**COMMONWEALTH OF MASSACHUSETTS**

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**

**LANGUAGE ACCESS PLAN**

April, 2017

**I. Introduction**

The Massachusetts Department of Housing and Community Development (DHCD) is committed to improving the accessibility of its programs and services to eligible non-English speakers and limited English proficient (LEP) persons. DHCD has prepared this Language Access Plan (LAP) to reduce barriers and ensure meaningful access to services, programs and activities on the part of LEP persons.

This is the fourth LAP prepared by DHCD. The first was prepared and posted on the DHCD website in 2010. It was updated in December 2010 and, again, in December of 2012. While implementation of the protocols continues, this LAP is being updated again.

DHCD will periodically review and update this LAP in order to ensure continued responsiveness to community needs, consistency with DHCD’s mission to promote safe, decent affordable housing opportunities and community development, and compliance with Administrative Bulletin #16 and federal law.

**II. Purpose**

The purpose of this LAP is to ensure meaningful access to agency services, programs and activities on the part of persons who have limited English proficiency.

DHCD is committed to this Language Access Plan as the appropriate response to meeting the needs of LEP individuals and families who participate in services, programs or activities of DHCD.

A LEP person is someone who is not able to speak, read, write or understand the English language at a level that allows him/her to interact effectively with DHCD services, programs, or activities. Any person who self-identifies as an LEP person will be given the benefit of the language protocols described in this LAP.

DHCD notes that this Language Access Plan is intended as guidance and does not create individual rights or entitlements or establish DHCD duties or process beyond what is required under applicable law.

**III. Department of Housing and Community Development**

DHCD's mission is to strengthen cities, towns and neighborhoods to enhance the quality of life of Massachusetts residents. Through a wide variety of programs, DHCD provides leadership, professional assistance and financial resources to promote safe, decent affordable housing opportunities, economic vitality of communities, and sound municipal management.

DHCD is comprised of the following five divisions which administer a wide variety of state and federally funded programs:

* Division of Public Housing
* Division of Rental Assistance
* Division of Housing Development
* Division of Community Services
* Division of Housing Stabilization

Each division within DHCD has evaluated its language services to meet program and client needs.

DHCD programs are administered through a wide variety of public, non-profit, and private entities, including municipalities, developers, housing authorities, redevelopment authorities, community action agencies, and other non-profit agencies, with varying resources, responsibilities, and staff capacities. As a result, a single detailed, “one-size fits all” LAP applicable to all parties administering programs under contract with DHCD would not appropriately address language access issues across DHCD programs. Instead, this LAP describes certain general principles governing DHCD’s approach to language access. Certain additional program-specific protocols and provisions may be set forth in other plans, contracts, notices, or other directives as applicable.

**IV. Language Access Plan**

Approach: This Language Access Plan represents DHCD’s administrative blueprint to provide meaningful access to DHCD services, programs and activities on the part of LEP individuals. It outlines the tasks DHCD will undertake to meet this objective. DHCD’s Language Access Plan will be implemented subject to the availability of resources.

DHCD administers a very wide variety of programs, some of which have more individualized Language Access Plans or language access protocols. This general DHCD LAP seeks to ensure reasonable, meaningful access to DHCD services, programs and activities for persons with LEP consistent with fiscal limitations.

DHCD will evaluate the totality of circumstances and language access needs, including the four factors mentioned below, to determine the tasks DHCD will undertake to meet the objective of providing meaningful access to DHCD services, programs and activities to LEP constituents and clients. Factors such as volume or proportion of persons with LEP served, the frequency with which persons with LEP come in contact with our programs, the nature of the programs, the activities, events, documentation, information we provide, the language resources we currently have available and the costs involved in acquiring/contracting any additional, appropriate language resources will all be considered.

1. **DHCD Language Access Coordination**:

DHCD will coordinate language access planning and responses to language access needs through a language access committee that will include representatives across DHCD divisions.

1. **DHCD Language Access Needs Assessment**:

**Steps taken and to be taken by DHCD**. Administrative Bulletin # 16 and federal guidance provide that LAPs should be premised on the following factors:

1. The number and proportion of non-English speakers and LEP persons served by the agency in its services, programs and activities;[[1]](#footnote-1)

2. The frequency with which non-English speakers and LEP individuals come in contact with the service, program or activity;

3. The nature and importance of the service, program or activity provided by the agency;

and

4. The fiscal resources available to the agency and/or costs incurred by the agency.

Many of the programs offered by DHCD are aimed at low income households. What constitutes “low-income” is defined differently for different programs. Where DHCD has individual program data relating to the languages spoken by applicants and participants with LEP, that data will be used. In other instances, DHCD uses information collected from the most recent federal decennial census and the American Community Survey (ACS) to estimate the number of households within the total Massachusetts population who would be more likely to be encountered because they would qualify financially for a program or service offered by DHCD, and then determines, within this subset of the population, what languages are spoken by LEP households.

**Language Makeup of Program Participants and Applicants.** Because of the wide variety of programs administered by DHCD, there is a similarly wide variety of populations served. Low-income participants of programs administered by or on behalf of DHCD include low-income homeowners and renters in privately owned housing, public housing tenants, recipients of federal and state rental assistance, recipients of fuel and weatherization assistance, and homeless individuals and families. Special populations served include persons with disabilities, veterans, youth aging out of foster care, elderly households and others in need of targeted services and/or supportive housing. Many of these households are clients of programs administered by other state agencies, particularly agencies within the Executive Office of Health and Human Services and the Department of Children and Families. The language makeup of program participants and applicants varies from program to program.

**Points of Contact with Program Participants.** DHCD’s main office is located at 100 Cambridge Street, Suite 300, Boston, MA 02114, and its main telephone number is 617-573-1000. The general DHCD website is available at <http://www.mass.gov/hed/economic/eohed/dhcd/>. Because many DHCD programs are administered by other entities, the DHCD website provides contact information for the primary points of contact related to specific programs, including a listing of DHCD field offices (to apply for Emergency Assistance), community action agencies, housing development partners, foreclosure assistance providers, housing consumer education centers, local housing authorities, and regional administering agencies, in addition to staff directories for certain divisions, at <http://www.mass.gov/hed/economic/eohed/dhcd/contacts/>.

**(3) Language Resources Assessment**:

**Existing Staff**. DHCD has made significant efforts to increase the number of staff in field offices and other points of contact who are linguistically and culturally diverse, and reflect the client population served. These staff are able to deliver interpretation services to persons with LEP on a case-by-case basis, depending on the language spoken by the client and the availability of staff at a particular day and time. In particular, DHCD has several staff members who are fluent in Spanish, the language spoken by the vast majority of DHCD LEP clients.

Staff at DHCD’s main office are surveyed from time to time to determine what languages are spoken and whether staff members will volunteer to provide translation. Based on the most recent survey DHCD is able to deliver primarily oral interpretation for the following languages:

- Spanish

- Portuguese

- French

- Akan (Twi-Fante) (Predominant Ghaniaian language)

DHCD will update the survey of existing staff periodically and will provide a list of volunteer translators to staff who are likely to encounter persons with LEP.

**Community-based resources –** DHCD provides guidance toadministering entities indeveloping and implementing LAPs, including consideration of community based resources. See Attachment A, “DHCD LAP Guidance to Program Administering Entities.”

**Financial Resources –** Over the past couple of fiscal years, there have been slight increases in the appropriated funding levels authorized for the cost of translating documents, providing oral interpretation and otherwise implementing the Language Access Plan. However, increasing demands still require the Department to consider additional funding sources in order to implement the Language Access Plan. In general, program funds are often restricted to program use only. Thus, they cannot be used to cover administrative costs such as translation and/or oral interpretation. Given the state’s current budget shortfall and heightened limitations on agency spending, DHCD does not anticipate additional funds would be made available specifically for implementing this Language Access Plan in the near future. DHCD will continue to communicate the need to the legislature, and will continue to identify other resources that may be available to support the cost of implementing this Plan.

**(4) Language Service Protocols**:

For the DHCD main offices:

• The greeting for the telephone numbers listed on the multi-lingual notices is in English and Spanish. Greetings in other languages will soon be added.

• Main office staff are surveyed periodically to determine who is available to provide interpretation for persons who use DHCD programs, and those staff names and languages spoken have been given to the main receptionists.

• Reception staff and others are trained and will continue to be trained on how to provide language services to persons with LEP who appear at DHCD offices needing language assistance.

• When staff are not available to interpret in the language of a person with LEP, the DHCD main office has contracted with a telephone interpretation service.

• Since 2010 all staff have been asked to identify vital documents, and translations are being done and will continue to be done on a program by program basis, as resources permit.

• Since 2011 DHCD has had posted on its intranet website a document entitled “Staff Protocols for Responding to Language Assistance Needs of Persons with Limited English Proficiency (LEP).” The 6 page document includes detailed instructions to employees for using the *I Speak* cards available at both the 3rd and 4th Floor reception desk, utilizing DHCD staff for interpretation, and for obtaining assistance from the telephone interpretation line.

• DHCD provides Guidance about Language Access responsibilities to entities that contract with DHCD. (See, Attachment A).

For the DHCD website:

Translation software provides translation of web content on the DHCD website into some 40 different languages.

Most DHCD programs are not directly administered by DHCD. For those programs, assessments are made on a program by program basis about the language needs of the applicants and participants served. DHCD will continue its efforts to translate DHCD program documents over time subject to availability of fiscal resources and will provide technical assistance to administering entities developing their own LAPs.

**(5) Vital Document Translation**

In 2009, DHCD began reviewing the forms, letters and documents used in administration of its programs, and identifying those documents considered vital. DHCD will translate vital documents as resources permit, and in consideration of the four factors discussed above. DHCD has made significant progress in translating vital documents into the language(s) most encountered by specific programs. DHCD will continue to review, identify and translate vital documents, so as to ensure it is taking reasonable steps to provide meaningful access to DHCD programs and activities.

**(6) Stakeholder** **Consultations**

DHCD has working relationships with many stakeholder groups, including advocates, legislators, developers, municipal officials, housing and redevelopment authority boards, tenants organizations, professional associations, labor unions, and groups that are particularly focused on or represent persons with LEP. Divisions within DHCD receive on-going feedback from these and other groups, and the input from these groups is used to inform decisions about how best to make DHCD programs, services and activities accessible to LEP populations.

On an on-going basis, DHCD will take comments from any stakeholder groups or from the general public regarding this Language Access Plan, and will continue to update the plan as appropriate.

**(7) Staff Training**

Since 2009, DHCD has issued guidance, instructions and training to staff regarding the provision of language assistance to persons with LEP. DHCD will review and revise guidance and instructions and offer training, as needed, to ensure that language access planning is sufficient and consistent with DHCD’s regulations, policies and practices. Staff is routinely educated on revisions to policy, revised initiatives, and best practices regarding the provision of language assistance services.

**(8) Notice to Public**

To assist visitors to DHCD’s main office in identifying their language needs, both the 3rd and 4th floor receptionists have been provided with the U.S. Department of Commerce *Language Identification “I-Speak” flashcard*, which features over 30 languages. The flashcard will enable staff to effectively determine language needs, and provide language assistance to persons with LEP. The I-Speak flashcards have also been provided to field offices.

The DHCD Language Access Plan is posted on its website to notify the public that language assistance services are available, as needed, to meaningfully access DHCD services, programs and activities.

**(9) Agency Monitoring**

On an on-going basis, DHCD will monitor the effectiveness of its LAP and evaluate areas for improvement of its policies, procedures, protocols and training.

In addition, DHCD solicits feedback from persons with LEP using the DHCD website by asking them to participate in a survey.

**(10) Complaints.**

Complaints about this Language Access Plan or services provided to clients in accordance with this LAP may be filed with DHCD’s Language Access Committee or with the Office of Access and Opportunity in the Governor’s Office. Complaint Procedures are set out in Attachment B.

**ATTACHMENT A**

**DHCD LAP GUIDANCE TO PROGRAM ADMINISTERING ENTITIES**

*Administering Entity Adoption of a Language Assistance Plan (LAP)*:

**Background**

DHCD is providing this guidance for entities administering DHCD programs (“administering entities”) to assist entities in creating and implementing an LAP that is tailored to their services, available resources, and the needs of the persons with Limited English Proficiency (LEP) that they serve in order to ensure meaningful program access.

It is important to note that many entities are also recipients of federal assistance, and as such will have independent obligations to comply with HUD’s Final Guidance. DHCD’s guidance herein is intended to provide further instruction, and not to substitute or minimize HUD requirements.

For further federal guidance, see <http://www.lep.gov/guidance/guidance_index.html>; see also U.S. Department of Housing and Urban Development, Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons; Notice,” 72 FR 2732 (January 22, 2007).

For further state guidance, including a LAP template, see:

<http://www.mass.gov/governor/administration/groups/oao/language-access/>

**Four Factors**

The following four factors are to be considered in developing a LAP and are incorporated into the guidance provided below:

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 come in contact with the program;
3. The nature and importance of the program, activity, or service provided by the program; and
4. The resources available to the grantee/recipient and costs.

Each administering entity must engage in the above four-part analysis, to determine what tasks it will undertake to meet the objective of providing meaningful access to its services, programs and activities to LEP constituents and clients.

In developing a LAP, administering agencies must consider the totality of circumstances and the language access needs of the persons served by the programs, activities and services of the administering agency. DHCD recognizes that the resources available and populations served by each administering agency vary widely.

**A. Identifying Programmatic Contact with LEP Persons**

Programmatic contact can be determined in various ways, including but not limited to the following:

*● Collect information from applicants and current program participants*: administering entities should ask applicants to identify their primary language and whether they are of limited English proficiency upon program application, as well as upon programmatic updating of household information (i.e., at recertification for existing residents). In making such inquiries, the purpose and use of the information should be clear. Furthermore, households must be informed that disclosure of such information is optional and that it will be kept confidential, and will not affect program eligibility. The data may not be publicly disclosed in a manner that identifies particular households and may only be provided in aggregate form.

Due to issues with general public data sources as discussed below, data collected by the administering agency is generally the most reliable way of determining the nature and extent of programmatic contact with LEP persons.

● *Identify LEP populations through use of U.S. Census or American Community Survey(ACS) data.*

As the 2010 U.S. Census discontinued collection of data pertaining to languages, the American Community Survey (ACS) data available through the U.S. Census Bureau’s American FactFinder tables appears to be the best source of accessible public data post-2000 U.S. Census data (the last official available).

It is important to note that the ACS estimates are based on sample data and are subject to sampling variability and substantial margins of error.[[2]](#footnote-2) Likely because of the smaller sample sizes and greater sampling variability compared to the 2000 U.S. Census data, various ACS tables (e.g. for populations 18 and over, populations who do not speak English “at all,” linguistic isolation indicators, etc.), do not specify languages other than Spanish; instead, the tables group such languages into “other Indo-European languages,” “Asian and Pacific Island languages,” and “other languages” categories.

Available 2011-2015 ACS estimates for numerous specified languages pertaining to populations 5 years and over who speak English “less than very well” are included in the table on pg. 11 below. To assist administering entities in estimating language and LEP prevalence in their relative geographic areas,[[3]](#footnote-3) the table includes those languages for which at least 1 county in Massachusetts is estimated to contain 1,000 or more persons who speak that language at home and who speak English less than very well.

However, DHCD notes that because such data includes children (many of whom may reside in the same household), it is a less reliable indicator of the number of LEP households than previously available Census data.[[4]](#footnote-4) Moreover, the data does not necessarily reflect populations that program administering entities are likely to encounter because it does not identify populations that are program eligible. DHCD programs primarily serve households with incomes at or below 80% of the area median income, adjusted by household size, and income specific data is not readily available from the U.S. Census Bureau or HUD. Therefore, the ACS data likely overestimates the number of program-eligible households with LEP and may under- or over-represent the share of particular language groups relative to those programs.

● *Survey other organizations in the administering entity’s service and regional area*: Administering entities may also find it helpful to survey other local or regional organizations, particularly those that primarily serve LEP and lower-income populations, to determine the likely frequency in which there will be contact with different LEP populations.

*Service area.* Note that where an administering agency operates regional offices, LEP needs should be determined for the service areas of each regional office.

**B. Establishing Staff Protocols for Communication with LEP Persons**

Administering entities should create written protocols and procedures for staff most likely to encounter LEP persons. The protocols should address potential communications by phone, in-person, and in writing. Such protocols should include instruction on:

* Use of *I Speak* cards. In order to help identify LEP individuals and determine the appropriate language assistance, each administering entity should post and make available “I Speak Cards” at their offices (see HUD’s website for the cards and other translated documents at <http://www.hud.gov/offices/fheo/promotingfh/lep.cfm> ). These cards should be prominently displayed in the reception area, with an explanatory sign in easily understood terminology (such as “Free translation services available”), translated at least into the languages most frequently encountered. Applicants and program participants can use these cards to indicate their primary language. Administering entity staff should then make appropriate arrangements for interpretation services, generally using a bilingual staff person, a qualified third party interpreter identified by the applicant/participant or administering entity, or a telephone interpretation service. In the instance that an LEP individual is unable to make use of “I Speak Cards” because of illiteracy or disability, administering entity staff must make reasonable efforts to ascertain interpretation needs and provide interpretation services in an alternative manner.
* Procedures for documenting the date and time of requests for interpreter or translation services, as well as the language and nature of the interpreter or translation services needed. Such procedures must be designed to preserve or toll timing-related rights until the appropriate services are provided.
* When/how to request interpretation or translation services from in-house bilingual staff.
* When/how to request free interpreter or translation services by language type, i.e. from non-profit agencies that provide such services.
* When/how to request, schedule, and use fee charging telephonic interpreter services.
* When/how to request, schedule, and use fee charging in-person interpreter services.
* When/how to request fee charging translation services.

To assist staff in complying with protocols, administering entities are strongly encouraged to designate an LEP coordinator.

**C. Providing Notice to LEP Persons**

To ensure that LEP persons are aware of the language services available to them, the following actions should be taken:

* *Post I Speak cards*: see section B above
* *Partner with community agencies*: Each administering entity should contact local or regional community agencies who work with LEP persons to solicit their assistance and cooperation in providing the necessary notification and assistance to LEP persons.
* *Incorporate multi-lingual messages into program outreach documents*: administering entities should use standard messages, including how a LEP person may request interpreter services, in outreach materials and notices. The standard messages (for example, “This is an important document. For free language assistance, please contact XXX.”) should be in Spanish, Portuguese, Russian, French Creole, Italian, Chinese, Vietnamese, Cambodian, and other languages identified as necessary in the administering entity’s LAP.
* *Notices of Oral Interpretation Services:* Each administering entity must prominently post at its central office and on its website multi-lingual notices of the right to request free oral interpretation services. Each administering entity must be able to identify: competently bilingual staff that can provide interpretation; qualified third party interpreters (i.e. multicultural social service organizations); and, telephone and in-person interpretation services for when such services are necessary to communicate with LEP individuals.

**D. Language Assistance: Oral Interpretation and Written Translation**

* *Determining the Importance of the Program/Activity/Service*: administering entities must clearly identify for program staff the oral and written communication aspects of their programs, activities, and services that if not interpreted and/or translated, would effectively deny or delay meaningful access to such programs, activities, and services. Examples include contacts during the application process leading up to program participation, as well as contacts relating to continuing program eligibility and program termination.

* *Assessing Available Resources:*

Administering entities must continually assess resources that are available for reasonably ensuring that LEP persons have meaningful program access. DHCD recognizes that many administering entities will find that their available financial resources are insufficient to fully provide such access at this time, or that the costs imposed would substantially exceed the benefits. Therefore, administering entities must determine methods for utilizing alternative resources, and prioritize the use of their available financial resources for situations where alternative resources are not available or are insufficient. For example, DHCD encourages administering entities to make use of staff resources and to establish a network of volunteers, including with like or partner agencies, to assist in situations where interpretation or translation is needed.

I. Oral Interpretation

LEP individuals should be informed that the administering entity will provide them with free access to oral interpretation services via bilingual administering entity staff or qualified, trained organizations or contractors, as needed. Oral interpretation should be provided in a timely manner (must not effectively deny or cause an undue burden or delay relating to important services, benefits, or rights) and should only be provided by competent interpreters. See HUD’s Final Guidance for further discussion on interpreter competency and appropriate use of interpreters.

*Oral Interpretation – Staff:* Where feasible, administering entity should use bilingual staff to communicate with LEP individuals in their primary languages, including assisting such individuals with understanding program materials and filling out forms, answering questions about the program, and responding to submission of materials and information requests. At the present time, many administering entities employ bilingual staff members. For example, languages spoken by the Regional Administering Agency (Section 8) employees include Spanish, Russian, French, Greek, Italian, Portuguese, Khmer, French Creole (Haitian and Cape Verdean), Mandarin, Vietnamese, Khmer (Cambodian), Yoruba (Nigerian) and Laos. Administering entities are encouraged to consider the language needs of their populations during the staff recruitment process and when making hiring decisions, and may include the ability to speak a language other than English among their hiring priorities. While multilingual staff members are a valuable resource, DHCD also encourages administering entities to be mindful of creating a burden on staff members who volunteer for interpreting services.

* *Oral Interpretation—Non-Profit Assistance:* Where feasible, the administering entities should make an effort to partner with non-profits and community groups which can provide competent oral interpretation services to community members. Some administering entities have already developed these partnerships with local organizations, such as the Vietnamese Civic Association, the Cambodian Mutual Assistance Center, the Somali Development Center, the Office for New Bostonians and others. The Massachusetts Department of Mental Health (DMH) has created a *Multicultural Populations Resource Directory* (updated online as of September 2008), which provides information on many organizations across the state that serve populations in other languages.
* *Oral Interpretation – Telephone Support:* Subject to budgetary constraints and service availability,administering entities should consider utilizing the services of a professional telephone interpretation service in limited instances where there are no viable alternatives (i.e. bilingual staff, non-profit assistance). When these contacts involve review of program forms and procedures, the administering entity should schedule the call so that the telephone translator has the opportunity to first review the relevant form or procedure. Administering entities should only consider interpretation services which demonstrate a high degree of training and professionalism among the interpreter staff. Administering entities must train staff on how to access this service, and the service must be made available as needed for any LEP applicant or participant, subject to funding constraints.
* *Oral Interpretation – In-Person Assistance*: In limited instances where in-person assistance is necessary to ensure meaningful access and bilingual administering entity staff is determined to be insufficient, the administering entity should provide qualified in-person interpretation services at no cost to the LEP individual either through local community organizations or through contracts with qualified and trained interpretations services. Examples of contacts where in-person, professional assistance may be required include termination and eviction hearings due to the significance of these interactions. However, in consideration of balancing costs with maximum delivery of program benefits, DHCD and its administering entities should generally strive to rely on the assistance of bilingual staff members or the assistance of non-profit organizations, and where appropriate, the use of telephone assistance. If the LEP person does not wish to use the free interpretation services provided by the administering entity, the LEP person may provide their own interpreters at their own expense; however, see below regarding use of family and friends as interpreters.
* *Oral Interpretation – Use of Other Interpreters:* If the LEP individual requests his/her own interpreter, this should be allowed, at the individual’s own expense. Use of family members and friends, especially minor children, as interpreters should generally be discouraged. Children under the age of fourteen should generally not be allowed to provide interpretation. Exceptions may be made where the contact with the LEP person is of a routine nature, one that does not involve confidential matters, or significant/complex matters impacting the applicant or resident’s eligibility status, payments, or program compliance issues. Staff should be advised to be alert to the potential for any conflict of interest or competency issues that may arise from the involvement of family or friends, such as in domestic violence situations. If administering entity staff persons have questions about the appropriateness of allowing family and friends as interpreters, they should consult with the administering entity LEP coordinator or DHCD for guidance.

II. Written Translation

Administering entities should strive to translate documents that are vital to meaningful program access as resources permit and in consideration of the four factors outlined above. HUD guidance states that if an administering agency provides written translation of vital documents into languages encountered by 5% or 1000 people, whichever is less, of the population of persons eligible to be served or likely to be encountered, this will constitute strong evidence that the administering entity has taken reasonable steps to address the language needs of LEP persons in its service area. HUD regards vital documents as “any document that is critical for ensuring meaningful access to the recipients’ major activities and programs by beneficiaries generally and LEP persons specifically.” Meaningful program access generally requires awareness of, and ability to participate in, procedures for applying to the program, for meeting the requirements of the program, and for enjoying the benefits of the program. Meaningful program access also requires awareness of rights and services; otherwise, LEP persons may effectively be denied such access.

Written or “vital documents” could include:

* Consent and complaint forms;
* Intake forms with the potential for important consequences;
* Written standard notices of rights, denial, loss, or decreases in benefits or services, and other hearings;
* Notice of eviction;
* Notices advising LEP persons of free language assistance;
* Notices of public hearings, especially those that meet Community Planning and Development’s citizen participation requirements;
* Leases and tenant rules; and/or
* Applications to participate in a recipient’s program or activity or to receive recipient benefits or services.
* *Translation Services*: administering entities should only utilize translation services with staff that demonstrate a high degree of training and professionalism.
* *Non-Vital or Non-translated Written documents*: For documents not considered “vital documents” or not immediately translated, a notice must be placed on the document which states in the most frequently encountered languages identified under the administering entity’s LAP, “This is an important document. Please contact [administering entity and telephone number/address] for free language assistance.”
* *Legal documents:* In the case of legally binding documents such as a lease, although a translated copy of the document should be provided, the English version of the document is the one that is legally binding and considered the official document. The translated document is to be used as a reference tool only. A brief statement should be included on these documents in the language which the document has been translated into which states “This document is for informational purposes only. The English version of this document is considered the legally binding document.”
* *Translation of Written documents*: For DHCD program documents, including those that are highly individualized (such as ineligibility, termination or appeal notices), DHCD will, to the extent feasible, translate templates of these documents and will share them with applicable administering entities as they become available. Portions of the document specific to the individual circumstance will be handled by the administering entity. The administering entity should be prepared to reasonably provide oral interpretation or translation services to assist LEP persons in understanding non-vital documents or vital documents yet to be translated, or highly individualized portions of documents specific to individual circumstances.

**E. Timing Related Rights**

An LEP person must in no way be penalized or denied meaningful and effective access because of an administering entity’s inability to provide timely translation or interpretation services. This would include “stopping the clock” during the application or appeal process to allow time for translation and/or interpretation.

**F. Staff Training and Coordination**

* *Dissemination of the LAP*: an administering entity should post its LAP on its website and ensure that it is disseminated to relevant program staff.
* *Staff Training*: administering entities should train relevant staff on their responsibilities in regards to the LAP. It is important that staff who are likely to have contact with LEP populations and who will be responsible for implementing the protocols described above have been trained to know how to respond to LEP persons.
* *Quality Control*: Administering entities should conduct periodic quality control reviews to ensure that staff persons are implementing the LAP appropriately. DHCD may also engage in periodic quality control reviews to ensure that the LAP is being appropriately implemented.

**G. Monitoring and updating the Language Access Plan**

At least every two years, administering entities should review and update its LAP, if needed. The review should assess:

* Whether there have been any significant changes in the composition or language needs of the program population served by the administering entity (this should be determined on an annual basis primarily by the data collected by the administering entity and supplemented on a decennial basis by data from the U.S. Census/ACS);
* A review to determine if additional vital documents require translation;
* A review of any issues or problems related to serving LEP persons which may have emerged since the LAP was last updated; and,
* Identification of any recommended actions to provide more responsive and effective language services (for example, adding documents to be translated, creating or expanding partnerships with community organizations, or changing staffing priorities).

**H. Requests by DHCD**

DHCD may request that administering entities provide evidence to DHCD that they have created and are implementing a LAP tailored to the DHCD programs it administers and the LEP populations that it serves in accordance with DHCD directives.

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Table of Languages Spoken at Home by Ability to Speak English Less than” Very Well” for the Population 5 Years and Over** | | | | | | | | | | |
|  |  | **Total Population** | **Spanish or Spanish Creole** | **Portuguese or Portug. Creole** | **Chinese** | **French Creole** | **Vietnamese** | **Russian** | **Arabic** | **Mon-Khmer, Cambodian** |
| Massachusetts | | 6,339,745 | 222,343 | 78,067 | 62,626 | 31,741 | 25,169 | 15,986 | 13,655 | 12,223 |
| Barnstable County | | 206,315 | 851 | 1,657 | 329 | 76 | 90 | 186 | 65 | 133 |
| Berkshire County | | 123,598 | 1,584 | 253 | 199 | 14 | 49 | 219 | 35 | 32 |
| Bristol County | | 523,318 | 10,660 | 23,081 | 1,258 | 1,763 | 427 | 138 | 416 | 998 |
| Dukes County | | 16,207 | 11 | 428 | 11 | 0 | 0 | 0 | 0 | 17 |
| Essex County | | 720,287 | 49,968 | 3,649 | 1,881 | 1,095 | 1,543 | 1,986 | 1,324 | 2,225 |
| Franklin County | | 67,882 | 347 | 109 | 164 | 0 | 66 | 127 | 16 | 0 |
| Hampden County | | 440,557 | 27,487 | 2,323 | 842 | 247 | 1,198 | 1,945 | 441 | 118 |
| Hampshire County | | 154,882 | 1,059 | 13 | 1,095 | 6 | 143 | 28 | 29 | 221 |
| Middlesex County | | 1,468,316 | 31,458 | 22,640 | 20,320 | 7,212 | 4,353 | 4,589 | 3,672 | 7,046 |
| Nantucket County | | 9,960 | 431 | 24 | 67 | 28 | 0 | 5 | 0 | 2 |
| Norfolk County | | 650,320 | 4,329 | 3,575 | 17,360 | 2,750 | 3,473 | 2,681 | 1,572 | 202 |
| Plymouth County | | 476,497 | 3,903 | 9,361 | 721 | 4,980 | 469 | 81 | 375 | 27 |
| Suffolk County | | 716,136 | 65,699 | 6,341 | 14,948 | 12,899 | 8,672 | 3,139 | 4,079 | 942 |
| Worcester County | | 765,470 | 24,556 | 4,613 | 3,431 | 671 | 4,686 | 862 | 1,631 | 260 |
|  |  | **Total Population** | **French (incl. Patois, Cajun)** | **Italian** | **Korean** | **Greek** | **Polish** | **Gujarati** | **Hindi** | **Japanese** |
| Massachusetts | | 6,339,745 | 10,967 | 9,792 | 7,694 | 6,595 | 5,754 | 3,927 | 3,609 | 3,434 |
| Barnstable County | | 206,315 | 98 | 95 | 69 | 222 | 19 | 162 | 0 | 32 |
| Berkshire County | | 123,598 | 59 | 175 | 46 | 0 | 69 | 145 | 0 | 26 |
| Bristol County | | 523,318 | 861 | 75 | 157 | 324 | 395 | 190 | 191 | 57 |
| Dukes County | | 16,207 | 3 | 4 | 0 | 0 | 20 | 0 | 0 | 0 |
| Essex County | | 720,287 | 941 | 1,512 | 799 | 1,254 | 418 | 308 | 194 | 135 |
| Franklin County | | 67,882 | 52 | 16 | 89 | 0 | 91 | 0 | 52 | 0 |
| Hampden County | | 440,557 | 605 | 578 | 347 | 311 | 1,428 | 128 | 43 | 19 |
| Hampshire County | | 154,882 | 184 | 26 | 208 | 57 | 269 | 88 | 0 | 80 |
| Middlesex County | | 1,468,316 | 3,246 | 3,816 | 3,524 | 1,874 | 523 | 1,924 | 1,781 | 1,429 |
| Nantucket County | | 9,960 | 30 | 6 | 0 | 0 | 0 | 0 | 0 | 0 |
| Norfolk County | | 650,320 | 946 | 757 | 949 | 786 | 502 | 146 | 264 | 940 |
| Plymouth County | | 476,497 | 427 | 187 | 146 | 215 | 178 | 118 | 107 | 38 |
| Suffolk County | | 716,136 | 1,810 | 1,860 | 1,050 | 718 | 696 | 72 | 470 | 476 |
| Worcester County | | 765,470 | 1,705 | 685 | 310 | 834 | 1,146 | 646 | 507 | 202 |
| **Source: U.S. Census Bureau, 2011-2015 American Community Survey 5-Year Estimates** | | | | | | | | | | |

**Attachment B**

**Language Access Complaint Procedure**

You may file a complaint with the DHCD Language Access Committee or the Office of Access and Opportunity if you believe you have not received the services set out in this Plan. You must file a written complaint within 6 months of the alleged denial. To file a complaint with the Language Access Committee, submit the written complaint to:

Language Access Committee

Office of General Counsel

Department of Housing & Community Development

100 Cambridge Street, Suite 300

Boston, MA 02114

To file a complaint with the Office of Access and Opportunity, please submit the written complaint to the attention of:

Office of Access and Opportunity

Office of the Governor

State House, Room 373

Boston, MA 02133

[Jabes.Rojas@state.ma.us](mailto:Jabes.Rojas@state.ma.us)

1. Additional federal requirements may apply. [↑](#footnote-ref-1)
2. See relevant tables at <http://factfinder2.census.gov/> for particular margins of error. [↑](#footnote-ref-2)
3. DHCD recognizes that persons eligible to be served or likely to be encountered by an administering agency may be representative of more than one county and/or parts of a county and therefore the county level data may only provide a rough estimate. [↑](#footnote-ref-3)
4. The most frequently spoken languages among the LEP population 18 years or older in the Commonwealth according to the 2000 U.S. Census data or older data were Spanish, French Creole, Italian, Portuguese, Russian, Chinese, Mon-Khmer (Cambodian), and Vietnamese. This list does not reflect variables by income. [↑](#footnote-ref-4)