

## Proposed Language Access Policy

New Section F in Chapter 1 of the Admissions and Continued Occupancy Policy for the Federally Assisted Public Housing Program

### F. Language Access Policy

It is the policy of the PHA to comply with all Federal, State, and local nondiscrimination laws and with rules and regulations governing language access, and subsequent modifications thereto, including:

- Title VI of the Civil Rights Act of 1964;
- Chapter 515, Hawaii Revised Statutes;
- Section 371-31, Hawaii Revised Statutes; and
- United States Department of Housing and Urban Development, Notice of Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, published in the Federal Register on January 22, 2007,

which are hereby incorporated in whole by reference.

Language for Limited English Proficient (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 the federally assisted public housing program. In certain circumstances, failure to ensure that LEP persons can effectively participate in or benefit from federally-assisted programs and activities may violate the prohibition under Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, which provides that no person shall “on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance[.]” and Title VI regulations against discrimination on the basis of national origin. Recipients of federal financial assistance have an obligation to reduce language barriers that can preclude meaningful access by LEP persons to the federally assisted public housing program.

The PHA will take reasonable steps to communicate with people who need services or information in a language other than English to ensure meaningful access to its federally assisted public housing program. These persons will be referred to as Persons with Limited English Proficiency (LEP).

To determine the level of access needed by LEP persons, the PHA will balance the following four factors: (1) the number or proportion of LEP persons eligible to be served or likely to be encountered by the federally assisted public housing program; (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 to people's lives; and (4) the resources available to the PHA and costs. Balancing these four factors will ensure meaningful access by LEP persons to critical services while not imposing undue burdens on the PHA.

#### Language Access Action Plan

The PHA shall establish a Language Access Action Plan and shall revise the plan using the four-factor analysis as necessary to address the changing needs of the LEP population it serves (provided that if the PHA completes the four-factor analysis to decide what language assistance services are appropriate, and determines that the PHA serves very few LEP persons and the PHA has very limited resources, it is not necessary for the PHA to implement the written plan, but will consider alternative ways to provide meaningful access).

The Language Action Plan shall provide:

- How to identify LEP persons who need language assistance;
- How to provide language assistance to LEP persons;
- Provisions on the training of staff;
- Notice to LEP individuals of language assistance services; and
- Monitoring and updating of the Language Access Action Plan.

#### Oral Interpretation

Upon request, a competent interpreter will be provided in a timely manner, free of charge to the LEP person, for any hearing or other situation in which communication between the LEP person and the PHA staff is necessary to access important benefits and services, especially when the loss of a benefit or service is at stake. The PHA may offer to schedule appointments for LEP persons at specified times to minimize wait times and ensure the availability of competent interpreters, provided that use of an appointment facilitates the provision of language assistance and does not impede or delay the LEP person's access to communication with the PHA.

When LEP persons desire, they will be permitted to use, at their own expense, an interpreter of their own choosing, in place of or as a supplement to the free language services offered by the PHA. The interpreter chosen by the LEP person may be a family member or friend, but may not be a minor. However, the PHA shall not require a LEP person to use family members or friends to provide interpretation or translation services. If, after the offer of a free interpreter in the LEP person's primary language, the LEP person elects to use a family member or friend to provide interpretation, the PHA shall take reasonable steps to determine:

- Whether the individual providing the interpretation is competent to provide this service; and
- Whether conflict of interest, confidentiality, or other concerns make use of the family member or friend inappropriate.

The PHA reserves the right to obtain a competent interpreter for the PHA's benefit in the event the LEP person uses an interpreter of their own choosing.

The PHA shall also provide oral interpretation for timely and effective telephone communication between the PHA staff and LEP persons.

### Written Translations

To comply with written translation obligations, the PHA shall take the following steps:

- The PHA will provide 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; or
- If there are fewer than 50 persons in a language group that reaches the 5 percent trigger, the PHA need not translate vital documents, but provides written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of vital documents, free of cost to the LEP person.

Translation of documents that are not vital documents, if needed, may be provided orally.

### Availability of Free Language Assistance

The PHA will provide notice to LEP persons of the provision of free language assistance by displaying posters and flyers prominently in waiting rooms, reception areas, and other initial points of entry, and by including flyers in applicant packets and informational material disseminated to the public.

### Complaint Procedure

The PHA shall establish a complaint procedure for complaints by applicants and tenants of the federally assisted public housing program relating to language access.

### Definitions

"Oral Interpretation" or "Interpretation" shall mean the act of listening to something in one language and orally translating it into another.

"Person with Limited English Proficiency" or "LEP person" shall mean a person who does not speak English as his or her primary language and who has limited ability to read, write, speak, or understand English in a manner that permits him or her to communicate effectively with the PHA and have meaningful access to and an equal opportunity to

participate fully in the federally assisted public housing program, and includes public housing program applicants and tenants and their household members.

“Vital documents” shall mean generic widely used written materials of the PHA including:

- Notices advising LEP persons of free language assistance;
- Application forms to participate in the PHA’s federally assisted public housing program;
- Written notices of rights, denial, loss, or decreases in benefits or services;
- Written notices of hearings;
- Notices of eviction; and
- Leases and project rules.

“Written translation” or “translation” shall mean the replacement of a written text from one language into an equivalent written text in another language.