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The people unable to use Jackson's water while the State has denied the City's requests for help are largely low-income Black people who cannot afford to purchase safe water. Individual residents of Jackson have reported spending most of their monthly federal SNAP funds on bottled water.⁴⁴ Those same residents have seen water bills reach thousands of dollars as pipes burst and flood their homes.⁴⁵ Black residents make up 96% of the residents of The Housing Authority of the City of Jackson (JHA).⁴⁶ JHA operates 34 single-family units of low-income Public Housing, 188 Project Based Vouchers, and 835 Housing Choice Vouchers.⁴⁷ On September 8, 2022, HUD's



Mississippi adopted for American Rescue Plan Act funds, Jackson would directly receive, at most, \$84 million for water projects—assuming the city is able to use its entire allocation for these projects. Although the Legislature established a dedicated fund for capital area water and sewage projects, it chose to impose special burdens on Jackson’s ability to obtain funding for projects not shared by other municipalities. Further, as part of this formula, any funds left unused on



an additional \$41 million to fully fund all 359 applications submitted during the second and final round of applications.⁵⁹ However, the 130 municipalities (like Jackson) who were awarded funding during the first round were precluded from applying for additional funds.⁶⁰



outcomes and health disparities.⁶⁵ The Black residents of Jackson regularly report allergic reactions, rashes, and skin irritation from showering in the water.⁶⁶ These residents remain at elevated risk of exposure to unsafe lead levels and to cancer causing contaminants.⁶⁷ The harm to Jackson's Black residents will be compounded by racial disparities in healthcare. That, of course, is if Jackson's residents can afford the necessary healthcare, given that 1 in 3 of Jackson's residents live below the poverty line.⁶⁸

Mississippi's discriminatory policies are brazen and unjustified. Likewise, the State's ongoing efforts to usurp Jackson's control over SLFRF monies makes clear that intervention from the U.S. Treasury is necessary to hold the State accountable.

The Office of Civil Rights and Equal Employment Opportunity (OCRE) enforces various federal statutes and regulations that prohibit discrimination in Treasury financially assisted and conducted programs or activities.⁶⁹ The U. S. Treasury will accept a complaint for investigation under Title VI if the complaint: (1) is in writing; (2) alleges discriminatory acts that, if true, may violate Title VI regulations; (3) identifies a recipient of federal financial assistance that committed the alleged discriminatory acts; and (4) is either filed within 180 days of the alleged



This Complainant meets each of these requirements. The Complaint alleges discriminatory policies that cause disparate harm to Black residents of Jackson, MS, in violation of Title VI. This written Complaint is timely because it was filed within 180 days of MDEQ's first award of SLFRF monies, on November 4, 2022, using the discriminatory criteria and policies outlined in this Complaint. However, this Complaint is also timely because of MDEQ's continued violations of Title VI. As recently as April 14, 2013, Mississippi and MDEQ waived the discriminatory scoring policies for grant applications submitted after Jackson's and announced forthcoming awards of SLFRF monies, perpetuating rather than remedying the discrimination against Jackson's black residents.

The Treasury's implementing regulations define a covered "recipient" as

any State, territory, possession, the District of Columbia, or Puerto Rico, or any political subdivision thereof, or instrumentality thereof, any public or private agency, institution, or organization, or other entity, or any individual, in any State, territory, possession, the District of Columbia, or Puerto Rico, to whom federal financial assistance is extended, directly or through another recipient, including any successor, assignee, or transferee thereof, but such term does not include any ultimate beneficiary.⁷²

Mississippi is a recipient of \$1.8 billion in Coronavirus State Fiscal Recovery Funds, of which the MS Legislature allocated \$450 million of funding for water projects.⁷³⁷⁴ MDEQ is responsible for the implementation of MCWI Grant Program for disbursement of the \$450 million of ARPA funding available for water projects.⁷⁵ Thus, both MDEQ and the State of Mississippi are recipients of federal financial assistance.⁷⁶

Title VI and the Treasury's implementing regulations apply to "any program or activity" that receives federal assistance. "Program or activity" includes all the



Senate Bill 2822 (signed into law on April 26, 2022) establishing the Program as one of two pathways to obtain the \$450 million of ARPA funding available for water projects. MDEQ and Mississippi are therefore subject to Title VI and the Treasury's implementing regulations.

Title VI prohibits recipients of federal funding from discriminating based on race. A recipient of federal funds must commit to and practice non-discrimination in all its activities. Per Congress' directive that federal agencies publish rules to effectuate Title VI, the Treasury issued regulations stating:

A recipient of federal financial assistance authorized under a law administered by the U. S. Treasury "may not, directly or through contractual or other arrangements, on the grounds of race, color or national origin: (i) deny a person any service, financial aid, or other benefit provided under the program; (ii) provide any service, financial aid, or other benefit to a



A criterion has an unjustified discriminatory effect if it has a disparate impact based on race, color, or national origin,⁸⁰ and it lacks a legally sufficient justification.⁸¹ As outlined below, the State of Mississippi and MDEQ employed a criterion that disregards Jackson’s very real water infrastructure crisis. The lack of legal justification for the criterion is evidenced by the fact Mississippi’s Legislature waived the criterion for 76% of MCWI applicants, while prohibiting Jackson from seeking funding under the waiver. Finally, but perhaps most telling, MS Legislators have explicitly stated their intent: to avoid “turning over hundreds of millions of dollars” to Jackson.⁸² The unjustified discrimination has left the majority Black residents of Jackson without overdue relief and ultimately without safe water. Finally, in each violation alleged below, the state of Mississippi could have employed a less discriminatory program or policy—following the templates of neighboring states—in order to disburse the SLFRF monies.

The Department of the Treasury is required to review and investigate any complaint alleging violation of Title VI.⁸³ The Complaint satisfies the requirements for jurisdiction by timely alleging the ongoing use of federal funding in violation of Title VI.⁸⁴ To our knowledge, the same allegations are not pending before the Treasury or any other agency. In November 2022, the Office of Inspector General for the U.S. Environmental Protection Agency announced an investigation under Title VI into federal funding provided to the State of Mississippi under the Safe Drinking Water Act (SDWA). Although that investigation similarly concerns the State’s



States have discretion in how they award funds and Mississippi has abused its discretion by creating a matching system which pre-emptively limits Jackson's access to much needed financial assistance. Other states have awarded all federal funds without requiring matching from local grant recipients. Specifically, Louisiana provided for a waiver of the matching requirement or decreased match where the local governing authority or water system is unable



The remarks by State Representative Lamar leave no doubt as to the Legislature's intent.⁹⁰ The Legislature explicitly does not want to provide the City of Jackson with hundreds of millions of dollars toward the City's multibillion dollar crisis. The MCWI Grant Program and its matching cap have done exactly what was intended: ensure the State of Mississippi does not have to turn over hundreds of millions to a Black City in a water crisis.⁹¹



consideration of the project(s)'s timeline for completion. The scoring system awarded up to 24 points for projects which could be completed by December 31, 2026, and were already underway or ready to begin in 6 months.⁹⁶ Similarly, Jackson's water crisis could be outweighed by superficial considerations of median income, unemployment rates, and the number of political subdivisions served.⁹⁷ While appearing to consider the needs of disadvantaged and overburdened communities, MCWI's scoring system turned a blind eye to the well-documented water crisis brewing in Mississippi's Blackest city.

Other states



Jackson's November 4, 2022, award, the MCWI scoring system's oversights had a disparate impact on the Black residents of Jackson and thus violated Title VI.

Enacted on April 14, 2023, MS Senate Bill 2444 amended the MCWI program to: 1) make the

