

# **Bethlehem Housing Authority**

## **Language Access Plan For Limited English Proficiency Persons**

Revised 04/01/2024.

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**Bethlehem Housing Authority's**  
**Language Access Plan**  
Revised April 2024

**Introduction**

The purpose of this Language Access Plan (LAP) is to comply with the federal law Limited English Proficiency (LEP) compliance requirements for providing meaningful access to persons with LEP and to assist and train the Bethlehem Housing Authority's (BHA) staff in providing meaningful access to BHA's programs and activities to persons with LEP. This LAP is intended to facilitate communication with the LEP communities and individuals we serve so that they may enjoy equal access to all the BHA's programs and opportunities.

**Who is a limited English proficient individual?** Persons who do not speak English as their primary language and who have limited ability to read, write, speak, or understand English can be LEP and may be entitled to language assistance concerning types of service, benefits, or encounters.

Federal laws applicable to language access include Title VI of the Civil Rights Act of 1964, the Title VI regulations, and Executive Order 13166. Many federal programs, states, and localities also have provisions requiring services for LEP individuals. Title VI requires Public Housing Authorities (PHAs) to take reasonable steps to ensure that persons with LEP have meaningful access to PHAs' programs or activities including by ensuring meaningful access to benefits, services, information, and other vital aspects of the PHAs' programs or activities. Failure to ensure that persons with LEP can effectively participate in programs or receive their benefits may violate Title VI's prohibition against national origin discrimination.

In addition, Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency" requires PHAs to provide meaningful access to all programs and services. Language for persons with LEP can be a barrier to accessing important benefits or services; understanding; and exercising necessary rights; complying with applicable responsibilities; or understanding other information provided by recipients who administer federally funded programs and activities.

HUD released guidance for PHAs LEP compliance requirements, titled "Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons."

This LEP guidance describes compliance standards that PHAs should follow to ensure that their programs and activities are accessible to persons with LEP and do not discriminate based on

national origin...” Therefore, BHA is committed to complying with federal requirements in providing free, meaningful access for its LEP clients. No LEP person will be denied access to BHA’s programs because the person does not speak English or communicates in English on a limited basis.

To ensure meaningful access to our programs and activities, BHA has undertaken an individualized assessment that balances HUD’s flexible and fact-dependent standard four-factor analysis that assesses BHA’s responsibilities, including its experience. While English is the primary language for most Bethlehem residents, persons who have difficulty speaking English are at a severe disadvantage in accessing services. According to the U.S. Census Bureau: State and County Quick Facts\* updated in 2022, Bethlehem's population estimate is 77,617.

**Race/Ethnicity:**

- 65.5% Caucasian,
- 30.2% Hispanic/Latino
- 9.2% African American
- 3.2% Asian, and
- 0.2% Native American and Alaska Native.

Based on this report, there is substantial evidence that Bethlehem residents speak a language other than English at home, with Spanish being the most dominant based on the 30.2% Hispanic population in the Bethlehem area. In addition, based on BHA’s experiences with LEP encounters in Spanish and the following statistics data between its Public Housing tenants (PH) and its Housing Choice Voucher participants (HCV), indicated that the most frequently spoken language other than English is Spanish:

- 3,089 PH residents within 1451 PH Unit
- 823 HCV participants within 412 HCV leased-up

Total LEP coded as Spanish:

- 383 PH residents
- 179 HCV participants

Total Hispanic Ethnicity

- 2,483 PH residents
- 553 HCV participants

This data shows that BHA currently serves over 550 LEP persons within PH tenants and HCV participants, **who consist of the Spanish language.**

Substantial evidence gained even through prior experiences with LEP encounters indicates that BHA serves or could serve LEP persons within the Spanish language populations who live in or seek to resettle in the Bethlehem area.

Based on these data and federal law requirements, BHA has implemented this Language Access Plan (LAP) to comply with the LEP compliance requirements by taking reasonable steps to ensure meaningful access for LEP persons.

BHA will provide reasonable, timely, oral language assistance free of charge to any applicant, PH tenant, HCV participant, or public who is LEP requesting its language assistance services related to BHA's business.

## **I. Four-Factor Analysis:**

BHA shall apply the HUD's designed flexible and fact-dependent standard four-factor analysis and its experiences and in-house data with LEP persons, which provides a framework for reviewing the totality of the circumstances and balances the need to ensure meaningful access without imposing undue burden on its PHA. The greater the number or proportion of these LEP persons, the more likely language services are needed.

BHA shall conduct the four-factor analysis by April 30<sup>th</sup>, yearly by recording and analyzing data from its department managers' annual interaction report, its Information System Department data, and from the most recent U.S. Census Bureau for the City of Bethlehem. \* The U.S. Census Bureau: State and County Quick Facts website.

This annual analysis will assist BHA in determining which language services BHA should provide or continue to provide to LEP persons from a particular language group served or encountered in the eligible service population of Bethlehem.

Note: BHA has already provided language services based on its analysis to assist LEP persons in obtaining suitable housing and services. For example, BHA has identified the Spanish language as the most frequently spoken language other than English with the number of LEP persons served or encountered in the eligible service area. Therefore, BHA already has its leases in English and Spanish and has hired bilingual personnel available to interpret and inform LEP persons of their rights and responsibilities. In addition, BHA has translated its vital forms and notices into English and Spanish.

### **The analysis involves:**

#### **1. Reviewing the number or proportion of LEP persons served or encountered in the eligible service population (area) as follows:**

- BHA will continue to review its experiences and data from BHA's frontline department management annual LEP interaction summary reports, data from the Information System Department, and the most recent U.S. Census Bureau for the City of Bethlehem. \* The U.S. Census Bureau: State and County Quick Facts website.

#### **- LEP Interaction Log:**

To review the number or proportion of LEP persons served or encounter in the eligible service of Bethlehem, an LEP Interaction Log will be used by the frontline departments and staff to record each LEP applicant, PH tenant, HCV participant, and LEP public person at the points of contact and service.

Each member of frontline staff who interacts with the public by phone or in person will be responsible for recording their LEP interactions at the point of contact and ensuring that all required data has been logged. From this LEP Interaction Log, the frontline management will generate an annual summary report, which shall be forwarded to the Executive Director and the LEP Coordinator by April 15<sup>th</sup> of each year and be used by the LAP Coordinator to conduct BHA's four-factor analysis for the Authority.

- **Language Access Plan Coordinator:**

To conduct the four-factor analysis and ensure the cost-effectiveness and the success of the BHA's LAP, the Authority has identified and established its bilingual LAP Coordinator who is a current Public Housing Manager, who will oversee the LAP compliance and ensure that BHA adheres to its language policy directives, plan, and procedures to provide meaningful access to LEP persons. The LAP Coordinator will report to the Executive Director.

**Responsibilities of the LAP Coordinator:**

- a) Identify BHA's operation offices frontline department and staff to assist with the four-factor analysis.
- b) Identify LEP persons who need language assistance with the assistance of the frontline staff and available resources.
- c) Update LAP as needed.
- d) Establish and provide translated notices to LEP persons and staff of changes in LAP to be sent or posted.
- e) Conduct effective outreach to develop community resources to help with language services when needed with the assistance of frontline management.
- f) Establish and provide LEP-translated statements to staff for LEP applicants, Public Housing tenants, and HCV participants.
- g) Establish and provide LEP forms or documents to be used or posted by staff.
- h) Conduct annual four-factor analysis by April 30<sup>th</sup>, by recording and analyzing data from department managers' annual report, IS Department report, and from the most recent U.S. Census Bureau for the City of Bethlehem. \* The U.S. Census Bureau: State and County Quick Facts website.
- i) Work with frontline departments and staff to answer questions and concerns and ensure language access compliance.

- j) Oversee staff training and new employees by working closely with department heads and ensuring their inexperienced staff training.
- k) Oversee the hiring of bilingual staff by collaborating closely with the Executive Director and department heads.
- l) Work closely with department heads to make provision for monitoring and updating the LAP, including seeking input from staff and the community on how it works and what other actions should be taken.

## **2. The frequency in which LEP individuals encounter the program:**

To assess, as accurately as possible, the frequency with which BHA have or should have contact with an LEP individual from different language groups seeking assistance, BHA has established an LEP Interaction Log to be used daily, by the assigned, frontline departments and staff to track and record requests for language assistance, the service provided and who provided the language services e.g., bilingual employee or BHA's telephone interpreter services, or LEP's own choice of the interpreter.

This LEP Interaction Log will not only assist in the four-factor analysis but will also assist BHA in considering the frequency of diverse types of language contacts. For example, frequent contact with Spanish-speaking people who are LEP may require extensive assistance in Spanish, while less frequent contact with different language groups may suggest a different and less intensified solution such as simply using our commercially available telephonic interpretation services.

## **3. The nature and importance of the program, activity, and or service:**

Given the critical role housing plays in maintaining quality of life, housing services rank high on the critical/non-critical continuum. With this said, decent, safe, and sanitary affordable housing is of primary importance to everyone, and as such, requires BHA to take appropriate steps to ensure that its programs are equally available to LEP individuals. However, this does not mean that all services and activities provided by BHA must be equally accessible in a language other than English. While certain aspects of occupancy such as health and safety issues, maintenance, and lease compliance are critically important; other aspects of tenancy, such as community newsletters and recreational programs provided by BHA may not require the same level of interpretive services as the BHA's underlying house services. However, the need for language services concerning these programs shall be considered in applying the four-factor analysis.

All BHA's frontline departments and staff will keep track of all interactions with LEP persons upon contact.

**4. The resources available to BHA and cost - The resources and costs to the PHA demonstration by the PHA that a certain service option would present a material burden can then be considered during the four-factor analysis:**

A major issue in deciding on the extent of translation/interpretation/bilingual services is the size of the program. Since BHA is considered a large Public Housing Authority (PHA), it has carefully explored the most cost-effective means of delivering competent and accurate language services before limiting services due to resource concerns.

BHA has identified that Spanish is currently the dominating language for LEP persons interacting with the Authority. Therefore, BHA has hired bilingual employees within the positions of clerical and management office staff and maintenance workers to make it more cost-effective.

Most of these employees are involved in program activities with LEP interactions such as receiving inquiries, explaining the intake and admission process, explaining the terms and conditions of the leases and lease packet documents, conducting annual and interim reexaminations, lease termination notices, vacating process and documents, and maintenance charges, discussing reported maintenance work orders, holding meetings, verifying applications, income, assets, deductions, and on-going contact with BHA's applicant, Public Housing tenants, HCV participants, and the public, as well as interpreting and translating vital documents into Spanish language which has been very cost-effective.

Nevertheless, BHA also has contracted a service provider (Verbatim Language Services Inc.), to assist when a BHA's bilingual interpreter is not available, or if other languages are needed and requested. This current provider has over two hundred language interpreters. While BHA had its bilingual staff translate vital key documents, it had this contractor assist in translating BHA's lease and grievance procedures, which were extensive.

The BHA's Executive Director, along with the LAP Coordinator and department heads, work together as a team to determine if it is more cost-effective to hire qualified bilingual staff, reassign staff, or contract with vendors to perform routine duties that require interpretative services.

The departments that provide direct services to applicants, Public Housing tenants, HCV participants, and LEP public persons are directed to make every effort to provide interpretative services using qualified bilingual staff members, or telephone interpreter services.

### **Program Funds Use:**

[HUD's LEP guidance](#) explains the obligation of federal financial assistance PHAs to take reasonable steps to meet their regulatory and statutory obligations in ensuring that persons with LEP have meaningful access to HUD's programs and activities, including for Public Housing and HCV programs.

While this guidance does not cover line-item expenses that can be covered by program funds, PHAs must take reasonable steps to ensure meaningful access to programs and activities for persons with LEP.

#### **a. Operating Fund**

Under [Section 9\(g\) of the Housing Act of 1937](#)<sup>5</sup>, PHAs may use their Operating Fund program subsidy (Op Funds) to ensure meaningful access for persons with LEP related to the PHA's operations. Op Fund can be used to ensure access for persons with LEP only within the Public Housing program.

**Example:** During public housing eviction proceedings, a standard PHA action, Op Funds can be used to ensure the public housing resident with LEP has meaningful access to all relevant information related to the proceeding in their native language.

In this situation, activities related to services may include providing appropriately translated notices, including notices of eviction and notices advising persons with LEP of free language assistance. In-person interpretation assistance is necessary for termination and eviction hearings due to the significance of these interactions, and the PHA should provide qualified and trained interpretation services.

Similarly, a PHA could use Op Funds to create a greeting message for telephone numbers with options in multiple languages.

## **b. Capital Fund**

PHAs can use their Capital Fund program grant (Cap Fund) to address LEP requirements. Under Section 9(g) of the Housing Act of 1937 and the regulations found at [24 CFR Part 905.314\(1\)](#), PHAs can use a portion (up to 100% for small, non-troubled PHAs, and 20% for all other PHAs) of a Cap Fund Grant for any eligible cost under the Operating Fund Program, including the Op Fund Activities listed in the Op Fund section within this notice.

PHAs can also use up to 10% of a Cap Fund grant for Management Improvement activities as indicated in [24 CFR Part 905.314\(i\)](#).

Management Improvements are noncapital activities that are project-specific or PHA-wide improvements needed to upgrade or improve the operation or maintenance of the PHA's projects, to promote energy conservation, to sustain physical improvements at those projects, or to correct management deficiencies.

PHAs must be able to demonstrate the linkage between management improvement and the correction of an identified management deficiency.

The PHA must identify LEP requirements as a management deficiency and include the LEP work items in the Capital Fund 5-Year Action Plan to use Capital Funds for management improvement activities that facilitate access for persons with LEP in Public Housing.

**Example:** Eligible activities under Management Improvements BLI 1408 include, but are not limited to, the following:

- PHAs can use up to 10% of an annual Cap Fund grant for Management Improvements (BLI 1408) to upgrade their online systems for program participant applications to allow future residents to apply in languages other than English.
- PHAs can use BLI 1408 to train PHA staff to better serve with LEP.
- Capital Funds can be used for facilitating communication during resident consultation for the development, financing, and/or modernization of public housing developments, such as hiring or contracting a qualified interpreter or translator equipped to communicate in different languages so that persons with LEP who are in Public Housing are properly informed during relocation counseling.

### **c. HCV Administrative Fees**

PHAs may use HCV Administrative Fees or unrestricted net position (UNP) to address LEP requirements for HCV and project-based voucher (PBV) program activities and materials.

**Example:** Eligible activities include, but are not limited to, the following:

- Facilitating communication, through on-site or remote translation during the oral briefing required at 24 CFR 982.301 and the informal review and informal hearing at 24 CFR 982.554 and 982.555.
- Software upgrades to allow families to use online applications or recertification systems in languages other than English.
- Translating program resources such as the written materials in the family information packet and other key program forms, notices, and policies by the Language Access Plan.

### **d. Mainstream Voucher and Emergency Housing Voucher Administrative and Service Fees**

Mainstream (MS) Voucher administrative fees (and UNP) and Emergency Housing Voucher (EHV) administrative fees and service fees can also be used for eligible activities for addressing LEP requirements for those respective programs.

PIH grantees should consult the competitive grant Notice of Funding Opportunity and/or Grant Agreement to determine the eligible use of funds for meeting LEP requirements.

## **II. Language Assistance Services**

PHAs have two main ways to provide language services: Oral and written language services. The quality and written language of the language services is critical to avoid profound consequences to the LEP person and the PHA.

### **A. Oral Language Services (Interpretation)**

Interpretation is the act of listening to something in one language (source language) and orally translating it into another (targeting language). BHA has considered the following options for providing competent interpreters promptly.

#### **1. Competence of Interpreters**

When providing oral assistance, BHA shall ensure the competency of the language service provider. In-house Spanish interpreters will be expected to demonstrate proficiency in and ability to communicate information accurately in English and Spanish and report any concerns that may arise, such as “regionalisms,” or differences in usage. For instance, a word that may be understood to mean something in Spanish for someone from Cuba may not be so understood by someone from Mexico. In addition, there may be languages that do not have an appropriate direct interpretation of some courtroom or legal terms. In cases like this, BHA management staff will ensure competency of the language service. BHA has contracted Verbatim Language Services to assist in interpretations.

BHA will ensure that its in-house bilingual interpreter and its language services provider understand and adhere to their role as interpreters without deviating into the role of counselor, legal advisor, or other roles (particularly in court, administrative hearings, or law enforcement contests).

When interpretation is needed and is reasonable, BHA will provide it promptly to avoid the effective denial of the service, benefit, or right to issue or the imposition of an undue burden on or delay of important rights, benefits, or services to the LEP person.

## **2. Hiring Bilingual Staff**

BHA understands that when languages other than English are encountered often, hiring bilingual staff offers one of the best and often most economical options. Since BHA has identified that Spanish is currently the dominating language for LEP persons interacting with the Authority, BHA has hired bilingual employees to fill public contact positions which consisted of clerical and management office staff, including maintenance workers, to make it more cost-effective.

### **LEP Interaction Frontline Departments/Staff**

- Central Office (CO) Receptionist
- Central High-Rise Operation Office (CHOO)
- Central Service Supplies - Maintenance Department (CSS)
- Community Service Office (CSO)/Family Self-Sufficiency Office (FSSO),
- Family Developments Office (FDO)
- Fraud and Collection Office (FACO)
- Housing Choice Voucher (HCV) Office
- Recreation Department (RD)
- Tenant Selection Office (TSO)

BHA's operating offices of its frontline departments and staff shall provide direct services and provide oral interpretation upon request and at no charge to LEP persons at points of contact to ensure meaningful access to LEP persons. BHA shall notify all LEP applicants, Public Housing tenants, and HCV participants of their ability to request an interpreter in notices from BHA for hearings, interviews, scheduled appointments, and adverse action.

If necessary, appointments/interviews/hearings/conferences may need to be rescheduled to a later date to provide accurate language assistance services.

Types of activities for which interpretive services must be offered to LEP persons include, but are NOT limited to the following:

- Public inquiries
- Eligibility Interview
- Housing Offer and Admission
- Lease Orientation and Signing
- Annual Recertification and Interim certifications Interview
- Addition and Deletions of Households
- Transfers and Move-outs.

- Reasonable Accommodation Requests
- Formal Hearing for Denial of Admission to Public Housing
- Informal Conference and Grievance Hearings for Termination of Public Housing Program.
- Nondisclosure and Termination Hearings for HCV Participation

The staff in these departments will also assist in identifying and recording LEP persons served by using the LEP Interaction Log to track the number or proportion of LEP persons served or in the eligible service population. All frontline departments and staff will ensure that persons with LEP have meaningful access to BHA programs, activities, and services. Staff shall be provided with HAP training.

BHA shall ensure that bilingual staff is fully and appropriately utilized. BHA's Executive Director, along with the LAP Coordinator and department heads, shall work together as a team to determine the hiring of qualified bilingual staff, reassignment of staff, or contract with vendors to perform routine duties that require interpretative services.

### **3. Hiring Staff Interpreters**

At the current time, BHA does not deem it necessary to hire staff interpreters. It is more cost-effective to hire on-site bilingual clerical and management staff.

### **4. Contracting for Interpreters**

At the current time, BHA does not deem it necessary to contact interpreters. It is more cost-effective to hire on-site bilingual clerical and management staff being that there is a need for a particular language skill which is Spanish.

### **5. Using Telephone Interpreter Line**

BHA currently utilizes a service (Verbatim Languages Services), that provides 24/7 coverage for trained and certified interpreters and coverage for 200+ languages. BHA staff will be trained in how to access this service, which is available as needed for BHA-related business for LEP persons. When a qualified member of staff who speaks the appropriate language is not available, BHA will use the telephone interpreter line.

In addition, where documents are being discussed, BHA staff will give telephonic interpreters adequate opportunity to review the documents before the discussion, and any logistical problems that should be addressed.

## **6. Maintenance After-Hour Emergency Interpreter:**

Our maintenance after-hours emergency calls-out center has been instructed to immediately contact our telephone interpreter services (Verbatim Language Services) for a conference call to meet the needs of the LEP persons in the event of a maintenance after-hours service.

For regular business hours, in the case of an emergency, an interpreter may be used. BHA will first respond to the emergency and follow up with language assistance as appropriate.

## **7. Using Community Volunteers**

BHA will contact and use any available trained community volunteers if necessary for providing language access for BHA's less critical programs and activities such as recreational unless an in-house staff can be available to assist.

## **8. Use of Family Members or Friends as Interpreters**

BHA will not plan to rely on an LEP person's family members, friends, or other informal interpreters to provide meaningful access to important programs and activities. Where LEP persons so desire, they shall be permitted to use, at their own expense, an interpreter of their choosing (whether a professional interpreter, family member, or friend) in place of or as a supplement to the free language services expressly offered by BHA.

BHA understands that LEP persons may feel more comfortable when a trusted family member or friend acts as an interpreter. Children (under 18) will not be permitted to interpret in any situation to ensure accurate communication and confidentiality of information. If the staff has questions about the appropriateness of allowing family and friends to be interpreters, they can consult with the BHA's Language Access Coordinator.

### **Staff Prohibition and Required Procedure When Interacting with LEP Persons:**

BHA's staff are prohibited from requiring or asking LEP persons to bring their interpreter. Staff must advise the LEP person about the availability of free language services.

### **Applicant/Tenant/HCV Participant Statement to Use Interpreter of Their Choice:**

If the LEP person is a BHA applicant, for Public Housing tenant, or an HCV participant and he/she chooses to have his/her interpreter, the staff must make documentation by having the LEP person and their interpreter sign the BHA Applicant/Tenant/HCV Participant Statement to Use an Interpreter of Their Choice" once the staff fills it out. In this statement, he/she agrees to waive the right of free interpreter services provided by BHA. This statement will be placed/scanned in the LEP person's digital file in the based-folder name, "LEP Documents." And name it by date and LEP Statement. Example: "04/05/2024 LEP Statement."

If the LEP person wants their interpreter, BHA should also have their interpreter present to ensure the correct information is being interpreted. BHA staff will document the LEP applicant, Public Housing tenant, or HCV participant's case history with all interactions with LEP persons.

### **Applicant/Tenant/HCV Participant Statement for BHA's Interpreter Services:**

If the LEP person accepts to use BHA interpretation services, the staff must make documentation by having the LEP person sign the BHA's "Applicant/Tenant/HCV Participant Statement for BHA's Interpreter Services," once the staff fills it out.

Any interpreter may be used in an emergency. BHA will first respond to the emergency and follow up with language assistance as appropriate.

### **Bilingual Telephone Voicemail Greetings:**

BHA established written mandated voicemail greetings scripts in English and Spanish for all BHA's frontline departments and staff phones being that Spanish is the dominant language for LEP persons in the Bethlehem areas and within the BHA's applicants, Public Housing tenants, and HCV participants.

All department heads are responsible for assigning a bilingual staff who is fluent in English and Spanish to update their all-phone line voicemails in their department. If a department does not have a bilingual staff due to a one-man operation, one will be provided to assist that department with the bilingual voicemail greetings script. This will ensure that BHA is taking all reasonable steps to ensure that persons with LEP have meaningful access to its programs, activities, and services.

## **B. Written Translation**

Translation is the replacement of a written text from one language (source of language) into an equivalent written text in the target language. Nevertheless, BHA understands that many LEP persons may not be able to read their native language. Therefore, backup availability of oral interpretation will be provided to LEP persons.

After applying the four-factor analysis, BHA determined that an effective LAP for its programs and activities must include the translation of vital and generic widely used written material into the Spanish language being that it is currently the most frequently encountered.

For this reason, using competent staff translators, including a service language translator provider (Verbatim Languages Service), BHA has translated most of its important key documents in Spanish such as the following:

- Application for its Public Housing and HCV Programs
- Intake documents/forms/letters/notices
- Lease and Grievance Procedures (used Verbatim Language Services)
- Lease addendums.
- Leasing Packet Orientation documents/forms/notices
- Addition and Deletion of family members documents/forms/letters
- Consent forms and Contest forms.
- Notices of Eviction
- Notices advising LEP individuals of free language assistance.
- Notices of Public Hearings
- Notices and letters
- Vacating documents
- Written notices of rights, and or denial, and hearings.
- Rent Amendment
- Warning notices/letters
- Fail Inspection documents.
- Any created vital documents.

Since the Spanish language is the most frequently used with LEP persons, BHA's goal is to translate most of all its documents to provide written translations of all vital documents to LEP individuals by HUD's designed flexible and fact-dependent standard four-factor analysis and "safe harbor guidelines."

### **C. Safe Harbor**

HUD has adopted a "safe harbor" for translation of written materials. The Guidance identifies actions that will be considered convincing evidence of compliance with Title VI obligations. Failure to provide written translations under these cited circumstances does not mean that BHA is in non-compliance. Rather, the "safe harbor" provides a starting point for PHAs to consider:

- Whether and at what point the importance of the services, benefits, or activities involved warrants written translations of commonly used forms into frequently encountered languages other than English.
- Whether the nature of the information sought warrants written translations of commonly used forms into frequently encountered languages other than English.
- Whether the number or proportion of LEP persons served warrants written translation of commonly used forms into frequently enough languages other than English; and
- Whether the demographics of the eligible population are specific to the situations for which the need for language services is being evaluated. In many cases, the "safe harbor" would mean the provision of written language services when marking the eligible LEP population within the market area. However, when the actual population served (e.g., occupants of, or applicants to, the housing projects) is determined to need written translation services, written translation may not be necessary.

The table below sets forth “safe harbors” for written translations.

<b>Size of Language Group</b>	<b>Recommended Provisions of Written Language Assistance</b>
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 fifty in number.	Translated vital documents.
More than 5% of the eligible population or beneficiaries and fifty or less in number.	Translated written notice of right to receive free oral interpretation of documents.
Five percent or less of the eligible population of beneficiaries and less than 1,000 in number.	No written translation is required.

When HUD conducts a review or investigation, it will look at the total services the PHA provides, rather than a few isolated instances.

For any language assistance to persons in a language group when fewer than 5% of the eligible population and fewer than fifty in number are members of the language group, HUD recommends that PHA use the four-factor analysis to determine whether to provide these persons with oral interpretation of vital documents if requested. There are no ‘safe harbors’ for oral interpretation services.

BHA has determined which documents are vital for ensuring meaningful access to BHA’s major activities and programs for LEP persons and has established a Master File for translated material such as documents, forms, and letters in English and Spanish being that Spanish is the current dominating language within LEP applicant, Public Housing tenants, and HCV participants, and the public. In addition, the written translation of all key documents is part of the BHA’s Five-Year Plan Goals listed under Goal Three. All BHA communication notices are sent to applicants, Public Housing tenants, and HCV participants in English and Spanish.

BHA will continue to translate documents as they are needed and created. No department head or staff will modify any vital documents without the review and approval of the LAP Coordinator and the Executive Director to keep the head file updated and keep consistency within the program’s forms.

The provision of written translations will continue to be determined by closer analysis of client populations, considering the number of clients within each language category, the importance of individual documents, and the availability of adequate resources to compile and maintain these translations.

Provision of written document translations shall be considered on a case-by-case basis and supported by the results of regular in-depth reviews of LEP client population characteristics.

At a minimum, all important documents including those related to initiating, continuing, or terminating a tenancy will be orally translated by interpreters when presented. All other significant documents will be accompanied by written notice, conveyed in the primary languages spoken by the client population, communicating the right to have the document translated and how to request the translation.

In those instances where written translations would prove necessary for access to its programs, the BHA will provide on an as-needed basis vital documents in languages other than English. Due to the fact Bethlehem has over 30% Hispanic represented in our population; BHA has translated vital documents into Spanish and will continue to translate as documents are needed/created.

Annually, BHA will re-assess the data collected and determine according to applicable federal guidelines and the Four Factor Analysis whether Important documents should be translated into other languages, or whether certain languages may be dropped from the requirement.

Further, some notices contain individualized facts that would be impractical to translate in every instance because of their frequency and the associated cost and time involved. Examples of important documents include but are not limited to Applications, Notices to Quit, Summaries of Discussions of Informal Hearings, Hearing Decisions, and Notices of Denial of Application, consent forms. In these circumstances, BHA will advise the LEP person how to obtain interpretive services and/or provide a translated summary of the document in covered languages.

#### **D. Identifying LEP Individuals Who Need Language Assistance:**

BHA shall seek to identify LEP individuals who need language assistance to provide the following appropriate language services to LEP individuals who need language assistance which may include, oral interpretation, bilingual staff, telephone service line interpretation, written translation, notices of availability of LEP services, or referrals to community liaison proficient in the language:

##### **“I Speak... Language Identification Guide”:**

BHA uses the “I Speak... Language Identification Guide” in a variety of languages that will be posted on the bulletin boards of the frontline offices of operations and the High-Rise community and will be found in the frontline staff interview rooms. This “I Speak... ID Language Guide” will be used by the front-line staff on day-to-day to identify LEP persons and determine and document the need for language services during routine activities and interactions with LEP persons. In-person, LEP applicants, Public Housing tenants, HCV participants, and the public can use “I Speak. Language ID Guide” to indicate their primary language upon in-person interaction. BHA staff at the point of entry will then make the appropriate arrangements for interpreter services. Generally, using a BHA staff interpreter or its telephone interpreter services at no cost.

##### **- Census Bureau Language Identification Flashcard:**

BHA will use the Census Bureau’s Language Identification Flashcard with a variety of languages to identify BHA’s LEP applicants, Public Housing tenants, and HCV participants. Staff will have an identified LEP person mark and sign this language identification flashcard to be placed/scanned into his/her file and update their household management code.

Then on an annual basis upon request from the LAP Coordinator, BHA’s IS Department will general a report to analyze LEP data from the BHA Household Management Code to be used in the four-factor analysis.

##### **- Applicant/Tenant/HCV Participant Statement for BHA’s Interpreter Services:**

When identifying a BHA’s LEP applicant, Public Housing tenant, or HCV participant, the staff must have them sign the statement stating that they chose to accept an interpreter from the BHA at no cost. This statement will then be placed/scanned in the LEP Document folder found in their BHA digital file-based folder. The document will be named by date and statement. Example: “04/05/2024 LEP Statement.” This will assist in record keeping and future references.

**Applicant/Tenant/HCV Participant Statement to Use an Interpreter of Their Choice:**

When identifying a BHA’s LEP applicant, Public Housing tenant, or HCV participant, the staff must have them sign the statement stating that they were offered alternative services and waived these services. This statement will then be placed/scanned in the LEP Document folder found in their BHA digital file-based folder. The document will be named by date and statement. Example: “04/05/2024 LEP Statement.” This will assist in record keeping and future references.

**- Program Initial Applications**

To identify LEP persons who need language assistance, BHA will provide questions on the program's initial applications and determine the language services needed, the number of LEP persons served and language assistance provided.

**E. Language Assistance Measures**

**Type of Language Services Currently Available:**

BHA currently has Spanish bilingual staff and a contract provider, Verbatim Languages. For any staff who encounters an LEP person, who does not communicate in Spanish, they can request assistance from a Spanish bilingual staff in their department. If the bilingual staff is not available, the staff can contact BHA’s Verbatim Languages Services, provider to assist.

**Verbatim Language Services’ Guide to Effectively Collaborate with Their Interpreters:**

- To reach a phonenumber interpreter with Verbatim Language Services, Inc. dial 1-888-291-8048. You will be connected to an operator. You will be prompted to enter your department PIN. There may be a few seconds of silence before you hear the greeting.
- At the end of the initial greeting, press one for a Spanish interpreter or press two for any other language and tell the Operator what language you need.
- Speak in short phrases, pausing to allow for the interpretation.
- Ask one question at a time.
- Use simple language to express your meaning. Remember that slang does not translate well.
- Explain complex terms when necessary.
- Do not say anything that you do not want to be interpreted.
- Allow the interpreter to stop you and seek clarification when necessary.
- All the interpreters to repeat back to you all critical information.

### **BHA's Instruction for BHA Staff When Using an Interpreter:**

- State the purpose of your communication and describe the type of information you may convey.
- Speak in short sentences, expressing one idea at a time, and allow the information to be interpreted.
- Speak to the LEP client and not to the interpreter.
- Avoid using slang terms and acronyms (e.g., ASAP., CO, CHOO, etc.) If you must do so, please explain their meaning.
- Provide brief explanations of technical terms, such as recertification, minimum rent, total tenant payment, etc.
- Occasionally ask if the interpreter understands the information or if you should slow down or speed up your speech. If the interpreter is confused, the LEP person may also be confused.
- Occasionally ask if the LEP person understands the information. You may have to repeat or clarify some information by saying it differently.
- Be patient and thank the interpreter.

### **How to Respond to LEP Caller:**

- When the staff identifies that the caller does not speak the same language, nicely ask the caller what language they speak, unless you recognize the language such as Spanish, etc. Hopefully, there is a good chance the caller will know enough English to understand what you are asking.
- If necessary, use the "I Speak...Language Identification Guide" at your desk to read your languages. LEP persons can usually spot their language when read aloud.
- Once you have identified their language, inform them to please hold.
- Be familiar with BHA's three-way call feature provided by the ED's secretary.
- To be cost-effective, use a BHA interpreter first if the LEP person speaks Spanish. If not, contact our service provider, Verbatim Languages Services, to assist you.
- Record all information on the LEP Interoffice Log.

### **How to Respond to Written Communications from LEP Persons:**

As with an oral interpreter, all attempts shall be made to ensure that translators of written documents are competent. BHA understands that the skill of translating is quite different from the skill of interpreting, and a person who is a competent interpreter may or may not be competent to translate.

Therefore, when a staff receives a written communication from an LEP person, the staff shall seek a BHA's competent interpreter/translator to translate the written correspondence into English, and to respond to the LEP persons to make it more cost-effective. However, for any written communication from the LEP person that is difficult to translate where legal and other vital documents are involved, staff shall discuss with their supervisor to determine the use of BHA's language service provider. BHA will ensure that translators understand the expected reading level of its clients, and where appropriate, have fundamental knowledge about the target language group's vocabulary and phraseology.

### **How to Respond to In-Person Contact with LEP Persons:**

Note: Use the "I Speak... Language Identification Guide" for all LEP in-person contacts.

- Show and give the "I Speak... Language Identification Guide" if a person has difficulty communicating or understanding you.
- Encourage the person to identify the language of his/her preference.
- Document the use of the Language requested and record information on the LEP Interaction Log.
- Offer the person interpretation services at no cost under the BHA's LAP.
- Provide an interpreter and inform the LEP person /an adult interpreter of his/her choice could assist her.
- If it is a BHA applicant, Public Housing tenant, or HCV participant, fill out the appropriate Statements to be scanned into their file: Applicant/Tenant/HCV Participant Statement for BHA's Interpreter Services, **or** Applicant/Tenant/HCV Participant Statement to Use an Interpreter of Their Choice.
- Scan the signed copy to the LEP person's digital file under the based folder named, "LEP Document" and name it by date and LEP Statement. Example: "04/04/2024 LEP Statement."
- Check to see if there is a signed copy of the LEP person Language Identification Flashcard. If not, staff must obtain a signed copy, scan it, and name it by date and ... e.g. example "04/05/2024 LEP Language ID," and ensure the tenant member file is coded with LEP language.

### III. Staff Training

- To ensure that the frontline departments and staff know their obligation to provide meaningful access to information and services for LEP persons, BHA shall provide training on its LEP policies and procedures listed on the Language Access Plan (LAP) for Limited English Proficiency (LEP) Individuals and working effectively with in-person telephone interpreters. BHA will distribute the LEP plan to all staff. Department management staff are responsible for ensuring their staff are trained and comply with BHA's LAP to provide meaningful access to LEP persons, to BHA's programs, activities, and services.
- Staff with little or no contact with LEP persons may only have to be aware of the LAP. However, frontline management staff, even if they do not interact regularly with the LEP individuals, shall be trained to be fully aware of the LAP and understand the plan so they can reinforce its importance and ensure its implementation with their staff.
- BHA will provide one-time training on the LAP and its procedures to all identified current frontline departments and staff in public contact positions. One-time training will also be provided to new employees, as part of their training, by their department head. Upon training, staff must sign a Staff Training Certification to be placed in their HR personnel file. BHA understands that train and knowledgeable staff are important to fulfill BHA's effective commitment to the LAP and the LEP compliance requirement, and the required Four-Factor Analysis, which provides a framework for reviewing the totality of the circumstances and balances the need to ensure meaningful access without imposing undue burdens on BHA.

#### **Training Procedure:**

**The be effective in the four-fact analysis, BHA training will include the following procedures:**

- a. Know the BHA's LAP and procedures and how to implement them.
- b. How to use proper LEP documents and record logs with LEP persons such as the BHA LEP Interaction Log, the Applicant/Tenant/HCV Participant Statement for BHA's Interpreter Services, and the Applicant/Tenant/HCV Participant Statement to Use an Interpreter of Their Choice.
- c. How to ensure posting of LEP outreach notices such as "Important Notice of LEP", "Do you need an Interpreter?", and "I Speak... Language Identification Guide."
- d. Staff shall be trained in the mandatory BHA's bilingual phone greeting scripts.

- e. How to obtain BHA's language services available through Verbatim Language Service, Inc. for LEP persons on BHA-related matters, how to keep a record of services on the BHA LEP Interaction Log, to assist in the four-factor analysis.
- f. How to respond to LEP callers and in-person contact. If there is not a BHA interpreter at the time of the LEP call, the staff needs to know how to use the three-way calling features when contacting Verbatim Language Services to conduct their conference call with the LEP caller. For in-person contact, the staff needs to know how to use the "I Speak... Language Identification Guide," with a variety of languages to identify the language interpretation needed and provide the services needed through a BHA's in-house interpreter or its service provider, Verbatim Language Services.
- g. How to use Census Language Identification Flashcards with a variety of languages to be dated and signed by LEP public housing tenants and HCV participants, and how to record LEP public housing tenants and HCV participants in the Tenant Member File Code, and how to scan copy to the Tenants' digital file-based folder name "LEP document" and how to name the documents when scanned.
- h. How to use "I Speak...Language Identification Guide" with all LEP persons and record their daily interaction in the BHA LEP Interaction Log.
- i. Prohibition against requiring or asking any LEP person to bring his or her interpreter.
- j. Cultural Sensitivity
- k. Any other matter that may come up.

#### **IV. Providing Notice to LEP Persons**

##### **- Important Notice to LEP Persons:**

Based on the four-factor analysis, BHA has established a notice in the appropriate language for LEP persons. This notice has been written in English and Spanish, and it states the following:

“The Bethlehem Housing Authority will provide qualified interpreter services for all Limited English Proficiency (LEP) applicants, Public Housing tenants, Housing Choice Voucher participants, and any LEP person at no cost. BHA does not request or prefer that any LEP person bring their interpreter. An LEP person will not face any charges for using BHA’s in-house interpreters, or outside interpreters such as Verbatim Language Services, etc. If an LEP person would like BHA to provide him/her with an interpreter for BHA-related businesses, he/she will receive an interpreter promptly according to the language requested. An LEP person also has the right to use an interpreter of his/her own choice and release BHA of all liability if he/she must pay for these services of his/her choosing. However, BHA will not permit underage children of less than 18 years of age to interpret”.

##### **Posting Notice in Common Areas:**

To inform LEP individuals that language assistance is available and that they are free of charge for BHA-related matters, BHA has posted its established notice on its BHA website and Facebook. It has also posted the notice in the common area of its frontline offices and High-Rise community rooms. This notice has also been mailed to all BHA’s PH tenants and HCV participants. In addition, the notice will be mailed on an annual basis, in the month of April, to them.

##### **Outreach Efforts to LEP Persons:**

BHA has distributed the notice to organizations with LEP interactions to be posted on their lobby bulletin boards or common areas. **List of organizations:**

- Northeast Ministry Center
- NE Boys and Girls Club
- Hispanic Center of LV
- Any other agencies as they may arise.

## **V. Monitoring and Updating the LAP Tracking**

Based on the four-factor analysis, The BHA instituted procedures to monitor and track the accessibility and quality of language assistance activities for LEP persons in its conducted programs and activities. Monitoring will be accomplished on an ongoing basis to ensure that the language assistance provided by the BHA adapts to changing client demographics and needs.

### **This will be accomplished by:**

- The LAP Coordinator will collaborate closely with the Executive Director and supervisors of each department to monitor the implementation of the BHA's LAP for LEP and coordinate its annual update. In addition, ensure the language assistance services provided by the frontline department are tracked. The department managers will be responsible for using the BHA's LEP Interaction Log to generate their annual summary report of their department analysis within BHA's fiscal year from April 1<sup>st</sup> to March 31<sup>st</sup>. This annual report will consist as follows:
  - a. A summary of how many LEP phone calls they received.
  - b. A summary of how many LEP in-person interactions.
  - c. A summary listing the languages used by LEP persons.
  - d. A summary of how many chose their interpreter.
  - e. A summary of how many used BHA's staff interpreters.
  - f. A summary of how many used BHA's language service provider (e.g., Verbatim Language Services Inc.),
  - g. A summary of how many were applicants, how many were PH tenants, how many were HCV participants, and how many were public.
  - h. A summary of the number of Public Housing tenants who are LEP.
  - i. A summary of the number of HCV participants who are LEP.
  - j. A determination as to whether a percentage of the BHA's clients speak a specific language requiring the translation of documents in a specific language.
  - k. Identify staff who may require training in the delivery of language services, e.g., newly hired employees, or employees transferred/reassigned to a department.

Provide the Executive Director with updated language assistance service needs of each Department. This annual summary report will be due to the Executive Director and the LEP Coordinator by April 15<sup>th</sup> to be used for the four-factor analysis.

## **VI. LAP Plan Distribution and Public Posting**

### **BHA LAP Plan will be:**

- Distributed to all BHA Supervisors and frontline staff.
- Available in BHA Central Office and Management Offices
- Posted on BHA's website [bethlehemhousing.org](http://bethlehemhousing.org)

## **VII. Complaints**

BHA employees who receive a report or become aware that an LEP person believes that he/she has NOT been provided with language assistance services, by the provisions of PHA's LAP should report that information to the Executive Director who will determine if the PA Human Rights Commission should be contacted. The PA Human Rights Commission's phone number is (717) 787-4410 or TTY users 717-787-7279.

## **VIII. LEP Compliance Monitoring Reviews**

FHEO monitors for program compliance and can issue findings related to programmatic violations to PHAs that are not in compliance with programmatic requirements. PHAs should include their LEP policies and procedures in their materials that are readily available for public review, such as on their website and primary office. This information must also be provided to all contracts and subcontracts for compliance, including those contracts and subcontracts under Section 3.

### **PHA Policy**

The Executive Director will ensure department and staff compliance accordingly.

## **ATTACHMENT TO APPENDIX “A”**

### **FORM#1: Notice to LEP Persons**

(To be posted on the BHA’s website and Facebook, and bulletin boards at the frontline

Offices and High-Rise Community Rooms, and to be mailed on an annual basis to all BHA’s PH tenant and HCV participants and be distributed to identified organizations that interact with LEP persons)

### **FORM#2: Do you need an interpreter?**

(To be posted on bulletin boards at frontline offices and High-Rise Community Rooms)

### **FORM#3: “I Speak... Language Identification Guide.”**

(To be posted on bulletin boards at frontline offices and placed on staff desks to use on a day-to-day basis when interacting with LEP individuals).

### **FORM#4: HUD-928.1 and HUD-928.1A - Poster!**

(To be posted on bulletin boards at frontline offices and High-Rise Community Rooms)

### **FORM#5: BHA LEP Interaction Log**

(To be used by all frontline staff to monitor/track all interactions with LEP persons for department management to generate their annual summary report due by April 15<sup>th</sup> for the LAP Coordinator’s annual four-factor analysis)

### **FORM#6: Language Identification Flash Card (one-page)**

(To be filled out by staff and signed by applicants, tenants, and HCV participants)

### **FORM#7: Applicant/Tenant/HCV Participant Statement for BHA’s Interpreter Services**

(To be filled out by staff and obtain all parties’ signatures)

### **FORM#8: Applicant/Tenant/HCV Participant Statement to Use Interpreter of Their Choice**

(To be filled out by staff and obtain all parties’ signatures)

**FORM#9: POLYCOM Quick User Guide with Three-Way Conference Call**

(Staff to get familiar with 3-Way Conference Calls)

**FORM#10: Verbatim Language Services' List of 210 Available Languages**

**FORM#11: Voicemail Bilingual Greetings Scripts for Frontline Departments and Staff**

(Mandated voicemail greetings scripts for all frontline departments and staff)

**FORM#12: Staff Training Certification on LAP for LEP**

(To be signed by BHA's frontline staff upon training and placed in their personnel file)

**FORM#13: HUD NOTICE PIH 2024-04 – Issued January 31, 2024**

**FORM#14: Federal Register - HUD – Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons; Notice.**