

# Limited English Proficiency Services Policy - Public Housing ACOP

## PUBLIC HOUSING STATEMENT OF POLICIES

### SECTION XVIII

#### LIMITED ENGLISH PROFICIENCY SERVICES POLICY

##### i. GENERAL POLICY

- A. The Housing Authority of the County of Santa Barbara (HASBARCO) is sensitive to the needs of Limited English Proficiency (LEP) persons, including applicants, participants and residents leasing HASBARCO-owned/managed units.
- B. In accordance with Federal, State, and Local law, specifically Executive Order 13166, HUD Guidance (Federal Register 4878-N-02 - January 22, 2007) and, Sections 7290 et seq. of the California Government Codes ("Dymally Alatorre Act"), and California Civil Code Section 1632, HASBARCO will take reasonable steps to ensure meaningful access to their programs by LEP persons.
- C. Meaningful access is free language assistance in accordance with federal guidelines. HASBARCO is required to provide LEP services based on a four-factor analysis. The factors are:
1. The number or proportion of the population of Non-English speaking persons served or likely to be served;
  2. The frequency of contact with the HASBARCO;
  3. The nature and importance of the service or benefit; and
  4. The resources available and cost to the HASBARCO
- D. The State and Federal guidance leaves determination of the following matters to the discretion of the local public agency:
1. What constitutes a substantial, sufficient, and necessary number of bilingual employees;
  2. When there is a sufficient population of LEP individuals of a single language group to require translation of documents;
  3. Which documents to translate; and
  3. When an LEP person may be served by interpretation services; and
  4. How LEP services are to be provided.
- E. HASBARCO will work to ensure that the provision of program services is equal, whether a program applicant, participant or resident speaks English or requires LEP services. To accomplish this HASBARCO will ensure that all staff are oriented to the LEP policy and annual training will occur for staff that interacts directly with applicants, participants, and residents.
- F. The Director of Housing or his/her designee, shall act as the LEP Coordinator for the agency. Any complaint regarding the administration of the LEP policy shall be directed to the LEP Coordinator.

G. Information regarding the LEP Policy shall be made available to the public through posting on the HASBARCO Website and the posting of Notices in offices in the appropriate threshold languages each office serves. If the Notice does not exist in an applicant's or participant's primary language then site translations will be provided. Notices summarizing the policy shall also be included into application and review packets.

## ii. APPLICABILITY

- A. This policy applies to all applicants, participants and residents of HASBARCO owned/managed housing including, but not limited to, the Public Housing program, Section 8 Housing Choice Voucher Program, Project Based Voucher, and other HASBARCO owned/managed housing.
- B. The requirement to provide LEP services shall apply regardless of an individual's citizenship or immigration status.

## iii. DEFINITIONS

- A. "Applicants," includes applicants for any program administered by HASBARCO.
- B. "Competent," means providing Language Services through a person who is proficient and has knowledge in both the English language and the non-English language being used. To be competent the person providing the translation or interpretation should be familiar with cultural terms, terms used by HASBARCO and adhere to their role as an interpreter or translator.
- C. "Interpretation," is competently taking oral or spoken information provided in one language and accurately communicating that information orally in another language.
- D. "Interpreter," means a person, not a minor, able to speak fluently and read with full understanding both in English language and the language of the LEP applicant, participant, or resident.
- E. "Language Services" or "Language Assistance," means the provision of competent language translation [oral] or interpretation services [written].
- F. "LEP" individual is a person who identifies as an LEP person, does not speak English as a primary language, and who has a limited ability to read, write, speak, or understand English.
- G. "Participants," includes authorized participants under any program administered by HASBARCO other than authorized lessees of HASBARCO owned dwelling units.
- H. "Public Contact Position" is a position that emphasizes the ability to meet, contact and deal with the public in the performance of the HASBARCO's functions.
- I. "Residents," includes authorized lessees of HASBARCO-owned/managed dwelling units.
- J. "Site Translation" means the oral translation of a document from English into a second language. Site translation involves the translation of every word, not summarization. However, in site translation, because of cultural and technical issues, further explanation may also be required and

is encouraged.

- K. "Threshold Language" is a language spoken by a sufficient number of community members that are potentially eligible for services from HASBARCO to warrant the hiring of bilingual workers and translation of documents as set out in this policy.
- L. "Translation," means converting written material from one language to another language in written form.
- M. "Vital Documents" are those that are critical for ensuring meaningful access by beneficiaries or potential beneficiaries generally and LEP persons specifically.

#### iv. . **DETERMINING NEED**

The need for provision of LEP services shall be determined by monitoring the potential applicant, applicant, participant and resident populations.

- A. Applicants shall be asked at the time of application or initial interview, whichever comes first, to designate their primary language for both written and oral and whether LEP services are required.
- B. Participants shall be asked at the time of each annual review to designate their primary language and their preference for LEP services for both written and oral services.
- C. Each resident of a HASBARCO-owned/managed dwelling unit shall be required at the time of each annual review, or earlier contact, regarding his/her primary language and their preference for LEP services for both written and oral services.
- D. Each file (paper, computer, etc.) must be coded or stamped to indicate an LEP need and the designated primary language.
- E. Generally, an LEP threshold language group that constitutes 5 percent of 1,000 persons, whichever is less, of the population eligible to be served, is an indication of need for translation of vital documents (if resources permit, as specified under Sections 1.B. and V>) However, if there are fewer than 50 persons in a language group that reaches the 5 percent level, HASBARCO may provide written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials in lieu of written translations. Additionally, for HASBARCO owned and operated properties, the threshold language will be determined on a property-by-property basis.
- F. The HASBARCO's LEP Coordinator will annually review the demographic data regarding potential and current applicants, participants, and residents to assess whether an updated four-factor analysis (as noted in Section 1 C) is warranted.

#### v. **INTERPRETER (ORAL) SERVICES**

- A. All LEP applicants, participants, and residents have the right to free interpreter services when s/he states a need or staff observes difficulty communicating in English whether or not the language

they speak is considered a "threshold" language. Once a person is identified as LEP, interpreter services must be made available in all contacts with or from HASBARCO.

- B. To the extent possible, HASBARCO will assign an LEP applicant, participant, or recipient to competent bilingual staff. If the person is not assigned to a bilingual worker then another bilingual staff member will be utilized to provide interpreter services. Such services may be provided in any method that is effective, including in person or over the telephone.
- C. When an office does not have a staff member who can provide competent interpreter services for a client, staff shall make requests for competent interpreter services through an assistant manager or higher. Outside interpreter services may include contract interpreters, telephonic interpreter services, or certified community volunteers. When used, outside interpreter services shall be paid for the HASBARCO.
- D. The use of informal interpreters, such as family members (including minors), friends, legal guardians, or advocates of the LEP person, is strongly discouraged. If used, they should be limited to emergencies and must be brief and transitory (for instance to identify the language being spoken).
- E. HASBARCO staff must always offer a free interpreter. If, after an offer of language services, an LEP individual prefers an informal interpreter, the LEP person must sign a waiver of free interpreter services in the LEP's preferred language or through site translation. After the LEP signs the waiver the informal interpreter may interpret. However, if possible, a HASBARCO staff member who speaks the LEP's language must observe the interpretation to ensure it is thorough and accurate. The HASBARCO interpreter must also sign the waiver certifying the accuracy of the translation.
- F. Requests for interpretation services may be made by an applicant, participant, resident, resident advocate, or Resident Council associated with HASBARCO program activities.

#### vi. FORMS AND DOCUMENTS TRANSLATION

- A. All HASBARCO forms and documents determined as "vital" as defined by HUD guidance shall be translated from English to threshold languages as determined by Section 1 B. HASBARCO will also translate vital documents into other languages as resources permit.
- B. "Vital" forms and documents include but, are not limited to:
  - 1. Applications to participate in an HASBARCO program or activity, or to receive HASBARCO benefits or services;
  - 2. Consent and complaint forms;
  - 3. Intake forms;
  - 4. Written notices of rights, obligations, denial, loss, or decreases in benefits or services, and hearings;
  - 5. Notices advising LEP persons of free language assistance;
  - 6. Notices of public hearings;
  - 7. Leases and tenant rules;
  - 8. Notices of eviction;

9. Informational Signage;
  10. Letters from HASBARCO asking the applicant, recipient, or participant to take action; and
  11. Any other document considered vital by HASBARCO or its staff.
- C. An LEP applicant or participant/resident will receive any "vital" forms and documents in his/her primary language provided that:
1. The applicant, participant, or resident has stated a need and/or staff observes a difficulty communicating in English; and
  2. Those documents have been translated as specified under Sections 1A and B of this policy.
- D. Wherever possible the translation will be printed on the reverse side of the English version.
- E. If the vital document has not been translated, HASBARCO will provide the applicant, participant, or recipient with site translation. And any mailed document must include the notice of free interpreter services (outlined in Section V.A. above).
- F. When Signing leases for HASBARCO properties, the resident must sign the English version of the lease. If the head of the household's primary language is a threshold language they are to receive a copy of the lease in the threshold language and be given the time to read the document in their primary language prior to signing the lease.

vii. **PUBLIC CONTACT POSITIONS**

- A. HASBARCO will endeavor to employ a sufficient number of certified bilingual employees in public contact positions to ensure the provision of information and services to LEP applicants, participants and residents.
- B. The Human Resources Department shall maintain a list of employees certified as proficient in oral interpretation and/or written translation.
- C. Certified bilingual HASBARCO employees may be required to provide services for other than their assigned worksite at their supervisor's discretion.

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