

## LIMITED ENGLISH PROFICIENCY AND LANGUAGE ACCESS PLAN

### 1. DEFINITIONS

**Bilingual/Bilingualism-** The ability to speak two languages fluently and communicate directly and accurately in both English and another language.

**Covered Language-** Covered language, for translation [written language] only is Spanish, subject to change based on other emerging language groups.

**Interpretation Services [Oral Language Services]-** Interpretation services are the processes of orally communicating information from one language [source language] into another language [target language].

**Language Bank Volunteers-** Language bank volunteers are CHA employees and others who have been deemed proficient to provide oral interpretation and/or written translation in particular languages and who volunteer to provide such services. In the case of CHA employees, it is required that the volunteer's supervisor approve that the employee provide the service outside the scope of their usual work. The CHA maintains a Memorandum of Understanding with each language bank volunteer setting out the volunteer's and the CHA's roles and responsibilities. Currently, the CHA has engaged language bank volunteers who speak Arabic, French, Hindi, Kurundi, Punjabi, Russian, Spanish, Swahili and Urdu.

**Language Identification Card-** The Language Identification Cards list multiple languages, permitting persons who need language assistance services to identify the language in which assistance is needed. This document is available on the CHA's website at [www.chahousing.org](http://www.chahousing.org).

**Limited English Proficient Person-** A person who does not speak English as his/her primary language and who has a limited ability to speak, read, write, or understand English at a level that permits him/her to communicate effectively, in the course of application for or receipt of CHA services and/or benefits.

**Translation Services –** Translation services are the written communications of a text from one language [source language] into an equivalent written text in another language [target language].

**Vital Documents-** Vital documents are documents that are critical for ensuring meaningful access to CHA's services, activities, and programs. Such vital documents include documents that solicit or contain information for establishing or maintaining eligibility to participate in CHA's programs,

services, and/or benefits. Some examples include: applications for the low-income public housing program and HCVP, notices of annual income recertification, notices of public hearings, notices containing information regarding eligibility or participation criteria, notices advising of free language.

Additionally vital documents include documents that create or define legally enforceable rights or responsibilities. Some examples include: leases, notices to quit, notices of rights, denial, loss or reduction of benefits and hearing notices.

## **2. POLICY**

It is the policy of the Chattanooga Housing Authority ["CHA"] to take reasonable steps to ensure that people with Limited English Proficiency ["LEP"] have meaningful access to the CHA's programs, services and activities.

This policy complies with the Department of Housing and Urban Development's ["HUD"] "Final Guidance to Federal Financial Assistance Recipients Regard Title VI Prohibition Against Nation Origin Discrimination Affecting Limited English Proficiency Persons" dated January 22, 2007.

The CHA hereby designates the Director of Resident Services as its Language Access Coordinator ["LAC"] to assess annually the language assistance needs of the CHA and to monitor the CHA's delivery of language assistance services in conjunction with CHA departments that provide programs or services to residents, applicants and voucher holders participating in the Housing Choice Voucher Program ["HCVP"]. The LAC shall recommend modifications to this LEP Policy and Language Access Plan ["LAP"] regarding the CHA's delivery of language assistance services to LEP persons.

## **3. APPLICABILITY**

This policy applies to departments that provide services or programs to CHA applicants, residents and HCVP voucher holders.

## **4. ASSESSMENT OF LANGUAGE NEEDS – FOUR FACTOR ANALYSIS**

All CHA departments providing programs or services to CHA customers shall conduct periodic evaluations of the service tools being provided to LEP applicants, residents and HCVP voucher holders to determine if there are new and/or different needs. The CHA shall use the U.S. Department of Justice's "Four Factor Analysis" found at [www.justice.gov/crt/lep/selfassesstool.htm](http://www.justice.gov/crt/lep/selfassesstool.htm) and any amendments thereto, in the determination of the CHA's language assistance services needs.

**Factor 1: Determine the number or percentage of LEP persons eligible to be served or likely to be served by the CHA programs, by using one or more of the following:**

- ∞ Provide questions on an initial application or enrollment form to determine if the applicant needs language services;
- ∞ Identify language utilizing Language Identification Card, if available, and record language of applicant, residents or voucher holder at points of contact and service.

**Factor 2: Each CHA Department shall track and record requests for language assistance, service provided [interview, hearing, briefing, etc] and who provided language services [e.g. bilingual employee, Language Bank Volunteer, contract vendor, other]**

**Factor 3: Determine the nature and importance of the CHA's programs and activities by recognizing which CHA activities may require an interpreter to assist an LEP person.**

Examples of such activities include: assisting a LEP person with interpretation services during an eligibility interview, housing offer and lease signing, or during a termination of tenancy hearing.

**Factor 4: Determine available and future resources and costs associated with providing language services to LEP applicants, residents and HCVP voucher holders.**

Each CHA Department should determine if it is more cost effective to reassign staff, hire additional bilingual staff or contract with vendors to perform routine duties that require interpretation services. Departments that provide direct services to applicants, residents and HCVP voucher holders should make every effort to provide interpretation services through the use of bilingual staff members or through contracted services.

## **5. PROVIDING LANGUAGE ASSISTANCE SERVICES**

### **A. Interpretation Services [Oral Language]**

Each CHA Department office or location that provides programs and/or services shall provide oral interpretation at no charge for LEP persons at points of contact and service upon request. The CHA shall notify all applicants, residents and HCVP voucher holders about their ability to request an interpreter in notices of scheduled appointments with the CHA. Appointments and/or interviews may need to be rescheduled to a later date to provide language assistance services.

Types of activities for which interpretation services shall be offered to LEP persons, include but are not limited to the following:

- ∞ Eligibility Interview
- ∞ Voucher Briefing
- ∞ Housing Offer and Lease Signing
- ∞ Applicant/Resident/Voucher Holder Private Conferences & Hearings
- ∞ Annual and Interim Recertification Interviews

The CHA staff shall not require or ask LEP persons to bring their own translator. However, if a LEP person *requests* that an adult family member or friend [18 years of age or older] provide interpretation, this practice is acceptable only if it is his/her choice.

Upon identification of the language required to service the LEP person, the CHA employee shall contact an interpreter to advise the LEP person about the availability of language services and document if the LEP person still chooses to have his/her own interpreter.

There are some situations where the use of family members or friends is not appropriate [e.g. domestic abuse or sexual assault]. In those instances, the CHA staff or others shall provide language assistance.

**Note:** For sign language interpreters, applicants, residents and HCVP voucher holders shall submit a “Request for Reasonable Accommodation Form” to the appropriate CHA Department Director. For further information related to persons who need sign language interpreters please refer to the CHA’s policies on effective communication and reasonable accommodation that are available at all CHA offices and on the CHA’s website at [www.chahousing.org](http://www.chahousing.org).

## **B. Translation Services [Written Language]**

Each CHA Department Director, in consultation with the LAC, shall conduct an initial review of its written documents for the purpose of assessing whether any document is vital and requires translation. As new documents are developed, a similar review shall be conducted to determine if new documents are “vital” and require translation.

All vital documents must be translated into the covered languages before distribution. This commitment is subject to the availability of appropriated funds.

Examples of vital documents may include, but are not limited to: the public housing lease, applications for various programs, and denial and termination notices.

Based upon the most recent Four Factor Analysis, vital documents currently in use as defined in section 4[B] of this policy will be translated into Spanish.

## **6. OUTREACH**

The CHA will post notices of availability of free language assistance services in offices where LEP persons interact with the CHA, including but not limited to: the HCVP Office, site management offices, Central Office, on the CHA website at [www.chahousing.org](http://www.chahousing.org), and also in annual and interim recertification packages sent to residents and HCVP voucher holders. In addition, notices will be included in final eligibility screening notifications to applicants.

The CHA will conduct outreach to organizations that provide services to LEP persons such as La Paz de Dios [speakers of Spanish and St. Peter and Paul's Church [speakers of Kurundi and Swahili]. The CHA shall conduct outreach to available media in other languages in an effort to inform LEP persons about available services and programs. As additional language needs are identified, the CHA will expand its outreach efforts accordingly.

## **7. TRAINING**

The CHA's LAC will provide ongoing training for appropriate staff about this policy and related procedures; Training will include: an overview of this policy and related procedures, how and when to use the CHA's Language Identification Card to identify the language in which the LEP person needs assistance; how and when to access language services through bilingual staff, volunteer language bank or contract vendor; how to work with an interpreter; prohibition against requiring or asking LEP person to bring his/her own interpreter; and cultural sensitivity.

## **8. MONITORING AND RECORDKEEPING**

### **A. CHA-Wide Monitoring**

The LAC will monitor the CHA's provision of language assistance services to LEP persons on an ongoing basis and will meet, no less than semi-annually, with CHA Department Directors to coordinate and facilitate the delivery of language services and address issues related to language services.

The LAC's responsibilities include:

- ∞ Monitoring the implementation of the CHA's LAP and updating it annually at the time of Annual Plan Review;

- ∞ Meeting with Department Directors to ensure that all departments are in compliance with the requirements for providing language assistance services;
- ∞ Assessing annually the “language assistance needs of the CHA” by reviewing data on the provision of language services and the prior year’s provision language assistance services and recommending modifications of the plan;
- ∞ Monitoring the translation of vital documents;
- ∞ Overseeing quality control assessment of language services;
- ∞ Establishing of certification procedure to ensure competency of interpreter and translators; and
- ∞ Making available a glossary of CHA terminology to authorized bilingual employees, volunteers, and contract vendors for use when translating CHA documents.

#### **A. Departmental Monitoring**

CHA departments providing direct services to applicants, residents and HCVP voucher holders shall regularly monitor and assess the language assistance services they provide to ensure meaningful access by LEP persons.

Each CHA Department Director shall be responsible and accountable for the following:

1. Ensure tracking of language assistance services provided by the department as follows: LEP person served, the language, and the type of service and how language service was provided.
2. Work with the the LAC to address issues related to language services;
3. Provide information to the LAC to help identify emerging languages and changes in the proportion of existing language groups;
4. Provide LAC with reports on language assistance provided;
5. Identify staff requiring training on the delivery of language services [e.g. new hires, employees new to a department]; and
6. Provide LAC with updated language assistance service needs of the Department.

The language liaison for each Department is set forth below:

Asset Management	Director of Asset Management
Development Department	Director of Development
Executive Department	Executive Director
Finance Department	Chief Financial Officer
Housing Choice Voucher Program	Director of HCVP
Human Resources & Procurement	Director of HR and Procurement
Information Technology	Manager of IT
Public Safety	Chief of Police
Resident Services	Director of Resident Services

## **9. COMPLAINTS**

CHA employees who receive a report, or become aware that a LEP person believes that he/she has not been provided with language assistance services in accordance with this policy, shall report that information to the LAC by way of email at [gkelley@chahousing.org](mailto:gkelley@chahousing.org) or telephone at 423.752.4170.

## **10. GRIEVANCE PROCEDURES**

### **A. General**

If the requesting LEP individual is not satisfied with the CHA's response to the individual's request for language assistance, the individual may file a formal grievance and request for a hearing, including appropriate supporting documentation with the LAC. The CHA shall ensure that all communications relating to the LEP's right to grieve and ensuing communications will be translated in the appropriate language.

The grievance may be communicated orally or in writing within seven days after notification of the CHA's response to the request for language assistance. However, all oral grievances must be reduced to writing and maintained in the CHA's files. In addition, the CHA shall provide assistance to any individual who requests assistance in filing a grievance, including assistance in reducing the individual's grievance to writing. All grievances shall be dated and time-stamped.

The CHA shall permit additional time for initiation of a grievance if the CHA shall find that there was a good reason for late initiation of the grievance and the late initiation would not cause prejudice to the CHA.

The grievance hearing shall be conducted by an impartial person appointed by the CHA's Executive Director or designee, other than a person who made or approved the action under review or subordinate of such person.

**B. Hearing Date and Notice**

The CHA shall schedule a grievance hearing within fourteen (14) days or as soon as reasonably practical after the CHA's receipt of the request.

The CHA is responsible for scheduling and other administrative matters, including delivering notices. The CHA shall give reasonable advance written notice of the time and place of the hearing to the grievant and to his or her representative (if any). The CHA may reschedule a hearing by agreement, or upon showing by the grievant or the CHA, that rescheduling is reasonably necessary.

If the grievant does not request that the hearing be rescheduled and does not appear at the hearing, the grievant has waived the right to a hearing.

**C. Pre-hearing Examination of Relevant Documents**

Prior to a grievance hearing, the CHA shall provide the grievant and/or his or her representative a reasonable opportunity to examine CHA documents that are directly relevant to the grievance. Following a timely request the CHA shall provide copies of such documents to the grievant and may waive the charge for the copies for good cause (including financial hardship).

**D. Persons Entitled to be Present**

The grievance hearing shall be private unless the grievant requests that it be open to the public. If the grievant requests an open hearing, it shall be open to the public unless the CHA otherwise directs. The CHA and the grievant shall be entitled to have a reasonable number of persons present at a grievance hearing. The Hearing Officer shall decide a challenge to the presence of any such person.

The CHA and the grievant may be represented by a lawyer or by a non-lawyer. Each person present at the hearing shall conduct him or herself in an orderly manner or shall be excluded. If the grievant misbehaves at the hearing, the Hearing Officer may take other appropriate measures to deal with the misbehavior, including dismissing the grievance.

**E. Procedure at the Hearing**

The Hearing Officer shall conduct the grievance hearing in a fair manner without undue delay. The hearing may be tape-recorded. Procedure at the hearing shall be informal, and formal rules of evidence shall not apply. The Hearing Officer shall initially define the issues. Thereafter, relevant information, including testimony of witnesses and written material, shall be received regarding such issues. The grievant and the CHA shall be entitled to question each other's witnesses. The Hearing Officer may question witnesses and may take notice of

matters of common knowledge and applicable laws, regulations and CHA policies and procedures. The Hearing Officer may request the CHA or the grievant to produce additional information which is relevant to the issues or which is necessary for a decision to be made provided that the other party is provided an opportunity to respond to such additional information.

**F. The Decision**

**i) Written Decision**

After the hearing, the Hearing Officer must make the decision. This decision must be based upon the evidence presented at the hearing, additional information requested and upon applicable laws, regulations, and CHA policies and procedures. The decision must be in writing, dated, and state the findings of fact and the reasons for the decision. Within fourteen (14) days following the hearing, or as soon as reasonably possible, the Hearing Officer shall provide the CHA and the grievant with the written decision by interoffice mail, US mail or hand delivery.

**ii) Effect of a Decision on a Grievance**

The decision on a grievance shall be binding between the CHA and the grievant with respect to the particular circumstances involved in the grievance, provided that if a court has jurisdiction to determine a matter that has been subject to decision on a grievance, the court's determination on the matter shall supersede the decision on the grievance. The fact that a person may have failed to grieve a matter shall not affect any such jurisdiction by a court. As between the CHA and any person who was not a grievant, the decision on a grievance shall have no binding effect.