



# **PHILADELPHIA HOUSING AUTHORITY LIMITED ENGLISH PROFICIENCY LANGUAGE POLICY**

April 1, 2014

## **1. STATEMENT OF PURPOSE**

The Philadelphia Housing Authority (“PHA”) shall take all reasonable steps to ensure that PHA’s programs, services, and activities are accessible to persons with Limited English Proficiency. This is consistent with PHA’s goal to provide equal housing opportunities for all qualified applicants and residents and its commitment to allowing no discrimination on the basis of national origin, in PHA’s selection of families and provision of services.

This policy applies to all PHA departments that provide services or programs to PHA residents, applicants, or Housing Choice Voucher (“HCV”, formerly Section 8) participants.

## **2. BACKGROUND**

In accordance with the direction provided by the U.S. Department of Housing and Urban Development (“HUD”), in its Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, dated January 22, 2007, PHA is to develop a plan for providing programs, benefits and services to people, regardless of their ability to speak, read, write or understand English. Also, Pennsylvania Act 172 of 2006 (2 Pa. C.S. § 561 *et seq.*; “Act 172”) requires the appointment of certified or otherwise qualified interpreters for limited English proficient persons in all administrative proceedings held at Commonwealth and local agencies. Because PHA is a Commonwealth agency, Act 172 applies to PHA’s admission hearings, tenant grievance hearings, and HCV appeal hearings.

HUD requires PHA to perform an assessment of the persons with limited English proficiency that are eligible to be served or likely to be encountered by PHA through its programs. Therefore, PHA has reviewed the limited data available from its system and data from the U.S. Census Bureau’s American Community Survey.

According to the U.S. Census Bureau's 2007-2011 American Community Survey 5-Year Estimates, more than one in five Philadelphians speak a language other than English at home. Among them, 53,763 persons in Philadelphia are Spanish-speakers who speak English less than "very well." Additional predominant languages spoken by persons in Philadelphia who speak English less than "very well" are Chinese (all dialects – 15,984 persons), Vietnamese (9,959 persons), and Russian (7,824 persons).

PHA's internal survey of families served showed that, as of June 13, 2013, there was a total of 32,608 residents living in PHA conventional and scattered site properties. Of these, 8,829 households identified themselves as English-speaking (27%); 2 households identified themselves as Spanish-speaking; and 23,777 households (73%) did not identify their language preference.

Another 4,372 residents reside in Philadelphia Asset & Property Management Corporation ("PAPMC")/Tax Credit Properties. Of these, 82 households identified themselves as Hispanic (2%), and none identified Spanish as their primary household language. In addition, 2,401 residents reside in Alternatively Managed Entities ("AME"), which are facilities managed by an outside contractor and are primarily PHA senior housing locations. Of these, only 2 households identified Spanish as their primary language. Finally, 44,223 active participants are in the HCV program. Of these, 44,082 identified English as the primary language spoken in their household (99%); 21 households identified themselves as Spanish-speaking and 22 identified themselves as Russian-speaking.

### 3. DEFINITIONS

**Bilingual:** The ability to communicate in two (2) languages fluently. Being bilingual does not necessarily mean that a person has the skills and training to serve as an interpreter for other staff. Bilingual staff must be trained and authorized to serve as interpreters.

**Client:** Reference to any individual who comes into contact with PHA (i.e. potential applicant, applicant, client) in order to access PHA services, programs or housing.

**Common Languages:** Spanish, Chinese, Russian and Vietnamese. These are the primary four languages currently spoken by PHA residents or participants and by LEP persons in the Philadelphia community, based on survey data collected by PHA as of June of 2013 and data from the U.S. Census Bureau's 2007-2011 American Community Survey 5-Year Estimates.

**HUD:** United States Department of Housing and Urban Development

**Interpretation:** The act of listening to a communication in one language and orally converting it to another language, while retaining the same meaning.

**Interpreter:** One who facilitates communication by converting what is said in one language to another language, while retaining the same meaning. An interpreter may translate a written document or provide verbal translation.

**Language Need:** A condition or situation for which PHA must make an accommodation by providing language access services.

**Language Identification Card:** Card presented at initial point of contact with a client that states “point to your language. An interpreter will be called. The interpreter is provided at no cost to you.”

**LEP:** Limited English Proficiency, which means the limited ability to speak, read, write or understand English. LEP persons may be competent in certain types of communications (e.g., speaking or understanding) but still be considered LEP for other purposes (e.g. reading or writing). LEP can also be specific to the context: an individual may possess sufficient English language skills to function in one setting but the skills may be insufficient for communication in other situation.

**PHA:** Philadelphia Housing Authority

**Primary Language:** An individual’s native tongue or the language in which an individual most effectively communicates.

**Resident:** Individual who resides in a PHA- owned dwelling unit.

**Sight Translation:** Providing an oral translation of a written document. Sight translation involves reading the text of a document in the language presented and communicating the text orally in a second language. Sight translation is not merely summarizing the document.

**Telephonic Interpreter Service:** Interpreter services available to staff via telephone from a contracted vendor.

**Translation:** The replacement of written text from one language into an equivalent written text in another language.

**Vital Document:** In accordance with the HUD guidance, a vital document is a document that solicits or contains information for establishing or maintaining eligibility to participate in PHA’s programs or services or a document that creates or defines legally enforceable rights or responsibilities. PHA may designate other types of documents as “vital” at any time. See Paragraph 6(a)(i), below, for a listing of some records currently identified as vital documents.

#### **4. PROVIDING LANGUAGE SERVICES**

a. Identification of LEP Coordinator

- i. PHA will select an employee to act as point person for this policy. This person will be able to answer questions and explain how to use the available language services, handle complaints about services, and troubleshoot LEP problems.

b. Determining Language Access Need of a PHA LEP Client

- i. At the first point of contact, PHA staff shall identify the primary language of each potential client.
- ii. The client shall be asked at the time of application or initial interview, whichever comes first, to designate his or her primary language for both written and oral

communication. The primary language shall be recorded in the PHA database and the client file.

iii. Residents of PHA-owned dwellings shall be asked at the time of each annual review to designate their primary language for both written and oral communications. The primary language shall be recorded in the PHA database and the participant/resident file.

1. Resources to identify language preference include a Language Identification Card.

2. The language preference of all clients and residents shall be recorded at the initial point of contact and annually thereafter.

## **5. ORAL COMMUNICATION IN PERSON OR ON THE TELEPHONE**

### **a. Bilingual Staff**

i. Insofar as possible and appropriate, PHA may use existing bilingual staff to deliver services in the LEP person's primary language.

### **b. Interpretation Services**

i. Each PHA department, office or location that provides programs or services must offer oral interpretation, at no charge, to persons identified as LEP at all points of contact.

ii. PHA staff will directly provide or secure, as needed and as reasonably feasible, oral interpretation services to ensure compliance with Section 5(b)(i).

iii. PHA staff may determine that language services appear necessary in order to communicate effectively, even if an individual has not indicated that they are LEP, and offer language services.

iv. In notices of scheduled appointments with PHA, PHA shall notify all clients and residents of their right to request an interpreter and provide instructions for how to make a request for an interpreter.

(1) Appointments/Interviews may be rescheduled to a later date to provide appropriate language assistance services, such as a bilingual staff person who can communicate directly with the LEP person in his/her language or a qualified interpreter for hearings, and shall not be used to delay the application for services or provisions of services when appropriate language services as described in this document are available.

v. Types of activities for which interpretation services will be offered under this policy to LEP persons, pursuant to Section 5 (b)(i), above, include, but are not limited to the following:

- (1) Eligibility Interview
  - (2) Admission Hearings
  - (3) Voucher Briefing
  - (4) Housing Offer and Lease Signing
  - (5) Resident/Applicant/Voucher holder private conferences and hearings
    - (a) Grievance Hearings
    - (b) HCV Informal Hearings
  - (6) Interviews regarding annual and interim recertification
- c. PHA staff is strictly prohibited from requiring or asking LEP persons to bring their own interpreter. Except for proceedings covered by Act 172 or other applicable law, regulation or policy, an LEP person may only use an adult family member or friend to provide interpretation if:
- i. The LEP person has been informed of the availability of free in-person or telephonic interpretation and it is LEP person's choice not to use the service, and
  - ii. The family member/friend is 18 years or older.
- d. PHA may utilize a telephonic interpreter services vendor to provide interpretation services for certain activities, such as, but not limited to:
- i. Eligibility Interview
  - ii. Rental Interview
  - iii. Voucher Briefing
  - iv. Grievance and Housing Choice Voucher Informal Hearings
  - v. Annual and Interim Recertification

## **6. WRITTEN COMMUNICATIONS**

- a. Translation of Vital Documents
- i. Under this policy, PHA's vital documents shall include, but are not limited to:
    - (1) Applications to receive services, benefits, or participate in program or activities
    - (2) Annual Reviews/Income Recertification

- (3) Notice of Public Hearings
  - (4) Notices containing information regarding eligibility or participation criteria
  - (5) Notices advising customers of free language assistance
  - (6) Leases
  - (7) 30-Day Notices to Vacate
  - (8) Notices of rights, denial, loss or reduction of benefits or services
  - (9) Discrimination complaint forms
  - (10) Resident Grievance Process
  - (11) Employment Applications
  - (12) Section 214 Eligibility Form
  - (13) Admissions and Continued Occupancy Policy
  - (14) A Synopsis of – The Annual Moving to Work Plan
  - (15) Resident Programs, Services and Scholarship Opportunities
- ii. PHA’s vital documents shall be available in translation into the Common Languages. PHA will take reasonable steps to ensure timely translation of PHA’s vital documents into non-Common Languages for LEP persons.
  - iii. For all correspondence related to the vital documents, as defined in Section 6(a)(i), above, PHA shall include a reference sheet for translation assistance, written in the Common Languages, that provides a number to call for translation information and for a brief explanation of the correspondence and any related documents.
  - iv. Wherever possible, translation of the vital documents, as defined in Section 6(a)(i), above, into the language required by the most clients (currently Spanish) shall be printed on the reverse side of the English version. Translation into additional languages may be printed as separate documents.
  - v. On an annual basis, PHA shall review available demographic data regarding the potentially eligible client population and PHA resident data to assess the need for document translation into languages other than those currently identified as Common Languages.
  - vi. An LEP client or resident shall receive any vital document, as well as PHA’s Admissions and Continued Occupancy Policy (“ACOP”), the Housing Choice Voucher Program Administrative Plan (“Admin Plan”), the Moving to Work

(“MTW”) Plan and Agreement, and any relevant addenda to the Lease Agreement, in his/her language, provided that:

- (1) The client or resident has stated a need or staff observes a difficulty communicating in English and a non-English language preference is identified; and
- (2) PHA has a copy of the vital document translated into the language of the client or resident, otherwise PHA will provide the client with sight translation via a qualified bilingual staff member or a staff member who reads the document aloud, using PHA’s telephonic interpreter services vendor. In the event PHA’s telephone interpreter services are unable to accommodate the specific language in question, PHA will take reasonable steps to ensure timely translation into the language in question.

b. Correspondence and Other Written Communications

- i. When the client or participant has been identified as LEP, written communications from PHA shall note that translation of the communication is available, upon request, in accordance with Section 5(b), above.

**7. PROVIDING NOTICE OF LANGUAGE SERVICES**

- a. At each PHA office with direct client/resident/public access, signs shall be posted in the most commonly spoken Common Language(s) at each public access point or lobby stating that interpreters are available free of charge to LEP individuals.
- b. Notification of the availability of Common Language translated forms and documents will be posted in the public areas. Forms that are available translated into the Common Languages will be made available wherever English- language forms are distributed.
- c. If materials have not been translated into the language needed, such forms and documents will be sight translated and read to the individual in their primary language, in accordance with Section 5 (b)(i), above.
- d. Information about this policy shall be made available to the public through posting on the PHA website and the posting of notices in offices in the appropriate Common Language(s) for the population served by each office.

**8. TRAINING OF ALL PHA EMPLOYEES WHO ENGAGE WITH PHA CLIENTS**

- a. PHA shall provide training for staff about the Language Assistance Services policy and procedures. Training shall be provided to all new staff as a component of orientation and to existing staff on an ongoing basis. Training shall include:
  - i. An overview of this policy

- ii. Distribution of and instruction on how to use the Language Identification Card provided by PHA to identify the language in which the customer needs assistance
- iii. How and when to access language services through bilingual staff or telephonic interpreter services
- iv. How to work with LEP persons and an interpreter
  - v. Prohibition against requiring or asking an LEP person to bring his or her own interpreter
  - vi. Cultural sensitivity
- vii. Contacting the LEP Coordinator for assistance implementing this policy

### **9. PHA ANNUAL PERFORMANCE ANALYSIS**

- a. PHA will outline benchmarks for compliance with and the success of this policy, to include, but not be limited to, an annual review of:
  - i. Utilization of telephonic interpreter services vs. the number of customers identifying that language as their primary language;
  - ii. Survey of PHA staff regarding issues and/or suggestions regarding implementation of the policy;
  - iii. Opportunity for feedback from resident leadership on the policy.