

HOUSING AUTHORITY OF THE COUNTY OF KERN
(LIMITED ENGLISH PROFICIENCY PLAN (LEP))

A. PURPOSE

The purpose of this Plan is to assist Housing Authority of the County of Kern (HACK) staff in providing meaningful access to HACK's programs and activities by persons with Limited English Proficiency (LEP). HACK is committed to complying with federal requirements in providing free meaningful access for its LEP clients. No LEP client will be denied access to an HACK program because the client does not speak English or communicates in English on a limited basis.

B. DEFINITION OF TERMS

1. **Client** is a person who:
 - a. is an applicant for public housing, Section 8, home ownership and other HACK programs;
 - b. is a recipient of public housing, Section 8, home ownership and other HACK programs; or
 - c. may be eligible for HACK's programs but is underserved and may benefit from an outreach program.
2. **Effective Communication** – Effective communication occurs when HACK staff has taken reasonable steps to provide meaningful access to an LEP client. Effective communication also means that the LEP client is able to provide and receive required or necessary information.
3. **Interpretation** – Interpretation means the oral or spoken transfer of a message from one language into another language.
4. **Language Assistance** – Language assistance includes interpretation and translation. HACK will provide language assistance to LEP persons based on the requirements of federal law.
5. **Limited English Proficiency (LEP)** – A person who does not speak English as their primary language and who has a limited ability to read, write, speak or understand English may be limited English proficient (LEP) and may be entitled to language assistance with respect to a particular program, benefit or right.
6. **Meaningful Access** is free language assistance in compliance with federal

requirements. HACK's goal is to provide meaningful access to HACK's programs and services by LEP persons in a manner that balances the following four factors:

- a. The number of or proportion of LEP persons eligible to be served or likely to be encountered by HACK.
- b. The frequency with which HACK comes into contact with a particular language may require more language service, than sporadic contact.
- c. The nature and importance of the program, activity or service to the person's life. A compulsory activity is evidence of importance. For example, voluntary attendance at a resident meeting does not have the same importance as the application and termination process for public housing and Section 8 participation.
- d. HACK's resources and the cost of providing meaningful access. Reasonable steps may cease to be reasonable where the costs imposed substantially exceed the benefits. HACK determines the budget for language assistance.

7. **Translation** – Translation means the written transfer of a message from one language into another language.

C. OFFER OF FREE LANGUAGE ASSISTANCE

HACK staff will offer the opportunity for meaningful access to LEP clients who have difficulty communicating in English. If a client asks for language assistance and HACK determines that language assistance is necessary to provide meaningful access, HACK will make reasonable efforts to provide free language assistance.

D. LANGUAGE ASSISTANCE

1. Mix of Language Assistance

HACK has substantial flexibility in determining the type of language assistance necessary to provide meaningful access. Meaningful access should be at a time and place that avoids the effective denial of the program, does not impose an undue burden upon, or avoids delays in the rights, benefits or services to the LEP person.

2. Translation of Documents

Where 5% or 1,000 (whichever is less) of HACK's clients speak a specific language, HACK will translate vital program materials and generic widely used written materials in that language. Should there be fewer than 50 LEP persons of a language group that triggers the 5% threshold, HACK will provide written notice that interpretation regarding selected HACK documents is available free of charge.

3. Formal Interpreters

- a. Formal interpreters may include HACK bilingual staff, contract vendors, and language service providers. Consistent with federal guidance, any formal interpreter used by HACK will be verified as a competent oral language service provider.
- b. Formal interpreters shall be used at the: 1) formal hearing for denial of admission to public housing; 2) informal settlement conferences and formal hearing for termination of public housing; 3) nondisclosure hearing for Section 8 participation; 4) termination hearing for Section 8 participation.
- c. A HACK Staff interpreter may not be a subordinate to the person making the decision.

4. Informal Interpreters

- a. Informal interpreters may include the family members, friends, legal guardians, service representatives or advocates of the LEP client. Informal interpreters may be appropriate depending upon the circumstances and subject matter. However, in many circumstances, informal interpreters, especially children, are not competent to provide quality and accurate interpretations. There may be issues of confidentiality, competency or conflict of interest.
- b. An LEP person may use an informal interpreter of their own choosing and expense in place of or as a supplement to the free language assistance offered by HACK. If possible, HACK should accommodate a LEP client's request to have an informal interpreter. In these cases the client and interpreter should sign a waiver of free interpreter services.
- c. HACK may risk noncompliance if it requires, suggests, or encourages a LEP client to use an informal interpreter.
- d. If a LEP client prefers an informal interpreter, after HACK has

offered free interpreter services, the informal interpreter may interpret.

- e. If a LEP client wants an informal interpreter, HACK may also have a formal interpreter present.

5. Outside Resources

- a. Outside Resources may include community volunteers and HACK residents or Section 8 participants.
- b. Outside resources may be used for interpretive services at public or informal meetings or events.

6. Emergency Situations

In emergency situations that are not reasonably foreseeable, HACK may temporarily utilize non-HACK provided language services. HACK should first respond to the emergency and follow-up with language assistance as appropriate.

7. Document Use of Interpreter

HACK staff will document in the LEP client's file or record when an interpreter is used during the application and termination process to a HACK program or during a public housing grievance procedure.

E. GUIDELINES FOR USING ORAL LANGUAGE SERVICES

HACK will provide a competent interpreter to provide free oral interpretation services to an LEP client.

1. Determine if a bilingual staff interpreter is available to provide oral interpretation for the LEP client.
2. If a staff interpreter is unavailable to provide oral interpretation in the LEP client's preferred language, the staff member managing the client's case must determine whether the discussion is one involving the client's rights to benefits, programs or services offered by HACK.
3. Option A: If the staff member determines that the client's rights are involved, and a substantial delay would adversely affect the client, the staff member must provide the client with an interpreter through LanguageLine or other specified vendor.
4. Option B: If the staff member determines that a delay would not adversely affect the client's rights to benefits, programs or services

offered by the HACK, or if LanguageLine is unavailable for use as an interpreter, the staff member can explain to the client the following alternatives:

- i. The client can wait to handle his/her issue until a formal interpreter who can accommodate the client's language preferences can be located and scheduled for interpretation services; or
- ii. The client can provide his/her own informal interpreter (family member, friend, privately hired) and sign a Voluntary Waiver of his/her right to free interpreter services offered by HACK.

F. GUIDELINES FOR ASSISTING A LEP CLIENT DURING A PHONE CONVERSATION

For callers to HACK's office, recognizable languages including Spanish will be transferred to bi-lingual HACK staff when available. If needed, HACK will place a three-party call to the oral interpretation telephone service to determine if the service is able to identify the language spoken and provide an interpreter.

G. GUIDELINES FOR USING AN INTERPRETER

1. State the purpose of your communication and describe the type of information you may convey.
2. Enunciate your words and avoid contractions such as "can't" which can be easily misunderstood. Instead say, "cannot."
3. Speak in short sentences, expressing one idea at a time and allow the information to be interpreted.
4. Avoid the use of double negatives, e.g., "If you don't appear in person, you won't get your benefits." Instead say, "You must come in person in order to get your benefits."
5. Speak to the LEP client and not to the interpreter.
6. Avoid using slang and acronyms such as HACK. If you must do so, please explain their meaning.
7. Provide brief explanations of technical terms or terms of art, such as re-certification, income disregard and minimum rent.
8. Occasionally ask if the interpreter understands the information or if you should slow down or speed up your speech. If the interpreter is confused, the client may also be confused.

9. Occasionally ask if the LEP client understands the information. You may have to repeat or clarify some information by saying it in a different way.
10. Be patient and thank the interpreter.

H. GUIDELINES FOR CORRESPONDENCE RECEIVED IN LANGUAGE OTHER THAN ENGLISH

Correspondence received in languages other than English will be referred to a designated bilingual staff person for translation and response. If a bilingual staff person is not available, the Administrative Secretary will provide assistance in procuring outside resources to translate the written document.

I. NOTICE OF FREE LANGUAGE ASSISTANCE FOR HACK BUSINESS

1. Applications for public housing and Section 8 participation will ask applicants if they are LEP and need language assistance for HACK business.
2. The letter informing clients about re-certification will state that clients may contact their Housing Manager, Housing Specialist, or other appropriate Staff to request free language assistance for HACK business.
3. Each denial to public housing, lease termination and denial of Section 8 participation will state that the client may contact HACK for free language assistance about the action taken.
4. The public housing monthly rental statement (if distributed to residents) will state that a resident may contact their property manager for free language assistance for HACK business.
5. HACK will determine on what other occasions to give notice that a client may request free language assistance for HACK business.
6. HACK will post signs in common areas, offices, and anywhere applications are taken.
7. HACK will provide notice in outreach documents.
8. HACK will make a language identification flashcard available to staff.

J. PRIVATE AND CONFIDENTIAL DATA

1. HACK Staff Interpreters

Federal and state law requires HACK to protect private or confidential data.

2. Contract Language Assistance Vendors

Contract language assistance vendors will sign a “State and Federal Data Privacy Statement” form as part of the contract documents.

3. Informal Interpreters

When using informal interpreters HACK should have the informal interpreter and client sign a “Waiver of Free Interpretive Services” form.

K. COLLECTION OF LANGUAGE INFORMATION

1. The application for public housing and Section 8 shall ask the LEP client to identify their language .
2. HACK will enter a client’s language on the tracking software for public Housing and Section 8.

L. HACK STAFF TRAINING

1. HACK will make the LEP Plan available to staff.
2. HACK will inform new employees in the New Employee Orientation of HACK’s duty to offer free language assistance in compliance with federal requirements.
3. HACK staff who have ongoing contact with LEP clients will attend LEP training.
4. LEP training will include the following:
 - a. HACK’s duty to offer free language assistance in compliance with federal requirements.
 - b. The substance of HACK’s LEP Plan;
 - c. How to document a client’s language needs; and
 - d. Identity of the LEP Coordinator, bilingual staff and contract interpreters.

M. MONITORING

Periodically, the HACK LEP Coordinator will review the LEP Plan. The review will include:

1. A summary report from the tracking software of the number of HACK clients who are LEP.
2. A summary report from the tracking software listing the languages used by LEP clients.

A determination as to whether 5% or 1000, whichever is less, of HACK's clients speak a specific language requiring the translation of documents as provided in Part D-2 listed above.

N. QUALITY AND COMPETENCY OF LANGUAGE SERVICES

HACK shall make every reasonable effort to assure 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.

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

1. 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).
2. Knowledge in both languages of any specialized terms or concepts peculiar to HACK's program or services and of any particularized vocabulary and phraseology used by the LEP person.
3. An understanding of and ability to follow confidentiality and impartiality rules to the same extent that the Housing Authority employee for whom they are interpreting or to the extent that their position requires or both.
4. Understanding of and adherence to their role as interpreter without deviating into a role as counselor, legal advisor, or other role.
5. Awareness of regionalisms (dialects) used by the LEP persons for whom they are interpreting.
6. Certification of interpreters' skills and abilities when individual rights depend upon precise interpretation.

Translators: When selecting translators, the list of criteria applied to determine competency and professionalism for interpreters above shall 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, HACK will 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.

O. LEP PLAN DISTRIBUTION AND PUBLIC POSTING

The LEP Plan will be:

1. Distributed to all HACK supervisors.
2. Available in HACK Management Offices and the Section 8 Department.
3. Posted on HACK's website,

P. STANDARD OF CARE

The LEP Plan does not create a standard of care, a covenant of habitability or any rights to third parties or HACK clients. The Policy does not enlarge HACK's duty under any law, regulation or ordinance. In cases of conflict, the applicable law, regulation or ordinance shall prevail. The policy is a general guideline as to a standard of care to which HACK aspires.

Q. Things to do:

Application questions
Signs
Flashcards to determine the language
Rescission of waiver
Inserts in written documents
Waiver of free service
Changes to rent statement