



# **DuPage Housing Authority**

## **Language Access Plan**

## Part I: Policy

### Overview

The DuPage Housing Authority [DHA] is sensitive to the needs of persons with Limited English Proficiency [LEP], including applicants, participants, and the residents of DuPage County. DHA values differences and is committed to providing equal opportunity in its outreach practices and decisions. DHA follows all applicable federal, state, local laws and ordinances prohibiting discrimination. DHA's Language Access Plan [LAP] takes reasonable steps to ensure LEP persons have meaningful access to DHA's programs and services. The LAP includes a policy section and a procedures section.

### General Policy

1. In accordance with federal, state and local law, DHA will take reasonable steps to ensure meaningful access to its programs by LEP persons:

a) Title VI of the Civil Rights Act of 1964 is the federal law that protects individuals from discrimination on the basis of their race, color, or national origin in programs that receive federal financial assistance. In certain situations, failure to ensure that persons who are LEP can effectively participate in, or benefit from, federally assisted programs may violate Title VI's prohibition against national origin discrimination

b) Executive Order [EO] 13166, signed on August 11, 2000, directs all federal agencies, including the Department of Housing and Urban Development [HUD], to work to ensure that programs receiving federal financial assistance provide meaningful access to LEP persons. Pursuant to EO 13166, the meaningful access requirement of the Title VI regulations and the four-factor analysis set forth in the Department of Justice [DOJ] LEP Guidance apply to the programs and activities of federal agencies, including HUD. In addition, EO 13166 requires federal agencies to issue LEP Guidance to assist their federally assisted recipients in providing such meaningful access to their programs. This Guidance must be consistent with the DOJ Guidance. Each federal agency is required to specifically tailor the general standards established in DOJ's Guidance to its federally assisted recipients. On December 19, 2003, HUD published such proposed Guidance

c) Title VII of the Civil Rights Act of 1964 makes it illegal to discriminate against someone on the basis of race, color, religion, national origin or sex

2. Title VIII of the Civil Rights Act of 1968 (Fair Housing Act) prohibits discrimination in the sale, rental and financing of dwellings based on race, color, religion, sex or national origin

3. Meaningful access is free language assistance in accordance with federal guidelines. To comply with these guidelines, DHA is required to:

a) Provide LEP services based on a four-factor analysis

b) Develop a LAP

c) Provide appropriate language assistance

4. Refusing to serve LEP persons or not adequately serving or delaying services to LEP persons would violate Title VI, VII and/or VIII

a) The requirement to provide meaningful access to LEP persons is enforced and implemented by the Department of Labor [DOL] through the procedures identified in the Title VI and Section 188 regulations. These procedures include complaint investigations, compliance reviews, efforts to secure voluntary compliance, and technical assistance

b) The DOL's Civil Rights Center [CRC] will investigate any complaint, report or other information that alleges or indicates possible noncompliance with Title VI and Section 188

i. If the investigation results in a finding of compliance, CRC will inform DHA in writing of this determination, including the basis for the determination

ii. If the investigation results in a finding of noncompliance, CRC will inform DHA of the noncompliance in a Letter of Findings that sets out the areas of noncompliance and the steps that must be taken to correct the noncompliance. At this stage, CRC will attempt to secure voluntary compliance through informal means. If the matter cannot be resolved informally, compliance may be effectuated through (a) the termination of federal assistance after DHA has been given an opportunity for an administrative hearing; (b) referral to DOJ for injunctive relief or other enforcement proceedings; or (c) any other means authorized by law

### **Limited English Proficiency Persons**

1. Persons who, as a result of national origin, do not speak English as their primary language and who have a limited ability to speak, read, write, or understand are defined as LEP individuals. For purposes of Title VI and the LEP Guidance, persons may be entitled to language assistance with respect to a particular service, benefit, or encounter

2. United States citizenship does not determine whether a person is LEP. It is possible for a person who is a United States citizen to be LEP. It is also possible for a person who is not a United States citizen to be fluent in the English language. Title VI is interpreted to apply to citizens, documented non-citizens, and undocumented non-citizens. DHA's programs require recipients to document citizenship or eligible immigrant status of beneficiaries. Title VI LEP obligations apply to every beneficiary who meets the program requirements, regardless of the beneficiary's citizenship status

### **Four Factor Analysis**

1. The actions that DHA is expected to take to meet its LEP obligations depends upon the results of the four-factor analysis, which includes delineating:

a) the services DHA offers

b) the community DHA serves

c) the resources DHA possesses

d) the cost to DHA of the translation and interpretation services provided

2. DHA four factor analysis balances the following:

a) the number or proportion of LEP persons served or encountered in the eligible service population

i. “served or encountered” includes those persons who would be served or encountered by DHA if the person received the adequate education and outreach and DHA provided sufficient language services

b) the frequency with which LEP persons come into contact with DHA

c) the nature and importance of the DHA’s programs, activities or services

d) the resources available and costs to DHA

3. DHA is required to take reasonable steps to ensure meaningful access to LEP persons

a) This “reasonableness” standard is intended to be flexible and fact dependent

b) It is also intended to balance the need to ensure meaningful access by LEP persons to critical services while not imposing undue financial burdens to DHA’s strategic partners e.g. small businesses, small local governments, or small nonprofit organizations

### Safe Harbor

1. A “safe harbor” means that DHA has undertaken efforts to comply with respect to the needed translation of vital written materials

a) By conducting the four-factor analysis, determining that translated documents are needed by LEP applicants or beneficiaries, adopting an LAP that specifies the translation of vital materials, and making the necessary translations, DHA provides strong evidence, in its records, that it has made reasonable efforts to provide written language assistance

2. There are no "safe harbors" for oral interpretation services

b) DHA will use the four-factor analysis to determine the most reasonable, timely, oral language assistance provided by DHA, free of charge, to LEP households. Depending on the circumstances, reasonable oral language assistance might be an in-person interpreter or a telephone interpreter line

## **Part II: Procedure and Implementation**

### **Implementation of DHA's LAP**

To ensure policy compliance, DHA will work with the County of DuPage, DuPage Federation, and other key stakeholders on the implementation of the Language Access procedures.

### **Services in the Language Spoken by LEP Populations**

DHA staff, including all front-line staff, should provide services in any non-English language spoken by an LEP individual through either bilingual staff or an interpreter (either in-person or via telephonic interpretation line). DHA will either translate or interpret vital documents by following HUD's guidelines:

- a) If 1,000 or more households OR more than 5% of total households (and more than 50 in number) of eligible population are LEP households, then DHA will translate vital documents
- b) If more than 5% of households are less than 50 LEP households in number of the total eligible population then, DHA will translate written notices of right to receive free oral interpretation of documents
- c) If 5% or less of total eligible population is less than 1,000 in number then written translation is not required

#### *Examples:*

Scenario A: 2386 HCV households

- a) If 1,000 or 119 (5%) of HCV households are LEP households who speak Russian, then DHA would translate HCV vital documents in Russian

Scenario B: 300 HCV Households

- b) If 18 (6%) of HCV household are LEP households who speak Russian and since these LEP households are less than 50, then DHA would translate written notices of right to receive free oral interpretation of documents

Scenario C: 300 HCV Households

- c) 12 (4%) of HCV households are LEP households who speak Russian and since these LEP households are less than 5% of the total and less than 1,000 in number, then DHA would not be required to translate documents

*For any outreach efforts impacting DuPage County at large, DHA will translate vital documents in the County's top five languages: Spanish, Polish, Urdu, Mandarin, and Gujarati.*

## Departmental Language Access Procedures

DHA provides some services and information in multiple languages, but currently, these services do not meet a consistent standard for language accessibility. By requiring all DHA departments to implement language access procedures, DHA will increase the quality and reliability of services provided to LEP individuals. All DHA departments that provide front-line services should ensure meaningful access to such services by following established protocols. If an LEP person calls any DHA numbers, they must be served by a bilingual staff or assisted via the telephonic interpretation line. If an LEP individual interacts with DHA staff in person, he/she must be assisted thru a bilingual DHA staff or a professional interpreter. Although every department has the flexibility to determine appropriate language assistance for their individual department's service populations, DHA staff is expected to comply with DHA's LAP. In addition, while implementing a program of language assistance, each department should ensure that they:

1. Follow DHA's guidance, identify and translate all vital documents provided to or completed by DHA applicants and/or DHA participants;
2. Include interpretation services, such as telephonic interpretation services and utilizing bilingual staff, particularly for public-facing positions;
3. Train front-line staff and managers on DHA's language access procedures;
4. Post signage that explains the availability of free interpretation services in conspicuous locations;
5. Establish an appropriate monitoring and measurement system regarding the provision of department language services and the quality of such services and vendors;
6. Create an appropriate public awareness strategy for the agencies' service populations