



BOSTON HOUSING AUTHORITY
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June 24, 2009

Ms. Rosario Salerno
City of Boston
1 City Hall Plaza
Boston, MA 02201

Dear Ms. Salerno *Rosario*

The Boston Housing Authority is issuing a proposed Limited English Proficiency Policy for comment. A copy is enclosed. The purpose of this Policy is to describe to interested parties BHA's proposed policy to take reasonable steps to ensure that persons with limited English proficiency have meaningful access to BHA's programs, services, and activities. This proposed Policy is also available on BHA's web site at www.bostonhousing.org.

Comments are due at the close of business on Monday, August 10, 2009 and should be addressed to Hollis Young, Legal Department at 52 Chauncy Street, Boston, MA 02111. A hearing on this proposed Policy will be held at 6:00 p.m. at 125 Amory Street, Jamaica Plain, MA on Tuesday, August 4, 2009. Interpreters who speak Spanish and Chinese will be available at the hearing. If you require interpretation at the hearing in another language, please let BHA know by calling 617-988-4185 before Tuesday, July 21, 2009. The final policy will be translated into Spanish and Chinese, and as required by the final policy.

Sincerely,

Bill
William E. McGonagle
Interim Administrator

24 de junio de 2009

Estimado miembro del grupo de trabajo:

La Autoridad de la Vivienda de Boston (Boston Housing Authority o BHA) emitirá una política de Dominio Limitado del Idioma Inglés para su análisis. Se adjunta una copia. El propósito de esta política consiste en describir a los interesados la política propuesta de BHA para seguir los pasos razonables a fin de asegurar que las personas con dominio limitado del idioma inglés tengan el acceso idóneo a los programas, servicios y actividades de BHA. Esta Política propuesta también está disponible en el sitio web de BHA en www.bostonhousing.org. La fecha límite para enviar comentarios será el lunes 10 de agosto de 2009 al final del día laboral y deberán dirigirse a Hollis Young, Legal Department en 52 Chauncy Street, Boston, MA 02111.

PROPOSED

Boston Housing Authority LEP Policy and Language Access Plan

I. POLICY

It is the policy of the BHA to take reasonable steps to ensure that LEP Persons have meaningful access to BHA's programs, services, and activities. 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 programs or services to residents, applicants and Section 8 voucher holders. 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 services or programs to BHA residents, applicants, or Section 8 voucher holders.

III. ASSESSMENT OF LANGUAGE SERVICES NEEDS-FOUR FACTOR ANALYSIS

All BHA departments providing programs or services to BHA residents, applicants and Section 8 voucher holders must conduct periodic evaluations of the service tools being provided to LEP residents, applicants, and Section 8 voucher holders to determine if there are new needs. A copy of the most recent Four Factor Analysis is available as an Appendix to this policy.

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 the program, 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 voucher holder at points of contact and service.

B. Each Department shall track and record requests for language assistance, service provided (interview, 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 interpretation 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 language services to LEP residents, applicants or Section 8 voucher holders. Departments should determine if it is more cost effective to re-assign staff, hire additional bilingual staff or contract with vendors to perform routine duties that require interpretation services. Departments providing direct services to residents, Section 8 voucher holders and applicants should make every effort to provide interpretation services through the use of bilingual staff members or through contracted services. For example:

1. Seeking the use of BHA bilingual employees to provide language assistance services to locations where the services are needed, in consultation with Human Resources Department and consistent with applicable collective bargaining agreements.
2. Comparing the cost for hiring bilingual employees to provide language assistance services in locations where the services are needed and cost estimates for utilizing contractor vendors, when services are needed
3. Determining if vacancies that are direct service positions require the services of bilingual employees.

IV. PROVIDING LANGUAGE ASSISTANCE SERVICES

A. Interpretation Services (Oral Language)

Each BHA department office or location, that provides programs or services must provide oral interpretation at no charge for LEP persons at points of contact and service upon request. BHA shall notify all applicants, residents and participants of their ability to request an interpreter in notices of scheduled appointments with BHA.

Appointments/interviews may need to be rescheduled to a later date to provide language assistance services

Types of activities for which interpretation 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/Voucher Holder Private Conferences and Hearings
- Interviews regarding Annual and Interim Recertification

BHA staff is prohibited from requiring or asking LEP persons to bring their own translator. 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 language services and document 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., domestic abuse or sexual assault. In those instances BHA staff or others must provide language assistance.

Note: For sign language interpreters, applicants, residents, or Section 8 voucher holders 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)

Each Department Director, in consultation with the LAC, conducts an initial review of its written documents for the purpose of assessing whether any document is vital and requires translation. A similar review will be conducted to determine if new documents are "vital" and require translation,

All vital documents must be translated into the covered languages before distribution. This commitment is subject to the availability of appropriated funds. 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 Denial and Termination Notices.

1. Vital Documents

Based upon the most recent Four Factor Analysis, Vital Documents currently in use as defined in Section IV. B will be translated into the following covered languages:

- Spanish
- Chinese

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 office, 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 annual recertification packages sent to residents and participants. In addition, notices will be included in final eligibility screening notifications to applicants.

VI. TRAINING

BHA's LAC as well as Language Assistance Liaisons(See Section VII B) will provide ongoing training for appropriate staff about the Language Assistance Services policy and

procedure. Training will include:

- An overview of BHA's Language Assistance Policy and Standard Procedure
- 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, Volunteer Language Bank or contract vendor.
- How to work with an interpreter.
- Prohibition against requiring or asking 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 to coordinate and facilitate the delivery of language services and address issues related to language services

The Language Access Coordinator's responsibilities include:

1. Monitoring the implementation of BHA'S Language Assistance plan, and updating it annually.
2. Meeting with the Language Assistance Liaisons 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 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 Section 8 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 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 *Language Assistance Services Policy*, should report that information to the Office of Civil Rights. In addition, employees should direct the LEP person who believes that he/she has not been provided with language assistance services to call the Office of Civil Rights at (617)988-4383 or TDD 1-800-545-1833 Ext. 420, or to visit the Office of Civil Rights at 52 Chauncy Street on the 9th floor.

IX. 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 Documents

Vital Documents are documents that are critical for ensuring meaningful access to BHA's major activities and programs.

1. Vital documents include documents that solicit or contain information for establishing or maintaining eligibility to participate in BHA's programs or services. Some examples include:

- Applications for public housing or Section 8
- Notices of Annual Income Recertification
- Notices of public hearings
- Notices containing information regarding eligibility or participation criteria
- Notices advising of free language assistance

2. Vital documents include documents that create or define legally enforceable rights or responsibilities. Some examples include:

- Leases
- Fourteen (14) and Thirty (30)-day Notice to Quit
- Notices of rights, denial, loss, or reduction of benefits
- Hearing notices

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 twenty eight (28) 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 **Spanish and Chinese**, subject to change based on other emerging language groups.