
Limited English Proficiency (LEP) Plan & Policies

Effective July 1, 2007

Washington County, Oregon · Department of Housing Services
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Equal Housing Opportunity



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Introduction

It shall be the policy of the Washington County Department of Housing Services (DHS or Department) to ensure that persons with Limited English Proficiency (LEP) shall not be discriminated against nor denied meaningful access to, and participation in, the programs and services provided by the Department. In order to ensure meaningful access and participation for LEP persons, DHS shall notify such persons that language services are available to them at no cost and shall take reasonable steps to see that language services are provided according to the provisions of the Washington County Department of Housing Services' LEP Plan and Policies as described below.

The LEP Plan and Policies that follow shall apply to all DHS administered programs, services and facilities, regardless of whether or not they receive Federal financial support. However, the LEP Plan and Policies that follow do not apply to the operation or administration of any properties or projects wherein the DHS is not the primary owner (i.e. the DHS is a co-general partner and not the entity with primary control over said property) and the primary owner qualifies as recipient or sub-recipient of federal financial assistance.

It is the intent of the Department, in providing language services to LEP persons, to achieve a balance that ensures meaningful access to programs and services while not incurring undue burdens on DHS resources.

The DHS has designated its Rental Assistance Team Leader as its LEP language services manager. This employee shall provide oversight for the implementation of the LEP Plan and Policies, coordinate and facilitate delivery of LEP language services, ensure that staff receives appropriate training on LEP policies and procedures, and direct the ongoing monitoring and periodic assessment of the LEP Plan and Policy's effectiveness.

Definitions

Limited English Proficiency person. Any person who does not speak English as their primary language and who has a limited ability to read, write, speak, or understand English. Such person or persons shall be entitled to language assistance at no cost to themselves with respect to a particular type of service, benefit, or encounter.

Vital document. Any document that contains information that is critical for obtaining or maintaining the services or benefits that are supported by Federal funds, or that are required by law. Such documents may include but are not limited to applications, consent forms, notices of participant rights and responsibilities, disciplinary notices, letters or notices that require a response from the participant or beneficiary, legal notices, and notices advising LEP persons of the availability of free language services. (See Exhibit 2)

Interpretation. The act of listening to spoken words in one language (the source) and orally translating it into another language (the target).

Translation. The replacement of a written text from one language into an equivalent written text in another language. Note: Some LEP persons cannot read in their own language and back up oral interpretation services may be needed for written documents.

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

Who is covered?

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

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

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

Recipients of HUD assistance include:

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

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

Identification of LEP persons who need language services assistance

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

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

- Current and past experiences with LEP persons encountered by staff. The number and type of such encounters will be periodically tabulated and analyzed to determine the breadth and scope of the language services required. In this analysis, consideration will be given to minority language populations that are eligible but may have been underserved because of existing language barriers. To facilitate these encounters, notices will be posted in the lobby of the main office and in the separate lobbies of our affordable housing sites where site managers are normally present. These posted notices will be in commonly encountered languages and should encourage LEP persons needing language assistance to self-identify.
- Alternate sources of LEP data. In addition to the latest Census data, the Department shall also analyze data from the Modern Language Association (www.mla.org) regarding languages spoken in Washington County as well as the ability to speak English "well" or "very well" as self-identified by speakers of various languages within the County. As part of its assessment, the Department will also review the Language Assistance Self-Assessment and Planning Tool for Recipients of Federal Financial Assistance available at www.lep.gov/selfassesstool.htm. Data may also be assessed, when available, from State and local governments, State Welfare Departments, school districts, community organizations including faith-based organizations, and legal aid entities.

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- “I Speak _____” or “Language Identification” cards in the variety of languages found in the Department’s area of operations. The cards will also be used by staff on a day-to-day basis to determine and document the need for particular language services during routine activities and encounters.
 - Staff encounters at initial screening of applicants and at each annual review. Applicants and participants in DHS’ various programs will be provided with a Language/Alternate Format Designation form (see sample – Exhibit 1). The form will ask if the family requires alternate formats of communication (i.e. large print, audio tape, electronic format, etc) and will also ask applicants and participants to self-identify their need for interpretive services. This data will be captured in the housing software and accessible as a report. The Rental Assistance Team Leader will oversee this process and will generate a record of all requests for alternate format(s) and/or languages other than English. This information shall be reviewed at least annually to ensure that the LEP plan addresses the language needs of persons in Washington County.
 - Self-identification through the application form. The Department will document within the application form that the applicant has been informed of their right to language services at no cost, identify their primary language, and whether or not they would like an interpreter or prefer to receive documents translated into their primary language.

Frequency of contact with LEP persons:

In conjunction with research to identify LEP persons in the DHS’ area of operations, the Department shall also compile information regarding the frequency of contact with LEP persons. The more frequent the contact and or the number of associated requests for alternate format(s) or languages other than English, as self-identified by applicants and participants in its programs, the more likely that language services for a specific language group will be needed. Measures necessary for a program that serves a LEP person one time or occasionally will necessarily be different from those that serve LEP persons every day. While less frequent contact suggests a different, less intense solution, some services may still be necessary for times when a LEP person occasionally seeks services.

The Department shall also provide language services in the conduct of its outreach efforts which are intended to make the general public aware of its programs and services. In this manner LEP persons who are a part of the population in the Department’s area of operations will have an equal opportunity to learn about the DHS’ programs and services and to access and participate in them. The Department shall continue to ensure that at a minimum, at least one bilingual-Spanish staff person is present at public events, and shall also continue to provide interpretation in other languages when arranged for in advance. Typically, whenever the Department intends to hold a public event of any type, a phone number is provided for persons who will require interpretive services in order to participate in the event.

Nature and importance of the program or service

The Department recognizes that within the range of programs and services it provides, some programs and services are more important than others. While it is the Department’s intent to provide meaningful access to all participants and eligible persons, the availability of resources may limit the provision of language services in some instances.

Activities such as outreach, intake, leases, rules of occupancy, legal actions, life and safety notices, and the like have a high priority. Information about and an understanding of these activities should be effectively communicated to all persons affected by them.

Other activities such as recreation programs, social activities, optional meetings, and related areas are of a lesser importance and hence a lower priority.

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

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

Types of language services to be provided

The data collected under research into the various language groups in the Department’s area of operations shall be specific enough to inform staff as to the variety of language groups for whom interpretation and translation services are needed.

The Department shall provide language services to LEP persons by a variety of methods based upon the relative numbers of such persons and the frequency of contacts or anticipated contacts. Reasonable steps shall be taken to accomplish this but at a point at which costs approach or exceed the benefits, alternative methods of delivery of language services will be evaluated and appropriate changes made.

Based upon the number or proportion of LEP persons of various language groups served or encountered in the eligible population as of May 2007, the DHS shall provide language services as indicated below:

Provision of Written Language Assistance	Language Group(s)	Determination:
Translate Vital Documents	<ul style="list-style-type: none"> • Spanish • Korean • Vietnamese 	Based upon Modern Language Association (MLA) data, there are more than 1,000 speakers of these languages who self-identify that they speak English “not well” or “not at all” within the Department’s jurisdiction.
Translated Written Notice of Right to Receive Free Oral Interpretation of Documents	<ul style="list-style-type: none"> • Spanish • Korean • Russian • Ukrainian • Somalian 	Based upon the Department’s past experience with LEP persons encountered by DHS staff, these are the most common languages for which interpretation is requested.
No Written Translation Required	<ul style="list-style-type: none"> • All Others 	While no written translation is required for other languages under the LEP Plan, the Department shall continue its practice of providing oral interpretation when requested by applicants/participants of its programs.

Policy and Procedures

General. The Department will post a notice or poster in a conspicuous place in the DHS main office, affordable housing managers’ offices and common areas (e.g., community rooms or laundry rooms) that advises tenants, applicants or members of the general public that interpreter services are available at no charge to the individual who is seeking services or information regarding such services.

The Department will also display HUD’s Language Identification (“I SPEAK”) cards” in the DHS main office, affordable housing managers’ offices, and entry points and/or areas where tenants, applicants or members of the general public are likely to come into contact with the receptionist or management staff.

The Department will contract with a telephone interpretive service (currently AT&T Language Line) that will allow tenants, applicants or members of the general public who do not speak English to communicate with the DHS’ staff or private management staff at the time they call or come into the DHS main office, affordable housing managers’ office or reception area.

Telephone System Protocols.

The Department will use a telephone voice mail menu that provides a Spanish-language version of the English language menu. This menu will be reviewed at least annually to ensure that terminology is current and accurate.

Documentation Guidelines.

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

Marketing and Outreach.

In all outreach/marketing materials to include website and general advertising, identify in both English and Spanish that interpretive services are available and the process by which these interpretive services can be accessed by prospective applicants and members of the general public. To the maximum extent possible but consistent with the type of information or services being communicated, the Department will notify prospective applicants and members of the General Public that there are other interpretive services available and how they may access them. These other languages include: Korean, Vietnamese, Russian, Ukrainian, and Somalian.

Reasonable Accommodation Policy.

The DHS will provide information in the briefing packet that this policy and any related documents necessary for an applicant or tenant to request an accommodation or modification of the premises is available in English and Spanish. A notice will advise that interpretive services are available for the other languages.

Procurement of interpretation and translation services for LEP Persons

The following methods of providing interpretation and translation services shall be considered and used based upon the assessment of need for the DHS:

1. Contracting with qualified interpreters and translators, either individually or through an organization which provides such persons. (Essential when accuracy and details are important or critical.)
2. Hiring qualified interpreters and translators. (Essential when accuracy and details are important or critical.)
3. Hiring bilingual staff who subsequently receive training in proper interpretation and translation protocol. (Useful when interpretation needs are regular and ongoing, and when the importance of the encounter may be less than that required in legal action.)
4. Using telephone (or video conferencing) interpreter services. (Useful when prompt delivery of interpretation services is required.)

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5. Using community volunteers (either individuals or community service agencies that provide services to one or more language groups. (Useful when language service needs are less important or informal.)
 6. Using family members or friends. (Although there are some situations where this is not suitable, in others it may be useful when language service needs are least important or informal.)

The Department shall explore the most cost effective means of delivering competent language services before limiting services due to resource limitations or concerns. In the process of deciding which services shall be provided, DHS shall thoroughly document the process used in arriving at the determination of which services are to be provided to which groups. This documentation shall be maintained in DHS records to demonstrate compliance with the LEP Guidance issued by HUD (December 19, 2003).

Quality and competency of language services

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

Interpreters. Oral interpretation of encounters, interviews, meetings and the like require a certain level of competency and professionalism on the part of the interpreter. These characteristics do not necessarily exist in a person who is simply bilingual. Likewise, formal certification while helpful may not always be required. Often the importance of the encounter or the consequences will direct the level of professionalism needed. For example, a grievance hearing or court hearing regarding a lease termination may require a certified interpreter, while a meeting at a resident's home about a minor neighborhood complaint may not.

- Translation and interpretation, whenever possible, shall be provided by DHS staff members who have passed Washington County's standardized test for bilingual ability – subject to the criteria below.
- If a staff member who speaks the necessary language is not available, the DHS shall obtain translation and interpretation services only from a certified translation/interpretation service.

When using an interpreter, DHS shall use the following general criteria to ensure effective communications with LEP persons:

- Demonstrated proficiency in and ability to communicate information accurately in both English and in the other language and able to identify and employ the appropriate mode of interpreting (consecutive, simultaneous, summarization, or sight translation).
- Knowledge in both languages of any specialized terms or concepts particular to DHS programs or services and of any particularized vocabulary and phraseology used by the LEP person, or the ability to explain either in English or the necessary language, the specialized term(s), concept(s), particularized vocabulary or phraseology.
- An understanding of and ability to follow confidentiality and impartiality rules to the same extent that the DHS employee for whom they are interpreting or to the extent that their position requires or both.
- Understanding of and adherence to their role as interpreter without deviating into a role as counselor, legal advisor, or other role.
- Awareness of regionalisms (dialects) used by the LEP persons for whom they are interpreting.

When interpretation is needed and reasonable, it shall be provided in a timely manner and appropriate place so as to avoid the effective denial of a benefit or service. The importance of the benefit or service to meaningful access to programs and services will dictate the urgency of providing the language service. Where access to or exercise of a service is not precluded by a reasonable delay, the language service may be reasonably delayed.

Translators. When selecting translators, the list of criteria applied to determine competency and professionalism for interpreters above shall also be applied to the extent that those criteria are appropriate. Translation skills can be very different from those of interpretation. When vital documents are involved, the Department may decide to use professional translators or translation associations. Translated documents may be checked by a second translator or translated back into English by a second party to confirm accuracy.

Documents Used by the DHS

The Department shall conduct an initial review of its written documents that are generally available to and used by the general public, applicants and residents for the purpose of assessing the importance of those documents to its clientele including LEP persons.

This analysis shall be based upon HUD’s “Four Factor Assessment” that is found in the Notice regarding guidance on LEP persons. As indicated earlier under Definitions, the four factors are 1) the number or proportion of LEP persons encountered or eligible to be served; 2) the frequency of contact; 3) the nature or importance of the program or activity; and 4) the resources available to the DHS and the costs.

Based upon this analysis, a determination shall be made as which documents shall be translated and into which languages. This may range from word for word translation of legal notices to the simple inclusion on other less important documents of a notice in various languages that translations or interpretations may be available upon reasonable request.

The Department will incorporate the following ‘safe harbors’ established by HUD for written translations:

Size of Language Group	Recommended Provision of Written Language Assistance
1000 or more in the eligible population in the market area OR among current beneficiaries* (See Note 3)	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 1000 in number ** (See Note 4)	No written translation is required

Note 1: “A ‘safe harbor’ means that if a recipient provides written translations under these circumstances, such action will be considered strong evidence of compliance with the recipient’s written translation obligations.” [HUD Final LEP Guidance, part VI.B.3]

Note 2: There are **NO** ‘safe harbors’ for interpretation. The ‘safe harbor’ provisions for written translation “do not affect the requirement to provide meaningful access to LEP persons through competent oral interpreters where oral language services are needed and reasonable. [HUD LEP Final Guidance, part VI.B.3]

Note 3: The Department has used the Modern Language Association (MLA) data to further identify those language groups in the County that are “eligible” based on self-identification that they speak English “not well” or “not at all”.

Note 4: The Department does not have any languages, other than Spanish, that currently exceed the 5% or 1000 “eligible persons” standard using MLA data. However, based upon the Department’s past experience with LEP persons encountered by DHS staff, Russian, Ukrainian and Somalian are the most common languages for which interpretation is requested.

The assessment shall result in a determination of which documents shall be classified as “vital,” and “non-vital.” This analysis of documents shall be applied on an ongoing basis as new documents are created and old ones revised. The analysis shall be reviewed on a periodic basis (not less than annually) to consider the overall impact to LEP persons.

As evidenced in the table above, the Department shall provide written translation of vital documents for LEP language groups that are either (1) 1000 or more or (2) more than 5%, of the eligible population in the market area or among current beneficiaries and more than 50 in number.

Translation of vital documents into other languages that do not meet this criterion may be provided orally if and when needed. If there are fewer than 50 persons in a language group that meets the 5% level, the DHS will not translate documents but will instead provide a written notice in the appropriate language of the LEP group of the right to receive competent oral interpretation of the written materials free of cost.

The DHS shall develop and maintain a register of approved interpreters and translators for language services required for LEP persons.

Type and frequency of notice to LEP persons

The Department shall provide appropriate notice to LEP persons and language groups of the availability of free language services that ensure meaningful access to programs and services provided by the DHS. Based upon the results of research into the language groups that are encountered in the DHS’ area of operations, notices in those appropriate languages informing LEP persons and groups shall be posted in common areas, offices, and anywhere that applications are taken. These notices shall explain how to receive language services.

In addition, as applicable:

- Notices shall be included on or with outreach documents and tagged onto the front of commonly used materials.
- Notices shall be distributed to grass roots and faith-based community organizations informing LEP persons of the Department’s programs and services and of the availability of free language services if needed.
- Telephone answering messages and voice mail menus shall include brief notices in the most commonly used languages.
- Other notices shall be posted as determined appropriate in local newspapers in commonly used languages and in non-English periodical publications in the area of operations, on non-English radio or television programs, and in schools, State and local governmental offices, and other locations where LEP persons may see them.

Training for staff persons

The Department shall provide training to its staff regarding its LEP Plan and Policies. A determination of the frequency of staff encounters with LEP persons shall dictate the level of detail of this training. All employees who are likely to have contact with LEP persons shall be trained to assure that they know LEP policies and procedures, that they work effectively with in-person and telephone interpreters, and they understand the dynamics of interpretation among LEP providers and interpreters. Staff having the greatest contact shall be trained first to effectively implement the LEP Plan and Policies through the use of standardized procedures. Those staff having the least amount of contact with LEP persons shall, at a minimum, be trained to be fully aware of the Plan and Policies so that they may reinforce its importance and ensure implementation by other staff.

LEP training shall be part of the orientation for all new employees who work with LEP persons. The Department will document training and orientations on the LEP Plan and Policies for new employees with the level of detail appropriate to

their assigned job responsibilities. On-going employees will receive a one-time orientation on the LEP Plan which will be documented. (See Exhibit 3)

Monitoring compliance, assessing performance, and revisions

The Department shall monitor implementation of the LEP Plan and Policies on an ongoing basis, making revisions to policies and procedures as may be required periodically. The Department shall also review (not less than annually) the overall effectiveness of its LEP Plan and Policy. This review shall consider information from the following sources and criteria as well as other factors as may be appropriate:

1. Changes in demographics including new language groups and changes in the proportion of existing language groups, types of services, and other needs.
2. Frequency of encounters with LEP persons.
3. Whether existing language services are meeting needs of LEP persons.
4. Availability of new resources including technology.
5. Whether identified sources for assistance are still available and viable.
6. How well staff understand and have implemented the LEP Plan and Policies
7. Feedback from the community at large and from minority language groups and persons.

Based upon findings of the periodic review, the DHS shall revise the LEP Plan and Policies to ensure its effectiveness in meeting the access and participation needs of LEP groups and persons. Staff shall document revisions to the LEP Plan and Policies as they are necessary and the reasons therefore.

Discrimination-Complaint Procedures

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

Exhibit No. 1 - (Sample Format) – Language/Alternate Format Designation Form

Department of Housing Services Language/Alternate Format Designation

The Washington County Department of Housing Services (DHS) wants to provide effective communication and services to all its clients. This includes persons with disabilities, and persons who do not speak English.

The purpose of this form is to gather information to help us serve you better.

Kinds of Communication

DHS can communicate with persons who have disabilities in several ways. Check below to tell us how you would like to get information from the DHS:

- I do not need written materials in a different format.
 - I need written materials in the following format:
 - Large Print: **This is 18 point font.**
 - Audiotape: Text is recorded on an audiocassette tape.
 - Braille: Written text is provided in Braille.
 - Electronic format: Written material is saved as “plain text” on a CD-ROM or 3.5” floppy disk.
 - Spoken: Written material is read aloud by a DHS employee, in person or over the phone.
 - I need a sign language interpreter.
 - Other (please explain):
-

Your Language

- I speak English and read English and do not need help communicating with the DHS.
 - I speak English, but I need help filling out paperwork.
 - I do not speak or read English, and I need written materials in:
 - Bosnian
 - Cambodian
 - Chinese
 - Korean
 - Laotian
 - Romanian
 - Russian
 - Spanish
 - Vietnamese
 - Other:
-

- I do not speak or read English, and I need written materials in:
 - Bosnian
 - Cambodian
 - Chinese
 - Korean
 - Laotian
 - Romanian
 - Russian
 - Spanish
 - Vietnamese
 - Other:
-

I have read this form, or it has been read to me.

Print Name: _____ Date: _____

Signature: _____

Exhibit No. 2 – HUD’s List of “Vital” Documents

At an LEP meeting that HUD held on February 28, 2007, a HUD representative announced that HUD has identified eight (8) PIH forms as “vital” documents and is in the process of translating the forms into 11 languages. Currently, HUD has translated vital documents only into Spanish. It is estimated that some, but probably not all forms will be translated into some of the 11 languages in the next 12-24 months. These forms and languages are indicated in the table below:

<u>FORMS</u>	<u>LANGUAGES</u>
Authorization for Release of Information/Privacy Act Notice (HUD-9886)	Spanish
Request for Tenancy Approval (HUD-52517)	French
HAP Contract (HUD-52641)	Vietnamese
Tenancy Addendum (HUD-52641-A)	Haitian Creole
Family Self-Sufficiency (FSS) Program Contract of Participation (HUD-52650)	Hmong
FSS Escrow Account Credit Worksheet (HUD-52652)	Chinese
Statement of Homeownership Obligations (HUD-52649)	Cambodian
“A Good Place to Live”	Korean
	Arabic
	Russian
	Laotian

Although HUD has indicated that it will be adding to this list “as necessary”, the exact timetable for these HUD forms is not known at this time. In the interim, the Department will ensure that it provides the necessary interpretation for the HUD documents as well as translated local documents and notices to allow LEP persons to effectively participate in, or benefit from, its programs. The Department will review its own forms and documents and determine whether they are “vital” or “non-vital”. Vital documents may include intake and reexamination forms, the lease and tenant rules for the public housing program, critical or emergency notices to tenants, the notices of denial, termination, etc. Other documents that may be considered as “vital” and therefore need to be translated are the Grievance Procedures and Reasonable Accommodation Procedures associated with the various programs. The Department estimates that it should be able to translate its “vital” documents into Korean and Vietnamese within 12-18 months. Translations of “vital” documents into other community languages are not required at this time, but this requirement will be reviewed annually.

The failure to provide written translations, however, under the circumstances outlines above will not necessarily mean noncompliance with Title VI and Section 188. If the written translation of a certain document or set of documents would be so financially burdensome as to defeat the legitimate objectives of the provider’s program or activity, and there is an alternative means to provide the LEP persons with meaningful access to the information, such as timely, oral interpretation of vital documents, this may suffice when reviewing the program or activity in its totality.

The Department will give careful consideration to the safe-harbor guidance when deciding which documents to provide in written form in languages other than English.

Exhibit No. 3 – LEP Staff Training

The Department's effective commitment to LEP Plan and Policies requires a trained and knowledgeable staff. As a result, DHS Staff should know their obligations to provide meaningful access to information and services for LEP persons. To be effective, the DHS LEP Plan includes the following training parameters:

- Staff should know about LEP policies and procedures, and how to implement them.
- Staff should be aware of proper noticing requirements for LEP persons, to include posting of signs in common areas, stating in outreach documents that language services are available from the Department, and using the telephone voice mail menu, etc.
- Staff should be aware of the types of language services available (i.e., interpretation and translation)
- Staff should be trained on how they can obtain these services for their LEP clients
- Staff should be trained on how to respond to LEP callers
- Staff should be trained on how to use HUD's Language-Identification ("I Speak") Cards"
- Staff should be trained on how to respond to written communication from LEP persons
- Staff having contact with the public need to trained to work effectively with in-person and telephone interpreters
- Staff should be trained on how to respond to LEP persons who have in-person contact with recipient staff, and
- Staff should be trained to know how to ensure competency of interpreters and translation services.

The Department will provide a one-time orientation of these policies and procedures to all its employees in public contact positions. Training will be provided to new employees as part of their orientation. The more frequent the contact with LEP persons, the greater the need will be for in-depth training. Staff with little or no contact with LEP persons may only have to be aware of the LEP plan. However, management staff, even if they do not interact regularly with LEP persons, should be fully aware of and understand the plan so they can reinforce its importance and ensure its implementation by staff.

The Rental Assistance Team Leader will be responsible for monitoring and managing the LEP program. In addition to periodic review of LEP language-assistance practices and procedures, updating staff on more effective ways to serve LEP clients and the laws, rules and regulations pertaining to LEP clients, he/she will maintain a "training registry" that records the names, dates and type of LEP program-related employee training.

To assure the success of the language assistance program, the Rental Assistance Team Leader should monitor the LEP program periodically, but not less than annually, to assess the effectiveness and efficiency of its program. This monitoring may include, but need not be limited to:

1. Systematic feedback from LEP clients
2. Systematic feedback from staff;
3. Periodic in-house reviews of the current communications needs of LEP clients; and,
4. Periodic contact with community-based organizations that provide services to LEP clients.