

HOUSING AUTHORITY OF THE CITY AND COUNTY OF DENVER

LIMITED ENGLISH PROFICIENCY PLAN

October 2010

A. INTRODUCTION

In accordance with applicable local, state and federal law, the Housing Authority of the City and County of Denver (“DHA”) seeks to provide Meaningful Access to its programs, services, and benefits by individuals with Limited English Proficiency (“LEP Individual”). It is the policy of DHA that eligible applicants, tenants, and Section 8 clients, having LEP shall be provided with Meaningful Access to DHA programs. DHA will make reasonable efforts to provide or arrange for free language assistance for its LEP Individuals, including applicants, recipients and/or individuals eligible for conventional public housing, Section 8 Tenant-Based Voucher Program, Section 8 Project-Based Assistance, and other DHA programs.

B. DEFINITIONS

1. “LEP Coordinator” shall mean the individual assigned by DHA to be available to consult as needed and to provide advice to any DHA staff making a determination on an LEP request. The LEP Coordinator may receive complaints and other reports of violations of governing law from DHA residents/clients, applicants, management staff or interested individuals outside DHA and will investigate such complaints promptly.
2. “Limited English Proficient Individual” (“LEP Individual”) shall mean any individual whose primary language is not English, and who has a limited ability to read, write, speak or understand English. These individuals may be entitled to free language assistance with respect to a particular type of service, benefit, or encounter.
3. “Vital Documents” shall mean documents that provide Meaningful Access to the LEP populations served by DHA. DHA will determine what Vital Documents will be translated into what languages and the priority of translation of each document based upon the importance of the document to the provision of services and the availability of funding.
4. “Meaningful Access” shall mean free language assistance for all LEP Individuals including oral interpretation and translation of Vital Documents.

C. FOUR FACTOR ANALYSIS TO DETERMINE MEANINGFUL ACCESS

To ensure DHA provides Meaningful Access for all LEP Individuals served DHA will periodically assess and update the following four-factor analysis:

1. The number or proportion of LEP Individuals eligible to be served or likely to be encountered by DHA;
2. The frequency with which LEP Individuals come in contact with DHA’s programs;

3. The nature and importance of the program, activity or service provided by DHA to individuals' lives; and
4. The resources available to DHA and the costs associated with the provision of translation and interpretation services. Reasonable steps may cease to be reasonable where the costs imposed substantially exceed the benefits.

D. LANGUAGE ASSISTANCE

1. If an individual asks for language assistance and DHA determines that the individual is an LEP Individual and that language assistance is necessary to provide Meaningful Access, DHA will make reasonable efforts to provide free language assistance. If reasonably possible DHA will provide this language assistance in the LEP Individual's preferred language. DHA has the discretion to determine whether language assistance is needed, and if so, the type of language assistance necessary to provide Meaningful Access.
2. Language assistance includes interpretation, which means oral or spoken transfer of a message from one language into another language, and/or translation, which means the written transfer of a message from one language into another language. DHA has made oral interpretation services available for all LEP Individuals as outlined below. Written translation of documents may be limited to translation of Vital Documents.
3. DHA will re-evaluate these procedures as necessary based upon requests for interpreters and/or translation to determine if any changes are necessary.

E. TRANSLATION OF DOCUMENTS

1. Based on U.S. Census Bureau information and the practices of other organizations within the jurisdiction, such as Denver Public Schools, DHA will translate all Vital Documents into Spanish only at this time. The data available to DHA is insufficient to support the need for additional languages. If DHA determines that documents must be translated into additional languages, the documents will be translated in the same priority as those documents translated into Spanish. A current list of all translated Vital Documents can be found on the Legal Department's tab on the intranet and shall be made available to the public upon request per DHA's current Open Records Policy.
2. DHA has and will continue to weigh the costs and benefits of translating documents for potential LEP groups, considering the expense of translating the documents, the barriers to meaningful translation or interpretation of technical housing information,

the likelihood of frequent changes in documents, the existence of multiple dialects within a single language group, and other relevant factors.

3. DHA will undertake this examination when an eligible LEP group constitutes 5 percent of those LEP Individuals served by DHA (for example, 5 percent of households living in DHA's public housing) or 1,000 individuals, whichever is less.
4. If DHA determines that translation is necessary and appropriate, DHA will translate all Vital Documents. All other language groups will generally be provided with free oral interpretation services only.
5. When appropriate the following will be placed in Spanish on all non-translated documents being provided to Spanish speaking LEP individuals: "This is an important document. For free language assistance please contact the Section 8 Department, the Occupancy Department, or the Housing Management Division."
6. As opportunities arise, DHA may work with other housing authorities to share the costs of translating common documents, which may include language groups which do not (yet) reach the threshold level in DHA's population.
7. The Department of Housing and Urban Development ("HUD") should provide prototype translations of standard housing documents in multiple languages in a timely fashion. HUD should provide this service to local housing authorities and other HUD grantees whose limited resources hinder their LEP efforts.

F. FORMAL INTERPRETERS

1. When necessary DHA will provide qualified interpreters, including bilingual staff and contract vendors. At important stages that require one-on-one contact, written translation and verbal interpretation services will be provided consistent with the four-factor analysis detailed above.
2. Telephone oral interpretation services have been procured for by DHA staff to assist LEP Individuals. Languages that can be translated include, but are not limited to: Spanish, Vietnamese, Russian, Chinese, Cambodian, Laotian, Arabic, Somali, and Farsi.
3. DHA may require a formal interpreter to certify to the following:
 - i. The interpreter understood the matter communicated and rendered a competent interpretation;
 - ii. The interpreter will not disclose non-public data without written authorization from the client.

4. When necessary and upon request interpreters shall be used at the following:
 - i. Formal hearing for denial of admission to public housing;
 - ii. Informal settlement conferences and formal hearing for termination of public housing;
 - iii. Hearings or conferences concerning denial or termination of Housing Choice Voucher (Section 8) participation; and
 - iv. Forcible Entry and Detainer Actions.

5. When DHA has reasonable cause to believe an individual is not an LEP Individual, DHA reserves the right to require an individual to submit a Request for Interpreter Services and Verification of Need For a Translator Due to Limited English Proficiency. This form will be provided to DHA staff and will be available on the Legal Department's tab on the intranet.

G. INFORMAL INTERPRETERS

1. Informal interpreters may include the family members, friends, legal guardians, service representatives or advocates of the LEP Individual. DHA staff will determine whether it is appropriate to rely on informal interpreters, depending upon the circumstances and subject matter of the communication. However in many circumstances, informal interpreters, especially minors, are not competent to provide quality and accurate interpretations. There may be issues of confidentiality, competency or conflict of interest.

2. DHA may not require an LEP Individual to use an informal interpreter.

3. An LEP Individual may use an informal interpreter of their own choosing and at their expense, either in place of or as a supplement to the free language assistance offered by DHA. If possible, DHA should accommodate an LEP Individual's request to use an informal interpreter in place of a formal interpreter.

4. DHA employees that demonstrate non-English language proficiency can provide limited assistance to DHA staff and LEP Individuals as part of their regular job duties.

5. If an LEP Individual prefers an informal interpreter, after DHA has offered free interpreter services, the informal interpreter may interpret. An LEP Individual's request to use his/her own interpreter must be noted in the individual's file.

6. If an LEP Individual wants to use their own informal interpreter, DHA reserves the right to also have a formal interpreter present.

H. GUIDANCE FOR COMMUNICATIONS WITH LEP INDIVIDUALS

DHA will take appropriate steps to assure that all LEP Individuals who are eligible for a DHA program are provided with the information and assistance necessary to participate in the program. DHA will also take appropriate steps to assure that all LEP Individuals can obtain information concerning the existence and location of DHA programs, services, activities and facilities.

DHA has adopted the following procedures and resources for use in communicating with LEP Individuals:

1. Initial Point Of Contact

At the initial point of contact all potential applicants will be informed of DHA's policy of providing interpreters, at no cost to the applicant, resident, or Section 8 Client. Depending on the circumstances, notification may be given verbally by staff, posted, and/or printed on forms and brochures.

DHA will strive to identify the language spoken by LEP Individuals as soon as possible at or after initial contact. DHA staff likely to encounter LEP Individuals will be provided Language Identification Cards ("LIC") which invite LEP Individuals to identify their language needs to staff. A copy of these cards can be found on the Legal Department's tab on the intranet, on DHA's website, and at <http://www.usdoj.gov/crt/cor/13166.htm>.

2. Notice Posted Of Available Free Language Assistance

DHA will post notice to LEP Individuals of available free Language Assistance in common areas, offices, and anywhere applications are taken including but not limited to the Occupancy Department, Section 8 Department, and all development management offices. Additionally, a notice will be provided to all individuals applying for housing at the initial point of contact with the Occupancy Department. A copy of the current notice can be found on the Legal Department's tab on the intranet, and on DHA's website. This notice is translated into the most common languages encountered including but not limited to: Spanish, Vietnamese, Russian, Chinese, Cambodian, Laotian, Arabic, Somali, and Farsi.

3. Telephone Communications

- i. If possible, DHA staff should first determine the caller's language.
- ii. If an English-speaking family member or third party initiates the call on behalf of the LEP Individual DHA staff must advise the LEP Individual of DHA's policy to provide free language assistance. DHA may not require the LEP Individual to use an informal interpreter. If an LEP Individual prefers an informal interpreter, after DHA has offered free interpreter services, the

informal interpreter may interpret. An LEP Individual's request to use his/her own interpreter must be noted in the individual's file.

- iii. If an interpreter is necessary, use the telephone conferencing feature and call the Language Line Interpreter Service to arrange for an interpreter. A list of interpreters can be found on the Legal Department's tab on the intranet, and on DHA website.
- iv. Once the interpreter comes on the line, the call should be conferenced so that the LEP caller is part of a three-way call between DHA staff, the caller and the interpreter.
- v. DHA staff member must use the LEP Request Form to document the LEP Individual's use of DHA's service, listing the LEP Individual's name, the language spoken by the LEP Individual, and the service provided. A copy of this form can be found on the legal department's tab on the intranet.

4. In Person Communications

- i. In the instances where an LEP Individual walks in DHA staff should first determine the LEP Individual's language. DHA staff should use the Language Identification Cards to invite LEP Individuals to identify their language needs to staff.
- ii. If an English-speaking family member or third party offers to provide informal interpretation services on behalf of the LEP Individual DHA staff member must advise the LEP Individual of DHA's policy to provide free interpretation services.
- iii. DHA may not require the LEP Individual to use an informal interpreter. If an LEP Individual prefers an informal interpreter, after DHA has offered free interpreter services, the informal interpreter may interpret. An LEP Individual's request to use his/her own interpreter must be noted in the individual's file.
- iv. If an interpreter is necessary, call the Language Line Interpreter Service to arrange for an interpreter. A list of interpreters can be found on the Legal Department's tab on the intranet.
- v. Once the interpreter comes on the line, DHA staff can use the speaker phone function to include the interpreter in the meeting with the LEP Individual.
- vi. DHA staff must use the LEP Request Form to document the LEP Individual's use of DHA's service, listing the LEP Individual's name, the language spoken by the LEP Individual, and the service provided. A copy of this form can be found on the Legal Department's tab on the intranet.

5. Translation

- i. DHA serves a very large variety, but small numbers of LEP groups. DHA will provide oral translations of important documents through interpreters, free of charge to LEP Individuals through the Language Line Interpreter Service.

DHA will use Language Identification Cards which allow individuals seeking services to identify their language needs to staff.

I. MONITORING LEP DATA

1. DHA Home Language Survey. Although DHA collects race and ethnicity information as required by HUD, DHA does not have current or historical data regarding the frequency of use by LEP Individuals. In an effort to provide Meaningful Access to its programs, services, and benefits by LEP Individuals, DHA will provide a Home Language Survey to all applicants, all lottery participants, and to current public housing and Section 8 participants during annual re-exams or recertification. The survey is voluntary and contains no identifying information. DHA's Occupancy Department, Section 8 Department, and Housing Management Division will collect data to determine if Vital Documents must be translated into additional languages. The Home Language Survey will be provided to DHA staff likely to encounter LEP individuals and can be found on the Legal Department's tab on the intranet. Completed surveys must be sent to the LEP Coordinator.
2. DHA Record Keeping of LEP requests. A copy of all completed LEP Request Forms must be sent to the LEP Coordinator. A LEP individual's request for free language assistance must also be noted in the LEP Individual's file.

J. MONITORING

1. DHA will review and revise this LEP plan as necessary. The review will include:
 - i. Using data gathered from Home Language Surveys, and LEP Request Forms;
 - ii. Analysis of staff requests for contract interpreters, number of requests, languages requested, costs, etc;
 - iii. An examination of U.S. Census information as updated to determine the number or proportion of the LEP Individuals eligible to be served or likely to be encountered by DHA within its jurisdictional boundaries, which is located in the City and County Denver; and
 - iv. A determination as to whether 5 percent of LEP Individuals served by DHA (or 1,000 individuals) speaks a specific language, which triggers consideration of document translation needs as described above.

K. LEP PLAN DISTRIBUTION AND TRAINING

The LEP Plan will be:

1. Distributed to all DHA supervisors and other staff likely to communicate with LEP Individuals.
2. Available on the Legal Department's tab on the intranet and on DHA's website.

3. Explained in training sessions for supervisors and other staff likely to communicate with LEP Individuals.

L. COMPLAINTS AND GRIEVANCES

Complaints should be sent to the LEP Coordinator at 777 Grant St., Denver, Colorado 80203. The LEP Coordinator will investigate the complaint to determine if a violation of this policy has occurred. Following such investigation, the LEP Coordinator, in coordination with Agency Counsel, will make a determination regarding the complaint, and if necessary, take corrective action.

Only applicants, residents and Section 8 clients may file a grievance. A grievance is any dispute which an applicant, resident or Section 8 client may have for DHA's failure to provide the requested free Language Assistance. A person, or his or her representative, may present a grievance either verbally or in writing to DHA within ten (10) business days after receiving the determination of DHA. The grievance must state: (a) the reasons for the grievance; (b) the action requested; and, (c) the name, address and telephone number of the LEP Individual. The grievance will be processed in accordance with DHA's grievance procedures.

M. REVISIONS

DHA may revise its LEP Plan, in its sole discretion, to effectuate the intent, purpose or interpretation to ensure continued compliance with applicable law, without notice to residents/clients, applicants, or other parties.

N. DISCLAIMER

1. The policy guidelines described herein do not form a contract between DHA and any other parties. The guidelines are intended solely to ensure compliance with federal, state and local law.
2. These policy guidelines will be used for assessing the needs of the LEP community and evaluating requests for language assistance by DHA applicants and residents/clients. They are not intended to be an exhaustive compilation of rules or policies governing assessment by DHA of requests for free language assistance. If any conflicts exist or arise between these guidelines and guidance issued by the U.S. Department of Housing and Urban Development ("HUD"), or existing or future statutes, regulations, or other legal requirements, DHA will follow the legal requirements.