on March 6, 2023, and had a follow up conversation with the Complainant on May 2, 2023. At the request of the Complainant, on May 2, 2023, OECRC also met with a law student at Yale Law School who was serving as a legal fellow at the Connecticut Coalition for Environmental and Economic Justice (the Complainant's nonprofit organization). OECRC also reviewed a series of information that the Complainant shared with OECRC such as pictures from her home, news articles, and email communications, all received between March 6, 2023 and June 28, 2023.

[3] *See* CRM Section 1.5(4)(a). OECRC acknowledges and sympathizes with the flooding event occuring in the Complainant's home on December 2, 2022. Although the Complaint identifies a personal, adverse impact resulting from the consistent rainfall, this allegation would not constitute a continuing violation on the part of the recipients, but rather a harm. Per the CRM, "a continuing violation is occasioned by continual unlawful acts, not continual ill effects from an original violation."

[4] EPA Case No. 06R-23-R1 will not be accepted as the Complaint lacks the necessary jurisdictional and prudential elements to proceed with investigation. However, there is some crossover with the allegations introduced in the cited Complaint and EPA Case No. 01RNO-24-R1, all of which will be considered in the investigation of 01RNO-24-R1.

Sincerely,

Adam Wilson
Acting Deputy Director
Office of Environmental Justice & External Civil Rights Office of External Civil Rights Compliance

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

Karen McGuire
Deputy Regional Administrator
Deputy Civil Rights Official
US EPA Region 1

Carl Dierker
Regional Counsel
US EPA Region 1