

LIMITED ENGLISH PROFICIENCY (LEP) PLAN

Approved by HRA Board of Commissioners on December 19, 2006

I. PLAN STATEMENT

The Brainerd Housing and Redevelopment Authority (HRA) has adopted this plan to provide meaningful access to its programs and activities by persons with Limited English Proficiency (LEP). In accordance with federal guidelines the HRA will make reasonable efforts to provide or arrange free language assistance for its LEP clients, including applicants, recipients and/or persons eligible for public housing, Section 8 Housing Choice Vouchers, homeownership and other HRA programs.

II. MEANINGFUL ACCESS; FOUR-FACTOR ANALYSIS

Meaningful access is free language assistance in accordance with federal guidelines. The HRA will periodically assess and update the following four-factor analysis, including but not limited to:

1. The number of proportion of LEP persons eligible to be served or likely be encountered by the HRA.
2. The frequency with which LEP persons using a particular language come into contact with the HRA.
3. The nature and importance of the HRA program, activity or service to the person's life.
4. The HRA's resources and the cost of providing meaningful access. Reasonable steps may cease to be reasonable where the costs imposed substantially exceed the benefits.

III. LANGUAGE ASSISTANCE

1. A person who does not speak English as their primary language and who has a limited ability to read, write, speak or understand English may be a Limited English Proficient (LEP) person and may be entitled to language assistance with respect to HRA programs and activities.
2. Language assistance includes interpretation, which means oral or spoken transfer of a message from one language into another language; and/or translation, which means the written transfer of a message from one language into another language. The HRA will determine when interpretation and/or translation are needed and are reasonable.
3. HRA staff will take reasonable steps to provide the opportunity for meaningful access to LEP clients who have difficulty communicating in English. If a client asks for language assistance and the HRA determines that the client is an LEP person and that language assistance is necessary to provide meaningful access, the HRA will make reasonable efforts to provide free language assistance. If reasonably possible the HRA will provide the language assistance in the LEP client's preferred language.

The HRA has the discretion to determine whether language assistance is needed, and if so, the type of language assistance necessary to provide meaningful access.

The HRA will periodically assess client needs for language assistance based on requests for interpreters and/or translation, as well as the literacy skills of clients.

4. Translation of Documents

- a. The HRA will weigh the costs and benefits of translating documents for potential LEP groups, considering the expense of translating the documents, the barriers to meaningful translation or interpretation of technical housing information, the likelihood of frequent changes in documents, the existence of multiple dialects within a single language group, the apparent literacy rate in an LEP group and other relevant factors. The HRA will undertake this examination when an eligible LEP group constitutes 5 percent of an eligible client group (for example, 5 percent of households living in the HRA's public housing) or 1,000 persons, whichever is less.
- b. If the HRA determines that translation is necessary and appropriate, the HRA will translate the public housing lease and selected mailings and documents of vital importance into that language.
- c. As opportunities arise, the HRA may work with other housing authorities to share the costs of translating common documents, which may include language groups which do not (yet) reach the threshold level in the HRA's client population.
- d. HUD should provide prototype translations of standard housing documents in multiple languages in a timely fashion. HUD should provide this service to local housing authorities and the hundreds or thousands of other HUD grantees whose limited resources hinder their LEP efforts.
- e. The HRA will consider technological aids such as Internet-based translation services which may provide helpful, although perhaps not authoritative, translations of written materials.

5. Audiovisual Materials

- a. The HRA will use reasonable efforts to produce or obtain multiple translations of audiovisual materials to inform or educate applicants, residents and other client groups.

6. Formal Interpreters

- a. When necessary to provide meaningful access for LEP clients the HRA will provide qualified interpreters with contract vendors. At important stages that require one-on-one contact, written translation and verbal interpretation services will be provided consistent with the four-factor analysis used earlier.

- b. The HRA may require a formal interpreter to certify the following:
 - i. The interpreter understood the matter communicated and rendered a competent interpretation.
 - ii. The interpreter is covered by the Minnesota Government Data Practices Act and will not disclose non-public data without written authorization from the client.
- c. Formal interpreters shall be used at the following:
 - i. Formal hearing for denial of admission to public housing;
 - ii. Informal settlement conferences and formal hearing for termination of public housing.
 - iii. Hearings or reviews concerning denial or termination of Housing Choice Voucher (Section 8) participation.
- d. A HRA Staff interpreter may not be subordinate to the person making the decision.

7. Informal Interpreters

- a. Informal interpreters may include family members, friends, legal guardians, service representatives or advocates of the LEP client. HRA staff will determine whether it is appropriate to rely on informal interpreters, depending upon the circumstances and subject matter of communication. However in many circumstances, informal interpreters, especially children, are not competent to provide quality and accurate interpretations. There may be issues of confidentiality, competency or conflict of interest.
- b. An LEP person may use an informal interpreter of their own choosing and at their own expense, either in place of or as a supplement to the free language offered by the HRA. If possible, the HRA should accommodate an LEP client's request to use an informal interpreter in place of a formal interpreter.
- c. If an LEP client prefers an informal interpreter, after the HRA has offered free interpreter services, the informal interpreter may interpret. In these cases the client and interpreter should sign a waiver of free interpreter services.
- d. If an LEP client wants to use their own informal interpreter, the HRA reserves the right to also have a formal interpreter present.

8. Outside Resources

- a. Outside resources may include community volunteers, PH residents or Housing Choice Voucher /Section 8 participants.
- b. Outside resources may be used for interpreting services at public or informal meetings or events if a timely request has been made.
- c. The HRA maintains relationships with organizations that assist specific cultural and ethnic groups. To help their clients obtain or keep housing assistance through the HRA, these organizations may provide qualified interpreters for LEP persons.
- d. The HRA may use the Language Line for over the phone interpretation services with LEP clients as needed.

IV. MONITORING

1. The HRA will review and revise this LEP plan from time to time. The review will include:
2. Reports from the HRA's computer business systems on the number of HRA clients who are LEP, to the extent that the software and staff data entry can provide such information. Such reports may be supplemented by staff observations.
3. Reports from the computer business systems and other sources listing the languages used by LEP clients.
4. A determination as to whether 5 percent or 1,000 persons from a HRA client group speak a specific language, which triggers consideration of document translation needs as described above.
5. Analysis of staff requests for contract interpreters: number of requests, languages requested, costs, etc.

X. LEP PLAN DISTRIBUTION AND TRAINING

The LEP Plan will be:

1. Distributed to all HRA staff.
2. Available in Public Housing and Section 8 Office.
3. Explained in orientation and training sessions for staff who need to communicate with LEP clients.