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

SEP 30 2013

OFFICE OF
CIVIL RIGHTS

Return Receipt Requested
Certified Mail#: 7004-1160-0002-3622-8370

In Reply Refer to:
EPA File No. 09R-13-R6

Lott's Realty Company
[redacted]
6013 Schroeder Road
Houston, TX 77021-3507

Re: Rejection and Referral of Administrative Complaint

Dear [redacted]

On March 5, 2013, the U.S. Environmental Protection Agency's (EPA), Office of Civil Rights (OCR), received correspondence regarding the Lott's Realty Company and a supplemental letter was received July 15, 2013. The correspondences state that, because of negligence, several buildings owned by the Lott's Realty Company fail to provide basic living conditions. The complaint also alleges that several tenants have been either improperly evicted or threatened with eviction. Because OCR has responsibility for processing complaints alleging a violation of 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, we assumed for purposes of processing the correspondences that this was why the complaints were filed with our office.

Pursuant to EPA's nondiscrimination regulations, OCR conducts a preliminary review of administrative complaints for 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 nondiscrimination regulations. First, it must be in writing. 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 calendar days of the alleged discriminatory act. 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 allegedly committed the discriminatory act. 40 C.F.R. § 7.15.

After careful review, OCR is rejecting these complaints for investigation because they do not meet all of the jurisdictional requirements described in EPA's nondiscrimination regulations. The Lott Realty Company is not a recipient of EPA financial assistance. Additionally, the complaints do not raise claims on the basis of race, color, national origin, sex, disability, or age. Therefore, the complaints are not within EPA OCR jurisdiction to investigate, and OCR must reject the complaints for investigation.

It appears that the allegations raised in the correspondences may fall under the subject matter expertise of the U.S. Department of Housing and Urban Development (HUD). Therefore, we are referring these complaints to HUD for further review and action. The contact person at HUD for the referral of this allegation is:
Mr. Garry Sweeney, FHEO Region VI, U.S. Department of Housing and Urban Development, 801 Cherry Street, Unit 45, Suite 2500, Fort Worth, TX, 78102 at (817) 978-5900.

In the interim, if you have any questions about this letter, please contact Ericka Farrell of my staff at (202) 564-0717, via e-mail at farrell.ericka@epa.gov, or via mail at U.S. EPA, Office of Civil Rights, (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C., 20460.

Sincerely,

Vicki Simons
Acting Director
Office of Civil Rights

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

Nellie Roblez,
EEO Officer, EPA Region 6