

# Middleborough Housing Authority

## Language Access Plan

### I. Introduction and Purpose

MHA is committed to complying with all civil rights laws, including Title VI of the Civil Rights Act of 1964 (Title VI), which requires us to ensure meaningful access to our programs and activities to all Massachusetts residents who may qualify, including those with limited English proficiency. Individuals with limited English proficiency are those who do not speak English as their primary language, and who have a limited ability to read, write, speak and/or understand English (hereafter, “LEP persons”).

The purpose of this plan is to ensure that MHA provides LEP persons with meaningful access to our programs and activities. In preparation for writing this plan and in order to identify the specific needs of LEP persons likely to benefit from our programs, MHA conducted a needs assessment using the four-factor analysis provided in the HUD’s Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (the “Guidance”).

In accordance with this four-factor analysis, MHA’s assessment balanced the following:

1. The number or proportion of LEP persons served or encountered in the eligible service population. (As instructed in the Guidance for the purpose of determining those LEP persons “served or encountered”, we included those persons who would be served or encountered if the persons received adequate outreach and we provided sufficient language services);
2. The frequency with which LEP persons come into contact with MHA;
3. The nature and importance of the program, activity or service provided by MHA; and
4. The resources available and costs to MHA. Please note that to the extent possible, we have tried to identify third party vendors and other third parties who may interact and/or provide information and services in connection with a MHA program and activity, many of which have an independent legal obligation to provide meaningful access to LEP persons.

### II. LEP Populations to be Served or Encountered and the Frequency of Encounters

As a condition of the Performance Monitoring Review (PMR), DHCD requires that an affirmative fair housing marketing and tenant selection plan incorporates fair housing laws and a language access plan for implementing plans and procedures ensuring meaningful access by LEP persons interested in applying for residency, in the move in and move-out process, in income recertification and lease renewal, maintenance inspections, standard maintenance requests and emergencies, notifications of events, lease violation notices, and social events; and, if applicable, lease termination and eviction proceedings.

MHA has three basic activities that would encounter serving LEP persons: 1) providing subsidized housing in MHA properties for families, elderly and the disabled 2) providing subsidy for private rental units and 3) administration of other affordable housing rental and home ownership programs.

- 1) MHA as a provider of subsidized rental properties, MHA staff encounters and/or interacts with LEP persons. Historically, the majority of persons contacting the Middleborough office are fluent in written and spoken English.
- 2) MHA as a provider of rental vouchers through HUD’s Housing Choice Voucher Program (HCVP) and DHCD’s Massachusetts Rental Voucher Program (MRVP) MHA staff also encounter and/or interact with LEP persons.
- 3) MHA administers several Affordable Rental and Home Ownership Programs such as LIHTC, 40b, 40r Programs. These Programs require marketing to low income LEP persons.

Direct contacts with the LEP Persons: Telephone calls: Direct contacts between the MHA staff and LEP persons via telephone are unpredictable and extremely limited in both in volume and frequency. The staff field approximately 40-50 calls from existing or prospective applicants or tenants each week. Historically, a small number of these calls, approximately 0-1 per month, are from LEP persons, primarily Spanish speaking, based on a recent monitoring of calls during a peak period of call volume.

Face to Face communications: On average, approximately 1-2 times per year, the MHA staff has the opportunity to interact directly with applicants who are LEP persons at marketing workshops and resource fairs. At these events, the MHA staff distribute South Coast's Fair Housing brochures containing basic information with contact information in several languages

Identification of Eligible Service Population: As MHA is a public agency, an argument can be made that the geographic area served by MHA is state-wide and the LEP populations to be served by MHA are quite numerous. However, upon review of the Guidance, we do not construe our obligation to provide language assistance quite so broadly.

Rather, MHA has determined the LEP populations to be served based on the following: 1) 2010 US census data, updated through 2017; 2) a review of language services requested by participants and applicants during 2019; and 3) a review of voluntarily disclosed ethnicity data of participants and applicants during 2019. Based upon census data, the LEP populations as identified by MHA are persons who speak Spanish (232=1.2%) and Other (509 = 2.6%) which includes Portuguese. Based upon this data, and the three factor analysis we conducted, MHA recognizes that our marketing efforts need to reach LEP persons who speak Spanish and Portuguese.

### **III. Language Assistance Measures**

#### Written Communications:

The type of language assistance necessary to provide meaningful access varies depending on the type of communication staff is having with the LEP person (e.g. phone, in person or written communication) and in some circumstances more than one method will work. Regardless of how the language assistance is provided,

MHA recognizes the importance of connecting potential applicants to resources that can provide effective translation of the Program features and requirements in a timely manner. Failure to do so may effectively delay or deny potential LEP person's access to the Program.

MHA understands that the extent of our obligation to provide both oral and written translation is dependent on the three-factor analysis we conducted. We have chosen to follow the Safe Harbor rule, contained in the Guidance, to assist us in determining when to provide translation of vital documents. The Safe Harbor rule for written translation of vital documents is based on the number and percentages of the market area-eligible population or current beneficiaries and applicants that are LEP. According to the Safe Harbor Rule, HUD would expect translation of vital documents to be provided when the eligible LEP population in the market area or current beneficiaries exceeds 1,000 persons or if it exceeds 5% of the eligible population. In cases where more than 5% of the eligible population speaks a specific language, a translated written notice of the person's right to an oral interpretation is available.

As the census data shows that less than 1,000 people in our service area are LEP and speak Spanish or Portuguese, MHA will continue to offer the Important Information Notice in multiple languages for applicants and participants to read. These plans are subject to changes as MHA will continue to monitor demographic information and trends with respect to LEP populations to be served.

With respect to marketing and outreach efforts, MHA's marketing to the general public currently takes two (2) forms: (1) a brochure describing the basic features of our Programs in English; and (2) a portion of our website

that contains more detailed information about these Programs. MHA recognizes the need for our marketing efforts to be accessible to the three language groups in our target area. At present, the Program brochure is available in English and can be translated into Spanish and Portuguese. Supplemental marketing pieces designed to be used in conjunction with the primary Program brochure are also advertised in Spanish, Portuguese, Cape Verdean and Chinese publications.

#### Oral Communications

HUD's safe harbor rule is inapplicable to oral communication. In other words, MHA has an obligation to provide oral language assistance regardless of the number or percentage of persons who comprise a specific language group.

#### "I Speak" Cards

In order to be able to provide language assistance, MHA needs to identify who needs the assistance. Though it is extremely rare for any current tenant or prospective applicant to come to our offices, our staff has been furnished with I Speak cards so that if LEP persons do arrive unexpectedly at our office, they will be able to identify their language needs. The staff will also bring I Speak cards with them when they attend homebuyer fairs and homebuyer education classes. This will enable the staff to either assist the LEP person directly, or engage the assistance of others.

#### Competent Bilingual Staff

MHA makes efforts to hire staff that has language skills in addition to English; particularly staff with Spanish language skills, as Spanish is the most prevalent of the LEP populations in Massachusetts. As previously noted, the staff has very limited and infrequent contacts with LEP persons. To the extent that there is such direct contact, it is typically in the form of an isolated telephone inquiry by a Spanish speaking LEP person. If a MHA staff member come into direct contact with LEP persons interested in the Programs they usually have their own translator with them; even so we will contact a professional language service to provide assistance.

#### Professional and Informal Interpreters and Guidelines for Homeownership Staff

MHA understands that it needs to have the ability to communicate with LEP persons whose primary language is other than Spanish and Portuguese in the rare instance where this might occur. In such cases, MHA is prepared to use a professional interpreter or translator services. As a third option, MHA is prepared to use a professional telephonic translation and interpretation company such as the Language Line Services, to obtain immediate interpreter services.

Under most circumstances, interpreters aren't required to provide a formal certification as an interpreter. However, they must still do the following:

- Be proficient in and able to communicate information accurately in both English and the other applicable language;
- Understand and ensure confidentiality;
- Maintain impartiality and act solely in the role as an interpreter;
- Be aware of regionalisms and be able to provide the most appropriate interpretation in a consistent manner.

Regardless of who is used as an interpreter, MHA staff will adhere to the following guidelines when using an interpreter:

- Explain to the interpreter the purpose of the communication and provide a description of the information to be conveyed;
- Provide brief explanations of technical terms that may come up during the communication, such as eligibility, income limits, etc.

- Avoid using acronyms.
- Speak in short sentences;
- Express one idea at a time and allow the information to be interpreted prior to continuing;
- Check in with the interpreter to make sure he/she is understanding what you're saying because if he/she doesn't then how he/she translates the information may be confusing to the LEP person;
- Avoid using double negatives;
- Enunciate words;
- Don't use contractions;
- If in person: talk to the LEP person and not to the interpreter. In other words, face the LEP person and look at him/her and not the interpreter;
- Be patient;
- Thank the interpreter.

### Informal Interpreters

LEP persons may choose to bring an informal interpreter with them to assist in communication, including but not limited to the LEP person's family members, friends, legal guardians, service representatives or personal advocates. In such instances, the staff must remember the following:

- LEP persons who bring an informal interpreter with them must be reminded that MHA is willing to provide free language interpretation. If the LEP person prefers the informal interpreter, he/she will be permitted to do so at his/her own expense. Also, they must sign an acknowledgement that MHA has offered free interpreter services and that he/she has elected not to have a formal interpreter present;
- Informal interpreters may not be appropriate, depending on the circumstances and subject matter. Simply put, not all informal interpreters are competent to provide quality and accurate interpretations. As a result, such language assistance may not result in an LEP person obtaining meaningful access to our Program. If a LEP client wants an informal interpreter, MHA may choose to also have a formal interpreter to ensure accurate translation of complex, legal material;
- In emergency situations that are not reasonably foreseeable, MHA may need to temporarily rely on informal interpreters. Reliance on children is especially discouraged unless there is an extreme emergency and no competent interpreters are available.

### Telephone Interpreter Service Line

MHA staff have been provided information on how to access and utilize Language Line Services, which can provide immediate interpreter services in over 140 different languages. This can be very helpful when an LEP person calls or comes in and no other interpreter is available to assist. This service is extremely costly. Its effectiveness can also be limited when staff needs to discuss documents unless the telephonic interpreter is provided adequate time to review the documents prior to the interpreter service.

### Written Translation Services

DHCD has translated many required documents into several languages. These documents can be found on DHCD's website. MHA may utilize professional translators for other needed documents

### Accuracy of Translation

MHA makes every effort to use competent and accurate translators. MHA recognizes that this is particularly important for documents with legal or other information where accuracy has important consequences. We rely on DHCD and professional translators to translate important documents. To the degree possible, MHA will engage independent translators for the purposes of translating from English to the other language and from the other language back to English to make sure the translations are accurate.

#### **IV. Staff Training Regarding LEP Policies and Procedures**

All current staff members are trained with respect to our obligation to provide meaningful access to information and services for LEP persons. Likewise, training on this topic is part of MHA's orientation for new employees. The training seeks to make the employees aware of the following:

- A) Background of the LEP Program;
- B) MHA's obligation to provide meaningful access to LEP persons;
- C) LEP policies and procedures;
- D) Protocol in responding to LEP callers, written communications from LEP persons and in-person contact with LEP persons.

#### **V. Providing Notice of Free Language Services to Persons with LEP**

MHA understands its obligations to put members of the eligible LEP population on notice that we provide free language assistance. MHA will notify LEP applicants through the following methods:

- A) Place a statement on our website in Spanish and Portuguese
- B) Notifications that the information is available in other languages.

#### **VI. Continuous Oversight of the LAP – Monitoring and Updates**

MHA will monitor and update this LAP on an ongoing basis.

- MHA staff will track the language assistance requested and provided. The purpose is to determine language needs of those accessing and seeking to access Programs and how well MHA is satisfying these needs.
- MHA will annually review the demographics of the local population to make sure that its other languages outreach is providing meaningful access to the Program to those most likely to benefit.
- If new demographic data is released by the federal or state government, MHA will review the data and implement accordingly (i.e., adjust marketing efforts and update this plan).

#### **VII. Summary of present and continuous efforts**

Current Resources to LEP speakers:

- MHA's informational brochure and supplemental marketing pieces are designed to be used in conjunction with marketing in Spanish and Portuguese.
- MHA's 40b/40r lottery marketing includes relevant consumer information/notice in the multiple languages
- MHA has created an account with a phone interpretation system, Language Line Solutions, and corresponding internal training materials, to effectively communicate with LEP borrowers who require language interpretation assistance.
- Accommodations for verbal contact with potential LEP homebuyers such as "I-Speak" cards are available at the MHA reception desk. The "I-Speak" cards are also available at all 40b or 40r affordable housing sessions in which MHA participates.
- MHA does not intend to translate all documents and letters into all languages used in the area, but rather, to provide access to DHCD's or HUD's website that have important documents in other languages.

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