



**LANGUAGE ACCESS PLAN**

**FOR THE**

**EMERGENCY ASSISTANCE (EA) PROGRAM**

July 14, 2017

**I. Introduction**

The Department of Housing and Community Development (DHCD) has prepared this Language Access Plan (“LAP” or “Plan”) which defines the actions that have been or will be taken by DHCD to ensure meaningful access to the Emergency Assistance (EA) program for persons who have limited English proficiency.

The purpose of this plan is to ensure that DHCD is taking reasonable steps to ensure that EA program applicants and participants have meaningful access to the program although they may be limited in their English language proficiency. This Language Access Plan represents DHCD’s administrative blueprint to provide meaningful access to the EA program for Limited English Proficient (LEP) individuals. It outlines the tasks DHCD currently takes and tasks it will undertake in the future to meet this objective. DHCD’s Language Access Plan will be implemented subject to the availability of fiscal and human resources.

DHCD will review and update this LAP on an ongoing basis, but at least once every two years, in order to ensure continued responsiveness to program needs and compliance with the Executive Office for Administration and Finance (“ANF”) Administrative Bulletin #16, as it is updated, and any other applicable guidance and laws.

Although DHCD has had an agency-wide Language Access Plan (LAP) since 2010, DHCD has now determined that a separate Language Access Plan for the EA program is appropriate.

**II. Definitions**

1. **DHCD Contractors:** Shelter providers and hotel/motel providers.
2. **Interpretation:** oral communication from one language (the source language) into another (the target language).

3. **Language Access Coordinator (LAC or Coordinator):** the appointed DHCD staff person who will oversee implementation of the EA Language Access Plan.
4. **Language Protocols:** Document entitled “Staff Protocols for Responding to Language Assistance Needs of Persons with Limited English Proficiency,” updated concurrently with this Language Access Plan and further updated from time to time. The Language Protocols include: step-by-step, short and succinct instructions on how to access oral interpretation and written translation of documents. The Language Protocols are attached as **Exhibit E**.
5. **Limited English Proficient (LEP) Persons:** Persons who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.
6. **Multilingual Notice:** attachment to DHCD documents and mailings to EA applicants and participants that states in 25 languages, “This is an important document. Please contact the Massachusetts Department of Housing and Community Development at [phone number] for free language assistance.”
7. **Primary Language:** The language identified by applicants/participants as the language they prefer to communicate in at the initial point of contact with DHCD. Applicants/participants may change their primary language at any time.
8. **Translation:** rendering of written text from the source language into the target language.
9. **Vital Document:** A document that contains information that is critical for meaningful access to the EA program by LEP persons. A list of current vital documents for the EA program is attached as **Exhibit A**. DHCD will translate vital documents into the five most prevalent languages among EA applicants as determined by DHCD.

### **III. The Emergency Assistance Program**

The EA program is administered by the Division of Housing Stabilization (DHS), within DHCD. The Division of Housing Stabilization is committed to improving the accessibility of the Emergency Assistance program to eligible LEP persons.

The mission of the EA program is to prevent homelessness, shelter those for whom homelessness is unavoidable, and rapidly re-house the homeless in stable, permanent housing.

The EA program is for low-income families (families whose income is at or below 115% of poverty level) with children under the age of 21 and pregnant women with no other dependents who have no feasible alternative housing.

Prior to July 1, 2009, the EA program was administered by the Department of Transitional Assistance (DTA). On July 1, 2009, it was transferred to DHCD. Overall program

administration, including policy development, program coordination, contract management, placement, noncompliance, some Americans with Disabilities Act (ADA) processes, and providing hearings are handled by a central office staff located at DHCD's main office at 100 Cambridge Street, Boston, MA. Some services/functions of the EA program (primarily determining eligibility) are carried out by staff (either in person or telephonically) located in one of 11 different field offices.

As of the date of this Plan, applications for the program are taken at one of 11 field offices throughout the state which are staffed in person or telephonically by DHCD employees. A list of DHCD field offices is set out in **Exhibit B**.

If a family is determined ineligible, a Notice of Denial is issued. If a family is determined eligible or presumptively eligible the family should be placed that same day in one of 3 types of possible placements: congregate shelters (individual bedrooms, with shared kitchen, bathroom and living areas), scattered site units (apartments rented by a provider agency which may be shared by two or more families), or hotel/motel rooms. The average cost of sheltering a family is \$117 per night.

DHCD does not own, manage or staff any of the facilities that provide shelter units. Instead, DHCD currently contracts with 52 shelter providers that provide congregate and scattered site units, and 2 hotels/motels that provide hotel/motel units.

While in shelter, an EA family is required to follow the rules and participate in various programs and activities designed to assist the family in securing permanent housing. In addition, EA families receive support services from the shelter provider and various other state agencies such as the Department of Children and Families (DCF), the Department of Public Health (DPH), and others.

Families may be moved at any time from one placement to another anywhere in the state depending on the number of families entering, the number of families exiting, and the needs of those families. However, DHCD endeavors to place all families within 20 miles of their home community.

Applicants and participants in the EA program may appeal four types of actions to DHCD's Hearings Division: Denial of Eligibility, Notice of Noncompliance, Notice of Termination and Denial of a Request to Transfer. The Hearings Division is currently staffed with four Hearing Officers, two administrative staff and a Hearings Manager, all of whom are DHCD employees. The Hearings Division processes a very high volume of hearing requests - over 2000 a year.

After an appeal is received, a hearing is scheduled. A Hearing Officer conducts the hearing and issues a written decision based on the evidence presented at the hearing.

#### **IV. EA Language Access Needs Assessment:**

- a. State and federal guidance provides 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;
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.

State guidance provides that agencies should translate “vital” documents for languages “regularly encountered” in the program. Further, the guidance states that the term “languages regularly encountered” shall mean “any language spoken by at least 5% of the population served within a particular agency program, service or activity.” *ANF Administrative Bulletin #16, pages 6 and 7.*

The EA program is entirely state-funded. The funding is appropriated through the legislative process, using taxpayer dollars, and funding is subject to change from year to year. Once appropriated, program funds for the EA program are restricted to program use only, and cannot be used for administrative costs. The Department will use best efforts to implement this Plan by continuing to request sufficient funding from the Legislature and elsewhere to support this Plan's resources and activities.

This Plan seeks to balance the objective of creating meaningful access to services on the part of LEP persons with administrative fiscal limitations.

#### **b. Language Makeup of EA Client Population.**

When applying for EA, all families are asked their primary language. The most recent data collected between January 1, 2016 and February 7, 2017 indicates that of the 9138 total applicants<sup>1</sup>, the majority identified English as their primary language. Other than English, the languages most encountered by the Emergency Assistance program are: Spanish (15.4%), Haitian Creole (1.33%), Cape Verdean Creole (0.94%), Arabic (0.47%), and Portuguese (0.43%). Each other language identified by applicants accounted for less than 0.2% of the total applicants. See, **Exhibit C** for a summary of the language data for the entire program, and **Exhibit D** for the primary languages of the applicants by office.

When analyzing the data statewide or by office, the only language which meets the 5% threshold for either document translation or oral interpretation is Spanish. Nonetheless, DHCD will translate Vital Documents into the top five most frequently encountered languages. DHCD will continue to collect and analyze data and adjust this language access plan as necessary, or at least every two years.

#### **c. Points of contact between DHCD and EA population**

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<sup>1</sup> Note that not all applicants will be determined eligible for the program.



The primary contact between applicants and DHCD staff is either in person or telephonically in one of the 11 field offices. The field offices are set out in **Exhibit B**.

Once a family is determined eligible, the family may have contact with central office staff concerning placement or noncompliance. 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/>. The Housing Stabilization programs including Emergency Assistance are at <http://www.mass.gov/hed/housing/stabilization/>

Applicants and participants may also have contact with the Hearings Division staff, if they choose to appeal a Department action. The Hearings Division is located within the Office of General Counsel at 100 Cambridge Street, Suite 300, Boston, MA 02114, but hearings are often conducted in one of the field offices, with Hearing Officers traveling to the field office for the convenience of the Appellant.

## **V. Language Resources**

**a. Existing staff** - Staff of the Division of Housing Stabilization and the Hearings Division are culturally and linguistically diverse. A survey of staff, including field office staff, shows that, in addition to English, staff speak the following languages: Spanish, Cape Verdean Creole, Haitian Creole, Portuguese, French and Korean. The EA program will continue to promote the hiring of bilingual/multilingual staff at DHCD, and in contracted shelters/hotels/motels.

**b. Community based resources** - Where available and appropriate, DHCD may use community based resources for language assistance.

**c. Telephone Interpretation Service** – DHCD contracts with a telephone interpretation service that provides over-the-phone, on-the-spot interpretation of oral communication and written documents for all or most languages encountered. DHCD staff and shelter workers will use the telephone interpretation service to communicate with LEP applicants/participants.

### **d. Language Access Protocols:**

When the program was transferred to DHCD in 2009, DHCD continued with the initial language access protocols that had been put in place by DTA. Those protocols were memorialized in a 2011 document entitled, "DHCD Staff Protocols for Responding to Language Assistance Needs of Person with Limited English Proficiency ("LEP") that summarized in writing the practices that had been occurring in the field since 2009. The Language Protocols are based on the 2011 protocols and will be updated concurrently with this LAP. Among other things, the Language Protocols include detailed instructions to employees for using the *I Speak* cards available at the 3<sup>rd</sup> and 4<sup>th</sup> Floor reception desks at DHCD's main offices, in field offices, and by September 30, 2017 in shelters and on DHCD's web site, for utilizing DHCD staff for interpretation, and for obtaining assistance

from the telephone interpretation line. The Language Protocols will be further updated on an on-going basis, as necessary. In addition, DHCD is updating its website to post information about free language assistance.

**e. Oral Interpretation**

- i. DHCD and Contractors will continue to offer oral interpretation to LEP persons in their primary language when required to provide meaningful access to EA services and benefits.
- ii. DHCD and Contractors bilingual staff will provide oral interpretation when they fluently speak the same primary language as EA applicants and participants.
- iii. DHCD currently provides and pays for telephone interpreter services for DHCD staff and hotel/motel providers. By September 30, 2017, DHCD will extend and pay for telephone interpreter services for shelter providers.
- iv. DHCD staff and contractors will avoid using family members, children, friends, and untrained volunteers as interpreters. Except in emergencies, DHCD will not ask an LEP applicant/participant to use a minor child as an interpreter, unless the child is over the age of 14, and the family prefers to use the child.
- v. DHCD will continue to provide language assistance to persons calling the Hearings Division.
- vi. Currently, the automated outgoing message at the Hearings Division is in English and Spanish. DHCD will make every effort to expand the number of languages on the Hearings Division's outgoing message and the outgoing message of the number listed on the Multilingual Notice (currently (617) 573-1106).

**f. Translation of Vital Documents**

The Uniform Shelter Rules (17 pages), and a shorter summary of the rules (5 pages), the Overnight request forms and the Babysitting forms have been translated into the following languages: Spanish, Portuguese, Haitian, Somali, Amharic and Arabic. These documents are available on the DHCD website, and can be accessed by DHCD staff, shelter staff, hotel/motel staff, and EA participants.

In addition, by 2012 all of the standard documents used in the program had been translated into the following five languages: Amharic, Arabic, Haitian, Portuguese, Somali, and Spanish. However, several of the standard documents were changed in 2012 as a result of changes made to the program. By September 30, 2017, DHCD will translate all of the Vital Documents listed on Exhibit A into the five most prevalent languages among EA applicants at the time of translation as determined by DHCD based on data collected from field offices or main office, as applicable.

The Hearings Division has recently drafted a cover sheet to be attached to all hearing decisions informing appellants of the outcome of the hearing. By September 30, 2017 this cover sheet will be translated into the five most prevalent languages among EA applicants

at the time of translation as determined by DHCD based on data collected from field offices or main office, as applicable.

**g. DHCD website.**

There is much information on the DHCD website about the EA program, including who is eligible, how to apply and a list of field offices. Translation software provides translation of some content on the DHCD website into some 40 different languages.

By September 30, 2017, DHCD will include language access information, the language access complaint form, and more translated vital documents on the EA website.

**VI. Language Services Provided by DHCD and Contractors**

**a. DHCD Field Staff.**

Staff at all field offices are linguistically and culturally diverse. DHCD has surveyed field staff and main office staff that interact with EA applicants and participants whether in person or over the phone. Every field office employs Spanish speaking staff, and many field offices employ staff that speak other languages, as well, such as Portuguese, Cape Verdean Creole, Haitian Creole, and French.

DHCD field staff have been trained to and will continue to provide language assistance to every Limited English Proficient (LEP) person who appears at an EA office needing assistance. Since 2009 DHCD has contracted with a telephone interpretation service that can provide on-the-spot, over-the-phone interpretation for most or all languages encountered. All field staff have been trained to use the current telephone interpreter service.

At intake (the first point of contact), DHCD field staff will:

- Ask each family the primary language of all family members.
- Communicate to all applicants that they will not be treated differently if they identify a language other than English as their primary language.
- Note in ASIST (the DHCD software program) the primary language of the family, and a secondary language, if applicable.
- Ask each family if they would like an interpreter.
- Provide the family with a one-page document entitled, "If You Do Not Speak English Well," which sets out the services that are available to the family. This document is attached to the Staff Protocols as Exhibit 3.
- If DHCD staff speak the same language as the family, staff will communicate directly with the family. If not, staff will call the telephone interpretation service that will provide on-the-spot interpretation.
- If the family indicates their primary language is one of the five languages into which standardized documents have been translated (Spanish, Portuguese, Haitian, Somali,

Amharic and Arabic), DHCD will provide documents to the family in their primary language. However, the narrative portion of the documents may be in English.

- If the family's primary language is a language into which documents have not been translated, DHCD will call the telephone interpretation line and have the document interpreted for the family. Families may record conversations/phone calls with an interpreter so they can refer back to the recording.
- Post "I Speak" posters in all field offices.
- Post information about free language assistance in all field offices.

Field staff will be trained, on an on-going basis, about the importance of asking applicants their primary language, entering that information into the DHCD database, providing interpretation, and issuing documents in the participant's primary language, if it is a language into which the documents have been translated.

#### **b. DHCD Main Office staff**

Main office staff are culturally and linguistically diverse, and are surveyed periodically to determine who is available to provide oral interpretation for EA participants. The list of staff names and languages spoken have been circulated among the main office staff, including the main receptionists.

Staff have been and will continue to be trained on how to provide language services to LEP persons needing assistance. Main office staff, including the main receptionists, will provide effective language assistance to EA families, including use of the telephone interpretation service that can provide on-the-spot, over-the-phone interpretation.

Main office staff will communicate directly with an EA participant if staff speak that participant's language fluently. If not, staff should use the telephone interpretation service.

The LAC will train the DHCD main office staff members whose primary job function includes answering the phone at the number listed on the Multi-Lingual Notice to ensure that families receive timely, required language assistance. DHCD will also provide Language Protocols to all persons who may be answering the phone.

In addition, DHCD main office staff will:

- When issuing documents to EA families, include a Multilingual Notice which states in 25 languages, "This is an important document. Please contact the Massachusetts Department of Housing and Community Development at [phone number] for free language assistance."
- Check the family's primary language in ASIST prior to issuing any documents, and send documents to the family in their primary language, if it is one into which the documents have been translated.
- Post "I Speak" posters in the 3<sup>rd</sup> and 4<sup>th</sup> Floor reception area.
- Post information about free language assistance in the 3<sup>rd</sup> and 4<sup>th</sup> floor reception area.



### **c. Shelter Providers and Hotels/Motel Staff**

As stated earlier, DHCD does not own, manage or staff any of the facilities that provide shelter units. Instead, DHCD currently contracts with 52 shelter providers that provide congregate and scattered site units, and 2 hotels/motels that provide hotel/motel units.

Shelters are staffed with culturally and linguistically diverse staff who interpret and assist LEP persons when they are able.

With regard to shelter and hotel providers DHCD will:

- Instruct Contractors to determine and note a family's primary language when the family is placed in one of their facilities.
- Train Contractor staff with regard to identifying a family's primary language, providing interpretation services, using documents in the family's primary language, and other language access issues.
- Notify Contractor staff that EA families should be permitted to record conversations/phone calls with an interpreter so they can refer back to the recording.
- DHCD has already extended the use of the telephone interpretation line to hotels/motels, and pays for that use. DHCD provided training to hotel/motel staff, and will continue to do so.
- By September 30, 2017 DHCD will extend, and pay for, the telephone interpretation line to its 52 shelters, and will train shelter staff on the use of the line.
- When contracts are issued for FY18, DHCD will update the Scope of Services to include the following provisions:
  - 1) Prior to issuing a document or taking any action related to an LEP family, Contractors should check ASIST to determine the primary language of that participant.
  - 2) If participant's primary language is one of the five languages into which DHCD has already translated its Vital Documents, contractor will provide participant with documents in that language.
  - 3) Newly hired contractor staff will participate in language access training as soon as the next training is available.
- DHCD provides guidance and training to its Contractors and expects they will comply with the Scope of Services in their contracts.

### **d. DHCD Hearings Division staff**

Appeals are received by fax, e-mail or regular mail. Currently, the administrative staff of the Hearings Division are multi-lingual and can communicate with Appellants in Portuguese and Spanish. In addition, the administrative staff are well-trained in using the telephone interpreter service. When LEP persons call or contact the Hearings Division, if staff cannot speak with them in their own language, the telephone interpreter service is used.

When Hearings are scheduled, Appellants are notified by a written notice (in Spanish or English) of the date, time and place of the hearing. Because families are often moved, the

Hearings Division also calls every Appellant to tell them of the date, time and place of the scheduled hearing. If the family speaks Spanish, messages are left in Spanish.

When Appellants call the Hearings Division, and staff is not able to answer the phone, the outgoing message is currently in English and Spanish. Starting in 2017, the outgoing messages will be in English, Spanish, Portuguese and Haitian. Appellants can leave a message in any language, and, if necessary, staff will return the call with a telephone interpreter.

At the hearing, every Appellant who requests an interpreter is given one, usually through the telephone interpreter service. Using an interpreter, hearings have been held with Appellants whose primary language is: Spanish, Cape Verdean Creole, Haitian Creole, Somali, Amharic, Vietnamese, Arabic, Burmese, Cantonese, Russian, and other languages. This has been the protocol since 2009, when the program was transferred to DHCD.

Since 2009, every document issued by the Hearings Division has been accompanied by a multi-lingual notice, and DHCD will continue this practice. Currently, the notice states in 25 languages: "This is an important document. Please contact the Massachusetts Department of Housing and Community Development at (617) 573-1528 for free language assistance."

The phone number listed on the Hearings Division multi-lingual notice is answered by one of the administrative staff, who can communicate in both Spanish and Portuguese. Hearings Division staff will call the telephone interpreter line if a person speaks another language.

## **VII. Staff Training**

DHCD has trained and will continue to train Division of Housing Stabilization staff on the procedures outlined in this Language Access Plan. DHCD plans to develop and implement a language access training program for all DHCD staff that have contact with EA applicants and participants. Training materials and related materials will be made available to new staff, who will be required to participate in trainings when offered. DHCD will periodically review training materials, solicit feedback on the effectiveness of training, and update or modify training materials as needed.

## **VIII. Notice to public**

This Language Access Plan will be posted on the DHCD website in the Emergency Assistance subsection of the Housing Stabilization Programs section at <http://www.mass.gov/hed/housing/stabilization>.

## **IX. Agency monitoring**

In general, the Language Access Coordinator will oversee implementation of this LAP. Complaints and feedback should be directed to the Coordinator.

DHCD has collected and will continue to collect data on the languages spoken by applicants and participants in the EA program. The data, along with complaints and feedback, are reviewed on an on-going basis and used to evaluate the totality of circumstances and need, including the four factors mentioned above to determine the tasks DHCD will undertake to meet the objective of providing the most meaningful access to the EA program for LEP applicants and participants.

## **X. Complaints**

Complaints related to the Division of Housing Stabilization should be directed to the EA Language Access Coordinator:

Brenda O'Donnell  
Language Access Coordinator  
Division of Housing Stabilization  
Department of Housing and Community Development  
100 Cambridge Street Suite 300  
Boston, MA 02114  
(617) 573-1381  
Brenda.ODonnell@state.ma.us

A copy of the Complaint form is attached as Exhibit F.

## **LIST OF EXHIBITS**

**Exhibit A** – List of Vital Documents

**Exhibit B** – List of Field Offices

**Exhibit C** – Primary Languages of EA Applicants

**Exhibit D** – Primary Languages of EA Applicants by office

**Exhibit E** – Staff Protocols for Responding to Language Assistance Needs of Persons with Limited English Proficiency.

**Exhibit F** – Complaint Form

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