

SOMERSWORTH HOUSING AUTHORITY



Limited English Proficient Plan
(LEP)

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I. Policy Statement

It is the policy of the Somersworth Housing Authority (SHA) to ensure that persons with Limited English Proficiency (LEP) will not be discriminated against nor denied meaningful access to, and participation in, the programs and services provided by the SHA.

In order to ensure meaningful access and participation for LEP persons, SHA will notify such persons that language services are available to them at no cost.

The SHA is committed to comply with Federal requirements and to communicating effectively with LEP persons. The SHA has designated a staff member as its LEP Coordinator. This staff member will provide oversight for the implementation of the LEP Policies and Plans, coordinate and facilitate delivery of LEP language services, ensure that staff receives appropriate training on LEP policies and procedures, and direct the ongoing monitoring and periodic assessment of the LEP Policies & Plans effectiveness.

II. 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 maintain 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 sources) 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. Note: Some LEP persons cannot read in their own language and back up oral interpretation services may be needed for written documents.

Four-Factor Assessment: this is an assessment tool used by the Recipient of federal funding to determine the extent of its obligation to provide LEP services. These four factors are: (1) The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee; (2) the frequency with which LEP persons encountered the program; (3) the nature and importance of the program, activity, or service provided the program to people's lives; and (4) the resources available to the grantee/recipient and costs.

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Primary Language: the language in which an individual is most effectively able to communicate.

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

Direct Communication: monolingual communication in a language other than English between a qualified bilingual employee or other bilingual person and an LEP individual (e.g., Spanish to Spanish).

Title VI Compliance Officer: A compliance reviewer or investigator who is authorized to review policy, practices, and facilities of Title VI recipients for compliance. The officer will also receive all compliance reports, review data and complaints. The Compliance Officer/LEP Coordinator at the Somersworth Housing Authority is Deborah Evans, Executive Director of Housing, 25 Bartlett Ave, Suite A, Somersworth, NH 03878; Phone number: (603) 692-2864 Ext 318.

"I speak" or language identification card or poster: In the central office located at 25 Bartlett Ave, Suite A, Somersworth, NH 03878 there is an "I Speak" poster posted in the lobby to help identify the language the LEP person speaks. Also available are language identification cards which are used for the same purpose. The poster will also be posted in the offices of the property managers/section 8 coordinator.

Language Line Services: Language Line Services is a company which can be used for: over-the-phone interpretation, on-site interpreting, video interpreting, VISN (video interpreter service networked), personal interpreter service, mobile interpreter (through apple iPhone), and direct response. This can be used if needed by members of the SHA Staff.

III. Who is Covered

HUD's regulation, 24 CFR part 1, "nondiscrimination in Federally Assisted Programs of the Department of Housing and Urban Development- effectuation of Title VI of the Civil Rights Act of 1964", requires all recipients of federal financing assistance from HUD to provide meaningful access to LEP person. Title VI of the Civil Right Act of 1964 prohibits discrimination based on race, color, or national origin. Because language, like culture, is so closely linked to national origin, HUD's final LEP guidance point out that "failure to ensure that LEP persons can effectively participate in, or benefit from, federally assisted programs may violate Title VI's prohibition against national origin discrimination."

Pursuant to Executive Order 13166, the meaningful access requirement of the Title VI regulations and the four-factor analysis set forth in the LEP Guidance of the Federal Register (FR-4878-N-01) are to additionally apply to programs and activities of federal agencies, including HUD. Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance.

Federally assisted recipients are required to make reasonable efforts to provide language assistance to ensure meaning full access for LEP persons to the recipient's programs and activities. To do this the recipient should: (1) conduct the four-factor assessment; (2) develop a language access plan (LAP); and (3) provide appropriate language assistance.

Recipients of HUD assistance include:

- 1) Public Housing Authorities
- 2) Sub-recipients also if receiving State Community Development Block Grant (CDBG) and or HOME grants.

Coverage under Title VI, Executive Order 13166 and HUD's regulations extends to a recipient's entire program or activity, (i.e., to all part of a recipient's operations). This is true- even if only one part of the recipient receives the federal assistance. For SHA, this requirement would include its managed affordable housing units.

IV. Identification of LEP Persons who need Language Services Assistance

The SHA shall use the following methodology and data sources to identify and determine the number of LEP persons currently using the SHA's services, the number of LEP persons in the SHA's area of operations who may be eligible for programs and services and the particular languages used by both groups.

The SHA will use various methods to identify LEP persons with whom they have contact. These will include:

- Current and past experiences with LEP persons encountered by staff. The number and type of such encounters will be periodically tabulated and analyzed to determine the breadth and scope of the 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. To facilitate these encounters, notices will be posted in the lobby of the main office. This posted notice will be in commonly encountered languages and should encourage LEP persons needing language assistance to self-identify.
- Alternate sources of LEP data. In addition to the latest Census data, the SHA shall also analyze data from the Modern Language Association (www.mla.org) regarding languages spoken in Strafford County as well as the ability to speak English "well" or "very well" as self-identified by speakers of various languages within the County. According to census 2000 the Strafford County, NH top three languages spoken are: English, French and Spanish. As part of its assessment, the SHA will also review the Language Assistance Self-Assessment and Planning Tool for Recipients of Federal Financial Assistance available at www.lep.gov/selfassesstool.htm. The self-assessment was done January 2013 by the SHA LEP Coordinator. Data may also be assessed, when available, from State and local governments, State Welfare Departments, school districts, community organizations including faith-based organizations, and legal aid entities.

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- “I Speak _____” or “Language Identification” cards in the variety of languages found in the SHA’s front office lobby as well as the offices of the property managers/section 8 coordinator. 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.

- Staff encounters at initial screening of applicants. Applicants and participants in SHA’s various programs will be provided with a Language/Alternate Format Designation form (see sample – Exhibit 1). The form will ask if the family requires alternate formats of communication (i.e. large print, Braille, read out loud, etc.) and will also ask applicants to self-identify their need for interpretive services. This data will be recorded. The LEP Coordinator will oversee this process and will generate a record of all requests for alternate format(s) and/or languages other than English. This information shall be reviewed at least annually to ensure that the LEP plan addresses the language needs of persons in Strafford County.

- Self-identification through the application form. The Department will document within the application form that the applicant has been informed of their right to language services at no cost, identify their primary language, and whether they would like an interpreter or prefer to receive documents translated into their primary language.

V. Frequency of Contact with LEP Persons:

In conjunction with research to identify LEP persons in the SHA’s area of operations, the SHA shall also compile information regarding the frequency of contact with LEP persons. The more frequent the contact and or the number of associated requests for alternate format(s) or languages other than English, as self-identified by applicants and participants in its programs, 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.

The SHA shall also provide language services in the conduct of its outreach efforts which are intended to make the public aware of its programs and services. In this manner LEP persons who are a part of the population in the SHA’s area of operations will have an equal opportunity to learn about the SHA’s programs and services and to access and participate in them. The SHA shall continue to provide interpretation in other languages when arranged for in advance.

To compile this data SHA will review the receipts charged for Language Line Interrupter Services used by the SHA staff persons.

VI. Nature and Importance of the Program or Service

The SHA recognizes that within the range of programs and services it provides, some programs and services are more important than others. While it is the SHA'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 of applications, leases, rules of occupancy, legal actions, life and safety notices, and the like have a high priority. Information about and an understanding of these activities should 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.

The SHA will develop a listing of all activities related to its programs and services, and a matrix showing the relative importance of each. Based on this analysis, the SHA shall determine how language services to LEP persons shall be delivered to each activity.

The SHA shall continue its practice of offering oral interpretation at no charge at meetings, events, and other activities, provided that the need is identified by the participant(s) at least forty-eight (48) hours prior to the event. Written communication advertising such events shall provide instructions for requesting interpretation services.

VII. Policy and Procedures

General:

The SHA will post a notice or poster in a conspicuous place in the SHA lobby and common areas (e.g., community rooms) that advises tenants, applicants or members of the general public that interpreter services are available at no charge to the individual who is seeking services or information regarding such services.

The SHA will also display HUD's Language Identification ("I SPEAK") cards in the SHA's lobby and entry points and/or areas where tenants, applicants or members of the general public are likely to come into contact with the receptionist or management staff.

Documentation Guidelines:

- Interpretative Services- Use the following guidelines for documenting interpretive services provided to tenants and applicants.
 - Document the name of the interpreter, the interview language and the date and time of the interpretation.

- Document the “style” of the interpretation:
 - Phrased interpretation where the provider (e.g., SHA) interviews in short phrases that are translated as accurately as possible by the interpreter
 - Simultaneous interpretation
 - Summary interpretation where the provider makes long statement, and the interpreter summarizes them.
- Translation Services- Use the following guidelines for documenting translation services provided to tenants and applicants.
 - Document the name of the interpreter, the interview language, and the date and time of the translation
 - Identify the document translated and whether translation is a summary or a complete and accurate translation.

VIII. Marketing and Outreach

In all outreach/marketing materials to include website and general advertising, identify that interpretive services are available and the process by which these interpretive services can be accessed by prospective applicants and members of the public.

To the maximum extent possible but consistent with the type of information or services being communicated, the Department will notify prospective applicants and members of the Public that there are other interpretive services available and how they may access them.

IX. Reasonable Accommodation Policy

The SHA will provide information in the briefing packet that this policy and any related documents necessary for an applicant or tenant to request an accommodation or modification of the premises are available to be translated.

X. 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 the SHA:

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1. Contracting with qualified interpreters and translators, either individually or through an organization which provides such persons. (Essential when accuracy and details are important or critical.)
2. Hiring qualified interpreters and translators. (Essential when accuracy and details are important or critical.)
3. Hiring bilingual staff who subsequently receive training in proper interpretation and translation protocol. (Useful when interpretation needs are regular and ongoing, and when the importance of the encounter may be less than that required in legal action.)
4. Using telephone (or video conferencing) interpreter services. (Useful when prompt delivery of interpretation services is required.)
5. Using community volunteers (either individuals or community service agencies that provide services to one or more language groups. (Useful when language service needs are less important or informal.)
6. Using family members or friends. (Although there are some situations where this is not suitable, in others it may be useful when language service needs are least important or informal.)

The SHA 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, SHA 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 SHA records to demonstrate compliance with the LEP Guidance issued by HUD.

XI. Language assistance measures and internal controls

The following procedures will be used to provide language assistance at the various points of contact:

1. Telephone communications:
 - a. Callers who are LEP often have an English-speaking present when they call.
 - Ask the English-speaking person to identify the language need of the caller.
 - Contact Language Line Over-The-Phone Interrupter services.
2. Written communications
 - Contact the LEP Coordinator who will arrange for translation of the document.
3. Walk-ins and individuals at the front desk:

- i. Contact Language Line Over-The-Phone Interrupter services.

4. The LEP Coordinator will:

- Contact a translator or interpreter.
- Negotiate an hourly rate for services required.
- Have the translator/interpreter sign a confidentiality agreement.
- Arrange a date and time for the translation to take place.
- Arrange for payment of services rendered.
- Use the Language Line Service as needed.

XII. Quality and competency of language services

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

Interpreters. Oral interpretation of encounters, interviews, 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.

The SHA shall obtain translation and interpretation services only from a certified translation/interpretation service. When using an interpreter, SHA shall use the following general criteria to ensure effective communications with LEP persons:

- 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).
- Knowledge in both languages of any specialized terms or concepts particular to SHA programs or services and of any particularized vocabulary and phraseology used by the LEP person, or the ability to explain either in English or the necessary language, the specialized term(s), concept(s), particularized vocabulary, or phraseology.
- An understanding of and ability to follow confidentiality and impartiality rules to the same extent that the SHA employee for whom they are interpreting or to the extent that their position requires or both.

- Understanding of and adherence to their role as interpreter without deviating into a role as counselor, legal advisor, or another role.
- Awareness of regionalisms (dialects) used by the LEP persons for whom they are interpreting.

When interpretation is needed and reasonable, it shall be provided in a timely manner and appropriate place 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 reasonably delayed.

Translators. When selecting translators, the list of criteria applied to determine competency and professionalism for interpreters above shall also 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, the SHA may decide to 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.

XIII. Type and frequency of notice to LEP persons

The SHA 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 the SHA. Based upon the results of research into the language groups that are encountered in the SHA's area of operations, notices in those appropriate languages 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.

In addition, the Language/Alternate Format Designation Form will be filled out at time of application.

XIV. Training for staff persons

The SHA shall provide training to its staff regarding its LEP Plan and Policies. A determination of the frequency of staff encounters with LEP persons shall dictate the level of detail of this training. All employees who are likely to have contact with LEP persons shall be trained to assure that they know LEP policies and procedures, that they work effectively with in person and telephone interpreters, and they understand the dynamics of interpretation among LEP providers and interpreters.

Staff having the greatest contact shall be trained first to effectively implement the LEP 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.

LEP training shall be part of the orientation for all new employees who work with LEP persons. The SHA will document training and orientations on the LEP Plan and Policies for new employees with the level of detail appropriate to their assigned job responsibilities. On-going employees will receive a one-time orientation on the LEP Plan which will be documented.

Training for staff will include:

- An in-depth discussion of the plan.
- How to respond to LEP callers.
- How to respond to written communications from LEP clients.
- How to respond to LEP clients who contact the Authority in person.
- How to use the “I Speak” cards. How to use the Language Line Service.
- Which staff and outside vendors are available for interpretation at appointments.

XV. Monitoring compliance, assessing performance, and revisions

The SHA LEP Coordinator shall monitor implementation of the LEP Plan on an ongoing basis, revising policies and procedures as may be required periodically. The LEP Coordinator shall also review (not less than annually) the overall effectiveness of its LEP Plan. 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, the LEP Coordinator shall revise the LEP Plan to ensure its effectiveness in meeting the access and participation needs of LEP groups and persons. Staff shall document revisions to the LEP Plan as they are necessary and the reasons, therefore.

XVI. Discrimination-Complaint procedures/process

For regularly encountered LEP language groups, LEP persons should be provided notice of their opportunity to file a discrimination complaint in accordance with federal regulations. For infrequently encountered LEP language groups, LEP persons should be advised orally of the opportunity to file a discrimination complaint pursuant to the regulations.

All discrimination-complaints will be given to the LEP Coordinator and forwarded to HUD if requested. Also, instruction on how to contact HUD can be provided by staff members.

Once a complaint is received an investigation into the matter will begin. All necessary steps will be taken to resolve the issue.