

BILLERICA HOUSING AUTHORITY

Language Access Plan (LAP) for Billerica Housing Authority (BHA)

Introduction and Purpose

The Billerica Housing Authority is committed to complying with all civil rights laws, including Title VI of the Civil Rights Act of 1964 (Title VI), which requires us to make sure individuals with limited English proficiency (LEP) have meaningful access to our housing programs and activities. The term LEP doesn't refer to people who are bilingual, but rather individuals who have a limited ability to read, write, or understand English well or at all.

The purpose of this plan is to ensure that the BHA provides individuals with LEP meaningful access to our housing programs. In order to identify the specific needs for LEP applicants and residents at the BHA, we considered the needs using the four-factor analysis provided in the Department of Housing and Urban Development's Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons.

In accordance with this four-factor analysis, the BHA balanced the following:

- 1) The number or proportion of LEP persons served or encountered in the eligible service population. (As instructed in the guidance for the purpose of determining those LEP persons "served or encountered", we included those persons who would be served or encountered if the persons received adequate outreach and we provided sufficient language services);
- 2) The frequency with which LEP persons come into contact with the BHA;
- 3) The nature and importance of the program, activity or service provided by the BHA; and
- 4) The resources available and costs.

LEP Populations to be Served or Encountered and the Frequency of Encounters

The BHA provides decent, safe, and sanitary housing to low and moderate income people. This is a 177 unit family development that consists of all one (1) bedroom units. Approximately 650 people live in this development. An argument can be made that the geographic area we serve is quite extensive and the LEP populations to be served by our site are quite numerous. However, upon review of the guidance, we do not construe our obligation to provide language assistance quite so broadly. Rather we determined the LEP populations to be served are based on the following: 1) census data; 2) a review of current residents' language needs; 3) conversations with social service agencies and religious organizations in the geographic area where the BHA is located; and 4) a review of our site's Affirmative Fair Housing Marketing Plan (AFHMP). We have chosen to identify separately the languages identified in the census data and our AFHMP from our current beneficiaries to determine which LEP groups we may not be adequately marketing to, and what documents we may need to translate into which languages. The LEP populations we identified in the

geographic area based on the census are persons who speak Spanish (8% of the population), French Creole (3% of the population) and Portuguese (6% of the population). The LEP populations significantly represented at this site speak Spanish and French Creole.

The BHA recognizes that its staff has, and will continue to have, contact with LEP persons who speak and read Spanish and French Creole throughout the occupancy cycle: application, occupancy and move-out process (and, if applicable, eviction). This includes the following:

- 1) The application process, including telephone communication, assistance in filling out the application, the interview, and the signing of all requisite forms and the lease;
- 2) Standard interactions with a resident, including but not limited to, recertification, maintenance checks, standard maintenance requests and emergencies, newsletters, notifications of events, lease violation notices, and social events;
- 3) The move-out process; and, if applicable;
- 4) Eviction proceedings.

We also recognize that based on the four factor analysis our marketing efforts need to reach LEP persons who speak Spanish, French Creole and Portuguese.

Language Assistance Measures

The type of language assistance necessary to provide meaningful access will vary depending on the type of communication staff is having with the LEP person (e.g. phone, in person or written communication) and in some circumstances more than one method will work. Regardless of how the language assistance is provided, we recognize the importance of providing such services in a timely manner and in an appropriate place. Failure to do so may effectively delay or deny LEP applicants and tenants access to our housing. We understand that the extent of our obligation to provide both oral and written translation is dependent on the four-factor analysis for this site. We have chosen to follow the Safe Harbor rule, contained in HUD's final guidance, to assist us in determining when to provide translation of vital documents. The Safe Harbor rule for written translation of vital documents is based on the number and percentages of the market area-eligible population or current beneficiaries and applicants that are LEP. According to the Safe Harbor Rule:

HUD would expect translation of vital documents to be provided when the eligible LEP population in the market area or current beneficiaries exceeds 1,000 persons or if it exceeds 5% of the eligible population or beneficiaries along with more than 50 people. In cases where more than 5% of the eligible population speaks a specific language, but fewer than 50 persons are affected, there should be a translated written notice of the person's right to an oral interpretation.

As such, because our LEP residents who speak Spanish are less than 50 in number and comprise less than 5% of our resident population, while we will make every effort to translate all vital written , we will provide notice of person's right to an oral interpretation. . Approximately 6% of our population are LEP and speak French. However, this translates to less than 50 persons. As such, as of this writing we will not translate vital documents into French Creole, but rather provide a translated written notice of the person's right to an oral interpretation.

HUD's safe harbor rule isn't applicable to oral communication. In other words, we have an obligation to provide oral language assistance regardless of the number or percentage of persons who comprise a specific language group at a site or in the service area. The degree to which we will provide oral language assistance will depend on the nature and importance of the activity:

- Although recreational activities provided at the BHA are important to the quality of life in the community we do not have the resources to provide language assistance to each person during such events. However, to the degree possible, notice of such events will be provided in an accessible manner.
- We will provide free language assistance to LEP individuals for important, critical junctures, such as assistance with the application, the application interview, recertification, health and safety related issues, fair housing related matters (including any discussions regarding the need for reasonable accommodation), conflict resolution between residents, lease violation notification and related meetings, and relocation and displacement issues.

As stated earlier, and discussed later in this document, we have applied the Safe Harbor Rule to determine our obligation to provide written translation of documents

I Speak Cards

In order to be able to provide language assistance we need to identify who needs the assistance. All applicants (regardless of race or national origin) will be asked if they need language assistance. The BHA will use the language identification cards to invite LEP persons to identify their own language needs.

Competent Bilingual Staff

The BHA makes every effort for its staff to communicate with residents. A significant consideration when hiring staff (managerial as well as maintenance staff) is whether the applicant can competently provide language assistance to LEP residents at the site. Some on our staff are bilingual and every effort has been made to match their language skills with the needs of LEP residents. Our preference is to meet the needs of our LEP applicants and residents through direct language assistance with our staff throughout the occupancy cycle. When this isn't possible we are committed to meeting our LEP applicants and residents' needs through other methods.

We understand that it isn't enough for staff to be "bilingual" when communicating with our LEP applicants and residents. Some bilingual persons may be able to effectively communicate in two languages but aren't competent to interpret between English and that language. We also recognize that the skills of interpreting and the skills used for translating aren't the same. A person may be capable of one and not the other. We will make every effort to effectively and accurately communicate with LEP applicants and residents..

Oral Language Services In Addition To Bilingual Staff

The BHA's goal is to provide meaningful access to housing for individuals with limited English proficiency in a timely manner. As stated above, we will use competent bilingual staff to act as interpreters for applicants and tenants.

We do recognize however that under some circumstances it isn't appropriate for site staff to serve as interpreters. For example, if an LEP applicant was rejected for housing, it wouldn't be appropriate for a site staff person involved in the decision to serve as an interpreter at an appeal.

The BHA will engage outside interpreters, as needed, in such situations.:

Under most circumstances, interpreters aren't required to provide a formal certification as an interpreter. However, they must still do the following:

- Be proficient in and able to communicate information accurately in both English and the other applicable language;
- Understand affordable housing-related terms;
- Understand and ensure confidentiality;
- Maintain impartiality and act solely in the role as an interpreter; and
- Be aware of regionalisms and be able to provide the most appropriate interpretation in a consistent manner.

Where individual rights depend on precise, complete and accurate interpretation, we will try to use certified interpreters or those otherwise deemed qualified by a state or federal court.

Regardless of who is used as an interpreter, BHA staff will adhere to the following guidelines when using an interpreter:

- Explain to the interpreter the purpose of the communication and provide a description of the information to be conveyed;
- Provide brief explanations of technical terms of art that may come up during the communication, such as eligibility, income limits, recertification, lease violation, etc.
- Avoid using acronyms, such as HUD, DHCD, MHFA, etc.;
- Speak in short sentences;
- Express one idea at a time and allow the information to be interpreted prior to continuing;
- Check in with the interpreter to make sure he/she is understanding what you're saying because if he/she doesn't then how he/she translates the information may be confusing to the LEP applicant/resident;
- Avoid using double negatives;
- Enunciate words;
- Don't use contractions;
- Talk to the applicant and not to the interpreter. In other words, face the applicant/resident and look at him/her and not the interpreter;
- Be patient;
- Thank the interpreter.

Informal Interpreters

Applicants and Residents who have limited English proficiency often choose to bring an informal interpreter with them to assist in communication, including but not limited to the LEP client's family members, friends, legal guardians, service representatives or personal advocates. In such instances, BHA staff must remember the following:

- LEP persons who bring an informal interpreter with them must be reminded that the BHA is willing to engage free language interpretation. If the LEP person prefers the informal interpreter, he/she will be permitted to do so at his/her own expense.

- Informal interpreters may not be appropriate, depending on the circumstances and subject matter. Simply put, not all informal interpreters are competent to provide quality and accurate interpretations. As a result, such language assistance may not result in an LEP person obtaining meaningful access to our housing. If a LEP client wants an informal interpreter, the BHA may choose to also have a formal interpreter to ensure accurate translation of complex, legal material;
- In emergency situations that are not reasonably foreseeable, the BHA may need to temporarily rely on informal interpreters. Reliance on children is especially discouraged unless there is an extreme emergency and no competent interpreters are available.

Written Translation Services

The BHA will provide written translation of vital documents into the language of each frequently encountered LEP who is currently residing in our developments as determined by HUD's Safe Harbor Rule. In addition, we will conduct ourselves in a manner that reaches each LEP group "eligible" to be served based on the census data for the geographic area.

Vital Documents Include the Following:

- Notices of free language assistance for persons with LEP;
- Consent and Compliance Forms;
- Application;
- Notice of Non-Discrimination and Reasonable Accommodation;
- Written notices of rights, denial, loss or decreases in benefits or services (including recert notices);
- Notices of Eviction, Leases ("for information purposes only") and Tenant Rules;
- Any forms with the potential for important consequences; and
- Outreach materials.

Accuracy of Translation

The BHA will make every effort to use competent and accurate translators. We recognize that this is particularly important for documents with legal or other information where accuracy has important consequences. Many of the considerations discussed regarding interpreters apply to translators. As stated earlier, the skill of translating is very different from the skill of interpreting, and competency in one doesn't mean competency in the other. To the degree possible, we will rely on translators to translate our documents, and either have two people work in tandem or have one person translate the document and a second, independent translator, translate it back into English to make sure it's accurate.

When translating documents we will make every effort to do so at the appropriate reading level of our target audience. We also recognize that there isn't always an appropriate direct translation of an English term. We will work with our translators to provide an appropriate alternative and try to develop and maintain a glossary of commonly used terms that can be used again, when appropriate. We may also provide our translators with examples of previous translations of similar material (either ours or others, including HUD's) to assist in translation.

HUD has translated a number of documents that we will utilize. We recognize that the translated document isn't a legal document and that HUD intends to put a disclaimer on it stating that it is "providing the translation to you merely as a convenience to assist in your understanding of your rights and obligations. The

English language version of this document is the official, legal, controlling document. This translated document is not an official document.” The BHA intends to use a similar disclaimer on its legal documents that are translated.

Staff has also been instructed that LEP persons may not be able to read their native language, and to be ready to provide oral interpretation of written documents.

Staff Training Regarding LEP Policies and Procedures

All current BHA staff are trained on their obligation to provide meaningful access to information and services for LEP persons. Likewise, training on this topic is part of our company’s orientation for new Employees. The training seeks to make all employees aware of the following:

- A) Background of the LEP program;
- B) Our obligation to provide meaningful access to individuals with LEP;
- C) LEP policies and procedures; and
- D) Protocol in responding to LEP callers, written communications from LEP persons and in-person contact with LEP persons.

In addition, staff persons who have contact with our applicants and residents are trained to work effectively with in-person and telephone interpreters, and the various modes of interpretation (simultaneous interpretation, consecutive interpretation and sight interpretation). The greater the contact, the more in-depth training they receive.

Providing Notice of Free Language Services to Persons with LEP

We recognize that it is important to put applicants and residents on notice that we provide free language assistance. We have developed a notice in different languages that states this and how to obtain language assistance. We will notify persons through the following methods:

- A) Post signs in common areas, offices and anywhere applications are taken in an accessible manner;
- B) Place this statement in marketing materials, if space is limited we will put it in the most common language(s);
- C) Provide notification with our application materials;
- D) Provide notification with recertification materials;
- E) Use a telephone voice mail menu in the most common languages encountered;
- F) Provide notice on our web site.

Continuous Oversight of the LAP – Monitoring and Updates

The BHA will monitor and update this LAP on an ongoing basis.

- Staff will informally track the language assistance requested and what was provided - both the type of assistance requested as well as in what language. The purpose of this is to determine both need and how well the BHA is satisfying these needs.
- The BHA will annually review the demographics of our residents to make sure their language assistance needs are adequately met.

- If new demographic data is released by the federal or state government, the BHA will review the data and implement accordingly (i.e., adjust marketing efforts and update this plan). In addition, special attention will be made to incorporate this plan into any AFHMP updates, as applicable.

Adopted: February 6, 2020