

October 25, 2016

DSHA INTERNAL MEMORANDUM

To: Anas Ben Addi
Via: Marlina Gibson *Me*
FROM: Karen Horton *KH*
SUBJECT: **DSHA 2016 Language Access Plan**

Please find attached DSHA's Language Access Plan which establishes guidelines for DSHA staff to follow, along with appropriate language assistance services, to facilitate effective communication between DSHA staff and LEP persons. This is to ensure persons will be provided with free and meaningful access to DSHA's programs and services in a timely manner and at no cost to them. This plan was developed in accordance with: U.S. Department of Housing and Urban Development's "Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient Persons", dated January 22, 2007; and, U.S. Department of Justice's "Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs", dated May 2011. If you approve of this Language Access Plan, please sign below. We will then distribute copies to Senior Staff and make available on the T: Public/ directory.

Please let me know if you have any questions. Thank you.

CONCURRENCE:

Anas Ben Addi

Anas Ben Addi, Director

10/28/2016

Date



Language Access Plan for Persons with Limited English Proficiency

Delaware State Housing Authority

October 2016 Update



Language Access Plan for Persons with Limited English Proficiency

Introduction

Language can be a barrier to accessing important benefits or services, understanding and exercising important rights, or complying with applicable laws and responsibilities of federally assisted programs and activities. Executive Order 13166, issued August 11, 2000, requires recipients of federal financial assistance to take reasonable steps to ensure meaningful access to their programs and services by effectively communicating with Limited English Proficient (LEP) persons. Someone who does not speak English as their primary language and who has a limited ability to read, write, speak, or understand English is a LEP person.

On January 22, 2007, the U.S. Department of Housing and Urban Development (HUD) issued Final Guidance to recipients of HUD funding concerning compliance with the Title VI prohibition against national origin discrimination affecting LEP persons. HUD's Final Guidance defines a four-factor self-assessment method which assists agencies receiving HUD funds in determining the extent of their obligations to provide LEP services. The Delaware State Housing Authority (DSHA), a state housing finance, community development, and public housing authority agency, is a recipient of federal HUD funds for a portion of its programs. Specifically, DSHA provides housing assistance through Public Housing, Housing Choice Vouchers (HVC), Community Development Block Grant (CDBG), and Emergency Solutions Grant (ESG), Home Investment Partnerships (HOME), National Housing Trust Fund (NHTF), Low Income Housing Tax Credit (LIHTC), and Housing Assistance for People with AIDS (HOPWA) directly or through nonprofits and local governments serving low- and moderate-income persons including those who do not speak English as their primary language.

Purpose



The purpose of this plan is to establish effective guidelines for DSHA staff to follow, along with appropriate language assistance services, to ensure effective communication between DSHA staff and LEP persons. This is to ensure persons will be provided with free and meaningful access to DSHA's programs and services in a timely manner and at no cost to them.



Four-Factor Analysis

Prior to Executive Order 13166, DSHA provided and continues to provide services to LEP persons through the use of bilingual staff that speak English and Spanish. This includes translation of written documents and interpretive services to LEP persons. DSHA conducted its first four-factor analysis in 2006 and prepared a Language Access Plan (LAP) to address the needs of the Spanish-speaking population. The four-factor analysis and LAP was updated in 2011 and now in 2016 to assess the number or proportion of eligible LEP persons from each language group and needed language assistance services. *The analysis still indicates a need for both oral interpretation and written translation for Spanish and written notice of right to free translation for all other languages.*

FACTOR 1 – Number or proportion of LEP persons served or encountered in the eligible service area

According to the 2010 – 2014 American Community Survey, while English is the primary language for the majority of Delaware’s 861,111 residents, approximately 5% of the population, or 39,724 people, has some difficulty with the English language as they speak English less than “very well.” Of those that speak English less than “very well”, 25,069 or 63% speak Spanish. The remaining residents speaking Other Indo-European languages make up 20%, followed by 14% speaking an Asian or Pacific Island language and less than 1 percent for all other languages.

The 25,069 Spanish speaking persons that speak English less than “very well” make up less than 3% of Delaware’s entire population. The majority, or 15,776 persons, reside in New Castle County and make up less than 3% of New Castle County’s population. Only 1,906 or less than 1%, Spanish speaking persons that speak English less than “very well” make up Kent County’s population and 7,387, or 4%, make up Sussex County’s population.

Persons with Limited English Proficiency, 2014

Language Group	Delaware	New Castle County	Balance of State	Kent County	Sussex County
Total Population	861,111	512,609	348,502	156,387	192,115
<i>Speaks English less than “Very Well”</i>	<i>39,724 or 5%</i>	<i>26,130 or 5%</i>	<i>13,594 or 4%</i>	<i>4,375 or 3%</i>	<i>9,219 or 5%</i>
Spanish	25,069	15,776	9,293	1,906	7,387
Other Indo-European	7,757	4,786	2,971	1,668	1,303
French (<i>Patois, Cajun</i>)	729	576	153	54	99
French Creole	1,281	127	1,154	468	686
Italian	614	488	126	34	92
Gujarti	1,104	932	172	138	34
Asian or Pacific Island	5,996	4,818	1,178	691	487
Chinese	3,265	3,034	231	114	117
Korean	709	589	120	84	36
Vietnamese	532	313	219	0	219
Other	902	750	152	110	42

Source: 2010 – 2014 American Community Survey 5-Year Estimates, Survey Table B16001



FACTOR 2 – Frequency of contact with the program

Several meetings were held with Division Directors to determine the nature and frequency of interactions between DSHA staff and LEP persons. Of the programs and services provided by DSHA, the vast majority of interactions occurred during the application process leading up to participation in DSHA’s Public Housing and Housing Choice Voucher programs. Ongoing interactions include periodic contacts related to initial program eligibility, continuing eligibility and termination from either program. LEP persons also interact with DSHA either by calling the toll-free number seeking general information or onsite visits to DSHA’s main office. Except for a handful of LEP persons whose spoke French Creole, all other LEP persons spoke Spanish.

FACTOR 3 – The nature and importance of programs, activities, or services

The services provided by DSHA continue to be important as they relate to the person’s need for, or continued provision of affordable housing.

FACTOR 4 – The resources available to DSHA and overall costs to provide LEP assistance

Because DSHA has Spanish-speaking staff, it is cost effective for DSHA to provide interpretive services for the Spanish language. DSHA also contracts for professional interpretation and translation services when DSHA staff is not available and to translate vital documents in Spanish. The professional services are also used for languages other than Spanish.

Points of Contact between DSHA and LEP Persons

DSHA has determined that LEP persons are likely to access agency programs as follows:

- Persons seeking to access housing or housing assistance. The majority of contacts are on-site visits to DSHA’s main offices on The Green or Waiting List Office at 1289 W. Walker Road. Most on-site visits, as well as written communication, and phone calls are regarding participation in either DSHA’s Public Housing or Housing Choice Voucher programs.
- Persons visiting any of DSHA’s offices to receive information on programs or other services.
- Persons who reside in DSHA public housing who have a question or problem.
- Persons visiting DSHA’s website to receive information on programs or other services.
- Persons seeking to participate in the planning process for DSHA programs or services.

Providing Language Assistance Services

DSHA will make use of the following resources to facilitate effective communication so that LEP persons can gain meaningful access to DSHA’s programs and services. Meaningful access should be at a time and place that avoids the effective denial of the program or an undue burden or delay in the rights, benefits or services to the LEP person.

OFFER OF FREE LANGUAGE ASSISTANCE

DSHA staff will initiate an offer for language assistance to persons who have difficulty communicating in English. If a person requests language assistance or DSHA staff determines that the person has limited proficiency in English and that language assistance is necessary to provide meaningful access, DSHA will provide free language assistance.



- Notice of Language Assistance: DSHA will post notices on the availability of free language assistance services in all likely points of contact where DSHA staff serves members of the public.
- Uncommon Languages: When staff encounters a person with LEP in a language not commonly used, staff will attempt to identify the language through the use of the “I Speak” cards (see **Appendix A**) which states “I speak” in 70 languages.

INTERPRETATIVE SERVICES (ORAL LANGUAGE)

Whenever possible, staff should use these language assistance services in the following order:

- Bilingual staff: Bilingual staff available to provide interpretation for LEP persons whose primary language is Spanish is listed in **Appendix B**.
- Contracted Interpretation: DSHA has contracted with LTC Language Services for interpretation and translation services in 30 languages. Staff should access LTC Language Services only when bilingual staff are not available or when the language is not Spanish. **Appendix C** includes a “Quick Reference Guide” to access LTC Language Services. DSHA staff should familiarize themselves with the service before actually needing to use it.
- Informal Interpreters: Informal interpreters may include family members 18 years and older, friends, legal guardians, service representatives or advocates of the LEP person. DSHA staff is prohibited from requiring or asking LEP persons to bring an informal interpreter. However if a LEP person prefers an informal interpreter, after DSHA has offered free interpreter services, the informal interpreter may interpret. In these cases, DSHA should document the offer of interpreter assistance and the fact the person declined the offer. DSHA can still have a bilingual staff or contracted interpreter present to ensure accurate interpretation.

Informal interpreters should not be used:

- when the interpreter is under 18 years of age;
- in situations involving domestic abuse or sexual assault; or,
- in hearings related to adverse action.

Emergency Situations. Any interpreter may be used in an emergency. DSHA staff should respond first to the emergency and follow-up with language assistance as appropriate.

Document Use of Language Assistance. DSHA staff will document language assistance provided to LEP persons when they first access information on DSHA programs and services; and, in the LEP person’s file or record when language assistance is provided during the application and termination process to a DSHA program or during a public housing grievance procedure.

TRANSLATION SERVICES (WRITTEN LANGUAGE)

Based on HUD Guidance, “vital documents” are documents that solicit or contain information for establishing or maintaining eligibility to participate in DSHA’s programs or services, or documentation that create or define legally enforceable rights or responsibilities. Although the LEP Spanish speaking population in Delaware is not yet 5% and those involved or attempting to access DSHA programs is far less than the 5% threshold, DSHA has translated a number of documents into Spanish. However, DSHA will translate the following, which it considers to be “vital documents” into Spanish, to standardize its translation services:



- Application for Public Housing and Housing Choice Voucher assistance
- Applications to receive benefits or services
- Intake forms
- Notices containing information regarding eligibility or participation criteria
- Notices of rights, denial, loss or decrease in services or benefits,
- Consent/complaint forms
- Notice of disciplinary action
- Leases tenant rules
- Resident grievance procedures

Legal Documents. In the case of legal documents such as a lease or an official application to the public housing or Housing Choice Voucher program, a translated copy of the document will be provided. However the English version of the document is the only one which is legally binding and considered the official document. The translated document is to be used as a reference tool only. A brief statement will be included on these documents in the language into which the document has been translated which states “This document is for informational purposes only. The English version of this document is considered the legally binding document.”

Individualized Documents. For highly individualized documents (such as ineligibility, termination, or appeal notices), templates of these document will be translated and made available to DSHA staff. Portions of the document specific to the individual circumstances will be translated as needed.

HUD-provided Documents. DSHA will also make use of the following translated documents provided by HUD.

	Spanish	Vietnamese	Chinese	Cambodian	Korean	Arabic	Russian	Creole	Hmong	French
Are you a Victim of Housing Discrimination?	X	X	X	X	X	X	X			
How is your rent determined	X	X	X		X					
Housing Choice Voucher Information	X									
Authorization for Release of Information Privacy Act Notice (HUD Form 9886)	X	X	X	X	X	X	X	X	X	

[WEBSITE](#)

DSHA uses these websites to make information available to the public.

- [DeStateHousing.com](#) is DSHA’s primary website and has several brochures on eligibility criteria for several programs translated into Spanish. Currently the location of this information is an area of the website that is not intuitive for a Spanish LEP person. DSHA will update this website to incorporate



“plain language summaries” on eligibility criteria and application process for DSHA’s programs and services in a manner that is intuitively accessible to persons whose primary language is Spanish.

- DelawareHousingSearch.org is a DSHA-sponsored free online database of all affordable rental properties across Delaware. In addition to DSHA’s public housing, DSHA requires all rental communities that have been assisted by DSHA or funds that DSHA administers to be listed on this site. The website is in English and Spanish and the toll-free call center is multi-lingual.

Distribution of Language Assistance Plan

The approved Plan will be distributed to all DSHA new staff in their new employee orientation. The most current copy of the plan, appropriate forms, and tools will be available on the agency intranet.

Staff Training and Coordination

DSHA will provide training on LEP awareness and required assistance actions under the Language Assistance Plan for new and existing employees. Particular attention will be provided to instructing frontline staff likely to have initial contact with LEP persons. This will include:

- Fair Housing Act’s prohibition against national origin discrimination and DSHA’s commitment to offer free language assistance in compliance with federal regulations.
- An overview of the Language Access Plan.
- How to use the Language Identification card to identify the language in which the LEP person needs assistance.
- How to access language services through bilingual staff, contracted interpretation and translation.
- How to work with an interpreter.
- Prohibition against requiring or asking any LEP person to bring his or her own interpreter.
- How to document a person’s language needs.
- Identity of Language Access Coordination and Language Liaisons.

Monitoring and Recordkeeping

DSHA has appointed a Language Access Coordinator (LAC). Each division that provides direct persons services has designated a Language Liaison.

The LAC’s responsibilities include:

- Primary provider of oral interpretative services for Spanish.
- Training staff on procedures for delivering language services.
- Coordinating with Language Liaisons to ensure departments are complying with the requirements for providing language assistance services.
- Collect, compile, and review language assistance data monthly from Language Liaison to identify emerging languages. See **Appendix D** for data collection form.
- Monitoring the translation of vital documents.
- Overseeing quality control of language services.

The Language Liaisons will:



- Work with LAC to address issues related to language services.
- Provide information to LAC to help identify emerging languages.
- Provide LAC with monthly reports on language assistance provided.
- Identify staff requiring training on the delivery of language services.

Periodically, DSHA will review the LAP and assess the language services provided to ensure meaningful access by LEP persons. The review will include:

- Assessing whether there are significant changes in the composition or language needs of the LEP persons.
- Determining whether additional vital documents require translation.
- Assessing whether staff member understand LEP policies and how to carry them out.
- Identifying staff requiring training on the delivery of language services.
- Reviewing whether language assistance resources and arrangements for such are current and accessible.
- Identification of any recommended actions to provide more responsive and effective language services (for example, adding documents to be translated or changing staffing priorities to encourage the hiring of bilingual staff).

Language Access Complaint Procedure

Each DSHA employee is responsible for implementing this LAP for his or her position. You may file a complaint with the DSHA Language Access Coordinator if you believe you have been denied the benefits of the Plan. You must file your complaint within one year of the alleged denial. You must file a written complaint. To file a complaint with the Language Access Coordinator, submit the written complaint to:

Delaware State Housing Authority

18 The Green
Dover, DE 19904
Email Address: Olga@DeStateHousing.com

To file a complaint with **Delaware’s Division of Human Relations**, please contact:

Wilmington Office 820 N. French Street, 4th Floor Wilmington, DE 19801 (302) 577-5050	Dover Office 861 Silver Lake Blvd, Suite 145 Dover, DE 19904 (302) 739-4567	Georgetown Office 546 South Bedford Street Georgetown, DE 19947 (302) 856-5331
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Or (877) 54-HUMAN (544-8626) (Toll Free)