



# **Housing Authority of the City of Milwaukee**

## **Language Access Plan Policy**

**Effective:** [Insert Date Approved at Board Meeting]

## **Overview**

Most individuals living in the United States read, write, speak and understand English. There are many individuals, however, for whom English is not their primary language. If these individuals have a limited ability to read, write, speak, or understand English, they are limited English proficient, or “LEP”. Language to LEP persons can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by federally funded programs and activities. The federal government funds an array of programs, services, and activities that can be made accessible to otherwise-eligible LEP persons. The federal government is committed to improving the accessibility of these programs and activities to eligible LEP persons.

The Housing Authority of the City of Milwaukee (HACM) is sensitive to the needs of persons with Limited English Proficiency (LEP), including applicants, participants and the residents of the City of Milwaukee. HACM values differences and is committed to providing equal opportunity in its outreach practices and decisions. HACM follows all applicable federal, state and local laws and ordinances prohibiting discrimination. HACM’s Language Access Plan (LAP) takes reasonable steps to ensure LEP persons have meaningful access to HACM’s programs and services.

## **General Policy**

The U.S. Department of Housing and Urban Development (HUD) policy is published pursuant to Title VI, Title VI regulations, and Executive Order 13166. It is consistent with the final Department of Justice “Guidance to Federal Financial Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons”, published on June 18, 2002 (67 FR 41455).

Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, is the federal law that protects individuals from discrimination on the basis of their race, color, or national origin in programs that receive federal financial assistance.

Executive Order (EO) 13166, published on August 11, 2000 directs all federal agencies, including the Department of Housing and Urban Development (HUD), to work to ensure that programs receiving federal financial assistance provide meaningful access to LEP persons. Pursuant to EO 13166, the meaningful access requirement of the Title VI regulations and the four-factor analysis set forth in the Department of Justice (DOJ) LEP Guidance apply to the programs and activities of federal agencies, including HUD. In addition, EO 13166 requires federal agencies to issue LEP Guidance to assist their federally assisted recipients (i.e. HACM) in providing such meaningful access to their programs. This Guidance must be consistent with the DOJ’s Guidance to its federally assisted recipients. On January 22, 2007, HUD published “Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons”.

## **Limited English Proficiency Persons**

Persons who, as a result of national origin, do not speak English as their primary language and who have a limited ability to speak, read, write, or understand are defined as LEP individuals. For purposes of Title VI and the LEP Guidance, persons may be entitled to language assistance with respect to a particular service, benefit, or encounter.

United States citizenship does not determine whether a person is LEP. It is possible for a person who is a United States citizen to be LEP. It is also possible for a person who is not a United States citizen to be fluent in the English language. Title VI is interpreted to apply to citizens, documented non-citizens, and undocumented non-citizens. HACM's programs require recipients to document citizenship or eligible immigrant status of beneficiaries. Title VI LEP obligations apply to every beneficiary who meets the program requirements, regardless of the beneficiary's citizenship status.

#### **Four Factor Analysis**

HACM is required to take reasonable steps to ensure meaningful access to its programs and activities by LEP persons. The starting point is an individualized assessment that balances the following four factors:

- 1) The number or proportion of LEP persons eligible to be served or likely to be encountered.

The greater the number or proportion of these LEP persons, the more likely language services are needed. Persons "eligible to be served or likely to be directly affected, by" HACM programs or activities are those who are served or encountered in the eligible service population. The "eligible service population" may be the entire City of Milwaukee or, in the instance(s) where a housing development serves a large LEP population, the appropriate "eligible service population" would be the particular housing development.

- 2) The frequency with which LEP persons come in contact with HACM and its programs.

HACM will assess, as accurately as possible, the frequency with which it has contact with LEP individuals from different language groups seeking assistance. The more frequent the contact with a particular language group, the more likely that enhanced language services in that language are needed. The steps that are reasonable for a PHA that serves an LEP person on a one-time basis will be very different than those expected from a PHA that serves LEP persons daily. For less frequent encounters with different language groups, HACM is prepared to use telephonic interpretation services to obtain immediate interpreter services.

- 3) The nature and importance of the program, activity, or services provided to people's lives.

The more important the program or activity or the greater the possible consequences of the contact to the LEP persons, the more likely services are needed. The decision to make a specific activity compulsory in order to participate in the program, such as filling out particular forms, participating in administrative hearings, or other activities, will serve as strong evidence of the program's importance.

- 4) The resources available to HACM and the cost.

HACM will explore the most cost-effective means of delivering competent and accurate language services including but not limited to training bilingual staff to act as interpreters and translators, information sharing through other PHAs and sharing language assistance materials and services among and between community based organizations that HACM works with.

The results of the four-factor analysis will determine the mix of LEP services required. HACM will utilize both oral interpretation either in person or via telephone interpretation service or written translation.

The U.S. Census Bureau American Fact Finder for the City of Milwaukee provides the following statistics for the 553,365 population 5 years and older:

LANGUAGE	TOTAL	PERCENTAGE %
English only	448,779	81.1
Spanish or Spanish Creole	73,597	13.3
Other Indo-European languages	10,514	1.9
Asian and Pacific Island languages	16,048	2.9
Other languages	4,427	.8

HACM language preference data compiled based on reports generated from the client file computer system Visual Homes, produced the following statistics on clients HACM currently serves:

**Public Housing**

LANGUAGE	TOTAL	PERCENTAGE %
English	6446	97.7
Spanish	115	1.74
Russian	33	.5
English – Blind	2	.03
English - Deaf	1	.015

**Section 8 Housing Choice Voucher**

LANGUAGE	TOTAL	PERCENTAGE %
English	7037	98.81
Spanish	80	1.12
Russian	2	.03
English – Deaf	3	.04

**Oral Language Services**

Where language interpretation is needed and is reasonable, HACM will consider the following options for providing competent interpreters in a timely manner:

- 1) Competence of Interpreters :
  - a. HACM will seek interpreters that demonstrate proficiency in and ability to communicate information accurately both in English and in the other language and identify and employ the appropriate mode of interpreting (e.g., consecutive, simultaneous, summarization or sight translation.)
  - b. HACM will ensure that interpreters have knowledge in both languages of any specialized terms or concepts specific to HACM’s program and activities.
  - c. HACM will ensure that interpreters understand and adhere to their role as interpreters without deviating into a role as counselor, legal advisor, or other roles.

When interpretation is needed and is reasonable, HACM recognizes the importance of providing it in a timely manner which means that the language assistance will be provided at a time and place that avoids the effective denial of the service, benefit, or right at issue or the imposition of an undue burden on or delay in important rights, benefits, or services to the LEP person.

- 2) **Bilingual Staff:** If bilingual staff is used to interpret between English speakers and LEP persons, or to orally interpret written documents from English into another language, HACM will ensure that those individuals are competent in the skill of interpreting. Being bilingual does not necessarily mean that a person has the ability to interpret.
- 3) **Contracting for Interpreters:** Where there is no regular need for a particular language skill, HACM will contract for interpretation services. In addition, HACM will utilize telephone interpreter services where the mode of communication with an LEP person is over the phone.
- 4) **Community Volunteers:** Use of HACM coordinated community volunteers, working with, for instance, community-based organizations may provide a cost-effective supplemental language assistance strategy under appropriate circumstances. They may be particularly useful in providing language access for HACM's less critical programs and activities.
- 5) **Use of Family Members or Friends:** HACM will not rely on an LEP person's family members, friends, or other informal interpreters to provide meaningful access to important programs and activities, however, where LEP persons so desire, they will be permitted to use, at their own expense, an interpreter of their own choosing (whether a professional interpreter, family member, or friend) in place of or as a supplement to the free language services expressly offered by HACM. In the event an LEP person chooses to use their own interpreter, HACM will take special care to ensure that family, legal guardians, caretakers, and other informal interpreters are appropriate in light of the circumstances and subject matter of the program, service or activity, including protection of HACM's own administrative or enforcement interest in accurate interpretation. If the LEP person voluntarily chooses to provide his/her own interpreter, HACM will take into consideration whether a record of that choice and of HACM's offer of assistance is appropriate. Where precise, complete, and accurate interpretations or translations of information and/or testimony are critical for legal reasons, or where the competency of the LEP person's interpreter is not established, HACM may decide to provide its own, independent interpreter, even if an LEP person wants to use his or her own interpreter as well.

### **Written Language Services**

Translation is the replacement of a written text from one language into an equivalent written text in another language.

After applying the four-factor analysis, HACM will translate vital written materials into the language(s) of each frequently encountered LEP group eligible to be served and/or likely to be affected by HACM's programs and activities.

### **Safe Harbor**

A "safe harbor" means that HACM will be considered compliant with its written translation obligations if:

- a) It provides written translations of vital documents for each eligible LEP language group that constitutes 5 percent or 1,000 persons, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents can be provided orally.
- b) If there are fewer than 50 persons in a language group that reaches the 5 percent trigger in (a), HACM does not translate vital written materials, but provides written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

These safe harbor provisions apply to the translation of written documents only. They do not affect the requirement to provide meaningful access to LEP persons through competent oral interpreters where oral language services are needed and are reasonable.

### **Definitions**

**Bilingual** – the ability to communicate in two (2) languages fluently. Being bilingual does not necessarily mean that a person has the skills and training to serve as an interpreter for other staff. Bilingual staff must be trained and authorized to serve as interpreters.

**Client** – Reference to any individual who comes into contact with HACM (i.e. potential applicant, applicant, client) in order to access HACM services, programs or housing.

**Common languages** – Spanish and Russian. These are the primary two languages currently spoken by HACM residents or participants and by LEP persons in the Milwaukee community, based on survey data collected by HACM and data from the U.S. Census Bureau's 2007-2011 American Community Survey 5-Year Estimates.

**HACM** – Housing Authority of the City of Milwaukee Housing Authority

**HUD** – United States Department of Housing and Urban Development.

**Interpretation** – The act of listening to a communication in one language and orally converting it to another language, while retaining the same meaning.

Interpreter – One who facilitates communication by converting what is said in one language to another language, while retaining the same meaning. An interpreter may translate a written document or provide verbal translation.

Language need – A condition or situation for which HACM must make an accommodation by providing language access services.

Language Identification Card – Card presented at initial point of contact with a client that states “point to your language. An interpreter will be called. The interpreter is provided at no cost to you.”

LEP – Limited English Proficiency, which means the limited ability to speak, read, write or understand English. LEP persons may be competent in certain types of communications (e.g. speaking or understanding) but still be considered LEP for other purposes (e.g. reading or writing). LEP can also be specific to the context: an individual may possess sufficient English language skills to function in one setting but the skills may be insufficient for communication in other situations.

Meaningful access – free language assistance in accordance with federal guidelines.

Primary Language – An individual’s native tongue or the language in which an individual most effectively communicates.

Resident – Individual who resides in a HACM-owned dwelling unit.

Sight Translation – Providing an oral translation of a written document. Sight translation involves reading the text of a document in the language presented and communicating the text orally in a second language. Sight translation is not merely summarizing the document.

Telephonic Interpreter Service – Interpreter services available to staff via telephone from a contracted vendor.

Translation – The replacement of written text from one language into an equivalent written text in another language.

Vital Document – In accordance with the HUD guidance, a vital document is a document that solicits or contains information for establishing or maintaining eligibility to participate in HACM’s programs or services or a document that creates or defines legally enforceable rights or responsibilities. HACM may designate other types of documents as “vital” at any time.

## **Internal Procedures to Administer LAP Policy**

HACM will establish internal procedures which encompass elements of an effective plan on Language Assistance for LEP persons to include, but may not be limited to:

- (1) Identifying LEP individuals who need language assistance
- (2) Language assistance measures
- (3) Training staff
- (4) Providing notice to LEP persons
- (5) Monitoring and updating the LEP Plan
- (6) Voluntary Compliance effort