

Boston Housing Authority Limited English Proficiency Policy

I. POLICY

It is the policy of the BHA to take reasonable steps to ensure that LEP Persons have meaningful access to BHA's direct services. This policy is in accordance with the HUD's Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, dated January 22, 2007.

BHA hereby designates the Director of Civil Rights and/or his/her designee, as its Language Access Coordinator ("LAC"), to annually assess the language assistance needs of BHA and monitor BHA's delivery of language assistance services in conjunction with BHA departments that provide direct services to public housing residents, participants in BHA's rental assistance programs, and public housing and rental assistance applicants. The LAC shall recommend modifications to the Administrator, as required, regarding BHA's delivery of language assistance services to LEP Persons.

II. APPLICABILITY

This policy applies to departments that provide direct services to BHA residents, participants in its rental assistance programs, and to public housing and rental assistance applicants.

III. ASSESSMENT OF LANGUAGE SERVICES NEEDS-FOUR FACTOR ANALYSIS

All BHA departments providing direct services to BHA residents, participants in its rental assistance programs, and to public housing and rental assistance applicants must conduct periodic evaluations of the service tools being provided to LEP residents, participants, and applicants to determine if there are new needs. A copy of the most recent Four Factor Analysis is available as an Appendix to this policy. Annually BHA will review data collected pursuant to the provisions of this Policy and the Four Factor Analysis to assess whether or not Vital Documents should be translated into additional languages.

The following assessment services tools may be used in the determination of the BHA's language assistance services needs:

A. Determine the number or percentage of LEP persons eligible to be served or likely to be served by direct services, by using one or more of the following:

1. Provide questions on an initial application, or enrollment form, to determine if the applicant needs language services.

2. Identify language utilizing Language Identification Card and record language of resident, applicant or participant at points of contact and service.
- B. Each Department shall track and record requests for language assistance, service provided (interview, conference, hearing, briefing etc.) and who provided language services e.g., bilingual employee, Language Bank Volunteer, contract vendor.
- C. Determine the nature and importance of the program, activity, provided through the program, by recognizing which BHA activities may require an interpreter to assist an LEP person. For example, assisting a LEP person with interpretative services during an eligibility interview, housing offer and lease signing, or during a termination of tenancy hearing.
- D. Determine available and future resources and costs associated with providing direct services to LEP residents, participants and applicants. Departments should determine if it is more cost effective to re-assign staff, hire qualified bilingual staff or contract with vendors to perform routine duties that require interpretative services. Departments providing direct services to residents, participants and applicants shall make every effort to provide interpretative services through the use of qualified bilingual staff members or through contracted services. For example:
 1. Seeking the use of qualified BHA bilingual employees to provide language assistance services at locations where the services are needed, in consultation with the Human Resources Department and consistent with applicable collective bargaining agreements.
 2. Comparing the cost for hiring qualified bilingual employees to provide language assistance services in locations where these services are needed and cost estimates for utilizing contract vendors, when such services are required
 3. Determining if vacancies in direct service positions require the services of qualified bilingual employees and providing for such a requirement in the applicable job description.

IV. PROVIDING LANGUAGE ASSISTANCE SERVICES

A. Interpretative Services (Oral Language)

Each BHA department office or location, that provides direct services must provide oral interpretation upon request and at no charge to LEP persons at points of contact and service to ensure meaningful access to BHA's direct services. BHA shall notify all applicants, residents and participants of their ability to request an interpreter in notices from BHA for hearings, interviews, scheduled appointments, and adverse action. If necessary, appointments/interviews/hearings/conferences may need to be rescheduled to a later date in order to provide language assistance services.

Types of activities for which interpretative services must be offered to LEP persons include, but are not limited to the following:

- Eligibility Interview
- Voucher Briefing
- Housing Offer and Lease Signing
- Resident/Applicant/Participant Private Conferences and Hearings
- Interviews regarding Annual and Interim Rent Recertifications
- Transfer and Residual Tenancy Application
- Reasonable Accommodation Request
- Notice of Public Hearings

BHA staff is prohibited from requiring or asking LEP persons to bring their own interpreter. If a LEP person *requests* that an adult family member or friend (18 years of age or older) provide interpretation, this practice is acceptable only if it is his/her choice. The employee must advise the LEP person about the availability of free language services and document in writing if the LEP person still chooses to have his/her own interpreter.

There are some situations where the use of family members or friends is not appropriate e.g., in situations involving domestic abuse, sexual assault, or in hearings related to adverse actions. In these instances qualified BHA interpreters or others must provide language assistance. In situations where the BHA proposes to take adverse action against a LEP person, a qualified interpreter must provide language services.

Note: For sign language interpreters, applicants, residents, or participants shall submit the BHA form, *Request for Reasonable Accommodation*. For further information related to persons who need sign language interpreters please refer to the BHA's policies on Reasonable Accommodation which are available at BHA Offices and are posted on the BHA's web site.

B. Translation Services (Written Language)

Documents which contain vital information or information that is critical for ensuring meaningful access to BHA's direct services are considered Vital Documents. Each Department Director, in consultation with the LAC, shall conduct an initial review of its written documents for the purpose of assessing whether any document contains vital information and requires translation. A similar review at time of creation will be conducted to determine if new documents contain vital information and require translation.

The BHA shall translate vital information into Covered Languages before distribution.¹ This commitment is subject to the availability of appropriated funds. It may not occur in full if the translations required would create an undue administrative and financial burden on the BHA such as in the circumstances described below. In addition, the BHA will rely on both HUD and DHCD to translate their own required documents. Examples of Vital Documents may include, but are not limited to: Public Housing Lease, Application for BHA Housing Programs, and Public Notices. BHA's Implementation Plan sets forth further information on which documents are currently considered Vital and priorities for translation. It is available on BHA's web site at <http://www.bostonhousing.org>.

Although many documents will be completely translated under this policy, the BHA recognizes that some Vital Documents are not entirely comprised of vital information. Where appropriate, BHA shall use translated summaries to provide the vital information contained in a Vital Document to an LEP person. Further, some notices contain individualized facts which would be impractical to translate in every instance because of their numerosity and the associated cost and time involved. Examples include Notices of Private Conference, Summaries of Private Conference, Hearing Decisions, Notices of Proposed Termination, Notices of Denial of Application. In these circumstances BHA will advise the notice recipient how to obtain interpretive services and/or provide a translated summary of the document in Covered Languages.

Annually, BHA will re-assess the data collected pursuant to section III above, and determine pursuant to applicable federal guidelines and the Four Factor Analysis whether Vital Documents should be translated into other languages, or whether certain languages may be dropped from the requirement. This re-assessment will be incorporated annually into BHA's Language Assistance Services Implementation Plan and posted on BHA's web site.

V. OUTREACH

BHA will post notices of the availability of free language assistance services in offices where LEP persons interact with BHA, including but not limited to: development management offices, Department of Grievances and Appeals, Leased Housing offices and Application Housing Service centers. Notices regarding the availability of free language assistance services will also be posted on BHA's website and will be included in notifications such as referenced in section IV.A above.

¹ Covered languages are determined by the Four Factor Analysis which BHA shall conduct on an annual basis. The Covered Languages shall be identified in BHA's Language Assistance Services Plan.

VI. TRAINING

BHA's LAC as well as Language Assistance Liaisons (See Section VII B) will provide ongoing training for appropriate staff about the Limited English Proficiency Policy and Language Assistance Services Implementation Plan. Training will include:

- An overview of BHA's Limited English Proficiency Policy and Language Assistance Services Implementation Plan.
- How and when to use BHA's Language Identification card -to identify the language in which the LEP person needs assistance.
- How and when to access language services through bilingual staff, Language Bank Volunteer or contract vendor.
- How to work with an interpreter.
- Prohibition against requiring or asking any LEP person to bring his or her own interpreter.
- Cultural sensitivity

VII. MONITORING AND RECORDKEEPING

A. BHA-Wide Monitoring

The LAC will monitor BHA's provision of language assistance services to LEP persons on an ongoing basis and meet, no less than quarterly, with department language assistance liaisons (LALs) to coordinate and facilitate the delivery of and address issues related to language services.

The Language Access Coordinator's (LAC) responsibilities include:

1. Monitoring the implementation of BHA'S Limited English Proficiency Policy and Language Assistance Services Implementation Plan and coordinating its annual update.
2. Meeting with the Language Assistance Liaisons LALs) to ensure departments are complying with the requirements for providing language assistance services.
3. Assessing annually the' language assistance needs of the agency by reviewing data on the provision of language services and the prior year's provision of language assistance services, and recommending modifications of the plan to BHA's Administrator
4. Monitoring the translation of vital documents.
5. Overseeing quality control assessment of language services.
6. Establish and implement the certification procedure to ensure competency of interpreters and translators.
7. Making available a glossary of BHA terminology to authorized bilingual employees, volunteers, and contract vendors for use when translating BHA documents

B. Departmental Monitoring

BHA departments providing direct services to residents, applicants, and rental assistance voucher holders will regularly monitor and assess the language assistance services they provide to ensure meaningful access by LEP persons.

Each BHA department will designate a language assistance liaison (LAL) to:

1. Ensure tracking of language assistance services provided by the department as follows:
 - a. LEP person served
 - b. the language
 - c. type of service and how language service was provided
2. Work with Department Director and the LAC to address issues related to language services
3. Provide information to LAC to help identify emerging languages and changes in the proportion of existing language groups
4. Provide Department Director and LAC with reports on language assistance provided
5. Identify staff requiring training on the delivery of language services, e.g., new hires, employees new to the department.
6. Provide Department Director and LAC with updated language assistance services needs of the department

VIII. COMPLAINTS

BHA employees who receive a report, or become aware that a LEP person believes that he/she has not been provided with language assistance services, in accordance with the provisions of BHA's Limited English Proficiency Policy and Language Assistance Services Implementation Plan, should report that information to the Office of Civil Rights, by calling the Office of Civil Rights at (617)988-4383 or TDD 1-800-545-1833 Ext. 420, or by visiting the Office of Civil Rights at 52 Chauncy Street on the 9th floor. Notices will advise LEP persons of this opportunity.

IX. FEEDBACK

BHA will meet with LEP advocates and community organizations semi-annually to discuss BHA's implementation of its Language Assistance Services Policy and Implementation Plan and to receive information on emerging LEP populations.

X. DEFINITIONS

A. Limited English Proficient Person

A Limited English Proficient Individual is a person who does not speak English as his/her primary language and who has a limited ability to speak, read, write or understand English at a level that permits him/her to communicate effectively, in the course of applying for, or receiving, agency services or benefits.

B. Vital Document

A Vital Document is a document that contains vital information or information that is critical for ensuring meaningful access to BHA's direct services.

BHA considers the following types of documents to be Vital Documents:

- Consent and Complaint Forms
- Intake forms with potential for important consequences including income questionnaires and applications for eligibility
- Notices of Eviction
- Notices advising LEP persons of free language assistance
- Notices of public hearings
- Leases and Tenant or Participant Rules

The BHA shall translate Vital Documents in accordance with section IV. B. above.

C. Translation Services (Written Language Services)

Translation services are the written communications of a text from one language (source language) into an equivalent written text in another language (target language).

D. Interpretation Services (Oral Language Services)

Interpretation services are the processes of orally communicating information from one language (source language) into another language (target language).

E. Language Identification Card

The Language Identification Card lists numerous languages, permitting persons who need language assistance services to identify the language in which assistance is needed. This document is available on the BHA's internal public folder as well as on the BHA web site.

F. Language Bank Volunteers

Language Bank Volunteers are BHA employees who have been deemed proficient to provide oral interpretation and/or written translation in particular languages and who volunteer, with supervisory approval, to provide such service outside the scope of their usual work.

G. Bilingual/Bilingualism

The ability to speak two languages fluently and communicate directly and accurately in both English and another language.

H. Bilingual Employee

A bilingual employee has the ability to speak two languages fluently and can communicate directly and accurately in both English and another language.

I. Covered Languages

Covered Languages, for translation (written language) only, are those languages identified in BHA's Language Assistance Implementation Plan and are subject to change based on the annual examination under the Four Factor Analysis, results of which are posted on BHA's web site.