

Massachusetts Housing Finance Agency Language Access Plan

I. Introduction

The Massachusetts Housing Finance Agency (MassHousing) 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 persons with LEP. On January 22, 2007, the U.S. Department of Housing and Urban Development (HUD) issued its “Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons,” 72 FR 2732 (Final Guidance) to recipients of HUD funding concerning compliance with the Title VI prohibition against national origin discrimination affecting persons with LEP.

MassHousing has prepared this Language Access Plan (LAP), which defines the actions to be taken by MassHousing, by its administering entities, and by owners of housing developments that receive any MassHousing assistance (including but not limited to any HUD funding administered by or received through MassHousing), as represented by their property management agents (hereinafter referred to as “Agents” or each, an “Agent”), to ensure Title VI compliance with respect to persons with LEP. MassHousing 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 programs and activities of MassHousing. In addition to the mandate to affirmatively further Fair Housing, Title VI of the Civil Rights Act of 1964 imposes legal obligations on MassHousing 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.

As a recipient of federal financial assistance, MassHousing is covered by Title VI.¹ Sub-recipients are also subject to HUD’s Final Guidance when HUD funds are passed to them through MassHousing, as the grantee.

¹ The Schedule of Expenditures of Federal Awards and Auditors’ Reports for the year ended June 30, 2012 identifies the receipt and expenditure of federal financial assistance by MassHousing in connection with the following programs:

In addition, coverage by Title VI, and application of the Final Guidance, “extends to a recipient’s entire program or activity, i.e., to all parts of a recipient’s operations. This is true even if only one part of the recipient receives federal assistance.” Final Guidance at 2740.

Further, as the recipient of non-federal funding provided by the Massachusetts Department of Housing and Community Development (DHCD), itself a recipient of federal financial assistance, MassHousing is subject to the Final Guidance with respect to its administration of DHCD programs as a matter of DHCD policy and directive.

Pursuant to the Final Guidance, recipients, sub-recipients and covered organizations are:

“required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. While designed to be a flexible and fact-dependent standard, the starting point is an individual assessment that balances the following factors:

- (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.”

U.S. Department of Housing and Urban Development - Direct Programs:

Housing Assistance Payments Program for Low Income Families (Section 8 – TCA)
Housing Assistance Payments Program for Low Income Families (Section 8 – PBCA)
Interest Reduction Payment – Rental and Cooperative Housing for Lower Income Families (Section 236)

U.S. Department of Housing and Urban Development - Loan Program:

Operating Assistance for Troubled Multifamily Housing Projects (HUD Flexible Subsidy)

U.S Department of the Treasury:

National Foreclosure Mitigation Counseling Grant (NeighborWorks America)

III. Role of MassHousing, Sub-recipients and Entities Administering MassHousing Programs

MassHousing, through its Rental Lending and HomeOwnership Lending Divisions, provides mortgage loan financing for multifamily affordable housing developments and home ownership units throughout Massachusetts, as follows:

Rental Lending Division (multifamily loans)

- Mixed Income Financing Program
- Bridge Loans
- Elder Mixed-Income
- ElderCHOICE

HomeOwnership Lending Division (home ownership loans)

- MassHousing Mortgage Program
- Home Improvement Loan Program

The following is a listing of the primary entities administering MassHousing HomeOwnership lending programs:

- Local Rehabilitation Agencies
- Homebuyer Counseling Agencies

MassHousing, through its Rental Management Division, administers MassHousing multifamily loans and provides or otherwise makes available community services programs to its multifamily affordable housing developments, as follows:

Rental Management Division

- Multifamily Asset Management
- Tenant Assistance Program (TAP)
- Youth RAP Program
- CCRI Programs

In addition to administering its own mortgage loan and community services programs, MassHousing administers various state and federally funded programs related to affordable housing, as follows:

Rental Lending Division

- Affordable Housing Trust Fund

Rental Management Division

- HUD Project based Section 8 Rental Subsidy (federal)
- HUD Section 236 Interest Subsidy (federal)
- HUD Rental Assistance Program (RAP) (federal)
- M.G.L. c. 13A Interest Subsidy (state)

- State Housing Assistance Rental Program (SHARP) (state)

Sub-recipients of the Rental Management Division programs are private owners of housing developments, generally as represented by their Agents

HomeOwnership Lending Division

- Get Out the Lead Loan Program (state)
- Septic Repair Loan Program (state)

For purposes of administering its multifamily and home ownership mortgage loan programs, MassHousing has developed this Plan to address identified needs of the LEP population it serves.

MassHousing will further require, as a condition of its financial commitments for (i) multifamily mortgage loan financing, and (ii) purchase, funding or insurance of home ownership loans, that borrowers or lenders prepare and maintain LAP in accordance with the Final Guidance, or otherwise evidence that they have taken reasonable steps to ensure meaningful access to their programs and services by persons with LEP.

MassHousing will not attempt to create or specify a detailed, “one-size fits all” LAP for itself, its multifamily borrowers, sub-recipients or entities administering MassHousing programs. Instead, MassHousing’s LAP Guidance provided in the Appendix of this document is intended to direct Agents and administrating entities to create their own LAPs, and to provide further instruction to assist the creation of such LAPs. MassHousing will continue its efforts to translate MassHousing program documents over time and will provide technical assistance to Agents and administrating entities in carrying out MassHousing programs in compliance with LEP requirements. As necessary, MassHousing 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, the Commonwealth of Massachusetts Department of Housing and Community Development (“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 provide updates that MassHousing will incorporate into and 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, Chinese², Mon-Khmer (Cambodian), and Vietnamese. A summary of these groups can be seen below in Table 1, and Table 2 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 MassHousing has made reasonable efforts to provide appropriate written language assistance to its LEP populations in its programs. The “Safe Harbor” guidelines are defined below.

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

² Note that the 2000 U.S. Census does not distinguish by Chinese language types.

Table 2(A): Detailed LEP Population Data at the State and RAA Regional Level (2000 U.S. Census)³		Population 18 years and over	Speak only English	Speak a language other than English	Spanish or Spanish Creole	French Creole	Italian	Portuguese or Portuguese Creole	Russian	Chinese	Mon-Khmer, Cambodian	Vietnamese
Massachusetts	Number	4,853,130	3,944,715	908,415	270,460	31,845	56,195	134,960	27,575	60,150	13,830	23,465
	Percentage	100.00%	81.28%	18.72%	5.57%	0.66%	1.16%	2.78%	0.57%	1.24%	0.28%	0.48%
Massachusetts Speak English "Not Well" or "Not at All"				193,785	71,895	6,810	6,525	39,620	8,990	18,050	5,125	8,990
% of Language Speakers who Speak English "Not Well" or "Not at All"				21.33%	26.58%	21.38%	11.61%	29.36%	32.60%	30.01%	37.06%	38.31%
<i>Determined by Using Berkshire County Data.</i>	Number	104,639	97,607	7,032	1,513	13	945	129	95	188	9	98
	Estimate of Language Speakers who speak English "Not Well" or "Not at All"				402	3	110	38	31	56	3	38
<i>Determined by using Middlesex County Data.</i>	Number	1,137,441	902,289	235,152	45,601	7,767	20,325	30,858	8,445	21,800	6,879	4,716
	Estimate of Language Speakers who speak English "Not Well" or "Not at All"				12,122	1,661	2,360	9,059	2,753	6,542	2,549	1,807
<i>Determined by Using Barnstable, Dukes, and Nantucket County Data.</i>	Number	227,259	205,232	22,027	5,479	93	1,232	482	517	1,341	286	321
	Estimate of Language Speakers who speak English "Not Well" or "Not at All"				1,456	20	143	142	169	402	106	123
<i>Determined by using Franklin, Hampden and Hampshire County Data.</i>	Number	460,414	373,791	86,623	42,197	241	3,746	5,709	3,620	2,096	589	1,717
	Estimate of Language Speakers who speak English "Not Well" or "Not at All"				11,217	52	435	1,676	1,180	629	218	658
<i>Determined by using Suffolk County Data.</i>	Number	551,223	372,991	178,232	71,090	14,420	10,194	11,661	5,947	15,524	1,348	8,653
	Estimate of Language Speakers who speak English "Not Well" or "Not at All"				18,897	3,084	1,184	3,423	1,939	4,658	500	3,315

³ Based on the regions of the Regional Administering Agencies (regional non-profits).
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		Population 18 years and over	Speak only English	Speak a language other than English	Spanish or Spanish Creole	French Creole	Italian	Portuguese or Portuguese Creole	Russian	Chinese	Mon-Khmer, Cambodian	Vietnamese
<i>Determined by Using Worcester County Data.</i>	Number	558,886	474,518	84,368	30,619	309	3,593	4,557	1,199	2,481	355	3,756
	Estimate of Language Speakers who speak English "Not Well" or "Not at All"				8,139	66	417	1,338	391	745	132	1,439
<i>Determined by using Bristol and Plymouth County Data.</i>	Number	749,883	625,522	124,361	18,636	5,539	3,084	67,966	239	1,598	1,378	913
	Estimate of Language Speakers who speak English "Not Well" or "Not at All"				4,954	1,185	358	19,953	78	480	511	350

 Populations which meet the Safe Harbor Threshold at the Estimate of Language Speakers who Speak English “Not Well” or “Not at All”

American Community Survey Update:

As the 2010 U.S. Census does not include data pertaining to languages, the American Community Survey (“ACS”) data available through the U.S. Census Bureau’s American FactFinder tables appears to be the best available source of public data post-2000 U.S. Census data.

It is important to note that the ACS estimates are based on sample data and are subject to sampling variability and margins of error.⁴ Likely because of the smaller sample sizes and greater sampling variability compared to the 2000 U.S. Census data, various ACS tables (e.g. for populations 18 and over, populations who do not speak English “at all,” linguistic isolation indicators, etc.), do not specify languages other than Spanish; instead, the tables group such languages into “other Indo-European languages,” “Asian and Pacific Island languages,” and “other languages” categories.

Available 2010 ACS tables for numerous specified languages pertain to populations 5 years and over that speak English “less than very well.” Tables 1(B) and 2(B) update Tables 1(A) and 2(A), respectively, using ACS 2010 5-year estimates (2006-2010). Table 1(B) updates Table 1(A) using the ACS measure of persons who speak English “less than very well” for persons 5 years and over in Massachusetts. Table 2(B) updates Table 2(A) languages based on tabulations of said ACS data by county/regional area.

The 2010 ACS estimates indicate additional languages that, in certain counties, exceed 1,000 persons (although less than 5%) who speak English “less than very well,” notably Arabic and Korean in Middlesex and Suffolk counties and Polish in Hampden and Worcester counties. However, as such data includes children (many of whom may reside in the same household) and still excludes income levels (relevant to DHCD program eligibility), it is a less reliable measure. Therefore, DHCD will continue to consult with programs in determining demand or need for translations in addition to the languages that are depicted in this LAP.⁵

⁴ See relevant tables at <http://factfinder2.census.gov> for the particular margins of error.

⁵ Note that translated phrases referenced in section V (D) below include Arabic, Korean, Polish, and other languages beyond the 8 LAP languages.

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)

Table 2(B): Detailed LEP Population Data at the State and Regional Level (2006-2010 American Community Survey Estimates)⁶		[Population 18 years and over]	Population 5 years and over	Speak only English	Spanish or Spanish Creole	French Creole	Italian	Portuguese or Portuguese Creole	Russian	Chinese	Mon-Khmer, Cambodian	Vietnamese
Massachusetts	Number	[5,045,148]	6,108,770	4,823,127	457,990	53,724	48,184	180,975	36,252	98,735	23,023	35,306
	Percentage		100.00%	78.95%	7.50%	0.88%	0.79%	2.96%	0.59%	1.62%	0.38%	0.58%
Massachusetts Speak English "less than very well"					202,419	22,792	12,559	89,201	17,628	49,773	12,023	23,121
% of Language Speakers who Speak English "Less Than Very Well"					44.20%	42.42%	26.06%	49.29%	48.62%	50.41%	52.22%	65.49%
<i>Determined by Using Berkshire County Data.</i>	Number	105,190	125,395	116,576	3,359	18	628	306	157	84	176	67
	Estimate of Language Speakers who speak English "Less Than Very Well"				1,471	8	209	147	73	48	48	67
<i>Determined by using Middlesex County Data.</i>	Number	1,160,024	1,394,656	1,064,006	71,863	13,455	15,712	43,733	11,530	36,874	12,824	7,392
	Estimate of Language Speakers who speak English "Less Than Very Well"				27,074	5,636	4,820	23,738	4,347	16,752	6,583	4,227
<i>Determined by Using Barnstable, Dukes, and Nantucket County Data.</i>	Number	199,473	232,957	214,325	3,623	640	671	5,039	757	547	106	277
	Estimate of Language Speakers who speak English "Less Than Very Well"				783	140	62	2,516	311	183	44	230
<i>Determined by using Franklin, Hampden and Hampshire County Data.</i>	Number	537,905	653,763	532,168	68,559	623	2,255	5,106	5,882	2,956	1,486	2,694
	Estimate of Language Speakers who speak English "Less Than Very Well"				54,257	147	654	2,375	3,250	1,632	928	1,848
<i>Determined by using Suffolk County Data.</i>	Number	577,798	665,486	420,647	113,328	18,016	6,797	16,435	5,681	21,997	1,309	10,234
	Estimate of Language Speakers who speak English "Less Than Very Well"				58,217	8,863	2,234	9,745	3,597	13,016	766	7,411

⁶ See FN 6.

		Population 18 years and over	Population 5 years and over	Speak only English	Spanish or Spanish Creole	French Creole	Italian	Portuguese or Portuguese Creole	Russian	Chinese	Mon-Khmer, Cambodian	Vietnamese
<i>Determined by Using Worcester County Data.</i>	Number	602,007	744,196	616,486	52,106	2,094	2,990	12,131	1,438	6,027	406	4,885
	Estimate of Language Speakers who speak English "Less Than Very Well"				25,440	637	871	6,564	721	3,222	239	3,704
<i>Determined by using Bristol and Plymouth County Data.</i>	Number	791,017	976,117	817,235	33,396	10,862	2,784	79,128	792	2,215	2,336	2,472
	Estimate of Language Speakers who speak English "Less Than Very Well"				12,613	4,710	711	34,605	297	914	1,219	1,345

 **Update of Table 2(A) Language Speakers for ACS Estimated Populations 5 Years and Over who Speak English "Less Than Very Well"**

V. Types of Assistance Needed/Language Assistance Methods

Based on its self-assessment, MassHousing has identified the types of assistance and language assistance methods necessary to provide meaningful access to MassHousing programs and activities by LEP persons, as follows:

Rental Management Division Programs: In programs administered by the Rental Management Division, including the multifamily mortgage loans originated by the Rental Lending Division, the majority of contacts with persons with LEP concerning MassHousing programs occur directly through the Agent rather than with MassHousing program staff. Appendix A to this document is intended to provide guidance to the Agent in planning for and responding to the communication needs of diverse LEP populations. MassHousing will also actively pursue broadening LEP access to its programs, including in the key areas described below.

HomeOwnership Business Line Programs: In programs administered by the HomeOwnership Business Line (i.e. HomeOwnership Lending or Servicing Division), contacts with persons with LEP concerning MassHousing programs occur either directly by MassHousing staff or through an administering entity. This Plan provides guidance to MassHousing staff in broadening LEP access to HomeOwnership programs and responding directly to the communication needs of diverse LEP persons. Appendix B to this document is intended to provide guidance to administering entities in planning for and responding to the communication needs of diverse LEP populations.

A. Inventorying Vital Documents for Translation

MassHousing has engaged in the process of inventorying vital MassHousing 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.”

As of the date of this plan, MassHousing vital documents include, but are not limited to, the following:

RENTAL MANAGEMENT DIVISION PROGRAMS:

- Occupancy Agreement (with VAWA Addendum)
- MassHousing Tenant Selection Plan (TSP) Summary
- MassHousing Property Description Insert to Tenant Selection Plan (TSP) Summary
- MassHousing Model Application Form (TSP Attachment 3)
- Consent for Release of Application (TSP Attachment 4)
- Notice of Decision on Application (TSP Attachment 5)
- Rejection Notice (TSP Attachment 6)
- Attachment to Rejection Notice (TSP Attachment 6A)

- MassHousing Conference Procedure (TSP Attachment 6B)
- Annual Waiting List Update (TSP Attachment 8)
- Notice to all Residents: MassHousing Property Management Review
- Notice of Unit Inspection: Property Management Review
- Notice of a Request to Increase Rents

HOMEOWNERSHIP PROGRAMS:

Home of Your Own Brochure/Inserts
 MassHousing Mortgage Program
 Purchase and Rehab Program

Home Repair Loan Programs Brochure/Inserts
 Get the Let Out Program
 Home Improvement Loan Program
 Septic Repair Loan Program

Step by Step Guide
 Homebuyer Counseling Manual
 HomeOwners Resource Guide
 Mortgage Insurances Brochures
 Customer Service Documents and Closing Forms (as may be identified)

MassHousing 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 Census data (see section IV above) in identifying the appropriate languages for translation, MassHousing divisions will make efforts over the next year in further identifying languages frequently encountered through its programs.

MassHousing has modified the automated telephone greeting for calls made to its primary number by providing an option for Spanish-speaking callers to leave voicemail messages, which are collected and returned by Spanish-speaking staff members. The HomeOwnership Customer Service Line, for prospective and existing HomeOwnership customers, has an option for callers to pick either English or Spanish.

Rental Management Division: MassHousing has made its Rental Housing list available in Spanish, and will continue its efforts in translating its vital documents into the most frequently spoken languages in Massachusetts as identified in the U.S. Census data above (the “Identified Languages”). MassHousing will post translated documents on its website and will notify Agents as relevant MassHousing documents have been translated.

HomeOwnership Business Line: MassHousing has made available both online and in print format, all HomeOwnership marketing materials in Spanish and Portuguese. HomeOwnership, working with Public Information, will continue its efforts in translating vital documents (including all marketing materials) into the Identified Languages. HomeOwnership has also contracted with outside vendors to market its programs in different languages.

In addition, the HomeOwnership section of the MassHousing website (masshousing.com) is available in both English and Spanish. This portion of the website also includes an LEP section which provides (or will provide) information to prospective and existing HomeOwnership customers, in the Identified Languages, as necessary for persons with LEP to identify the resources and lending programs available to them from MassHousing, and how to access these programs through MassHousing's network of non-profit organizations, community groups, originating lenders and realtors/brokers. Persons with LEP would be directed to specific providers with the capacity to communicate with them about MassHousing programs, and offer necessary interpretation and translation services, in their native language.

Finally, HomeOwnership has created a LEP section in the HomeOwnership Sellers Guide for its originating lenders, affirming MassHousing's obligation to take reasonable steps to ensure meaningful access to its programs and services by persons with LEP.

MassHousing'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 MassHousing and its programs; however, MassHousing makes no representations, expressed or implied, as to the accuracy and/or completeness of such translated material.

C. Accessing and Utilizing Language Assistance Services and Identifying Further Resources

In accordance with federal law, MassHousing is obligated to take reasonable steps to provide meaningful program access for persons with Limited English Proficiency ("LEP") and to create and implement a Language Access Plan ("LAP") towards that end. Entities administering MassHousing programs are also obligated, directly through federal requirements (if they are recipients or subrecipients of federal financial assistance) and/or indirectly as required by MassHousing, to create and implement their own LAPs. However, to the extent that persons with LEP come into contact with MassHousing, staff must be prepared to identify and respond to their language assistance needs.

MassHousing 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 MassHousing staff and persons with LEP. MassHousing staff protocols will be used to instruct MassHousing staff on the use of agency (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.

MassHousing Staff Protocols for accessing and utilizing such interpretation and translation services are described below:

Language Assistance Access and Utilization Protocols:

Persons with LEP will often be able to convey, including through third parties, their need for language assistance. An appropriate method for providing language assistance should be selected by MassHousing staff on a case-by-case basis depending on the nature and importance of the communication. In some instances one or more of the following steps should be taken by MassHousing staff, as necessary, to identify the language and the nature of the assistance sought.

1. Utilize “*I-Speak cards*,” available at the reception desks on each floor, for walk-ins to identify what language the person reads or speaks. I-Speak cards are also available at www.masshousingrental.com/LEP.
2. Consult *MassHousing’s Staff Resources for Language Assistance*, available at all reception desks and on the internal MassHousing website, to determine if staff are able to provide initial support in identifying languages and assistance needed by persons with LEP that come into direct contact with MassHousing in person, by telephone, or in writing. Staff should be used primarily for initial communications to determine further assistance needed and for less complicated and time-intensive communications.
3. Non-profit assistance or inter-agency partnerships, if available, that can provide language assistance based on a high degree of training and professionalism and sufficient skill to interpret or translate the subject matter of the communication. As with other methods of providing language assistance, it is the responsibility of MassHousing, not the person with LEP, to obtain the services.
4. Access MassHousing’s over-the-phone telephonic services account with Qwest/CenturyLink, (or such other provider as may be identified) using instructions provided by the Community Services Department. Such services should be used for, although not limited to, matters of higher importance, i.e., relating to program eligibility, rights and compliance.

Persons with LEP must not be turned away or told that they have to secure their own interpreter or translator. Language assistance through interpreter or translator services as appropriate must be sought as soon as possible and timing related rights must be preserved while such services are being sought.

Voicemail Protocols

Messages left on MassHousing's main mailbox in languages other than English will be retrieved daily by Administrative Services staff, interpreted and referred to appropriate agency staff, i.e., HomeOwnership, Asset Management, etc.

Tracking Protocols

A *Language Assistance Request Tracking Form* must be completed and submitted to the Community Services Department in connection with each request for language assistance.

D. Notice

MassHousing will make key phrases, translated in 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. A notice translated in various languages will also be posted at MassHousing's office regarding language identification upon walk-ins (via I-Speak Cards) for purposes of free language assistance.

VI. LEP Coordination and Complaint Procedures

Given the extent and variation of MassHousing programs and populations served, LEP coordination will occur at the MassHousing 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. MassHousing Community Services Department will assist MassHousing division staff as needed and will 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 MassHousing, the Office of Access and Opportunity will seek to resolve the complaint as appropriate.⁷

VII. Monitoring

MassHousing will periodically assess and update its LAP as needed, not less frequently than every two (2) years, 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.

MassHousing also plans to seek certifications and may engage in periodic quality control reviews to ensure that its Agents are appropriately creating and implementing LAP's as discussed in the Appendix.

⁷ See Administrative Bulletin #16 by the Executive Office for Administration for Finance (ANF).

VIII. Stakeholder Consultations

MassHousing has consulted DHCD, which had previously consulted stakeholders, including fair housing advocates, in the creation of this LAP. With respect to ongoing implementation of this LAP, MassHousing will consult and engage stakeholders such as the advocacy and community-based organizations that assist persons with LEP.

APPENDIX A

MASSHOUSING LAP GUIDANCE TO AGENTS

Owner/Agent Adoption of a Language Assistance Plan (LAP):

The Massachusetts Housing Finance Agency (MassHousing) 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 persons with LEP.

Pursuant to these requirements and in accordance with the language access plan (LAP) adopted by MassHousing, each MassHousing-financed or administered housing development is required to create a LAP as a minimum standard for addressing the needs of their LEP populations. The owners of such developments, acting through their management agents (hereinafter referred to as “Agents” or each, an “Agent”), must create and implement their LAPs in a manner that responds to the specific needs of the eligible LEP populations they serve. As MassHousing is a recipient of federal assistance and is therefore subject to HUD’s Final Guidance, MassHousing is requiring that all entities comply with HUD’s Final Guidance while administering or participating in MassHousing programs. It is important to note that many of such entities are also recipients of federal assistance, and as such will have independent obligations to comply with HUD’s Final Guidance.

MassHousing’s guidance herein is intended to provide further instruction, and not to substitute or minimize HUD requirements.

As indicated above, the HUD’s Final Guidance establishes 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.

All Agents must engage in HUD’s four-part analysis, and must document such analysis. Elements of the above-cited components of the test are incorporated into the guidance provided below.

A. Identifying Programmatic Contact with LEP Persons

- *Identifying LEP populations* through use of U.S. Census data (see section IV above)
- *Identifying Frequency of Program Contact with LEP Populations by Service Area:* due to the fact that available U.S. Census data may not adequately measure current LEP needs in the administering entity service areas, Owners/Agents are strongly encouraged to undertake additional measures for identifying LEP populations in their service areas.
 - *Collecting information from applicants and current program participants:* Agent may elect to ask applicants to identify their primary language and whether they are of limited English proficiency upon program application, as well as upon programmatic updating of household information (i.e. at recertification for existing residents). In making such inquiries, the purpose and use of the information should be clear. Furthermore, households must be informed that disclosure of such information is optional and that it will be kept confidential. The data may not be publicly disclosed in a manner that identifies particular households and may only be provided in aggregate form.
 - *Surveying other organizations in the redevelopment's market service area:* Owner/Agent may also find it helpful to survey other local or regional organizations, particularly those that primarily serve LEP and lower-income populations, to determine the likely frequency in which there will be contact with different LEP populations.

B. Establishing Staff Protocols for Communication with LEP Persons

Agents must create written protocols and procedures for the Agent and specifically **for front line staff** most likely to encounter LEP persons. The protocols must address potential communications by phone, in-person, and in writing. Such protocols should include instruction on:

- Use of *I Speak* cards. In order to help identify LEP individuals and determine the appropriate language assistance, each Agent must post and make available “I Speak Cards” at their offices (see HUD’s website for the cards and other translated documents at <http://www.hud.gov/offices/fheo/promotingfh/lep.cfm>). These cards should be prominently displayed in the reception area, with an explanatory sign in easily understood terminology, translated at least in the languages identified by the Safe Harbor guidance and languages of persons with LEP that the Agent anticipates will have programmatic contact. Applicants and program participants can use these cards to indicate their primary language. Agent’s staff should then make appropriate arrangements for interpretation services, generally using a bilingual staff person, a qualified third party interpreter identified by the applicant/participant, or a telephone interpretation service. In the instance that an LEP individual is unable to make use of “I Speak Cards” because of illiteracy or disability, administering entity staff must make reasonable efforts to ascertain interpretation needs and provide interpretation services in an alternative manner.
- Procedures for documenting the date and time of requests for interpreter or translation services, as well as the language and nature of the interpreter or translation services needed. Such procedures must be designed to preserve or toll timing-related rights until the appropriate services are provided.

- When/how to request interpretation or translation services from in-house bilingual staff
- When/how to request free interpreter or translation services by language type, i.e. from non-profit agencies that provide such services
- When/how to request, schedule, and use fee charging telephonic interpreter services
- When/how to request, schedule, and use fee charging in-person interpreter services
- When/how to request fee charging translation services

To assist staff in complying with protocols, Agents are strongly encouraged to designate an LEP coordinator.

C. **Providing Notice to LEP Persons**

To ensure that LEP persons are aware of the language services available to them, the following actions should be taken:

- *Post I Speak cards:* see section B above
- *Partner with community agencies:* Each Agent should contact local or regional community agencies who work with LEP persons to: a) inform them of HUD and DHCD program requirements regarding language services to LEP persons; and, b) solicit their assistance and cooperation in providing the necessary notification and assistance to LEP persons.
- *Incorporate multi-lingual messages into program outreach documents:* Agent's should use standard messages in outreach materials and notices, including how an LEP person may request interpreter services, in Spanish, Portuguese, Russian, French Creole, Italian, Chinese, Vietnamese, Cambodian, and other languages identified as necessary in the Agent's LAP.
- *Notices of Oral Interpretation Services:* Each Agent must prominently post at its central office and on its website multi-lingual notices of the right to request free oral interpretation services. Each Agent must be able to identify: competently bilingual staff that can provide interpretation; qualified third party interpreters (i.e. multicultural social service organizations); and, telephone and in-person interpretation services for when such services are necessary to communicate with LEP individuals.

D. **Language Assistance: Oral Interpretation and Written Translation**

- *Determining the Importance of the Program/Activity/Service:* Agents must clearly identify for program staff the oral and written communication aspects of its programs, activities, and services that if not interpreted and/or translated, would effectively deny or delay meaningful access to such programs, activities, and services. Examples include contacts during the application process leading up to program participation, as well as contacts relating to continuing program eligibility and program termination.
- *Assessing Available Resources:*

Agent must continually assess resources that are available for reasonably ensuring that LEP persons have meaningful program access. MassHousing recognizes that many Agents will find that their available financial resources are insufficient to fully provide such access at this time, or that the costs imposed would substantially exceed the benefits. Therefore, Agent must determine methods for utilizing alternative resources, and prioritize the use of their available financial resources for situations where alternative resources are not available or are insufficient. For example, DHCD encourages Agent to make use of staff resources and to establish a network of volunteers, including with like or partner agencies, to assist in situations where interpretation or translation is needed.

I. Oral Interpretation

LEP individuals must be informed that the Agent will provide them with free access to oral interpretation services via bilingual Agent staff or qualified, trained organizations or contractors as needed. Oral interpretation must be provided in a timely manner (must not effectively deny or cause an undue burden or delay relating to important services, benefits, or rights) and must only be provided by competent interpreters, subject at all times to applicable disclosure and privacy requirements. See HUD's Final Guidance for further discussion on interpreter competency and appropriate use of interpreters.

Oral Interpretation – Staff: Where feasible, Agent should use bilingual staff to communicate with LEP individuals in their primary languages, including assisting such individuals with understanding program materials and filling out forms, answering questions about the program, and responding to submission of materials and information requests. At the present time, many Agents employ bilingual staff members. Agents are encouraged to consider the language needs of their populations during the staff recruitment process and when making hiring decisions, and may include the ability to speak a language other than English among their hiring priorities. While multilingual staff members are a valuable resource, MassHousing also encourages Agents to be mindful of creating a burden on staff members who volunteer for interpreting services.

- *Oral Interpretation—Non-Profit Assistance:* Where feasible, the Agent should make an effort to partner with non-profits and community groups which can provide competent oral interpretation services to community members, including local organizations such as the Vietnamese Civic Association, the Cambodian Mutual Assistance Center, the Somali Development Center, the Office for New Bostonians and others. The Massachusetts Department of Mental Health (DMH) has created a *Multicultural Populations Resource Directory* (updated online as of 2011), which provides information on many organizations across the state that serve populations in other languages. For a list of available interpreters, the Agent may also wish to consult the MA Trial Court Office of Court Interpreters Services (OCIS).
- *Oral Interpretation – Telephone Support:* Subject to budgetary constraints and service availability, Agents must utilize the services of a professional telephone interpretation services in limited instances where there are no viable alternatives (i.e. bilingual staff, non-profit assistance). When these contacts involve review of program forms and

procedures, the Agents should schedule the call so that the telephone translator has the opportunity to first review the relevant form or procedure. Agents must only utilize interpretation services which demonstrate a high degree of training and professionalism among the interpreter staff. Agents must train staff on how to access this service, and the service must be made available as needed for any LEP applicant or participant, subject to funding constraints.

- *Oral Interpretation – In-Person Assistance:* In limited instances where in-person assistance is necessary to ensure meaningful access and bilingual Agent staff is determined to be insufficient, the Agent must provide qualified in-person interpretation services at no cost to the LEP individual either through local community organizations or through contracts with qualified and trained interpretations services. Examples of contacts where in-person, professional assistance is likely to be required include termination and eviction hearings due to the significance of these interactions. However, in consideration of balancing costs with maximum delivery of program benefits, Agents should generally strive to rely on the assistance of bilingual staff members or the assistance of non-profit organizations, and where appropriate, the use of telephone assistance. If the LEP person does not wish to use the free interpretation services provided by the Agent, the LEP person may provide their own qualified interpreters at their own expense; however, see below regarding use of family and friends as interpreters.
- *Oral Interpretation – Use of Other Interpreters:* If the LEP individual requests his/her own qualified, trained interpreter, this must be allowed even though at the individual's own expense. Agent use of family members and friends, especially minor children, as interpreters will generally be discouraged. Children under the age of fourteen should generally not be allowed to provide interpretation. Exceptions may be made where the contact with the LEP person is of a routine nature, one that does not involve confidential matters, or significant/complex matters impacting the applicant or resident's eligibility status, payments, or program compliance issues. Staff should be advised to be alert to the potential for any conflict of interest or competency issues that may arise from the involvement of family or friends, such as in domestic violence situations. If Agent staff has questions about the appropriateness of allowing family and friends as interpreters, they should consult with the Agent's LEP coordinator or MassHousing for guidance.

II. Written Translation

Agents must translate documents that are vital to meaningful program access. As stated above, 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.” Meaningful program access generally requires awareness of, and ability to participate in, procedures for applying to the program, for meeting the requirements of the program, and for enjoying the benefits of the program. Meaningful program access also requires awareness of rights and services; otherwise, LEP persons may effectively be denied such access. HUD’s Final Guidance specifies the following as a “safe harbor” for written translations discussed above.

Written or “vital documents” could include:

- Consent and complaint forms;
- Intake forms with the potential for important consequences;
- Written notices of rights, denial, loss, or decreases in benefits or services, and other hearings;
- Notice of eviction;
- Notices advising LEP persons of free language assistance;
- Notices of public hearings, especially those that meet Community Planning and Development’s citizen participation requirements;
- Leases and tenant rules; and/or
- Applications to participate in a recipient’s program or activity or to receive recipient benefits or services.

“Vital documents” under MassHousing programs may include: notices concerning program eligibility, compliance or violation of program requirements as well as notices of termination and ineligibility; verification materials; request forms; and appeal notices and decisions.

- *Translation Services:* Agents must only utilize translation services with staff that demonstrate a high degree of training and professionalism.
- *Non-Vital or Non-translated Written documents:* For documents not considered “vital documents” or not immediately translated, a notice must be placed on the document which states in Spanish, Portuguese, Russian, French Creole, Chinese, Italian, Vietnamese, Cambodian, and other languages identified under the Agent’s entity’s LAP, “This is an important document. Please contact [Agent and telephone number/address] for free language assistance.” The Agent must be prepared to reasonably provide oral interpretation or translation services to assist LEP persons in understanding non-vital documents or vital documents yet to be translated.
- *Legal documents:* In the case of legally binding documents such as a lease, although a translated copy of the document should be provided, the English version of the document is the one that is legally binding and considered the official document. The translated document is to be used as a reference tool only. A brief statement should be included on these documents in the language which the document has been translated into which states “This document is for informational purposes only. The English version of this document is considered the legally binding document.”
- *MassHousing Translation of Written documents:* MassHousing will, to the extent feasible, translate templates of its form documents (including the Tenant Selection Plan Summary, Occupancy Agreement, Model Application Form, and related notices and attachments) and will make them available to Agents as they are completed. Portions of the document specific to the individual circumstance will be translated as needed by the Agent.

- *Written documents -- Online Access:* As appropriate and as needed, MassHousing will make available translated documents online.

E. Timing Related Rights

An LEP person must in no way be penalized or denied meaningful and effective access because of an Agent’s inability to provide timely translation or interpretation services. This would include “stopping the clock” during the application or appeal process to allow time for translation and/or interpretation.

F. Staff Training and Coordination

- *Dissemination of the LAP:* Agent must ensure that its LAP is disseminated to relevant program staff.
- *Staff Training:* Agent must ensure that its relevant staff are trained on their responsibilities in regards to the LAP. Training should also be tailored for frontline staff who are likely to have initial contact with LEP populations and who will be responsible for implementing the protocols described above.
- *Quality Control:* Agent should conduct periodic quality control reviews to ensure that staff are implementing the LAP appropriately. MassHousing may also engage in periodic quality control reviews to ensure that the LAP is being appropriately implemented.

G. Monitoring and updating the Language Access Plan

Each Agent should periodically review and update its LAP, as needed, not less frequently than every two (2) years. The review should assess:

- Whether there have been any significant changes in the composition or language needs of the program population served by the Agent (this should be determined on an annual basis primarily by the data collected by the Agent and supplemented on a decennial basis by data from the U.S. Census);
- A review to determine if additional vital documents require translation;
- A review of any issues or problems related to serving LEP persons which may have emerged during the past year; and,
- Identification of any recommended actions to provide more responsive and effective language services (for example, adding documents to be translated, creating or expanding partnerships with community organizations, or changing staffing priorities).

H. Certification to MassHousing

All Agents must certify to MassHousing that they have created and are implementing a LAP tailored to the MassHousing-financed development it manages and the LEP populations that it serves. MassHousing will incorporate certification requirements into its loan commitments, grant awards and funding renewal processes.

APPENDIX B

MASSHOUSING LAP GUIDANCE TO ADMINISTERING ENTITIES

Administering Entities Adoption of a Language Assistance Plan (LAP):

The Massachusetts Housing Finance Agency (MassHousing) 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 persons with LEP.

Pursuant to these requirements and in accordance with the language access plan (LAP) adopted by MassHousing, each MassHousing administering entity (or “AE”) is required to create a LAP as a minimum standard for addressing the needs of their LEP populations. These AEs must create and implement their LAPs in a manner that responds to the specific needs of the eligible LEP populations they serve. As MassHousing is a recipient of federal assistance and is therefore subject to HUD’s Final Guidance, MassHousing is requiring that all AEs comply with HUD’s Final Guidance while administering or participating in MassHousing programs. It is important to note that many of such AEs are also recipients of federal assistance, and as such will have independent obligations to comply with HUD’s Final Guidance.

MassHousing’s guidance herein is intended to provide further instruction, and not to substitute or minimize HUD requirements.

As indicated above, the HUD’s Final Guidance establishes 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.

All AEs must engage in HUD’s four-part analysis, and must document such analysis. Elements of the above-cited components of the test are incorporated into the guidance provided below.

A. Identifying Programmatic Contact with LEP Persons

- *Identifying LEP populations* through use of U.S. Census data (see section IV above)
- *Identifying Frequency of Program Contact with LEP Populations by Service Area:* due to the fact that available U.S. Census data may not adequately measure current LEP needs

in the AE service areas, AEs are strongly encouraged to undertake additional measures for identifying LEP populations in their service areas.

- *Collecting information from applicants and current program participants:* AEs may elect to ask applicants to identify their primary language and whether they are of limited English proficiency upon program application, as well as upon programmatic updating of household information (i.e. at recertification for existing residents). In making such inquiries, the purpose and use of the information should be clear. Furthermore, households must be informed that disclosure of such information is optional and that it will be kept confidential. The data may not be publicly disclosed in a manner that identifies particular households and may only be provided in aggregate form.
- *Surveying other organizations in the redevelopment's market service area:* AEs may also find it helpful to survey other local or regional organizations, particularly those that primarily serve LEP and lower-income populations, to determine the likely frequency in which there will be contact with different LEP populations.

B. Establishing Staff Protocols for Communication with LEP Persons

Administering AEs must create written protocols and procedures for the AE and specifically **for front line staff** most likely to encounter LEP persons. The protocols must address potential communications by phone, in-person, and in writing. Such protocols should include instruction on:

- Use of *I Speak* cards. In order to help identify LEP individuals and determine the appropriate language assistance, each AE must post and make available "I Speak Cards" at their offices (see HUD's website for the cards and other translated documents at <http://www.hud.gov/offices/fheo/promotingfh/lep.cfm>). These cards should be prominently displayed in the reception area, with an explanatory sign in easily understood terminology, translated at least in the languages identified by the Safe Harbor guidance and languages of persons with LEP that the AE anticipates will have programmatic contact. Applicants and program participants can use these cards to indicate their primary language. AE's staff should then make appropriate arrangements for interpretation services, generally using a bilingual staff person, a qualified third party interpreter identified by the applicant/participant, or a telephone interpretation service. In the instance that an LEP individual is unable to make use of "I Speak Cards" because of illiteracy or disability, Administering AE staff must make reasonable efforts to ascertain interpretation needs and provide interpretation services in an alternative manner.
- Procedures for documenting the date and time of requests for interpreter or translation services, as well as the language and nature of the interpreter or translation services needed. Such procedures must be designed to preserve or toll timing-related rights until the appropriate services are provided.
- When/how to request interpretation or translation services from in-house bilingual staff
- When/how to request free interpreter or translation services by language type, i.e. from non-profit agencies that provide such services
- When/how to request, schedule, and use fee charging telephonic interpreter services

- When/how to request, schedule, and use fee charging in-person interpreter services
- When/how to request fee charging translation services

To assist staff in complying with protocols, AEs are strongly encouraged to designate an LEP coordinator.

C. Providing Notice to LEP Persons

To ensure that LEP persons are aware of the language services available to them, the following actions should be taken:

- *Post I Speak cards*: see section B above
- *Partner with community agencies*: Each AE should contact local or regional community agencies who work with LEP persons to: a) inform them of HUD and DHCD program requirements regarding language services to LEP persons; and, b) solicit their assistance and cooperation in providing the necessary notification and assistance to LEP persons.
- *Incorporate multi-lingual messages into program outreach documents*: AEs should use standard messages in outreach materials and notices, including how an LEP person may request interpreter services, in Spanish, Portuguese, Russian, French Creole, Italian, Chinese, Vietnamese, Cambodian, and other languages identified as necessary in the AE's LAP.
- *Notices of Oral Interpretation Services*: Each AE must prominently post at its central office and on its website multi-lingual notices of the right to request free oral interpretation services. Each AE must be able to identify: competently bilingual staff that can provide interpretation; qualified third party interpreters (i.e. multicultural social service organizations); and, telephone and in-person interpretation services for when such services are necessary to communicate with LEP individuals.

D. Language Assistance: Oral Interpretation and Written Translation

- *Determining the Importance of the Program/Activity/Service*: AEs must clearly identify for program staff the oral and written communication aspects of its programs, activities, and services that if not interpreted and/or translated, would effectively deny or delay meaningful access to such programs, activities, and services. Examples include contacts during the application process leading up to program participation, as well as contacts relating to continuing program eligibility and program termination.
- *Assessing Available Resources*: AEs must continually assess resources that are available for reasonably ensuring that LEP persons have meaningful program access. MassHousing recognizes that many AEs will find that their available financial resources are insufficient to fully provide such access at this time, or that the costs imposed would substantially exceed the benefits. Therefore, AEs must determine methods for utilizing alternative resources, and prioritize the use of

their available financial resources for situations where alternative resources are not available or are insufficient. For example, MassHousing encourages AEs to make use of staff resources and to establish a network of volunteers, including with like or partner agencies, to assist in situations where interpretation or translation is needed.

I. Oral Interpretation

LEP individuals must be informed that the AE will provide them with free access to oral interpretation services via bilingual AE's staff or qualified, trained organizations or contractors as needed. Oral interpretation must be provided in a timely manner (must not effectively deny or cause an undue burden or delay relating to important services, benefits, or rights) and must only be provided by competent interpreters, subject at all times to applicable disclosure and privacy requirements. See HUD's Final Guidance for further discussion on interpreter competency and appropriate use of interpreters.

Oral Interpretation – Staff: Where feasible, AE should use bilingual staff to communicate with LEP individuals in their primary languages, including assisting such individuals with understanding program materials and filling out forms, answering questions about the program, and responding to submission of materials and information requests. At the present time, many AEs employ bilingual staff members. AEs are encouraged to consider the language needs of their populations during the staff recruitment process and when making hiring decisions, and may include the ability to speak a language other than English among their hiring priorities. While multilingual staff members are a valuable resource, MassHousing also encourages AEs to be mindful of creating a burden on staff members who volunteer for interpreting services.

- *Oral Interpretation—Non-Profit Assistance:* Where feasible, the AE should make an effort to partner with non-profits and community groups which can provide competent oral interpretation services to community members, including local organizations such as the Vietnamese Civic Association, the Cambodian Mutual Assistance Center, the Somali Development Center, the Office for New Bostonians and others. The Massachusetts Department of Mental Health (DMH) has created a *Multicultural Populations Resource Directory* (updated online as of 2011), which provides information on many organizations across the state that serve populations in other languages. For a list of available interpreters, the AEs may also wish to consult the MA Trial Court Office of Court Interpreters Services (OCIS).
- *Oral Interpretation – Telephone Support:* Subject to budgetary constraints and service availability, AEs must utilize the services of a professional telephone interpretation services in limited instances where there are no viable alternatives (i.e. bilingual staff, non-profit assistance). When these contacts involve review of program forms and procedures, the AEs should schedule the call so that the telephone translator has the opportunity to first review the relevant form or procedure. AEs must only utilize interpretation services that demonstrate a high degree of training and professionalism among the interpreter staff. AEs must train staff on how to access this service, and the

service must be made available as needed for any LEP applicant or participant, subject to funding constraints.

- *Oral Interpretation – In-Person Assistance:* In limited instances where in-person assistance is necessary to ensure meaningful access and bilingual staff is determined to be insufficient, the AE must provide qualified in-person interpretation services at no cost to the LEP individual either through local community organizations or through contracts with qualified and trained interpretations services. Examples of contacts where in-person, professional assistance is likely to be required include termination and eviction hearings due to the significance of these interactions. However, in consideration of balancing costs with maximum delivery of program benefits, AEs should generally strive to rely on the assistance of bilingual staff members or the assistance of non-profit organizations, and where appropriate, the use of telephone assistance. If the LEP person does not wish to use the free interpretation services provided by the AE, the LEP person may provide their own qualified interpreters at their own expense; however, see below regarding use of family and friends as interpreters.
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II. Written Translation

AEs must translate documents that are vital to meaningful program access. As stated above, 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.” Meaningful program access generally requires awareness of, and ability to participate in, procedures for applying to the program, for meeting the requirements of the program, and for enjoying the benefits of the program. Meaningful program access also requires awareness of rights and services; otherwise, LEP persons may effectively be denied such access. HUD’s Final Guidance specifies the following as a “safe harbor” for written translations discussed above.

Written or “vital documents” could include:

- Consent forms;
- Intake forms with the potential for important consequences;
- Written notices of rights, denial, in benefits or services,

- Notices advising LEP persons of free language assistance;
- Applications to participate in a recipient’s program or activity or to receive recipient benefits or services.

“Vital documents” under MassHousing programs may include: notices concerning program eligibility, compliance of program requirements as well as notices of ineligibility; verification materials and request form.

- *Translation Services*: AEs must only utilize translation services with staff that demonstrate a high degree of training and professionalism.
- *Non-Vital or Non-translated Written documents*: For documents not considered “vital documents” or not immediately translated, a notice must be placed on the document which states in Spanish, Portuguese, Russian, French Creole, Chinese, Italian, Vietnamese, Cambodian, and other languages identified under the AE’s LAP, “This is an important document. Please contact [AE and telephone number/address] for free language assistance.” The AEs must be prepared to reasonably provide oral interpretation or translation services to assist LEP persons in understanding non-vital documents or vital documents yet to be translated.
- *Legal documents*: In the case of legally binding documents, although a translated copy of the document should be provided, the English version of the document is the one that is legally binding and considered the official document. The translated document is to be used as a reference tool only. A brief statement should be included on these documents in the language which the document has been translated into which states “This document is for informational purposes only. The English version of this document is considered the legally binding document.”
- *MassHousing Translation of Written documents*: MassHousing will, to the extent feasible, translate templates of its form documents and will make them available to on to the AEs as they are completed. Portions of the document specific to the individual circumstance will be translated as needed by the AE.
- *Written documents -- Online Access*: As appropriate and as needed, MassHousing will make available translated documents online.

E. Timing Related Rights

An LEP person must in no way be penalized or denied meaningful and effective access because of an AEs inability to provide timely translation or interpretation services. This would include “stopping the clock” during the application or appeal process to allow time for translation and/or interpretation.

F. Staff Training and Coordination

- *Dissemination of the LAP:* AE must ensure that its LAP is disseminated to relevant program staff.
- *Staff Training:* AE must ensure that relevant staff is trained on their responsibilities in regards to the LAP. Training should also be tailored for frontline staff who are likely to have initial contact with LEP populations and who will be responsible for implementing the protocols described above.
- *Quality Control:* AE should conduct periodic quality control reviews to ensure that staff is implementing the LAP appropriately. MassHousing may also engage in periodic quality control reviews to ensure that the LAP is being appropriately implemented.

G. Monitoring and updating the Language Access Plan

Each AE should periodically review and update its LAP, as needed, not less frequently than every two (2) years. The review should assess:

- Whether there have been any significant changes in the composition or language needs of the program population served by the AEs (this should be determined on an annual basis primarily by the data collected by the AEs and supplemented on a decennial basis by data from the U.S. Census);
- A review to determine if additional vital documents require translation;
- A review of any issues or problems related to serving LEP persons which may have emerged during the past year; and,
- Identification of any recommended actions to provide more responsive and effective language services (for example, adding documents to be translated, creating or expanding partnerships with community organizations, or changing staffing priorities).

H. Certification to MassHousing

All AEs must certify to MassHousing that they have created and are implementing a LAP tailored to the MassHousing program it administers and the LEP populations that it serves. MassHousing will incorporate certification requirements into the AE contracts.