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

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

November 3, 2017

**Return Receipt Requested**
Certified Mail #: (b) (6) - Privacy

**In Reply Refer to**:
EPA No: 40D-16-R4

Ms. Angela Leatherbury
Habitat for Humanity of Jacksonville, Inc.
2404 Hubbard Street
Jacksonville, Florida 32206

**Re: Rejection/Closure of Administrative Complaint**

Dear Ms. Leatherbury:

On August 30, 2016, the U.S. Environmental Protection Agency (EPA), External Civil Rights Compliance Office (ECRCO) received a complaint, forwarded from the Office of Attorney General, State of Florida alleging that the Habitat for Humanity of Jacksonville, Inc. (Habijax), has violated Section 504 of the Rehabilitation Act of 1973 and the EPA's nondiscrimination regulation (*see* 40 C.F.R. Part 7, Subpart C) by building the Fairway Oaks housing development on a former landfill that caused the Complainant, a person with disabilities, and other disabled persons in the development, adverse health impacts and damage to homes in the complex from cracking slabs, mildew and mold. ECRCO has determined that it cannot accept this administrative complaint for investigation because it does not meet the jurisdictional requirements described in EPA's nondiscrimination regulation.

Pursuant to EPA's nondiscrimination regulation, ECRCO 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 the 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 the 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.

After careful consideration, ECRCO has concluded that it cannot accept this complaint for investigation because Habijax is not an applicant for, or a recipient of, EPA financial assistance. Therefore, ECRCO is closing the complaint as of the date of this letter.

We are aware that the Complainant might already be in contact with the Florida Department of Environmental Protection, but if not we did suggest that she may wish to raise her concerns with the (FDEP), Headquarters, by calling FDEP at (850)245-2118, or writing to FDEP at Department of Environmental Protection, Office of the Ombudsman & Public Services, 3900 Commonwealth Blvd., MS 49, Tallahassee, FL 32399. If you have any questions about this letter, please contact Debra McGhee, Team Lead, at (202) 564-6464, by e-mail at mcghee.debra@epa.gov or by mail at U.S. EPA, Office of General Counsel, External Civil Rights Compliance Office, Mail Code 2310A, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460.

Sincerely,

Dale Rhines
Deputy Director
External Civil Rights Compliance Office
Office of General Counsel

cc: Kenneth Redden
Acting Associate General Counsel
Civil Rights & Finance Law Office

Kenneth Lapierre
Assistant Deputy Regional Administrator
Deputy Civil Rights Official
US. EPA Region IV