



**FEDERAL COORDINATION AND COMPLIANCE SECTION
CIVIL RIGHTS DIVISION
U.S. DEPARTMENT OF JUSTICE**

Ensuring consistent and effective Title VI enforcement across the federal government

Dear Colleague,

This second installment of **Title VI Civil Rights News @FCS** highlights a sampling of significant agreements, findings, and settlements from the government-wide Title VI administrative docket of the federal funding agencies.

For those who are new to this service, the Federal Coordination and Compliance Section (FCS) of the Civil Rights Division is now providing periodic emails highlighting noteworthy Title VI developments from across the government as part of the Justice Department's coordination responsibilities under Executive Order 12250 and in commemoration of the 50th Anniversary of the Civil Rights Act of 1964. Watch for future emails featuring the work of various federal funding agencies and providing helpful Title VI resources (including updated chapters of our Title VI Legal Manual), and much more. Please encourage others with an interest in Title VI to subscribe using the instructions at the end of this email.

Food and Nutrition Service Finds Photo Identification Requirement Violates Title VI: On February 18, 2014, the Food and Nutrition Service (FNS) informed the Massachusetts Department of Transitional Assistance (MDTA) that requiring or requesting that non-applicant heads of household (who are not issued an EBT card) consent to photo identification violates Title VI. FNS found MDTA's facially neutral policy had a disparate impact on individuals based on national origin since a disproportionately high volume of affected persons were from non-citizen immigrant populations. FNS also determined that the photo identification requirement dissuades eligible individuals from applying for or continuing benefits. Read the letter [here](#).

Federal Highway Administration Finding Results in Expanded Transit Access in Ohio: Less than one year after issuing a Title VI Violation Letter of Findings against the City of Beavercreek, Ohio, the Federal Highway Administration (FHWA) reached a successful resolution expanding critical transit access to Black and Latino transit riders. The City, which had refused to approve the Regional Transit Authority's plans for construction of three bus stops, reversed course and completed construction of the new stops earlier this year. These stops will provide predominantly minority residents of Dayton safe access to critical locations in Beavercreek, including a major medical center and potential job sites. The June 2013 letter of findings determined, among other things, that the City's justifications for refusing to allow the bus stops, including claims related to risk of criminal activity, were unsupported by evidence. Accordingly, FHWA required the City to take corrective actions monitored by the Ohio Department of Transportation. Read the findings [here](#).

HUD Language Access Resolution Reached: In April, the Department of Housing and Urban Development's Office of Fair Housing and Equal Opportunity reached an agreement with Nebraska's Department of Economic Development (DED) to ensure that persons with limited English proficiency (LEP) have meaningful access to critical housing programs. The [voluntary compliance agreement](#) resolves a letter of findings issued after HUD conducted a compliance review of DED pursuant to Title VI and its implementing regulations, which require recipients to provide meaningful access for LEP

persons, and other civil rights requirements and obligations. To comply with its Title VI LEP obligations, DED agreed to develop a written language access plan that details how it will provide language assistance services to LEP individuals, conduct outreach to LEP communities, provide training to its staff, and update and monitor its plan. DED also agreed to provide sub-recipients notice of their Title VI LEP obligations, to train sub-recipients on these obligations, and to monitor sub-recipient compliance. During the period at issue, Nebraska administered more than \$54.5 million dollars in HUD funds. The HUD press release, which provides more details and a link to the agreement, is available [here](#).

Section 8 Housing Resolution Reached: The Department of Housing and Urban Development recently reached an agreement with the City of Dubuque, Iowa, eliminating the residency preference system for Dubuque's Section 8 program, and changing the operation of that program. In a letter of findings, HUD determined that the program resulted in a significant decrease in voucher participation by African Americans, in violation of Title VI. Access the press release [here](#). In addition, the City agreed to undertake outreach activities to underserved populations, meet increased and expanded reporting requirements, comply with additional oversight from HUD, and obtain fair housing training for core city employees. Read the full agreement [here](#).

Federal Transit Administration Finds Florida Cities Non-Compliant with Title VI Requirements when Relocating a Trolley Maintenance Facility: On October 28th, the Federal Transit Administration (FTA) issued a letter finding the cities of Coral Gables and Miami, Florida non-compliant with FTA's Title VI requirements when the cities failed to assess the potential adverse disparate impacts stemming from relocation of a trolley maintenance facility from Coral Gables to the historically Black neighborhood of Coconut Grove. The FTA further found that Miami-Dade Transit failed in its responsibility to ensure sub-recipients comply with Title VI, and advised Miami-Dade Transit that it must coordinate with Coral Gables and Miami to conduct the requisite disparate impact analysis, or risk the loss of federal funds or referral to the Justice Department for litigation. Access the complete findings [here](#). The recipients submitted a corrective action agreement promising to complete the requisite study. FTA continues to work with the cities of Miami and Coral Gables to address identified deficiencies in their Title VI programs.

National Compliance Review of Critical Access Hospitals Completed: In 2013, the Department of Health and Human Services released its report on the "Advancing Effective Communication in Critical Access Hospitals" initiative, which was a national compliance review of critical access hospitals (CAHs) to ensure that they provided comprehensive language access services to LEP populations in rural and isolated areas. HHS's Office for Civil Rights (OCR) reviewed CAHs by examining the demographic data they collected for their service areas; conducting onsite visits; evaluating their language access services policies and procedures; interviewing hospital staff and community stakeholders; and securing corrective action at the discovery of compliance issues with the hospital's language access program. The press release, which details this initiative, is [here](#), and a report on the initiative is [here](#).

Foster Care and Adoption Programs Language Access Agreement Reached: The Department of Health and Human Services recently reached an agreement with the Mississippi Department of Human Services, Division of Family and Children's Services (MDHS-DFCS) to provide LEP individuals timely and competent language assistance at no charge to ensure meaningful access to MDHS-DFCS programs, including foster care and adoption programs. The agreement resolves an OCR compliance review and complaint investigation, conducted to determine whether MDHS-DFCS provided persons with LEP meaningful access to their programs in accordance with Title VI, which arose after it was involved in the removal of a baby from an LEP mother who was not provided any language assistance. The press release, which details the efforts MDHS-DFCS is undertaking to ensure language assistance, is [here](#), and the full agreement is [here](#).

Direct Housing and Disaster Assistance Resolution Reached: The Department of Housing and Urban Development reached a comprehensive conciliation agreement and voluntary compliance agreement with the State of New Jersey to provide a combined \$240 million in direct housing assistance to lower income households. New Jersey agreed to reevaluate all denied applications under the State's disaster housing program and significantly enhance the State's outreach efforts to those with limited English proficiency. The agreement resolves a complaint filed soon after Hurricane Sandy by a number of civil rights organizations in the state including the Latino Action Network, the New Jersey NAACP, and the Fair Share Housing Center alleging violations of Title VI and the Fair Housing Act and a failure to affirmatively further fair housing. Read the full settlement agreement [here](#), and the press release [here](#).

EPA Investigation Results in Expansion of Public Participation at Illinois Environmental Protection Agency: In 2013, the Environmental Protection Agency reached an agreement with the Illinois Environmental Protection Agency (IEPA) to take a number of concrete steps to improve its public participation program. The agreement resolves a Title VI complaint alleging that IEPA intentionally discriminated against the African American residents of Ford Heights, Illinois, by not providing an opportunity for meaningful involvement in the decision-making process with the issuance of construction permits for the Midwest Micronutrients processing facility and for the trial use of wood biomass fuel at the Geneva Energy facility. The evidence gathered during the course of the Title VI investigation raised concerns about the adequacy of IEPA's notice to the Ford Heights community. Through the agreement with EPA, IEPA has agreed to fulfill a number of commitments, including: 1) expanding the scope of its Environmental Justice Public Participation Policy (EJ PPP); 2) revising its EJ PPP so that permitting activities in areas identified as potential EJ communities will be given an appropriate level of outreach; 3) posting information on its website concerning grievances received pursuant to IEPA's EJ Grievance Procedure and the IEPA's response; 4) redesigning its online permit tracking system webpage to further facilitate the implementation of the EJ PPP; and 5) creating a system that will identify all projects in potential EJ communities and notifying IEPA's EJ Officer who will determine the appropriate outreach activities. The complete agreement is [here](#), and the closure letter is [here](#).

EPA Title VI Complaint Investigation and Compliance Review Results in Expanded Protections for Migrant Agriculture Workers in Louisiana: In 2011, the Environmental Protection Agency reached an agreement with the Louisiana Department of Agriculture and Forestry (LDAF) to provide critical protections for agriculture workers. The agreement resolved a Title VI complaint alleging that LDAF's policy of requiring in-person interviews for Worker Protection Standard (WPS) investigations intentionally discriminated against migrant agriculture workers based on their national origin. The EPA investigation confirmed that LDAF did not perform a WPS investigation for an incident involving a specific worker allegedly exposed to pesticides due to its in-person interview requirement. In addition, the investigation revealed concerns regarding whether LDAF was providing adequate language assistance to ensure meaningful access to LDAF's WPS program. The EPA's Office of Civil Rights (OCR) also conducted a LEP compliance review and found that LDAF did not have an active language access program. Through the agreement with EPA, LDAF has volunteered to fulfill a number of commitments, including: 1) adopting and disseminating a written WPS Interview Policy to allow for telephonic interviews when a WPS complainant or witness is unavailable for an in-person interview(s); 2) providing LEP individuals meaningful access to its WPS program consistent with EPA's LEP Guidance, as required by Title VI; 3) contracting for translators and/or interpreters; 4) conducting training consistent with the requirements of the agreement for all relevant LDAF employees; 5) conducting at least eight outreach sessions for relevant stakeholders across the state in which it will discuss LEP issues; and 6) providing to OCR and EPA Region 6 compliance reports that will identify the specific actions/steps that LDAF has taken to comply with the agreement. The complete agreement is [here](#), and the findings of fact are [here](#) and [here](#).

San Joaquin Valley United Air Pollution Control District Increases Opportunities for Meaningful Public Involvement: The Environmental Protection Agency strongly supports the use of alternative dispute resolution (ADR) to address disputes and potential conflicts. Consistent with this policy and the EPA's regulations implementing Title VI, EPA's Office of Civil Rights encourages the use of informal resolution techniques, including ADR, to resolve Title VI complaints when appropriate. On February 1, 2013, the San Joaquin Valley Unified Air Pollution Control District (APCD) and Greenaction for Health and Environmental Justice (Greenaction) signed a settlement agreement resolving all issues related to the Avenal Title VI Complaint (EPA File # 11R-09-R9). The complainants and recipient reached their agreement through an ADR process, with the assistance of a mediator provided by EPA. EPA is not a party to this agreement, so all questions related to the other specific terms in, or the implementation of the agreement should be directed to the APCD or Greenaction. Access the settlement agreement [here](#).

UPDATE: Hawaii Department of Transportation Ruling: The last issue of Title VI Civil Rights News @FCS highlighted a Statement of Interest that FCS filed in *Faith Action for Community Equity v. Hawai'i Department of Transportation*, No. 13-cv-00450 SOM, 2014 WL 1691622 (D. Haw. Apr. 28, 2014). The private plaintiffs' complaint alleged that the Hawai'i Department of Transportation denied LEP individuals a meaningful opportunity to take the Hawai'i driver's license examination. On April 28, 2014, the District Court of Hawaii denied the Hawai'i Department of Transportation's Motion to Dismiss, allowing the plaintiffs' claims of intentional discrimination to proceed. View the ruling [here](#).

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Thank you,

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