



CHA

CHICAGO HOUSING
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Language Access Policy

EFFECTIVE DATE: MAY 1, 2015

LAST UPDATE: August 1, 2018

Contents

Overview 3

General Policy 3

Limited English Proficiency Persons 4

Four Factor Analysis 4

Safe Harbor 5

Version Control

Revision Date	Approval Date	Effective Date	Change
01/13/15	N/A Draft	02/01/15	New document
01/21/15	N/A Draft	02/01/15	Edits based on 01/16/15 feedback from Chief Administrative Officer
01/27/15	N/A Draft	02/01/15	Edits based on 1/22/15 feedback received from Office of Administration leadership team
03/16/15	N/A Draft	05/01/15	Edits based on feedback received during input sessions
03/23/15	N/A Draft	05/01/15	Edits based on feedback received from CHA's Chief Legal Officer
03/24/15	N/A Draft	05/01/15	Edits based on feedback received from Deputy Chiefs
03/31/15	N/A Draft	05/01/15	Separate plan into two documents. LAP Policy and LAP Procedures
04/01/15	N/A Draft	05/01/15	Edits based on feedback received from Deputy General Counsel and Fair Housing Manager
04/07/15	N/A Draft	05/01/15	Edits based on feedback received from Deputy General Counsel
04/22/15	04/21/15	05/01/15	Approved by Board of Commissioners
08/10/15	08/10/15	09/01/15	Updated Cover Sheet
07/21/17	07/21/17	07/21/17	Edits based on the feedback from legal department. Updated cover sheet and created internal and external versions.
9/4/2019	N/A	8/1/18	Combined latest LAP Policy (2015 Board Approved) and LAP Procedures (2018)

Language Access Policy

Overview

The Chicago Housing Authority [CHA] is sensitive to the needs of persons with Limited English Proficiency [LEP], including applicants, participants and the residents of the City of Chicago. CHA values differences and is committed to providing equal opportunity in its outreach practices and decisions. CHA follows all applicable federal, state, local laws and ordinances prohibiting discrimination. CHA's Language Access Plan [LAP] takes reasonable steps to ensure LEP persons have meaningful access to CHA's programs and services. The LAP includes a policy section and a procedures section. In an effort to ensure standardized processes, the implementation and enforcement of the LAP will be overseen by CHA's Office of Diversity.

General Policy

1. In accordance with federal, state and local law, CHA will take reasonable steps to ensure meaningful access to its programs by LEP persons¹:
 - 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, CHA 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 VIII²
 - 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

¹ HUD.GOV Portal. January 2015. [HUD's LEP FAQs](#)

² US Department of Labor. Volume 68, Number 103, Page 32289-32305

- i. If the investigation results in a finding of compliance, CRC will inform CHA in writing of this determination, including the basis for the determination
- ii. If the investigation results in a finding of noncompliance, CRC will inform CHA 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 CHA 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 encounter³
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. CHA'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 CHA is expected to take to meet its LEP obligations depends upon the results of the four-factor analysis, which includes delineating:
 - a) the services CHA offers
 - b) the community CHA serves
 - c) the resources CHA possesses
 - d) the cost to CHA of the translation and interpretation services provided
2. CHA 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 CHA if the person received the adequate education and outreach and CHA provided sufficient language services
 - b) the frequency with which LEP persons come into contact with CHA
 - c) the nature and importance of the CHA's programs, activities or services
 - d) the resources available and costs to CHA
3. CHA 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 CHA's strategic partners e.g. small businesses, small local governments, or small nonprofit organizations

³ HUD.GOV Portal. January 2015. HUD's LEP FAQs

Safe Harbor

1. A "safe harbor" means that CHA 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, CHA 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) CHA will use the four-factor analysis to determine the most reasonable, timely, oral language assistance provided by CHA, 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