



3 TITLE VI ENVIRONMENTAL JUSTICE COMPLAINTS & COMPLIANCE GUIDE

PURPOSE

Research suggests that companies tend to place facilities that can negatively impact human health in communities of color and low-income communities because these communities often lack the political influence and resources necessary to fight siting decisions. When it is found that communities are not treated fairly, Title VI and Community Benefits Agreements (CBAs) can serve as a remedy to mitigate or even prevent discriminatory practices.

Ultimately, if a project or a decision intentionally and disparately negatively impacts a protected community, there is a basis for a Title VI complaint. Meanwhile, CBAs can be used more broadly to establish

partnerships between community groups and developers to secure better outcomes for communities.

The key difference between Title VI complaints and CBAs is that Title VI is a formal federal retroactive process, meaning that filing occurs after an inequity or a form of discrimination has already taken place. A CBA is done proactively prior to development to ensure compatible and equitable uses and benefits for both the developer and the community.

This guide provides a general understanding of Title VI and CBAs and information about where opportunities exist to file such complaints and enter into such agreements.

COMMUNITY BENEFIT AGREEMENTS: THE PROACTIVE APPROACH

FLINT RIVER, GEORGIA / FINDING THE FLINT

CBA's are a relatively recent approach to addressing and resolving many inequities that stem from development, urbanization, and planning. CBA's are a useful tool when a developer or government entity is planning a new development that will impact a neighborhood. A CBA is a way for the community to negotiate benefits that are priorities for the existing residents

such as parks, recreation centers, equitable housing, and jobs. While there are compromises throughout the negotiation process and no CBA would be considered perfect, the benefits of CBAs are many for the community. Primarily for the developer, a CBA minimizes risk of litigation because CBA's are based on collaboration and mutual benefit.

TITLE VI. A REACTIVE APPROACH

The purpose of Title VI is simple: to ensure that public funds are not spent in a way that encourages or results in discrimination. A Title VI complaint is a formal administrative complaint filed by those impacted by discrimination to begin an investigation on an entity receiving federal financial assistance.

A Title VI complaint is often filed when either the federal government or a recipient of federal government funds intentionally discriminates on the basis of race, color, or national origin. There are many instances

in which a Title VI complaint can be filed, however, the basis of any complaint will be intentional discrimination on the basis of race, color, or national origin by the federal government or a recipient of federal funding. Title VI protects all persons in the United States regardless of citizenship status. Title VI works in two parts, the first being the administrative complaint process which allows aggrieved individuals to file complaints, and the second being federal compliance, which requires all government entities to comply with Title VI guidelines.

FILING AN ENVIRONMENTAL JUSTICE ADMINISTRATIVE COMPLAINT

Filing a Title VI complaint is simpler than one may think. If the proper procedures are followed, and all relevant information is provided, filing a Title VI complaint is straightforward. However, while the filing may seem simple, creating an effective complaint is a larger task.

This part of the guide discusses:

- **How to file a complaint and**
- **How to write an effective complaint.**

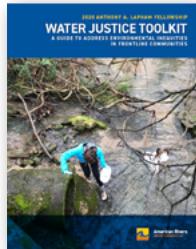
CHALLENGES ASSOCIATED WITH TITLE VI COMPLAINTS AND COMPLIANCE

Frontline communities have historically utilized Title VI through two avenues:

- **Directly suing recipients of federal funds in federal and state courts under Title VI, and**
- **Filing Title VI administrative complaints with the EPA and other agencies.**

To date, both avenues have yielded limited success in the courts and at the agency level, however, there has been recent reform to push Title VI responses and cases.

The process of filing a complaint is often overlooked, but don't underestimate the importance a complaint can hold.



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