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 [redacted]

(b) (6) - Privacy, (b) (7)(C) - Enforcement Privacy [redacted]

In Reply Refer to:
EPA File No. 04D-17-R9
EPA File No. 05D-17-R9

Via Email:
(b) (6) - Privacy, (b) (7)(C) - Enforcement Privacy [redacted]

Re: Rejection/Closure of Administrative Complaint

Dear (b) (6) - Privacy, (b) (7)(C) - Enforcement Privacy [redacted]

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 your correspondence as a referral from the U.S. Department of Justice, and received additional correspondence from you on January 12, 2017, involving AvalonBay Communities, Inc. and Oakwood Worldwide, LLC. Your correspondence generally alleges that the AvalonBay complex in Woodland Hills, a portion of which was leased by Oakwood Worldwide, LLC for use as a hotel, refused to honor an Americans with Disabilities Act reasonable accommodations agreement and that as a result of this, you were 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, you were forced to vacate the apartments in June 2015. As discussed below, ECRCO does not have the required jurisdiction to accept your 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 these complaints for investigation because neither AvalonBay Communities, Inc. nor Oakwood Worldwide, LLC are an applicant for, or a recipient of, EPA financial assistance. Therefore, ECRCO is closing the above-referenced complaints 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