

HOUSING CHOICE VOUCHER PROGRAM

Administrative Plan – Appendix E

Administrative Exhibits



State of New Jersey
Department of Community Affairs
Division of Housing and Community Resources

State Fiscal Year 2019
(July 1, 2019 – June 30, 2020)



<http://www.nj.gov/dca/divisions/dhcr/>

**State of New Jersey
Department of Community Affairs
Division of Housing and Community Resources**

Limited English Proficiency Policy

Overview

On August 11, 2000, Executive Order 13166 was issued titled "Improving Access to Services by Persons with Limited English Proficiency." This Order requires federal agencies to assess and address the needs of eligible persons seeking access to federal programs that because of their limited English cannot fully and equally participate in or benefit from those programs or activities. On December 19, 2003, the U. S. Department of Housing and Urban Development (HUD) published guidance designed to assist housing authorities to comply with Title VI of the Civil Rights Act of 1964 and implementing regulations. It prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal assistance. On January 22, 2007, HUD published final guidance to federal financial assistance recipients regarding the Title VI prohibition against national origin discrimination affecting limited English proficient persons.

While most people in the United States speak, write and understand English, there is a growing population where English is not their primary language. Those individuals having a limited ability to read speak or understand English are considered to be limited English proficient (LEP). Language limitations can be a barrier to accessing important benefits or services including understanding information relevant to the Housing Choice Voucher Program and other programs administered by the Department of Community Affairs, Division of Housing and Community Resources (DCA).

The DCA, as a recipient of federal assistance, is required to take reasonable steps to ensure access to all programs, and has an obligation to reduce language barriers that preclude meaningful access by LEP persons to government services and programs. LEP persons are defined as persons who do not speak English as their primary language and who have limited ability to read, write, speak or understand English. All Housing Choice Voucher Program applicants and participants, or their authorized representative(s), who have a limited proficiency with the English language may benefit from these services.

When a Housing Choice Voucher Program waiting list is opened, a public notice is published in the local newspaper having the largest circulation in that particular county. Based on the latest census information and current program participant demographics, the program may also place a public notice in a Spanish language newspaper where a large Hispanic population resides. The program's Applicant Services Unit monitors the responses. This enables the program to measure the effectiveness of the advertisement in an attempt to reach the Hispanic population, and to justify the additional expense. If the application is not advertised in Spanish or other languages, the English application includes a question regarding LEP and asks the applicant to specify their primary language if other than English. This will alert the field offices to the potential need for interpreters.

In accordance with the HUD regulations, the DCA will balance four factors in determining the level of access needed by LEP persons who speak a particular language:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the Housing Choice Voucher Program and other relevant programs;
2. The frequency with which LEP persons contact the program;
3. The nature and importance of the activity or services provided by the program; and
4. The resources available to the DCA and the cost to provide these services.

Balancing these four factors will ensure meaningful access by LEP persons to critical services, while not imposing undue burdens on the DCA.

Bilingual Staff

The program has bilingual staff and field representatives (most are fluent in Spanish) in many of the field offices throughout the state. If a LEP person goes to a field office several options are available. The field office support staff has been trained to assist a person in need of language assistance. If the staff is unable to communicate with this person, each office has "I Speak" flash cards so that customers can identify the language they speak. Once identified, the field office staff will utilize the Language Line phone service to assist walk-in clients. Use of the Language Line will enable the offices to provide assistance to clients in over 175 languages.

Additionally, the program maintains a directory of DCA personnel who speak a variety of languages which could also be utilized and is a valuable resource for the field office and Customer Service staff.

Staff Training

Since all field office staff could have contact with program applicants and participants who have limited English proficiency, all staff will receive training. The training will include:

- A discussion of the plan
- How to respond to LEP callers
- How to respond to LEP clients who contact our offices in person
- How to use the "I Speak" cards
- How to utilize the Language Line Service
- The location of translated documents

Additionally, each field office will be given a Limited English Proficiency manual to follow when a LEP client comes to a field office. Also, each field office has a poster on display in the waiting room to inform the public that interpreter services are available to them if they do not speak English. The poster says "You have the right to an interpreter at no cost to you. Please point to your language. An interpreter will be called. Please wait." This statement appears in thirty languages.

New employees will receive an overview as part of their initial training to familiarize them with the procedures. Staff with large caseloads of LEP clients will receive additional guidance that will address how to work effectively with interpreters.

Written Translation

All vital documents (as deemed necessary by HUD) shall be translated into Spanish, and DCA will provide oral translation where reasonable for LEP clients. The DCA will be initially translating documents into Spanish as this is our highest LEP client base, and other languages as warranted. This list will be updated over time. The following is a list of vital documents required by HUD, and HUD will provide translations for these documents:

- Voucher
- Authorization to Release Information
- Model Lease
- Housing Choice Voucher Contract - Part A and Part B
- How your Rent is Determined
- Request for Tenancy Approval
- Tenancy Addendum
- FSS Escrow Account Worksheet
- Statement of Homeownership Obligations
- FSS Contract
- A Good Place to Live

HUD has translated the Model Lease into 8 languages and the other documents into 12 languages.

The following is a list of additional forms and documents that the DCA has translated into Spanish through the HAPPY Software system, HUD Web sites, or by the DCA's bilingual staff.

- Public Notice to open a waiting list
- Application for Housing Assistance
- Denial of Placement on the Waiting List
- Waiting List Notification Letter
- Citizenship Declaration
- Tenant Information Form
- Rent Reasonableness Survey
- Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards
- Request for Taxpayer Identification Number (IRS Form W-9)
- Housing Discrimination Complaint Form
- Protect Your Family from Lead in the Home (EPA Booklet)
- Protect Your Children from Lead (11 x 17 poster for mounting in field offices)
- Interpreter Services Availability (11 x 17 poster for mounting in field offices)
- Reexamination Letter

- Owner Signature Amendment
- Violence Against Women Fact Sheet

All of the listed documents are available for public review.

Please note that in accordance with HUD directives, a translated document is not the official document. The English version of all documents is the official controlling document.

Notice of Rights to Language Assistance

A multilingual poster has been placed in the common area of each field office to inform the public that the DCA provides free interpretation services.

Monitoring and Updating the LEP Plan

The DCA will review its LEP Plan annually when it updates its Administrative Plan to determine the current effectiveness and any changes in LEP populations or needs. Modifications to the plan will be based on:

- Census data
- The amount of contact the program has with LEP persons
- Whether the current LEP Plan is meeting the needs of our clients
- Whether the program is meeting its goals relevant to the LEP regulations
- A review of sources of assistance to determine if resources are still available and viable

Guidelines for Interpreters

The DCA has a bilingual (Spanish) Hearing Officer who conducts hearings for participants who are in danger of being terminated from the program for having violated the rules and regulations of the program. It is estimated that 20 percent of the hearing requests received are from Spanish speaking clients. The Hearing Officer has a thorough understanding of the program regulations and therefore is qualified to represent the program as a neutral and impartial party.

Formal procedures and guidelines will be enacted when a vendor is selected to do on site interpretations. All language interpreters and translators will be held to a Code of Professional Conduct which will include but is not limited to:

1. **Accuracy.** Interpreters/translators shall thoroughly and faithfully render the source language message, omitting or adding nothing, giving consideration to linguistic variations in both source and target languages, conserving the tone and spirit of the source language message.
2. **Cultural Sensitivity and Courtesy.** Interpreters/translators shall be culturally competent, sensitive, and respectful of the individuals they serve.

3. **Confidentiality.** Interpreters/translators shall not divulge any information obtained through their assignments, including but not limited to, information gained through access to documents or other written materials.

4. **Disclosure.** Interpreters/translators shall not publicly discuss, report, or offer an opinion concerning matters in which they are or have been engaged, even when the information is not privileged by law to be confidential.

5. **Proficiency.** Interpreters/translators shall meet the minimum proficiency requirements set by the DCA and the industry standards.

6. **Compensation.** The fee schedule agreed to between the contracted language services providers and the program shall be the maximum compensation accepted. Interpreters/translators shall not accept additional money, consideration, or favors for services reimbursed by the program. Interpreters/translators shall not use for private or others gain or advantage, the program's time or facilities, equipment or supplies, nor shall they use or attempt to use their position to secure privileges or exemptions.

7. **Non-discrimination.** Interpreters/translators shall always be neutral, impartial and unbiased. Interpreters/translators shall not discriminate on the basis of gender, disability, race, color, national origin, age, socio-economic or educational status, or religious, political or sexual orientation. If interpreters/translators are unable to ethically perform in a given situation, the interpreters/translators shall refuse or withdraw from the assignment without threat or retaliation.

8. **Self-evaluation.** Interpreters/translators shall accurately and completely represent their certifications, training and experience.

9. **Impartiality - Conflict of Interest.** Interpreters/translators shall disclose any real or perceived conflict of interest that would affect their objectivity in the delivery of service. Providing interpreter/translation services for family members or friends is the client's option, however, it is not recommended as it may violate the individual's right to confidentiality and constitutes a conflict of interest.

10. **Scope of Practice.** Interpreters/translators shall not counsel, refer, give advice, or express personal opinions to individuals for whom they are interpreting/translating or engage in any other activities that may be construed to constitute a service other than interpreting/translating. Interpreters are prohibited from having unsupervised access to the clients, including but not limited to phoning clients directly, other than at the request of a DCA employee or DCA contracted service provider. Interpreters are also prohibited from marketing their interpreter services to clients, including but not limited to arranging services or appointments for clients in order to create business for themselves. Additionally, interpreters shall not transport clients to any DCA business.

11. **Reporting Obstacles to Practice.** Interpreters/translators shall assess at all times their ability to interpret/translate. Should interpreters/translators have any reservations about their competency, they must immediately notify the parties and offer to withdraw without threat of retaliation. Interpreters/translators may remain until more appropriate interpreters/translators can be secured.

12. **Ethical Violations.** Interpreters/translators shall immediately withdraw from encounters they perceive as violations of this Code. Any violation of the Code of Professional Conduct may cause termination of the contract and or prohibition from serving DCA clients.

13. **Professional Development.** Interpreters/translators shall develop their skills and knowledge through professional training, continuing education, and interaction with colleagues, and specialists in related fields.

This Code applies to all persons providing language interpreting or translation services and must be complied with at all times.