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 File No. 04D-17-R9

Tony Kuper, Property Manager
AvalonBay Communities, Inc.
22122 Victory Boulevard
Woodland Hills, CA 91367

Re: Rejection/ Closure of Administrative Complaint

Dear Mr. Kuper:

On November 29, 2016, the U.S. Environmental Protection Agency (EPA) External Civil Rights Compliance Office (ECRCO), formerly known as the Office of Civil Rights (OCR) received correspondence as a referral from the U.S. Department of Justice, and received additional correspondence from a former tenant of your property on January 12, 2017, involving AvalonBay Communities, Inc. The correspondence generally alleges that the Woodland Hills AvalonBay complex refused to honor an Americans with Disabilities Act reasonable accommodations agreement and that as a result of this, a former tenant was unable to live in apartments due to contamination from pesticide and herbicide use by the complex and carpet and toxic disinfectant use by neighbors, and that as a result of this, the former tenant was forced to vacate the apartments in June 2015. As discussed below, ECRCO does not have the required jurisdiction to accept this correspondence as a complaint for investigation. Accordingly, this matter is closed as of the date of this letter.

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 AvalonBay Communities, Inc. is an applicant for, or a recipient of, EPA financial assistance. Therefore, ECRCO is closing the above-referenced complaint as of the date of this letter.

If you have questions about this letter, please feel free to contact Jonathan Stein, Case Manager, at 202-564-2088 (stein.jonathan@epa.gov).

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

Deborah Jordan
Acting Deputy Regional Administrator
Acting Deputy Civil Rights Official
U.S. EPA Region 9