

Chapter 2

FAIR HOUSING AND EQUAL OPPORTUNITY

INTRODUCTION

This chapter explains the laws and HUD regulations requiring PHAs to affirmatively further civil rights and fair housing in all federally assisted housing programs. The letter and spirit of these laws are implemented through consistent policy and processes. The responsibility to further nondiscrimination pertains to all areas of the PHA's housing choice voucher (HCV) operations.

This chapter describes HUD regulations and PHA policies related to these topics in three parts:

Part I: Nondiscrimination. This part presents the body of laws and regulations governing the responsibilities of the PHA regarding nondiscrimination.

Part II: Policies Related to Persons with Disabilities. This part discusses the rules and policies of the housing choice voucher program related to reasonable accommodation for persons with disabilities. These rules and policies are based on the Fair Housing Act (42.U.S.C.) and Section 504 of the Rehabilitation Act of 1973, and incorporate guidance from the Joint Statement of The Department of Housing and Urban Development and the Department of Justice (DOJ), issued May 17, 2004.

Part III: Prohibition of Discrimination Against Limited English Proficiency Persons. This part details the obligations of the PHA to ensure meaningful access to the HCV program and its activities by persons with limited English proficiency (LEP). This part incorporates the Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient Persons published January 22, 2007, in the *Federal Register*.

PART I: NONDISCRIMINATION

2-I.A. OVERVIEW

Federal laws require PHAs to treat all applicants and participants equally, providing the same opportunity to access services, regardless of family characteristics and background. Federal law prohibits discrimination in housing on the basis of race, color, religion, sex, national origin, age, familial status, and disability. In addition, HUD regulations provide for additional protections regarding sexual orientation, gender identity, and marital status. The PHA will comply fully with all federal, state, and local nondiscrimination laws, and with rules and regulations governing fair housing and equal opportunity in housing and employment, including:

- Title VI of the Civil Rights Act of 1964
- Title VIII of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974 and the Fair Housing Amendments Act of 1988)
- Executive Orders 11063 and 13988
- Section 504 of the Rehabilitation Act of 1973
- The Age Discrimination Act of 1975
- Title II of the Americans with Disabilities Act (to the extent that it applies, otherwise Section 504 and the Fair Housing Amendments govern)
- The Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity Final Rule, published in the *Federal Register* February 3, 2012 and further clarified in Notice PIH 2014-20
- Violence Against Women Reauthorization Act of 2013 (VAWA)

When more than one civil rights law applies to a situation, the laws will be read and applied together.

Any applicable state laws or local ordinances and any legislation protecting individual rights of tenants, applicants, or staff that may subsequently be enacted will also apply.

Medford Housing Authority Policy

The PHA will comply with all Massachusetts Antidiscrimination Laws, M.G.L.c.151B and M.G.L.c.111.s.199A which include a prohibition against discrimination based on religious creed, ancestry, veteran status, public assistance recipients and children with elevated blood lead levels.

2-I.B. NONDISCRIMINATION

Federal regulations prohibit discrimination against certain protected classes and other groups of people. State and local requirements, as well as PHA policies, can prohibit discrimination based on other factors.

The PHA shall not discriminate because of race, color, sex, religion, familial status, age, disability or national origin (called “protected classes”)

Familial status includes children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18.

The PHA will not discriminate on the basis of marital status, gender identity, or sexual orientation [FR Notice 02/03/12; Executive Order 13988].

Medford Housing Authority Policy

The PHA will comply with all Massachusetts Antidiscrimination Laws, M.G.L.c.151B and M.G.L.c.111.s.199A which include a prohibition against discrimination based on religious creed, ancestry, veteran status, public assistance recipients and children with elevated blood lead levels.

The PHA will not use any of these factors to:

- Deny to any family the opportunity to apply for housing, nor deny to any qualified applicant the opportunity to participate in the housing choice voucher program
- Provide housing that is different from that provided to others
- Subject anyone to segregation or disparate treatment
- Subject anyone to sexual harassment
- Restrict anyone's access to any benefit enjoyed by others in connection with the housing program
- Treat a person differently in determining eligibility or other requirements for admission
- Steer an applicant or participant toward or away from a particular area based any of these factors
- Deny anyone access to the same level of services
- Deny anyone the opportunity to participate in a planning or advisory group that is an integral part of the housing program
- Discriminate in the provision of residential real estate transactions
- Discriminate against someone because they are related to or associated with a member of a protected class
- Publish or cause to be published an advertisement or notice indicating the availability of housing that prefers or excludes persons who are members of a protected class

Providing Information to Families and Owners

The PHA must take steps to ensure that families and owners are fully aware of all applicable civil rights laws. As part of the briefing process, the PHA must provide information to HCV applicant families about civil rights requirements and the opportunity to rent in a broad range of neighborhoods [24 CFR 982.301]. The Housing Assistance Payments (HAP) contract informs owners of the requirement not to discriminate against any person because of race, color, religion, sex, national origin, age, familial status, or disability in connection with the contract.

Discrimination Complaints

If an applicant or participant believes that any family member has been discriminated against by the PHA or an owner, the family should advise the PHA. The PHA should make every reasonable attempt to determine whether the applicant's or participant's assertions have merit and take any warranted corrective action. In addition, the PHA is required to provide the applicant or participant with information about how to file a discrimination complaint [24 CFR 982.304].

Upon receipt of a housing discrimination complaint, the PHA is required to:

- Provide written notice of the complaint to those alleged and inform the complainant that such notice was made
- Investigate the allegations and provide the complainant and those alleged with findings and either a proposed corrective action or an explanation of why corrective action is not warranted
- Keep records of all complaints, investigations, notices, and corrective actions [Notice PIH 2014-20]

Medford Housing Authority Policy

Applicants or participants who believe that they have been subject to unlawful discrimination may notify the PHA either orally or in writing.

Within 10 business days of receiving the complaint, the PHA will provide a written notice to those alleged to have violated the rule. The PHA will also send a written notice to the complainant informing them that notice was sent to those alleged to have violated the rule, as well as information on how to complete and submit a housing discrimination complaint form to HUD's Office of Fair Housing and Equal Opportunity (FHEO).

The PHA will attempt to remedy discrimination complaints made against the PHA and will conduct an investigation into all allegations of discrimination.

Within 10 business days following the conclusion of the PHA's investigation, the PHA will provide the complainant and those alleged to have violated the rule with findings and either a proposed corrective action plan or an explanation of why corrective action is not warranted.

The PHA will keep a record of all complaints, investigations, notices, and corrective actions. (See Chapter 16.)

PART II: POLICIES RELATED TO PERSONS WITH DISABILITIES

2-II.A. OVERVIEW

One type of disability discrimination prohibited by the Fair Housing Act is the refusal to make reasonable accommodation in rules, policies, practices, or services when such accommodation may be necessary to afford a person with a disability the equal opportunity to use and enjoy a program or dwelling under the program.

The PHA must ensure that persons with disabilities have full access to the PHA's programs and services. This responsibility begins with the first contact by an interested family and continues through every aspect of the program.

Medford Housing Authority Policy

The PHA will ask all applicants and participants if they require any type of accommodations, in writing, on the intake application, reexamination documents, and notices of adverse action by the PHA, by including the following language:

“If you or anyone in your family is a person with disabilities, and you require a specific accommodation in order to fully utilize our programs and services, please contact the housing authority.”

A specific name and phone number of designated staff will be provided to process requests for accommodation.

The PHA will display posters and other housing information and signage in locations throughout the PHA's office in such a manner as to be easily readable from a wheelchair.

2-II.B. DEFINITION OF REASONABLE ACCOMMODATION

A reasonable accommodation is an adjustment made to a rule, policy, practice, or service that allows a person with a disability to have equal access to the HCV program. For example, reasonable accommodations may include making home visits, extending the voucher term, or approving an exception payment standard in order for a participant to lease an accessible dwelling unit.

Federal regulations stipulate that requests for accommodations will be considered reasonable if they do not create an “undue financial and administrative burden” for the PHA, or result in a “fundamental alteration” in the nature of the program or service offered. A fundamental alteration is a modification that alters the essential nature of a provider’s operations.

Types of Reasonable Accommodations

When needed, the PHA will modify normal procedures to accommodate the needs of a person with disabilities. Examples include:

- Permitting applications and reexaminations to be completed by mail
- Conducting home visits
- Using higher payment standards (either within the acceptable range or with HUD approval of a payment standard outside the PHA range) if the PHA determines this is necessary to enable a person with disabilities to obtain a suitable housing unit
- Providing time extensions for locating a unit when necessary because of lack of availability of accessible units or special challenges of the family in seeking a unit
- Permitting an authorized designee or advocate to participate in the application or certification process and any other meetings with PHA staff

2-II.C. REQUEST FOR AN ACCOMMODATION

If an applicant or participant indicates that an exception, change, or adjustment to a rule, policy, practice, or service is needed because of a disability, HUD requires that the PHA treat the information as a request for a reasonable accommodation, even if no formal request is made [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act].

The family must explain what type of accommodation is needed to provide the person with the disability full access to the PHA's programs and services.

If the need for the accommodation is not readily apparent or known to the PHA, the family must explain the relationship between the requested accommodation and the disability. There must be an identifiable connection, or nexus, between the requested accommodation and the individual's disability.

Medford Housing Authority Policy

The PHA will encourage the family to make its request in writing using a reasonable accommodation request form. However, the PHA will consider the accommodation any time the family indicates that an accommodation is needed whether or not a formal written request is submitted.

2-II.D. VERIFICATION OF DISABILITY

The regulatory civil rights definition for persons with disabilities is provided in Exhibit 2-1 at the end of this chapter. The definition of a person with a disability for the purpose of obtaining a reasonable accommodation is much broader than the HUD definition of disability which is used for waiting list preferences and income allowances.

Before providing an accommodation, the PHA must determine that the person meets the definition of a person with a disability, and that the accommodation will enhance the family's access to the PHA's programs and services.

If a person's disability is obvious or otherwise known to the PHA, and if the need for the requested accommodation is also readily apparent or known, no further verification will be required [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act].

If a family indicates that an accommodation is required for a disability that is not obvious or otherwise known to the PHA, the PHA must verify that the person meets the definition of a person with a disability, and that the limitations imposed by the disability require the requested accommodation.

When verifying a disability, the PHA will follow the verification policies provided in Chapter 7. All information related to a person's disability will be treated in accordance with the confidentiality policies provided in Chapter 16. In addition to the general requirements that govern all verification efforts, the following requirements apply when verifying a disability:

- Third-party verification must be obtained from an individual identified by the family who is competent to make the determination. A doctor or other medical professional, a peer support group, a non-medical service agency, or a reliable third party who is in a position to know about the individual's disability may provide verification of a disability [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act]
- The PHA must request only information that is necessary to evaluate the disability-related need for the accommodation. The PHA will not inquire about the nature or extent of any disability.
- Medical records will not be accepted or retained in the participant file.
- In the event that the PHA does receive confidential information about a person's specific diagnosis, treatment, or the nature or severity of the disability, the PHA will dispose of it. In place of the information, the PHA will note in the file that the disability and other requested information have been verified, the date the verification was received, and the name and address of the knowledgeable professional who sent the information [Notice PIH 2010-26].

2-II.E. APPROVAL/DENIAL OF A REQUESTED ACCOMMODATION [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act, Notice PIH 2010-26].

The PHA must approve a request for an accommodation if the following three conditions are met:

- The request was made by or on behalf of a person with a disability.
- There is a disability-related need for the accommodation.
- The requested accommodation is reasonable, meaning it would not impose an undue financial and administrative burden on the PHA, or fundamentally alter the nature of the PHA's HCV operations (including the obligation to comply with HUD requirements and regulations).

Requests for accommodations must be assessed on a case-by-case basis, taking into account factors such as the overall size of the PHA's program with respect to the number of employees, type of facilities and size of budget, type of operation including composition and structure of workforce, the nature and cost of the requested accommodation, and the availability of alternative accommodations that would effectively meet the family's disability-related needs.

Before making a determination whether to approve the request, the PHA may enter into discussion and negotiation with the family, request more information from the family, or may require the family to sign a consent form so that the PHA may verify the need for the requested accommodation.

Medford Housing Authority Policy

After a request for an accommodation is presented, the PHA will respond in writing, within 10 business days.

If the PHA denies a request for an accommodation because there is no relationship, or nexus, found between the disability and the requested accommodation, the notice will inform the family of the right to appeal the PHA's decision through an informal review (if applicable) or informal hearing (see Chapter 16).

If the PHA denies a request for an accommodation because it is not reasonable (it would impose an undue financial and administrative burden or fundamentally alter the nature of the PHA's operations), the PHA will discuss with the family whether an alternative accommodation could effectively address the family's disability-related needs without a fundamental alteration to the HCV program and without imposing an undue financial and administrative burden.

If the PHA believes that the family has failed to identify a reasonable alternative accommodation after interactive discussion and negotiation, the PHA will notify the family, in writing, of its determination within a reasonable time from the date of the most recent discussion or communication with the family.

2-II.F. PROGRAM ACCESSIBILITY FOR PERSONS WITH HEARING OR VISION IMPAIRMENTS

HUD regulations require the PHA to ensure that persons with disabilities related to hearing and vision have reasonable access to the PHA's programs and services [24 CFR 8.6].

At the initial point of contact with each applicant, the PHA shall inform all applicants of alternative forms of communication that can be used other than plain language paperwork.

Medford Housing Authority Policy

To meet the needs of persons with hearing impairments, the PHA will use the Massachusetts State Relay service by dialing 7-1-1 or :

TTY and ASCII Users = 1-800-720-3480

Voice/Hearing Users = 1-800-720-3480

To meet the needs of persons with vision impairments, large-print and audio versions of key program documents will be made available upon request. When visual aids are used in public meetings or presentations, or in meetings with PHA staff, one-on-one assistance will be provided upon request.

Additional examples of alternative forms of communication are sign language interpretation; having material explained orally by staff; or having a third party representative (a friend, relative or advocate, named by the applicant) to receive, interpret and explain housing materials and be present at all meetings.

2-II.G. PHYSICAL ACCESSIBILITY

The PHA must comply with a variety of regulations pertaining to physical accessibility, including the following:

- Notice PIH 2010-26
- Section 504 of the Rehabilitation Act of 1973
- The Americans with Disabilities Act of 1990
- The Architectural Barriers Act of 1968
- The Fair Housing Act of 1988

The PHA's policies concerning physical accessibility must be readily available to applicants and participants. They can be found in three key documents:

- This plan describes the key policies that govern the PHA's responsibilities with regard to physical accessibility.
- Notice PIH 2010-26 summarizes information about pertinent laws and implementing regulations related to nondiscrimination and accessibility in federally-funded housing programs.
- The PHA Plan provides information about self-evaluation, needs assessment, and transition plans.

The design, construction, or alteration of PHA facilities must conform to the Uniform Federal Accessibility Standards (UFAS). Newly-constructed facilities must be designed to be readily accessible to and usable by persons with disabilities. Alterations to existing facilities must be accessible to the maximum extent feasible, defined as not imposing an undue financial and administrative burden on the operations of the HCV program.

When issuing a voucher to a family that includes an individual with disabilities, the PHA will include a current list of available accessible units known to the PHA and will assist the family in locating an available accessible unit, if necessary.

In general, owners must permit the family to make reasonable modifications to the unit. However, the owner is not required to pay for the modification and may require that the unit be restored to its original state at the family's expense when the family moves.

2-II.H. DENIAL OR TERMINATION OF ASSISTANCE

A PHA's decision to deny or terminate the assistance of a family that includes a person with disabilities is subject to consideration of reasonable accommodation [24 CFR 982.552 (2)(iv)].

When applicants with disabilities are denied assistance, the notice of denial must inform them of the PHA's informal review process and their right to request an informal review. In addition, the notice must inform applicants with disabilities of their right to request reasonable accommodations to participate in the informal review process.

When a participant family's assistance is terminated, the notice of termination must inform them of the PHA's informal hearing process and their right to request a hearing and reasonable accommodation.

When reviewing reasonable accommodation requests, the PHA must consider whether any mitigating circumstances can be verified to explain and overcome the problem that led to the PHA's decision to deny or terminate assistance. If a reasonable accommodation will allow the family to meet the requirements, the PHA must make the accommodation.

PART III: IMPROVING ACCESS TO SERVICES FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)

2-III.A. OVERVIEW

Language for Limited English Proficiency Persons (LEP) can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by the HCV program. In certain circumstances, failure to ensure that LEP persons can effectively participate in or benefit from federally-assisted programs and activities may violate the prohibition under Title VI against discrimination on the basis of national origin. This part incorporates the Final Guidance to Federal Assistance Recipients Regarding Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient Persons, published January 22, 2007, in the *Federal Register*.

The PHA will take affirmative steps to communicate with people who need services or information in a language other than English. These persons will be referred to as Persons with Limited English Proficiency (LEP).

LEP is defined as persons who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English. For the purposes of this administrative plan, LEP persons are HCV applicants and participants, and parents and family members of applicants and participants.

In order to determine the level of access needed by LEP persons, the PHA will balance the following four factors: (1) the number or proportion of LEP persons eligible to be served or likely to be encountered by the Housing Choice Voucher program; (2) the frequency with which LEP persons come into contact with the program; (3) the nature and importance of the program, activity, or service provided by the program to people's lives; and (4) the resources available to the PHA and costs. Balancing these four factors will ensure meaningful access by LEP persons to critical services while not imposing undue burdens on the PHA.

2-III.B. ORAL INTERPRETATION

The PHA will offer competent interpretation services free of charge, upon request, to the LEP person.

Medford Housing Authority Policy

The PHA will utilize a language line for telephone interpreter services.

When exercising the option to conduct remote briefings, informal reviews, or hearings, however, the PHA will coordinate with a remote interpretation service which, when available, uses video conferencing technology rather than voice-only interpretation.

Where LEP persons desire, they will be permitted to use, at their own expense, an interpreter of their own choosing, in place of or as a supplement to the free language services offered by the PHA. The PHA, at its discretion, may choose to use the language services even when LEP persons desire to use an interpreter of their choosing. The interpreter may be a family member or friend. If the interpreter chosen by the family is a minor, the PHA will not rely on the minor to serve as the interpreter.

The PHA will analyze the various kinds of contacts it has with the public, to assess language needs and decide what reasonable steps should be taken. "Reasonable steps" may not be reasonable where the costs imposed substantially exceed the benefits.

Where feasible and possible, according to its language assistance plan (LAP), the PHA will train and hire bilingual staff to be available to act as interpreters and translators, will pool resources with other PHAs, and will standardize documents.

2-III.C. WRITTEN TRANSLATION

Translation is the replacement of a written text from one language into an equivalent written text in another language.

Medford Housing Authority Policy

In order to comply with written-translation obligations, the PHA will follow its Language Access Plan. (Exhibit 2-2)

2-III.D. IMPLEMENTATION PLAN

After completing the four-factor analysis and deciding what language assistance services are appropriate, the PHA shall determine whether it is necessary to develop a written implementation plan to address the identified needs of the LEP populations it serves.

If the PHA determines that it is not necessary to develop a written implementation plan, the absence of a written plan does not obviate the underlying obligation to ensure meaningful access by LEP persons to the PHA's Housing Choice Voucher program and services.

Medford Housing Authority Policy

The PHA will follow its approved Language Access Plan. (Exhibit 2-2)

EXHIBIT 2-1: DEFINITION OF A PERSON WITH A DISABILITY UNDER FEDERAL CIVIL RIGHTS LAWS [24 CFR Parts 8.3 and 100.201]

A person with a disability, as defined under federal civil rights laws, is any person who:

- Has a physical or mental impairment that substantially limits one or more of the major life activities of an individual, or
- Has a record of such impairment, or
- Is regarded as having such impairment

The phrase “physical or mental impairment” includes:

- Any physiological disorder or condition, cosmetic or disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or
- Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term “physical or mental impairment” includes, but is not limited to: such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.

“Major life activities” includes, but is not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, breathing, learning, and/or working.

“Has a record of such impairment” means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

“Is regarded as having an impairment” is defined as having a physical or mental impairment that does not substantially limit one or more major life activities but is treated by a public entity (such as the PHA) as constituting such a limitation; has none of the impairments defined in this section but is treated by a public entity as having such an impairment; or has a physical or mental impairment that substantially limits one or more major life activities, only as a result of the attitudes of others toward that impairment.

The definition of a person with disabilities does not include:

- Current illegal drug users
- People whose alcohol use interferes with the rights of others
- Persons who objectively pose a direct threat or substantial risk of harm to others that cannot be controlled with a reasonable accommodation under the HCV program

The above definition of disability determines whether an applicant or participant is entitled to any of the protections of federal disability civil rights laws. Thus, a person who does not meet this disability is not entitled to a reasonable accommodation under federal civil rights and fair housing laws and regulations.

The HUD definition of a person with a disability is much narrower than the civil rights definition of disability. The HUD definition of a person with a disability is used for purposes of receiving the disabled family preference, the \$400 elderly/disabled household deduction, the \$480 dependent deduction, the allowance for medical expenses, or the allowance for disability assistance expenses.

The definition of a person with a disability for purposes of granting a reasonable accommodation request is much broader than the HUD definition of disability. Many people will not qualify as a disabled person under the HCV program, yet an accommodation is needed to provide equal opportunity.

EXHIBIT 2-2: MEDFORD HOUSING AUTHORITY LANGUAGE ACCESS PLAN

The Medford Housing Authority (MHA) is committed to ensuring equal access to its programs, services and activities by all applicants and residents whose primary language is other than English. Under Title VI and Executive Order 13166, the Medford Housing Authority must take reasonable steps to ensure meaningful access to its programs and services by Limited English Proficient (LEP) persons.

The U.S. Department of Housing and Urban Development issued Final Guidance on January 22, 2007 to recipients of HUD funding concerning compliance with Title VI prohibition against national origin discrimination affecting LEP persons. This guidance requires recipients of HUD funding to conduct a four-factor analysis to determine the extent of their obligations to provide LEP services.

The MHA conducted a four-factor analysis and has prepared this Language Access Plan to be used by staff of all departments at the MHA. Staff are required to implement the actions of this plan to ensure compliance with respect to LEP persons. The MHA will update and review this plan by conducting a four-factor analysis every three years and within the interim years review and update the plan as dictated by monitoring the needs of our LEP persons.

I. Goals of the Language Action Plan

- A. To ensure accesses to all LEP persons who may come in contract with the MHA's Programs/Services/Activities.
- B. To ensure that MHA staff of all departments are aware of available language assistance services and how to activate the process of providing the services to serve our LEP population.
- C. To ensure that all LEP persons who come into contact with the MHA Programs are made aware of the MHA's obligation to provide free interpretation services to facilitate their participation in our programs/activities/services.
- D. To provide for periodic review and update of this LAP in accordance with the needs of the MHA community.
- E. To provide written translations of vital documents to LEP persons in accordance with HUD 'safe harbor' guidelines.

II. LEP persons who need language assistance.

The "LANGUAGES SPOKEN AT HOME – 2009-2011 American Community Survey, U.S. Census" estimates the population of Medford at 53,784 and:

- 1,555 of the population of Medford speaks "Spanish or Haitian Creole" – with 1,286 of that population in the age range of an Head of Household (HOH);

- 9,062 of the population of Medford speaks “Other indo-European languages” – with 7,979 of that population in the age range of an HOH;
- 3,514 of the population of Medford speaks “Asian and Pacific Island Languages” – with 3,227 of that population in the age range of an HOH; and
- 982 of the population of Medford speaks “Other Languages – with 810 of that population in the age range of an HOH.

The survey estimates that more than half of the above referenced population speaks English less than “very well.”

Our analysis indicates that the most frequent spoken non-English languages used by MHA’s target population and existing population are Haitian Creole and Spanish followed by Vietnamese. This is reflected above as Haitian Creole is derived from indo-European languages and is the largest population in Medford from “LANGUAGES SPOKEN AT HOME – 2009-2011 American Community Survey Estimates, U.S. Census – Medford City.”

Our research using “Massachusetts Department of Education - Massachusetts Office for Refugees and Immigrants - the Report *“In the aftermath of Question 2: Students with Limited English Proficiency in Massachusetts,”* By Atonia Owens., Rappoport Public Policy Fellow (June 2010)” indicates out of 22 Massachusetts communities surveyed, 77.5% of students with Limited English are “likely to be low income.” Medford is not included in this data; however, the surrounding communities of Everett, Malden and Somerville are included which allows us to estimate the population in Medford to be within the same range.

III. Types of Assistance available to LEP persons.

The contact between the MHA and LEP persons can occur by telephone, in-person, at meetings where information is exchanged, and the contact can occur with staff of any department at the MHA. As stated above in Section I. Goals of the Language Action Plan, the MHA will ensure that all LEP persons who come into contact with the MHA Programs are made aware of the MHA’s obligation to provide free interpretation services to facilitate their participation. The MHA has a language assistance center via our phone system for the languages: Haitian Creole, Spanish and Vietnamese.

An example of oral assistance may be the need for an LEP resident to call in a maintenance work order. The MHA will be informing LEP residents that through staff or the language line, we will communicate in their primary language and this will be facilitated by the staff Translator/Interpreter or other MHA staff.

Other contact will include the exchange of translated documents to ensure LEP residents have meaningful accesses to the MHA’s programs, activities and requests – such as preparing a unit for extermination.

The MHA has determined that the following are Vital documents to be translated. Translation of vital documents will be based on our Four Factor Analyses and Annual Reviews of languages that fall within the “safe harbor,” and as allowed by available appropriated funds. The Medford Housing Authority Vital Documents include:

- Public Housing Application
- Annual Reviews/Income Recertification forms
- Notices of Public Hearings
- Notices containing information regarding eligibility or participation criteria
- Notices advising of free language assistance
- Public Housing Lease
- 14 and 30-day Notice to Quit
- Notices of rights, denial, loss, or reduction of benefits or services
- Hearing notices
- Discrimination Complaints
- Reasonable Accommodation procedures and request form

If budget constraints prevent the MHA from immediately translating any of the above documents, the MHA will include with each document a note in the primary language of the LEP person to whom the communication is being sent – which note will inform the resident that he/she may call the Staff Translator/Interpreter, who will if necessary use an outside vendor to translate. In the case of a meeting or hearing the note will inform the LEP person of their right to have, at no cost, an interpreter present.

IV. Language Assistance to be provided

A. Identification of Language

- Use of “I speak cards, published by U.S. Census Bureau.” The MHA has posted I Speak Cards and Language Line Solutions Cards in its Administrative Offices and will post Notices of Free Oral Interpretation Services in its developments. Applicants, public housing residents and voucher holders can use these cards to indicate their primary language. The MHA staff member in the Reception Department will make contact with the Staff Translator/Interpreter who will provide the interpretation services or utilize a telephone interpretation service.
- Notices of Free Oral Interpretation Services will be sent to all LEP persons and prominently posed in the Administrative Offices and developments of the MHA.
- The MHA will ask applicants and residents, through use of its applications and recertification forms, to identify the following: “Do you speak English? Language read Language Spoken” to ensure communication between staff and LEP person. This information will become part of the LEP persons written record and recorded in the electronic record of the MHA computer system.

B. Language Assistance Measures

Oral Interpretation - Where feasible, MHA Staff and other bilingual staff will be deployed to communicate with LEP individuals in their native languages and to assist them in reviewing materials, answering questions about MHA programs, and responding to MHA forms and information requests. MHA Staff members speak Haitian Creole, French, Spanish, and Chinese.

Oral Interpretation - Telephone Support: the MHA will use the services of a professional telephone interpretation service whenever requested by an LEP individual and/or when an LEP person uses an I Speak card to signify that they speak a non-English language and/or when MHA staff recognizes the LEP person and his/her need for language services and a qualified staff person that speaks the appropriate language is unavailable. When these contacts involve review of MHA forms and procedures, MHA will schedule the call so that the telephone translator has the opportunity to first review the relevant form or procedure. MHA will only utilize interpretation services, which demonstrate a high degree of training and professionalization among the interpreter staff. While the MHA staff will most often be the person to access the service, key MHA staff will be trained in how to access the services, which will be available as needed for LEP applicants, public housing residents or HCV participants. The Medford Housing Authority has contracted with Language Line Solutions and Catholic Charities.

Oral Interpretation - In Person Assistance: In limited instances where telephone interpretation services or the use of bilingual MHA staff are determined insufficient to ensure meaningful access, MHA will provide qualified in-person interpretation services at no cost to the LEP individual either through local Medford community organizations or through contracts with qualified and trained interpretations services. Examples where in person assistance is likely to be required includes applicant or termination hearings and evictions. Due to the considerable expense involved in providing in-person assistance, MHA will generally strive to use telephone assistance. If the LEP person does not wish to use the MHA free interpretation services, the LEP person may provide their own qualified interpreters at their own expense; however, see below regarding use of family and friends as interpreters.

Oral Interpretation - Use of Other Interpreters not provided by MHA: As noted above, LEP individuals will be informed that MHA will provide them with free access to oral interpretation services via bilingual staff or qualified, trained contractors as needed. If the LEP individual requests their own qualified, trained interpreter, this will be allowed at the individual's own expense. Use of family members and friends, especially minor children, as interpreters will generally be discouraged. Exceptions may be made where the contact with the LEP person is of a routine nature, one that does not involve confidential matters, or significant/complex matters impacting the applicant or resident's housing status, rent payments, or lease compliance issues, and the LEP person signs a release that indicates alternative services were offered and waived. Staff will be advised to be alert to the potential of any conflict of interest or competency issues that may arise from the involvement of family or friends. If staff have questions about the appropriateness of allowing family and friends as interpreters, they will consult with Executive Director,

Associate Executive Director, Director of Housing Programs or Director of Resident Services for guidance.

Written Translation: MHA will translate the vital documents listed in Section III above into the most frequently used non-English languages that fall within the “safe harbor.” The Medford Housing Authority will translate vital documents into the primary languages identified by the Authority and will also utilize HUD documents, DHCD documents and the MassNAHRO Section 8 Applications that have been translated into languages other than English. However, only the English version of all MHA (including the MassNAHRO Section 8 Applications), HUD and DHCD documents that are required and vital for participation in Medford Housing Authority Programs, Services and Activities will be recognized by the Authority. If there is an inconsistency between the English version and the translated version of any document that is required for participation in any Medford Housing Authority program, service and activity, the wording of the English document will prevail. Any document that is a translation of a Medford Housing Authority issued legal document, for any program, activity or service offered by the Medford Housing Authority is provided merely as a convenience to assist in understanding your rights and obligations. The English language version of any Medford Housing Authority document is the official, legal, controlling document.

Communication with LEP Telephone Callers: MHA will provide languages that fall within the “safe harbor” in their telephone answering system for callers to MHA's office. At this time Haitian Creole and Spanish will be transferred to the bi-lingual MHA staff who can speak Haitian Creole/Spanish when available. If needed, MHA will attempt to place a three-party call to the oral interpretation telephone service to determine if the service is able to identify the language spoken and provide an interpreter.

C. Staff Training and Coordinator

The MHA will provide periodic refresher reviews and/or trainings on LEP awareness and required assistance actions under this Language Action Plan for employees. Key staff may also participate in the Annual Review of LEP needs. New Employees will be made aware of this Language Action Plan with training for those in key positions.

The Executive Director will serve as the LEP Coordinator, and he may at anytime delegate certain responsibilities to MHA staff as he sees fit to meet the needs of LEP persons.

D. Provide Notice to LEP persons

To ensure LEP persons are aware of the language services available to them, the MHA will take the following actions:

- Post notices in MHA offices and developments.

- Partner with Community Agencies. The MHA has partnered and will continue to partner with community agencies who work with LEP persons to inform them of the MHA policies for LEP persons; incorporate multi-lingual messages in MHA outreach documents that are not translated – these standardized messages will be in Haitian Creole, Spanish, Chinese, Vietnamese, Cantonese, Arabic, Bengali, Portuguese and other languages known to the MHA from the 4 Factor Analysis and Annual Review.
- Inform resident associations of language assistance services.

V. Monitor and Update the LEP

Every three years the MHA will conduct a 4 Factor Analysis to be part of its Annual Plan and in the interim years conduct a review of its LEP Plan to determine:

- Whether there have been any significant changes in the composition or language needs of the LEP population in (LEP) persons serviced or encountered in the eligible service population;
- if additional vital documents require translation; and
- any issues related to serving LEP persons which may have emerged during the past year.

VI. Complaints

Any LEP person who believes that he/she has not been provided with adequate language assistance services should report that information to the Executive Director of the Medford Housing Authority (781) 396-7200 Ext. 106. If after working with the Executive Director or his designee a person believes the MHA is not taking reasonable steps to ensure meaningful access to LEP persons, that individual may file a complaint with HUD's local Office of FHEO. For contact information of the local HUD office, go to the HUD website or call the housing discrimination toll free hotline at 800-669-9777 (voice) or 7-1-1 for hearing impaired persons