

Department of Housing and Community Development

Language Access Plan

I. Introduction

The Massachusetts Department of Housing and Community is committed to ensuring equal access to its programs and services by all residents, regardless of primary language spoken or English proficiency. Title VI and Executive Order 13166 require recipients of federal financial assistance to take reasonable steps to ensure meaningful access to their programs and services by persons with Limited English Proficiency (LEP). Persons who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English can be considered LEP persons with LEP. On January 22, 2007, the U.S. Department of Housing and Urban Development (HUD) issued Final Guidance to recipients of HUD funding concerning compliance with the Title VI prohibition against national origin discrimination affecting persons with LEP.

DHCD has prepared this Language Access Plan (LAP), which defines the actions to be taken by DHCD and its subcontracting agencies, hereinafter referred to as “administering entities,” to ensure Title VI compliance with respect to persons with LEP.¹ DHCD will periodically review and update this LAP in order to ensure continued responsiveness to community needs and compliance with Title VI.

II. Background

Broadening access for persons with limited English proficiency (LEP) is a general Fair Housing principle that must permeate all policies and decision-making of the state funding agencies. In addition to the mandate to affirmatively further Fair Housing, Title VI of the Civil Rights Act of 1964 imposes legal obligations on the Commonwealth with respect to LEP. Title VI prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance.

The definition of “Program or activity” includes “a department, agency, special purpose district, or other instrumentality of a State or of a local government...or the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended”. As recipients of federal financial assistance, DHCD as a whole, as well as other entities of state and local governments, are covered by Title VI. Title VI also applies to organizations, corporations, partnerships, and sole proprietorships primarily in the business of providing housing.

The following is a listing of responsible entities pursuant to HUD’s Final Guidance:

- State and local governments;
- Public housing agencies;
- Assisted housing providers, Fair Housing assistance programs; and

Footnote¹: This Appendix is similar to the July 2009 LAP that was created for DHCD’s Section 8/Housing Choice Voucher (HCV) program.

- Other entities receiving funds directly or indirectly from HUD.

Subrecipients and state grant recipients are also subject to HUD's Final Guidance when HUD funds are passed to them through the grantee.

HUD's Final Guidance posits a four-part test for evaluating compliance:

- 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 in contact with the program;
- 3) The nature and importance of the program, activity, or service provided by the program, or the greater the possible consequences of the contact to the LEP persons; and
- 4) The resources available to the grantee/recipient and costs.

III. Role of DHCD and Entities Administering DHCD Programs

DHCD is comprised of the following four divisions which administer various state and federally funded programs:

- Division of Public Housing and Rental Assistance
- Division of Housing Development
- Division of Community Services
- Division of Housing Stabilization

The following is a listing of the primary entities administering DHCD programs:

- Regional Non-Profits/Administering Agencies (RAAs) administering federal and state rental assistance and stabilization assistance ²
- Housing Consumer Education Centers
- Local Housing Authorities administering state-aided public housing and state rental assistance
- Community Action Agencies administering LIHEAP and other Community Services division programs
- Sponsors/developers or borrowers and their management companies providing private housing with public subsidy administered through the state (including by the quasi-public agencies MassHousing, Massachusetts Housing Partnership, and MassDevelopment)

Due to the broad scope of DHCD program administration through a variety of public, non-profit, and private entities with varying resources, responsibilities, and staff capacities, DHCD will not attempt to create a detailed, "one-size fits all" LAP. Instead, DHCD's LAP Guidance provided in the Appendix of this document is intended to direct DHCD program administering entities to create their own LAPs, and to provide further instruction to assist the creation of such LAPs. DHCD will continue its efforts to translate DHCD program documents over time and will provide technical assistance to administering entities in carrying out DHCD programs in

Footnote²: other providers, such as family homeless shelters, also provide stabilization assistance in collaboration with DHCD.

compliance with LEP requirements. As necessary, DHCD will issue new guidance and/or regulations relating to its programs in order to ensure effective implementation of LAPs.

IV. Identifying LEP Individuals Who Need Language Assistance

Massachusetts is a highly diverse state in which numerous LEP households reside. According to data from the U.S. Census performed in 2000, 18.7% of all residents over the age of eighteen speak a language other than English, and of those residents, 21% speak English “not well” or “not at all.” Using available Census data as a guideline, DHCD has estimated the LEP population (and what languages they speak) across counties based on the percentage of non-English speakers that indicated that they speak English “Not Well” or “Not at All.”

Although HUD’s Final Guidance states that the safe harbor guidelines need only apply to the eligible population, and DHCD primarily covers incomes at 80% of the area median income and below, such data is not readily available from U.S. Census datasets. Thus, the estimates provided are likely overestimates of the eligible populations and may under-represent the share of some eligible populations. DHCD has petitioned the U.S. Census Bureau to make a more accurate dataset available, and will update the LAP if and when this dataset becomes available.

The most frequently spoken languages according to U.S. Census data among the LEP population in the Commonwealth are Spanish, French Creole, Italian, Portuguese, Russian, Chinese³, Mon-Khmer (Cambodian), and Vietnamese. A summary of these groups can be seen below in Table 1(A), and Table 2(A) provides detailed information on these populations by county. These populations appear to fall within the “Safe Harbor” guidelines as defined by HUD’s Final Guidance on Limited English Proficiency issues. Conforming to “Safe Harbor” guidelines is meant to provide strong evidence to HUD that DHCD has made reasonable efforts to provide appropriate written language assistance to its LEP populations in its programs. The “Safe Harbor” guidelines are defined below.

Footnote³: Note that the U.S. Census Bureau data did not distinguish by Chinese language types.

Table 1: HUD Safe Harbor Guidelines

Size of Language Group	Recommended Provision of Written Language Assistance
1,000 or more in the eligible population in the market area or among current beneficiaries.	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 1,000 in number.	No written translation is required.

Table 1(A): Massachusetts LEP Populations as a Percentage of Total State Population (18 years and over)

Population	Number	Percentage
Population 18 years and over	4,853,130	100.00%
Speak only English	3,944,715	81.28%
Speak a language other than English	908,415	18.72%
Total MA LEP Population (people who speak English "Not Well" or "Not at All")	193,785	3.99%
Spanish or Spanish Creole	71,895	1.48%
Portuguese or Portuguese Creole	39,620	0.82%
Chinese	18,050	0.37%
Russian	8,990	0.19%
Vietnamese	8,990	0.19%
French Creole	6,810	0.14%
Italian	6,525	0.13%
Mon-Khmer, Cambodian	5,125	0.11%

Source: 2000 U.S. Census

Table 1(B): Update of Table 1(A) Massachusetts LEP Populations as Percentage of Population (5 Years and Over Using ACS Estimates)

Population	Number	Percentage
[Population 18 years and over]	[5,045,148]	
Population 5 years and over:	6,108,770	100.00%
Speak only English	4,823,127	78.95%
Total LEP Population (people who speak English "less than very well")	531,962	8.71%
Spanish or Spanish Creole	202,419	3.31%
Portuguese or Portuguese Creole	89,201	1.46%
Chinese	49,773	0.81%
Russian	17,628	0.29%
Vietnamese	23,121	0.38%
French Creole	22,792	0.37%
Italian	12,559	0.21%
Mon-Khmer, Cambodian	12,023	0.20%

Source: American Community Survey 2010 5-Year Estimates (2006-2010)

Signature Page

Aaron Gornstein (signature on file)
Undersecretary
Executive Office of Housing and Economic Development
December 13, 2012

Gregory Bialecki (signature on file)
Secretary
Executive Office of Housing and Economic Development
February 14, 2013

Population	Number	Percentage
[Population 18 years and over]	[5,045,148]	
Population 5 years and over:	6,108,770	100.00%
Speak only English	4,823,127	78.95%
Total LEP Population (people who speak English "less than very well")	531,962	8.71%
Spanish or Spanish Creole	202,419	3.31%
Portuguese or Portuguese Creole	89,201	1.46%
Chinese	49,773	0.81%
Russian	17,628	0.29%
Vietnamese	23,121	0.38%
French Creole	22,792	0.37%
Italian	12,559	0.21%
Mon-Khmer, Cambodian	12,023	0.20%

Additional LEP Population Identification Methods

As some of DHCD's administering entities have regional service areas that cover more than one county, one method for adequately estimating LEP populations by service area is to rely on the county with the highest LEP population. Such a method has been used for DHCD's Section 8 Housing Choice Voucher (HCV) program.

Furthermore, administering entities are advised (see Appendix) to make further efforts to collect information i.e., through program applications, rent re-certification, and surveys, to determine the language groups that they are most likely to be encounter, by service area, and that may require language assistance. For example, DHCD is now requiring under its Section 8 HCV program that each regional administering entity (RAA) ask applicants and residents to identify their primary language and language communication needs upon selection from the waitlist (for new applicants) and at recertification (for existing residents).

DHCD and other state agencies have also engaged in survey methods to determine LEP needs by service and regional areas. DHCD has engaged in more preliminary and informal surveying of administering entities such as the Regional Administering Agencies (RAAs), Community Action Agencies, and Housing Consumer Education Centers. The Massachusetts Office of Refugees and Immigrants (ORI) also conducted a language access evaluation for the Department of Transitional Assistance (DTA), which includes a useful DTA identification of top language needs by regional area.

V. Types of Assistance Needed/Language Assistance Methods

Contacts between DHCD or its administering entities and persons with LEP are primarily phone calls, meetings, and written communications where information is exchanged. Examples include interactions by applicants with administering entity staff during the application process leading up to program participation, as well as periodic contacts and notices related to initial program eligibility, continuing eligibility, and termination from the program. Oral interpretation services may be needed for these contacts, and must be provided for these interactions depending on the nature and importance of the information being provided, as well as the availability of resources. Other contacts involve the exchange and review of printed materials, some of which must be translated because they are considered "vital documents" as discussed further below. A listing of the types of DHCD program documents that may be considered vital documents include, but are not limited to, the following:

- Application materials
- Release, consent, verification, and other materials necessary for eligibility determinations
- Notices concerning program eligibility, program rules, compliance or violation of program requirements, as well as notices of ineligibility and termination
- Applicant or participant request forms (i.e., transfer requests or requests for reasonable accommodations)
- Lease materials
- Other compulsory program materials
- Grievance and appeal materials

The majority of contacts with persons with LEP concerning DHCD programs occur directly through the administering entities rather than with DHCD program staff. The Appendix of this document is intended to provide guidance to the administering entities in planning for and responding to the communication needs of diverse LEP populations. DHCD will also actively pursue broadening LEP access to its programs, including in the key areas described below.

A. Inventorying Vital Documents for Translation

DHCD has engaged in the process of inventorying vital DHCD program documents across all of its divisions. HUD regards vital documents as “any document that is critical for ensuring meaningful access to the recipients’ major activities and programs by beneficiaries generally and LEP persons specifically.” DHCD will periodically review and update this inventory to reflect the documents that are vital to program applicants and participants.

B. Identifying Languages and Planning for Translation

Due to the significant costs involved, the translation of vital documents into numerous identified languages will require a multi-year process. Furthermore, due to the limitations of U.S. Census/ACS data (see section IV above) in identifying the appropriate languages for translation, DHCD divisions will continue to make efforts to identify languages frequently encountered through its programs. DHCD will also continue its efforts in translating its program documents, primarily having focused on Spanish translations in order to accommodate the largest identified LEP population in Massachusetts, and other top languages. DHCD has been translating program documents into various languages over the last several fiscal years in consultation with program staff and will continue to translate in FY 2013 and thereafter, subject to future planning updates. DHCD will post translated documents on its website and will notify administering entities as relevant DHCD documents have been translated. DHCD’s website also currently includes the Google Translate tool and an accompanying disclaimer. Said tool includes language translation options of website content that may be helpful to some users in learning about DHCD and its programs; however, DHCD makes no representations, expressed or implied, as to the accuracy and/or completeness of such translated material.

C. Utilizing Interpreter Services and Identifying Further Resources

DHCD will utilize bilingual staff resources as well as services which demonstrate a high degree of training and professionalism, including vendor services that have been approved by the Commonwealth, in order to accommodate necessary and direct communications between DHCD staff and persons with LEP. DHCD staff protocols were developed and are used to instruct DHCD staff on the use of agency staff (as identified) for interpretation and translation assistance, as well as the use of over-the-phone interpretation services, in-person interpretation services, and translation services. Said protocols include guidance on requesting and utilizing new or existing contracts with professional interpreters and translators approved as vendors by the Commonwealth. Additional protocols are outlined in the Appendix.

Procedures for utilizing and prioritizing interpreter services are further explained in the Guidance below (see Appendix). DHCD will also work with administering entities to identify community groups, non-profits, and other organizations that may serve as a cost-effective resource for such entities when necessary and appropriate for their communication with persons with LEP.

D. Notice

DHCD has translated key phrases into various languages, available for inclusion in notices and/or documents not yet translated to notify persons with LEP of important and legal documents and of access to free language assistance. Although DHCD's office generally no longer accepts walk-ins, a notice of free language assistance (for use with I-Speak Cards) was translated into various languages for other agency offices that receive walk-ins.

VI. LEP Coordination and Complaint Procedures

Given the extent and variation of DHCD programs and populations served, LEP coordination will occur at the DHCD Division level. Within each division, a lead staff person will coordinate LEP efforts for that division, including identifying and responding to language assistance needs and complaints. DHCD's Legal division will assist DHCD division staff as needed and will continue to provide staff trainings regarding language access obligations, protocols, and complaint resolution, including on an ongoing basis to address new staff. Complaints may also be filed with the Commonwealth's Office of Access and Opportunity. In the event that a complaint cannot be resolved by DHCD, the Office of Access and Opportunity will seek to resolve the complaint as appropriate.⁴

VII. Monitoring

DHCD will continually assess and update its LAP as needed, including upon additional identification of languages and types of vital documents that require translation, as well as necessary modifications resulting from stakeholder consultations or changes in statutory and/or administrative requirements.

DHCD also plans to seek certifications and may engage in periodic quality control reviews to ensure that its administering entities are appropriately creating and implementing LAPs as discussed in the Appendix.

VIII. Stakeholder Consultations

DHCD consulted stakeholders, including fair housing advocates, in the creation of this LAP. With respect to ongoing implementation of this LAP, DHCD will consult and engage stakeholders such as the quasi-public housing agencies and advocacy and community-based organizations that assist persons with LEP, as well as public housing, private housing, community service, and emergency assistance stakeholders.

Footnote⁴ See Administrative Bulletin #16 by the Executive Office for Administration and Finance (ANF).