

**The Commonwealth of Massachusetts Department of Housing and
Community Development's Bureau of Rental Assistance
Section 8/Housing Choice Voucher Program
Language Access Plan
July 2009**

I. Introduction

The Massachusetts Department of Housing and Community Development's Bureau of Rental Assistance, hereinafter referred to as "DHCD" is committed to ensuring equal access to its Section 8/Housing Choice Voucher (S8/HCV) programs and services by all residents, regardless of primary language spoken. Title VI and Executive Order 13166 require recipients of federal financial assistance to take reasonable steps to ensure meaningful access to their programs and services by Limited English Proficient (LEP) persons. Persons who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English can be considered LEP persons.

On January 22, 2007, the U.S. Department of Housing and Urban Development (HUD) issued Final Guidance to recipients of HUD funding concerning compliance with the Title VI prohibition against national origin discrimination affecting LEP persons. HUD's Final Guidance defines a four-factor self assessment method which assists agencies receiving HUD funds in determining the extent of their obligations to provide LEP services. Based on the Final Guidance, DHCD completed an LEP self assessment of its S8.HCV programs.

Using the LEP self assessment as a guide, DHCD has prepared this Language Access Plan (LAP) which defines the actions to be taken by DHCD and its regional subcontracting agencies, hereinafter referred to as "regional administering agencies" or "RAAs" to ensure Title VI compliance with respect to LEP persons. DHCD will periodically review and update this LAP in order to ensure continued responsiveness to community needs and compliance with Title VI.

II. Goals of the Language Access Plan

The goals of the Language Access Plan are:

- To ensure meaningful access to DHCD's Section 8/Housing Choice Voucher program by all eligible individuals regardless of primary language spoken.
- To ensure that all LEP individuals are made aware that DHCD through its Regional Administering Agencies (RAAs), subject to resource availability (such as funding for professional interpreter services or the availability of RAA staff who are willing and able to provide interpretation services or the participation of

non-profit groups willing to provide interpretation services), will provide or facilitate free oral interpretation services to facilitate their contacts with and participation in DHCD's S8/HCV program.

- To provide written translations of vital documents to LEP individuals in accordance with HUD's "safe harbor" guidelines.
- To ensure that DHCD and RAA staff are aware of available language assistance services and how these services may be used when serving LEP individuals.
- To provide for periodic review and updating of language access plans and services in accordance with community needs.

III. LEP Individuals Who Need Language Assistance

Massachusetts is a highly diverse state in which numerous LEP households reside. According to data from the U.S. Census performed in 2000, 18.7% of all residents over the age of eighteen speak a language other than English, and of those residents, 21% speak English "not well" or "not at all." Using available census data as a guideline, DHCD has estimated the LEP population (and what languages they speak) within each RAA jurisdiction, based on the percentage of non-English speakers that indicated that they speak English "Not Well" or "Not at All." Although HUD's Final Guidance states that the safe harbor guidelines need only apply to the eligible population, which for the Section 8/HCV program is households earning at or below 50% of Area Median Income (AMI) and more typically for households earning under 30% of AMI, this data is not readily available from U.S. Census datasets. Thus the estimates provided are likely overestimates of the eligible populations. DHCD has petitioned the U.S. Census Bureau to make a more accurate dataset available, and will update the LAP if and when this dataset becomes available.

For some RAAs, estimates were provided by using county data of one or more counties which were contained entirely within one RAA. For others (RAAs which contain cities or towns from multiple counties), estimates were given based on the largest and/or most diverse county. The most frequently spoken languages among the LEP population in the Commonwealth are Spanish, Portuguese, Chinese, Vietnamese, Russian, French Creole, Italian and Cambodian. A summary of these groups can be seen below in Table 1, and Table 2 provides detailed information on these populations within each RAA jurisdiction. These populations appear to fall within the "Safe Harbor" guidelines as defined by HUD's Final Guidance on Limited English Proficiency issues. Conforming to "Safe Harbor" guidelines is meant to provide strong evidence to HUD that DHCD has made reasonable efforts to provide appropriate written language assistance to its LEP populations in its S8/HCV programs. The "Safe Harbor" guidelines are defined below.

In addition to the use of Census data, DHCD also performed outreach to the RAAs to help determine any populations which are frequently served but may not meet the Safe Harbor guidelines. Prior to this Plan, data collection regarding LEP populations has not been required of the RAAs, so the information yielded by this outreach was minimal. However, going forward, it is expected that data collection by RAAs regarding their LEP populations will be key in determining language groups served.

HUD Safe Harbor Guidelines	
Size of Language Group	Recommended Provision of Written Language Assistance
1,000 or more in the eligible population in the market area or among current beneficiaries.	Translated vital documents.
More than 5% of the eligible population or beneficiaries and more than 50 in number.	Translated vital documents.
More than 5% of the eligible population or beneficiaries and 50 or less in number.	Translated written notice of right to receive free oral interpretation of documents.
5% or less of the eligible population or beneficiaries and less than 1,000 in number.	No written translation is required.

Table 1: Massachusetts LEP populations as a Percentage of Total State Populations		
Population	Number	Percentage (out of total MA population)
Population 18 years and over	4,853,130	100.00%
Speak only English	3,944,715	81.28%
Speak a language other than English	908,415	18.72%
Total MA LEP Population (people who speak English "Not Well" or "Not at All")	193,785	3.99%
Spanish or Spanish Creole	71,895	1.48%
French Creole	6,810	0.14%
Italian	6,525	0.13%
Portuguese or Portuguese Creole	39,620	0.82%
Russian	8,990	0.19%
Chinese	18,050	0.37%
Mon-Khmer, Cambodian	5,125	0.11%
Vietnamese	8,990	0.19%

Table 2: Detailed LEP Population data at the State and RAA Level (2000 Census)		Population 18 years and over	Speak only English	Speak a language other than English	Spanish or Spanish Creole	French Creole	Italian	Portuguese or Portuguese Creole	Russian	Chinese	Mon-Khmer, Cambodian	Vietnamese
Massachusetts	Number	4,853,130	3,944,715	908,415	270,460	31,845	56,195	134,960	27,575	60,150	13,830	23,465
	Percentage	100.00%	81.28%	18.72%	5.57%	0.66%	1.16%	2.78%	0.57%	1.24%	0.28%	0.48%
Massachusetts Speak English "Not Well" or "Not at All"				193,785	71,895	6,810	6,525	39,620	8,990	18,050	5,125	8,990
% of Language speakers who speak English "Not Well" or "Not at All"				21.33%	26.58%	21.38%	11.61%	29.36%	32.60%	30.01%	37.06%	38.31%
Berkshire Housing Development Corp.	Number	104,639	97,607	7,032	1,513	13	945	129	95	188	9	98
<i>Determined by Using Berkshire County Data.</i>	Estimate of Language Speakers who speak English "Not Well" or "Not at All"				402	3	110	38	31	56	3	38
CTI- Community Teamwork, Inc.	Number	1,137,441	902,289	235,152	45,601	7,767	20,325	30,858	8,445	21,800	6,879	4,716
<i>Determined by using Middlesex County Data.</i>	Estimate of Language Speakers who speak English "Not Well" or "Not at All"				12,122	1,661	2,360	9,059	2,753	6,542	2,549	1,807
HAC- Housing Assistance Corp.	Number	227,259	205,232	22,027	5,479	93	1,232	482	517	1,341	286	321
<i>Determined by Using Barnstable, Dukes, and Nantucket County Data.</i>	Estimate of Language Speakers who speak English "Not Well" or "Not at All"				1,456	20	143	142	169	402	106	123
HAP- Hampden Hampshire Housing Partnership	Number	460,414	373,791	86,623	42,197	241	3,746	5,709	3,620	2,096	589	1,717
<i>Determined by using Franklin, Hampden and Hampshire County Data.</i>	Estimate of Language Speakers who speak English "Not Well" or "Not at All"				11,217	52	435	1,676	1,180	629	218	658
MBHP- Metropolitan Boston Housing Partnership	Number	551,223	372,991	178,232	71,090	14,420	10,194	11,661	5,947	15,524	1,348	8,653
<i>Determined by using Suffolk County Data.</i>	Estimate of Language Speakers who speak English "Not Well" or "Not at All"				18,897	3,084	1,184	3,423	1,939	4,658	500	3,315

		Population 18 years and over	Speak only English	Speak a language other than English	Spanish or Spanish Creole	French Creole	Italian	Portuguese or Portuguese Creole	Russian	Chinese	Mon-Khmer, Cambodian	Vietnamese
RCAP Solutions	Number	558,886	474,518	84,368	30,619	309	3,593	4,557	1,199	2,481	355	3,756
<i>Determined by Using Worcester County Data.</i>	Estimate of Language Speakers who speak English "Not Well" or "Not at All"				8,139	66	417	1,338	391	745	132	1,439
SMOC- South Middlesex Opportunity Council	Number	1,137,441	902,289	235,152	45,601	7,767	20,325	30,858	8,445	21,800	6,879	4,716
<i>Determined by using Middlesex County Data.</i>	Estimate of Language Speakers who speak English "Not Well" or "Not at All"				12,122	1,661	2,360	9,059	2,753	6,542	2,549	1,807
South Shore Housing Development Corporation	Number	749,883	625,522	124,361	18,636	5,539	3,084	67,966	239	1,598	1,378	913
<i>Determined by using Bristol and Plymouth County Data.</i>	Estimate of Language Speakers who speak English "Not Well" or "Not at All"				4,954	1,185	358	19,953	78	480	511	350

 Populations which meet the Safe Harbor Threshold at the Estimate of Language Speakers who Speak English “Not Well” or “Not at All”

IV. Types of Assistance Needed by LEP Persons

The majority of contacts between DHCD or its RAAs and LEP persons are meetings, written communications and phone calls where information is exchanged. Examples include interactions by applicants with RAA staff during the application process leading up to participation in the Section 8/Housing Choice Voucher program, as well as periodic contacts between residents and RAA staff related to initial program eligibility, continuing eligibility and termination from the program. Oral interpretation services may be needed for these contacts, and will be provided for these interactions, depending on the nature and importance of the information being provided, as well as the availability of resources.

Other contacts involve the exchange and review of printed materials, some of which may be considered “vital documents.” HUD’s Final Guidance defines 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.” The list of documents considered vital for DHCD’s S8/HCV program includes the following:

- Application/Eligibility Materials: Section 8 Housing Choice Voucher Pre-Application for Housing Assistance; Family Certification Form; other application materials
- Notices concerning program eligibility, compliance or violation of program requirements as well as notices of termination and ineligibility
- Release/Consent Materials: General Authorization for the Release of Information, Authorization for Release of Information Privacy Act Notice
- Verification Materials
- Request Forms
- Lease Materials: Section 8 HCVP Voucher, Section 8 HCVP Model Dwelling Lease, How Your Rent is Determined, Tenancy Addendum, Housing Assistance Payment (HAP) Contract; Request for Tenancy Approval
- Appeal Materials: Regional Agency Appeal Notices and decisions; DHCD Appeal Notices and Decisions
- Other: About Section 8/ Frequently Asked Questions, Housing Choice Voucher Information, Housing Discrimination Information, Family Self-Sufficiency Program FSS Escrow Account Credit Worksheet, Family Self-Sufficiency Program Contract of Participation, reasonable accommodation requests, inspection reports/notices, grievance documents

DHCD and its RAAs will periodically review and update this list to reflect those documents which are considered vital to applicants and/or residents.

V. Language Assistance Services To Be Provided

In order to promote equal access to DHCD’s S8/HCV program by LEP individuals, DHCD and its RAAs will make use of various strategies including the following array of language assistance services:

A. Identification of LEP Persons and Notices

- *Use of “I Speak Cards”*: In order to help identify LEP individuals and determine the appropriate language assistance, each RAA will post and make available “I Speak Cards” at their offices. These cards should be prominently displayed in the reception area, with a sign in easily understood terminology, translated in the languages identified by the Safe Harbor guidelines, explaining their use. Applicants and HCV participants can use these cards to indicate their primary language. RAA staff at the point of entry will then make appropriate arrangements for interpretation services, generally using a bi-lingual staff person, a qualified third party interpreter identified by the applicant/participant or RAA, or, on a limited basis, 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, RAA staff will make reasonable efforts to ascertain interpretation needs and provide interpretation services in an alternative manner.
- *Notices of Oral Interpretation Services*: Each RAA will provide free access to bi-lingual staff, a qualified third party interpreter identified by the RAA (i.e. multicultural social service organizations), or, on a limited basis, telephone interpretation services for all contacts with LEP individuals. Each RAA will prominently post multi-lingual notices at its central office and on its website which indicate that free oral translation services are available upon request.
- *Language Preferences of Residents and Applicants*: Each RAA will ask applicants and residents to identify their primary language upon selection from the waitlist (for new applicants) and at recertification (for existing residents). This information will be included in the paper files and in the electronic record. This information will be kept confidential, and clients will be advised of this privacy. The data will only be disclosed to the public in aggregate form.

B. Language Assistance Measures

- *Oral Interpretation – Staff*: Where feasible, bi-lingual staff will be deployed to communicate with LEP individuals in their native languages and to assist them in reviewing S8/HCV program materials, answering questions about the program, and responding to forms and information requests. At the present time, most RAAs employ bilingual staff members. Among the languages spoken by employees are Spanish, Russian, French, Greek, Italian, Portuguese, Khmer, French Creole (Haitian and Cape Verdean), Mandarin, Vietnamese, Khmer (Cambodian), Yorula (Nigerian) and Laos. RAAs 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. DHCD will also consider establishing a network of RAA and DHCD employees who would volunteer to assist in situations where interpretation is needed. While multilingual staff members are a

valuable resource, DHCD encourages RAAs to be mindful of creating a burden on staff members who volunteer for interpreting services.

- *Oral Interpretation—Non-Profit Assistance:* Where feasible, the RAAs will make an effort to partner with non-profits and community groups which can provide interpretation services to community members. Some RAAs 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.
- *Oral Interpretation – Telephone Support:* Subject to budgetary constraints and service availability, RAAs will utilize the services of a professional telephone interpretation services in limited instances where there are no viable alternatives (i.e. bilingual staff, non-profit assistance). When these contacts involve review of S8/HCV forms and procedures, the RAA will schedule the call so that the telephone translator has the opportunity to first review the relevant form or procedure. DHCD’s S8/HCV program will only utilize interpretation services which demonstrate a high degree of training and professionalization among the interpreter staff, and which have been approved as vendors by the Commonwealth. DHCD program staff and RAA staff will be trained in how to access this service, which will be available as needed for any LEP applicant or participant, subject to the constraints above.
- *Oral Interpretation – In Person Assistance:* In limited instances where the use of bi-lingual DHCD or RAA staff is determined insufficient to ensure meaningful access, the RAA will 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 is likely to be required includes termination hearings and evictions, due to the significance of these interactions. The Commonwealth has a listing of approved vendors for translation and interpretation services which RAAs may make use of. Due to the considerable expense involved in providing in-person assistance, DHCD and its RAAs will generally strive to rely on the assistance of bi-lingual staff members or the assistance of non-profit organizations, and in limited instances, the use telephone assistance. If the LEP person does not wish to use the free interpretation services provided by the RAA, the LEP person may provide their own qualified interpreters at their own expense; however, see below regarding use of family and friends as interpreters.
- *Oral Interpretation – Use of Other Interpreters not provided by DHCD:* As noted above, LEP individuals will be informed that the RAA will provide them with free access to oral interpretation services via bilingual DHCD or RAA staff or qualified, trained contractors as needed. If the LEP individual requests their own qualified, trained interpreter, this will be allowed at the individual’s own expense. Use of family members and friends, especially minor children, as

interpreters will generally be discouraged. Children under the age of fourteen will not be allowed to provide interpretation under any circumstances. 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 housing status, rent payments, or lease compliance issues. Staff will 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 RAA staff have questions about the appropriateness of allowing family and friends as interpreters, they will consult with the RAA’s or DHCD’s S8/HCV LEP Coordinator for guidance.

- *Written Translation:* DHCD has translated the following, which it considers to be “Vital Documents”:

	Spanish	Portuguese	Russian	Mon-Khmer/ Cambodian	Vietnamese
Section 8 HCVP Pre-Application for housing assistance	X	X	X	X	X
General Authorization for Release of Information	X	X	X	X	X
Family Certification Form	X	X	X	X	X
Section 8 HCVP Model Dwelling Lease	X	X	X	X	X

- In addition to the languages listed above, DHCD plans to translate the above documents into French Creole, Italian and Chinese. Upon request by an RAA or at the point of further data collection, DHCD will translate additional documents not currently translated by DHCD, nor available from HUD. These may include: notices concerning program eligibility, compliance or violation of program requirements as well as notices of termination and ineligibility; verification materials; request forms; appeal notices and decisions; About S8/HCV: Frequently Asked Questions.
- DHCD and its RAAs will also make use of translated documents provided by HUD, which are listed below:

	Spanish	Vietnamese	Chinese	Cambodian	Korean	Arabic	Russian	Creole	Hmong	French
Are You a Victim of Housing Discrimination?	X	X	X	X	X	X	X			
How Your Rent is Determined	X	X	X		X					

Housing Choice Voucher Information	X									
Authorization for Release of Information Privacy Act Notice (HUD Form 9886)	X	X	X	X	X	X	X	X	X	
Family Self-Sufficiency Program FSS Escrow Account Credit Worksheet (HUD Form 52652)	X	X	X		X	X	X			X
Family Self-Sufficiency Program Contract of Participation (HUD Form 52650)	X	X	X	X	X	X	X	X	X	X
Voucher Housing Choice Voucher Program (HUD Form 52646)	X	X	X	X	X	X	X	X	X	X
Tenancy Addendum (HUD Form 52641-A)	X	X	X	X	X	X	X	X	X	X
Housing Assistance Payment (HAP) Contract (HUD Form 52641)	X	X	X	X	X	X	X	X	X	X
Request for Tenancy Approval (RFTA) (HUD Form 52517)	X	X	X	X	X	X	X	X	X	X

- Legal documents:* In the case of legal documents such as a lease or an official application to the S8/HCV program, a translated copy of the document will be provided, however the English version of the document is the only one which is legally binding and considered the official document. The translated document is to be used as a reference tool only. A brief statement will 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.”
- Written documents:* DHCD’s S8/HCV program will only utilize translation services which demonstrate a high degree of training and professionalization among the translation staff, and which have been approved as vendors by the Commonwealth.
- Written documents:* For documents not considered “Vital Documents” or not immediately translated, a notice will be placed on the document which states in Spanish, Portuguese, Russian, French Creole, Chinese, Italian, Vietnamese and Cambodian, “This is an important document. Please have it translated or contact [RAA and telephone number] for assistance.”
- Written documents:* For documents which are highly individualized (such as ineligibility, termination or appeal notices), templates of these documents will be translated and made available to each RAA. Portions of the document specific to the individual circumstance will be translated as needed.
- Written documents -- Online Access:* As appropriate and as needed by program applicants and participants, DHCD will make available translated documents online and available in a central database which can be accessed by all RAAs
- Communication with LEP Telephone Callers:* For callers to DHCD and each RAA’s office, recognizable languages will be transferred to bi-lingual staff where

available. DHCD has a TTY/TDD telephone line for hearing-impaired callers, as do three of the RAAs.

C. Staff Training and Coordination

DHCD will provide training on LEP awareness and required assistance actions under the Language Assistance Plan for employees. This will include:

- *Dissemination of the LAP:* DHCD will ensure that the LAP is disseminated to RAA and DHCD's S8/HCV program employees.
- *Creation of LEP Protocols:* DHCD will compose protocols for DHCD and RAA staff to follow during encounters with LEP persons. These would include protocols on first contact with an LEP person, providing translated forms to an LEP person and arranging an approved interpreter, among others.
- *Staff Training:* DHCD will ensure that RAA staff will be trained on their responsibilities in regard to the LAP. Particular attention will be paid to instructing frontline staff who are likely to have initial contact with LEP populations in the protocols described above
- *LEP Coordinator:* Each RAA will designate a staff member as LEP Coordinator. DHCD will also designate a staff person as LEP Coordinator who will be responsible for ongoing updating of the LEP analysis, addressing staff and public questions and issues related to LEP matters, and providing ongoing LEP training. DHCD will provide job descriptions for these positions outlining their responsibilities.
- *RAA Adoption of the LAP:* Each RAA will be required to conform to this plan with regards to their S8/HCV programs as a minimum standard for addressing the needs of their LEP populations. DHCD will also encourage RAAs to take other measures in order to respond to the specific needs of their populations. Full implementation of the LAP by the RAAs is expected to take approximately one year.
- *Quality Control:* DHCD will conduct periodic quality control reviews of RAAs to ensure that RAAs are implementing the LAP appropriately.

D. Providing Notice to LEP Persons

To ensure that LEP persons are aware of the language services available to them, DHCD and its RAAs will take the following actions:

- Post LEP notices in each RAA’s office and website, as well as on the DHCD website: As described in paragraph V.B. above.
- Partner with community agencies: Each RAA will contact local community agencies who work with LEP persons to: a) inform them of DHCD’s S8/HCV program policies regarding language services to LEP persons; and, b) solicit their assistance and cooperation in communicating DHCD’s S8/HCV program policies and providing assistance to LEP persons.
- Incorporate multi-lingual messages into S8/HCV outreach documents: DHCD will utilize standard messages in Spanish, Portuguese, Russian, French Creole, Italian, Chinese, Vietnamese and Cambodian on outreach materials and notices.

E. Timing Related Rights

An LEP person will in no way be penalized or denied meaningful and effective access because of an RAA’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. Monitoring and updating the Language Access Plan

Each year, as part of DHCD’s annual plan process, the LAP will be reviewed and updated, if needed. The review will assess:

- Whether there have been any significant changes in the composition or language needs of the S8/HCV program population in each of the RAA jurisdictions (determined on an annual basis primarily by the data collected by the RAAs during the selection from the waitlist and annual recertification processes, and supplemented on a decennial basis by data from the U.S. Census);
- 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 during the past year; and,
- Identification of any recommended actions to provide more responsive and effective language services (for example, adding documents to be translated or changing staffing priorities to encourage the hiring of bilingual staff).

Since it will be part of the agency’s overall annual plan process, the annual LAP review and update process will facilitate public review and comment. At a minimum, a review of the plan will be performed at the release of data from the decennial census (anticipated in 2013). The RAAs will also add a question regarding primary language as part of the

annual recertification process in order to gain a better understanding of the language needs of the population likely to be served by the program.