

LIMITED ENGLISH PROFICIENCY (LEP) POLICY

The Department of Justice (DOJ) requested that every Federal funded Agency take steps to implement a plan, as requested by Executive Order 13166.

A. PURPOSE

The purpose of this plan is to assist Framingham Housing Authority (FHA) staff in providing meaningful access to F.H.A.'s programs and activities by persons with Limited English Proficiency (LEP). FHA is committed to complying with federal requirements in providing free meaningful access for its LEP clients. No LEP client will be denied access to an FHA program because the client does not speak English or communicates in English on a limited basis.

B. DEFINITION OF TERMS

1. Client – A client is a persons who:
 - a. is an applicant for public housing, Section 8, homeownership and other FHA programs;
 - b. is a recipient of public housing, Section 8, homeownership and other FHA programs;
 - c. may be eligible for FHA's programs but is underserved and may benefit from an outreach program.
2. Effective Communication – Effective communications occurs when FHA staff has taken reasonable steps to provide meaningful access to an LEP client. Effective communication also means that the LEP client is able to provide and receive required or necessary information.
3. Interpretation – Interpretation means the oral or spoken transfer of a message from one language into another language.
4. Language Assistance – Language assistance includes interpretation and translation. FHA has the sole discretion to determine whether to provide the language assistance in the form of interpretation or translation.
5. Limited English Proficiency (LEP) – A person who does not speak English as their primary language and who has a limited ability to read, write, speak or understand English may be limited English proficient (LEP) and may be entitled to language assistance with respect to a particular program, benefit or right. The focus is on the client's lack of English proficiency. A client who proficiently speaks English is not a LEP client.
6. Meaningful Access - Meaningful access is free language assistance in compliance with federal requirements. FHA's goal is to provide meaningful access to FHA's programs and services by LEP persons in a manner that balances the following four factors:

- a. The number of or proportion of LEP persons eligible to be served or likely to be encountered by FHA.
 - b. The frequency with which FHA comes into contact with a particular language. FHA's daily contact with a particular language may require more language service, than sporadic contact.
 - c. The nature and importance of the program, activity or service to the person's life. A compulsory activity is evidence of importance. For example, voluntary attendance at a resident meeting does not have the same importance as the application and termination process for public housing and Section 8 participation.
 - d. FHA's resources and the cost of providing meaningful access. Reasonable steps may cease to be reasonable where the costs imposed substantially exceed the benefits. FHA determines the budget for language assistance.
7. Translation – Translation means the written transfer of a message from one language into another language.

C. OFFER OF FREE LANGUAGE ASSISTANCE

FHA staff will offer the opportunity for meaningful access to LEP clients who have difficulty communication in English. If a client asks for language assistance and FHA determines that the client is LEP and that language assistance is necessary to provide meaningful access, FHA will make reasonable efforts to provide free language assistance; if reasonably possible, FHA will provide the language assistance in the LEP client's preferred language.

D. LANGUAGE ASSISTANCE

1. Mix of Language Assistance FHA has substantial flexibility in determining the type of language assistance necessary to provide meaningful access. Meaningful access should be at a time and place that avoids the effective denial of the program or an undue burden or delay in the rights, benefits or services to the LEP person.
2. Translation of Documents where 5% of FHA's public housing tenants or Section 8 recipients are LEP persons and speak a specific language, FHA will translate the public housing lease and selected mass mailings and documents of vital importance in that language.
3. Formal Interpreters
 - a. Formal interpreters include FHA bilingual staff and contract vendors.
 - b. Formal interpreters shall be used at the: 1) formal hearing for denial of admission to public housing; 2) informal settlement conferences and formal hearing for termination of public housing; 3) nondisclosure hearing for Section 8 participation; and 4) termination hearing for Section 8 participation.
 - c. A FHA Staff interpreter may not be a subordinate to the person making the decision.
4. Informal Interpreters.

- a. Informal interpreters may include the family members, friends, legal guardians, service representative or advocates of the LEP client. Informal interpreters may be appropriate depending upon the circumstances and subject matter. However in many circumstances, informal interpreters, especially children, are not competent to provide quality and accurate interpretations, there may be issues of confidentiality, competency or conflict of interest.
 - b. An LEP person may use an informal interpreter of their own choosing and expense in place of or as a supplement to the free language assistance offered by FHA. If possible, FHA should accommodate a LEP client's request to have an informal interpreter. In these cases the client and interpreter should sign a waiver of free interpreter services.
 - c. FHA may risk noncompliance if it requires, suggests, or encourage a LEP client to use an informal interpreter.
 - d. If a LEP client prefers an informal interpreter, after FHA has offered free interpreter services, the informal interpreter may interpret.
 - e. If a LEP client wants an informal interpreter, FHA may also have a formal interpreter present.
5. Outside Resources.
- a. Outside Resources may include community volunteers and FHA residents or Section 8 participants.
 - b. Outside Resources may be used for interpretive services public or informal meetings or events.
6. Emergency Situations; any interpreter may be used in an emergency situation. FHA should first respond to the emergency and follow-up with language assistance as appropriate.
7. Document use of Interpreter; FHA staff will document in the LEP client's file or record when an interpreter is used during the application process to a FHA program or during a public housing grievance procedure.

E. GUIDELINES FOR USING AN INTERPRETER

- 1. State the purpose of your communication and describe the type of information you may convey.
- 2. Enunciate your words and avoid contractions such as "can't" which can be easily misunderstood. Instead say, "cannot".
- 3. Speak in short sentences, expressing one idea at a time and allow the information to be interpreted.
- 4. Avoid the use of double negatives, e.g., "If you don't appear in person, you won't get your benefits." Instead say, "You must come in person in order to get your benefits."
- 5. Speak to the LEP client and not to the interpreter.
- 6. Avoid using slang.
- 7. Provide brief explanations of technical terms or terms of art, such as recertification, income disregard and minimum rent.

8. Occasionally ask if the interpreter understands the information or if you should slow down or speed up your speech. If the interpreter is confused, the client may also be confused.
9. Occasionally ask if the LEP client understands the information. You may have to repeat or clarify some information by saying it in a different way.
10. Be patient and thank the interpreter.

F. NOTICE OF FREE LANGUAGE ASSISTANCE FOR FHA BUSINESS

1. Applications for public housing and Section 8 participation will ask applicants if they are LEP and need language assistance for FHA business.
2. The letter informing clients about recertification will state that clients may contact their eligibility technician to request free language assistance for FHA business.
3. Each denial to public housing, lease termination and denial of Section 8 participation will state that the client may contact FHA for free language assistance about the action taken.
4. The public housing monthly rental statement will state that a tenant may contact their property manager for free language assistance for FHA business.
5. FHA will determine on what other occasions to give notice that a client may request free language assistance for FHA business.
6. FHA will make a language identification flashcard available to staff.

G. PRIVATE AND CONFIDENTIAL DATA

1. FHA Bilingual Staffing, Federal and State law requires FHA to protect private or confidential data.
2. Contract Language Assistance Vendors, Contract language assistance vendors will sign a "State and Federal Data Privacy Statement" form as part of the contract document
3. Informal Interpreters, when using informal interpreters FHA should have the informal interpreter and client sign a "Waiver of Free Interpretive Services" form.

H. COLLECTION OF LANGUAGE INFORMATION

1. The application for public housing and Section 8 shall ask the LEP to client identify their language
2. FHA will keep track of those being served by our programs.

I. FHA STAFF TRAINING

1. FHA will make the LEP Plan available to staff.
2. FHA will inform new employees in the New Employee Orientations of FHA's duty to offer free language assistance in compliance with federal requirements.
3. FHA Staff who have ongoing contact with LEP clients will attend LEP training.

4. LEP training will include the following:

- a. FHA's duty to offer free language assistance in compliance with federal requirements;
- b. The substance of FHA's LEP Plan;
- c. How to document a client's language needs; and
- d. Identity of the LEP Manager, bilingual staff and contract interpreters.

J. MONITORING

Periodically, the FHA will review the LEP Plan. We will monitor our LEP policies and practices to ensure that they continue to be effective. A summary report from all the number of FHA clients who are LEP.

1. A determination as to whether 5% of FHA's clients speak a specific language requiring the translation of documents as provided in Part D-2 listed above.

K. LEP PLAN DISTRIBUTION AND PUBLIC POSTING

The LEP Plan will be:

1. Distributed to all FHA supervisors and posted in the Board.
2. Available in FHA Management Offices and the Section 8 Department.

L. STANDARD OF CARE

The LEP Plan does not create a standard of care, a covenant of habitability or any right to third parties of FHA clients. The Plan does not enlarge FHA's duty under any law, regulation or ordinance. In cases of conflict, the applicable law, regulation or ordinance shall prevail. The Plan is a general guideline as to a standard of care to which FHA aspires.