

## **Limited English Proficiency (LEP) Plan/Policy**

It shall be the policy of HADCO to ensure that persons with Limited English Proficiency (LEP) shall not be discriminated against nor denied meaningful access to and participation in the programs and services provided by HADCO. In order to ensure meaningful access and participation for LEP persons, HADCO shall notify such persons that language services are available to them at no cost and shall take reasonable steps to see that language services are provided according to the provisions of HADCO's LEP Plan as described below.

The LEP Plan and Policies that follow shall apply to all of HADCO's programs, services and facilities, regardless of whether they receive Federal financial support or not.

It is the intent of HADCO in providing language services to LEP persons, to achieve a balance that ensures meaningful access to programs and services while not incurring undue burdens on HADCO's resources.

HADCO has designated its Community Service Coordinator as its LEP language services manager. This employee shall provide oversight for the implementation of the LEP Plan and Policies, coordinate and facilitate deliver of LEP language services, ensure that staff receive appropriate training on LEP policies and procedures, and direct the ongoing monitoring and periodic assessment of the LEP Plan and Policy's effectiveness.

### **Definitions:**

**Limited English Proficiency Person:** Any person who does not speak English as their primary language and who has a limited ability to read, write, speak, or understand English. Such person or persons shall be entitled to language assistance at no cost to themselves with respect to a particular type of service, benefit, or encounter.

**Vital Document:** Any document that contains information that is critical for obtaining or maintaining the services or benefits that are supported by Federal funds, or that are required by law. Such documents may include but are not limited to applications, consent forms, notices of participant rights and responsibilities, disciplinary notices, letters or notices that require a response from the participant or beneficiary, legal notices, and notices advising LEP persons of the availability of free language services.

**Interpretation:** The act of listening to spoken words in one language (the source) and orally translating it into another language (the target).

**Translation:** The replacement of a written text from one language into an equivalent written text in another language. Back up oral interpretation services can be provided if needed.

### **Identification of LEP persons who need language services assistance**

HADCO shall use the following methodology and data sources to identify and determine the number of LEP persons currently using HADCO's services, the number of LEP persons in the

Housing Authority's area of operations who may be eligible for programs and services and the particular languages used by both groups.

1. Past experiences with LEP person encounter by staff. The number and type of such encounters will be tabulated and analyzed to determine the breadth and scope of language services required. In this analysis, consideration will be given to minority language populations that are eligible but may have been underserved because of existing language barriers.
2. As part of the initial implementation of its LEP Plan and Policy, HADCO shall conduct a survey of the applicants on its waiting list and the residents of its various housing programs to determine the types of languages used and the levels of proficiency with English for each household. The survey instrument shall at a minimum contain a notice in the languages known to be used by applicants and residents that states "If you cannot read this survey in English, contact HADCO for a translated version or interpretation assistance."
3. The latest Census Department data. Census data shall be reviewed and matched to the extent possible with the Housing Authority's area of operations.
4. Data from school districts and community organizations including faith-based organizations.
5. Data from State and local governments including State Welfare Departments.
6. Data from legal aid entities.
7. "I Speak Spanish" cards in the variety of languages found in the Housing Authority's area of operations. The cards will also be used by staff on a day-to-day basis to determine and document the need for particular language services during routine activities and encounters.

#### **Frequency of contact with LEP persons:**

In conjunction with research to identify LEP persons in HADCO's area of operations, HADCO shall also compile information regarding the frequency of contact with LEP persons. The more frequent the contact, the more likely that language services for a specific language group will be needed. Measures necessary for a program that serves a LEP person one time or occasionally will necessarily be different from those that serve LEP persons every day. While less frequent contact suggests a different, less intense solution, some services may still be necessary for times when a LEP person occasionally seeks services.

HADCO shall also provide language services in the conduct of its outreach efforts which are intended to make the general public aware of its programs and services. In this manner LEP persons who are a part of the population in the HADCO's area of operations will have an equal opportunity to learn about HADCO's programs and services to access and participate in them.

#### **Nature and importance of the program or service**

HADCO recognizes that within the range of programs and services it provides, some programs and services are more important than others. While it is HADCO's intent to provide meaningful

access to all participants and eligible persons, the availability of resources may limit the provision of language services in some instances. Activities such as outreach, intake, leases, and rules of occupancy, legal actions, life and safety notices have a high priority. Information about and an understanding of these activities would be effectively communicated to all persons affected by them. Other activities such as recreation programs, social activities, optional meetings, and related areas are of a lesser importance and hence a lower priority. HADCO will develop a listing of all activities related to its programs and services and a matrix showing the relative importance of each. Based upon this analysis, HADCO shall determine how language services to LEP persons shall be delivered for each activity.

### **Types of language services to be provided:**

The data collected under research into the various language groups in HADCO's area of operations shall be specified enough to inform staff as to the variety of language groups from whom interpretation and translation services are needed. Based upon the number or proportion of LEP persons of various language groups served or encountered in the eligible population, HADCO shall provide language services as indicated.

HADCO shall provide language services to LEP persons by a variety of methods based upon the relative numbers of such persons and the frequency of contacts or anticipated contacts. Reasonable steps shall be taken to accomplish this but at a point at which costs approach or exceed the benefits, alternative methods of delivery of language services will be evaluated and appropriate changes made.

### **Procurement of interpretation and translation services for LEP Persons**

The following methods of providing interpretation and translation services shall be considered and used based upon the assessment of need for HADCO:

1. Contracting with qualified interpreters and translators, either individually or through an organization which provides such persons.
2. Hiring qualified interpreters and translators.
3. Hiring bilingual staff who subsequently receive training in proper interpretation and translation protocol.
4. Centralizing language services and/or sharing language services with other Housing Authorities.
5. Using telephone interpreter services.
6. Using community volunteers.
7. Pooling resources and/or standardization of documents and forms.
8. Using family members or friends.

HADCO shall explore the most cost effective means of delivering competent language services before limiting services due to resource limitations or concerns. In the process of deciding which services shall be provided, HADCO shall thoroughly document the process used in arriving at the determination of which services are to be provided to which groups. This documentation

shall be maintained in HADCO's records to demonstrate compliance with the LEP Guidance issued by HUD (December 19, 2003).

### **Quality and competency of language services**

HADCO shall make every reasonable effort to assure that the language services it provides to LEP persons are the highest quality and that the competency of interpreters and translators is appropriate to the situation.

1. Interpreters. Oral interpretation of encounters, meetings and the like require a certain level of competency and professionalism on the part of the interpreter. These characteristics do not necessarily exist in a person who is simply bilingual. Likewise, formal certification while helpful may not always be required. Often the importance of the encounter or the consequences will direct the level of professionalism needed. For example, a grievance hearing or court hearing regarding a lease termination may require a certified interpreter while a meeting at a resident's home about a minor neighborhood complaint may not. When using an interpreter, HADCO shall use the following general criteria to ensure effective communication with LEP persons:
  - a. Demonstrated proficiency in and ability to communicate information accurately in both English and in the other language and able to identify and employ the appropriate mode of interpreting (consecutive, simultaneous, summarization, or sight translation).
  - b. Knowledge in both languages of any specialized terms or concepts peculiar to HADCO's program or services and of any particularized vocabulary and phraseology used by the LEP person.
  - c. An understanding of and ability to follow confidentiality and impartiality rules to the same extent that HADCO's employee for whom they are interpreting or to the extent that their position requires or both.
  - d. Understanding of and adherence to their role as interpreter without deviating into a role as counselor, legal advisor, or other role.
  - e. Awareness of regionalisms (dialects) used by the LEP persons for whom they are interpreting.
  - f. Certification of interpreters' skills and abilities when individual rights depend upon precise interpretation.

When interpretation is needed and reasonable, it shall be provided in a timely manner and appropriate place so as to avoid the effective denial of a benefit or service. The importance of the benefit or service to meaningful access to programs and services will dictate the urgency of providing the language service. Where access to or exercise of a service is not precluded by a reasonable delay, the language service may be reasonable delayed.

2. Translators. When selecting translators, the list of criteria applied to determine competency and professionalism for interpreters above shall be applied to the extent that those criteria are appropriate. Translation skills can be very different from those of interpretation. When vital documents are involved, HADCO will use professional

translators or translation associations. Translated documents may be checked by a second translator or translated back into English by a second party to confirm accuracy.

### **Documents Used by HADCO**

HADCO shall conduct an initial review of its written documents that are generally available to and used by the general public, applicants and residents for the purpose of assessing the importance of those documents to its clientele including LEP persons. This analysis shall be based upon HUD's "Four Factor Assessment" that is found in the Notice regarding guidance on LEP persons. The four factors are (1) the number or proportion of LEP persons encountered or eligible to be served; (2) the frequency of contact; (3) the nature or importance of the program or activity; and (4) the resources available to HADCO and the costs. Based upon this analysis, a determination shall be made as which documents shall be translated and into which languages. This may range from word for word translation of legal notices to the simple inclusion on other less important documents of a notice in various languages that translations or interpretations may be available upon reasonable request.

The assessment shall result in a determination of which documents shall be classified as "vital", and "non-vital." This analysis of documents shall be applied on an ongoing basis as new documents are created and old ones revised. The analysis shall be reviewed on a periodic basis (not less than yearly) to consider the overall impact to LEP persons.

At a minimum, HADCO shall provide written translation of vital documents for LEP language groups that constitute 5% or 1,000 persons, whichever is less, of the population of persons eligible to be served or likely to be encountered by HADCO. Translation of vital documents into other languages that do not meet this criteria may be provided orally if and when needed. If there are fewer than 50 persons in a language group that meets the 5% level, HADCO will not translate documents but will instead provide a written notice in the appropriate language of the LEP group of the right to receive competent oral interpretation of the written materials free of cost.

HADCO shall develop and maintain a register of interpreters and translators classified by their level of qualifications for all staff to use when language services are required for LEP persons.

### **Type and frequency of notice to LEP persons:**

HADCO shall provide appropriate notice to LEP persons and language groups of the availability of free language services that ensure meaningful access to programs and services provided by HADCO. Based upon the results of research into the language groups that are encountered in HADCO's area of operations, notices in those appropriate language informing LEP persons and groups shall be posted in common areas, offices, and anywhere that applications are taken. These notices shall explain how to receive language services.

Notices shall be included on or with outreach documents and tagged onto the front of commonly used materials.

Notices shall be distributed to grass roots and faith-based community organizations informing LEP persons of HADCO's programs and services and of the availability of free language services if needed.

Telephone answering messages and voice mail menus shall include brief notice in the most commonly used languages.

Other notices shall be posted as determined appropriate in local newspapers in commonly used languages and in non-English periodical publications in the area of operations, on non-English radio or television programs, and in schools, State and local governmental offices, and other locations where LEP person may see them.

### **Training for staff persons:**

HADCO shall provide training to its staff in its LEP Plan and Policies. A determination of the frequency of staff encounter with LEP persons shall dictate the level of detail of this training. Staff having the greatest contact shall be trained to effectively implement the Plan and Policies through the use of standardized procedures. Those staff having the least amount of contact with LEP persons shall, at a minimum be trained to be fully aware of the plan and Policies so that they may reinforce its importance and ensure implementation by other staff. Training on the LEP Plan and Policies with levels of detail appropriate to job responsibilities shall be included in new employee training and orientations.

### **Monitoring compliance, assessing performance, and revisions**

HADCO shall monitor implementation of the LEP Plan and Policies on an ongoing basis, making revisions to policies and procedures as may be required periodically. HADCO shall also review (not less than annually) the overall effectiveness of its LEP Plan and Policy. This review shall consider information from the following sources and criteria as well as other factors as may be appropriate:

1. Changes in demographics including new language groups and changes in the proportion of existing language groups, types of services, and other needs.
2. Frequency of encounters with LEP persons.
3. Whether existing language services are meeting needs of LEP persons.
4. Availability of new resources including technology.
5. Whether identified sources for assistance are still available and viable.
6. How well staff understand and have implemented the LEP Plan and Policies.
7. Feedback from the community at large and from minority language groups and persons.

Based upon findings of the periodic review, HADCO shall revise the LEP Plan and Policies to ensure its effectiveness in meeting the access and participation needs for LEP groups and

persons. Staff shall document revisions to the LEP Plan and Policies as they are necessary and the reasons therefore.