

LANGUAGE ACCESS PLAN FOR LEP INDIVIDUALS

State Agency: New York State Division of Housing and Community Renewal

Effective Date of Plan: October 5, 2012

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PART 1 – INTRODUCTION

Pursuant to Executive Order No. 26 (“Statewide Language Access Policy”), we have prepared this Language Access Plan (“Plan”) that sets forth the actions we will take to ensure that persons with limited English proficiency (“LEP”) have meaningful access to agency services, programs, and activities.

Statement of Agency Services to the Public:

The New York State Division of Housing and Community Renewal (DHCR) is an executive agency operating under the integrated management and leadership structure of New York State Homes and Community Renewal (HCR). DHCR provides direct services to the public predominantly through three departments that fall within HCR’s Office of Housing Preservation: (1) the Office of Rent Administration, (2) the Section 8 Housing Choice Voucher Program, NYC, and (3) the Housing Management Bureau. Because the nature of the services provided varies considerably among all three departments, the actions described in this Plan are frequently segregated by department. The Office of Rent Administration (ORA) administers and enforces rent regulations related to the Rent Control law, the Rent Stabilization law, and the Emergency Tenant Protection Act. These laws protect regulated tenants in privately-owned buildings from illegal rent increases. Through DHCR’s borough and district rent offices, ORA staff provides information and assistance to individuals and families residing in rent controlled and rent stabilized apartments. Both residents of rent regulated apartments and the public at large may contact ORA through DHCR’s “Rent Info Line.” DHCR’s Section 8 Housing Choice Voucher Program (HCVP), provides rental assistance and a home ownership option to extremely low, very low and low income households in New York City. Persons assisted by HCVP include senior citizens and disabled persons on fixed incomes, displaced families, and homeless individuals with disabilities. Eligible applicants receive Housing Choice Vouchers, which subsidize their rental or purchase of decent, safe and sanitary housing in the private housing market. Tenants receiving HCVP assistance must periodically demonstrate their continued eligibility for the rent subsidies to DHCR. Contact between HCVP staff and the public at large is also facilitated via a designated phone line reserved exclusively for the program. Under the Housing Management Bureau, DHCR supervises 189 privately owned, moderate-income housing developments containing approximately 80,390 apartments in the Mitchell-Lama program, and 42 public housing projects, with approximately 14,479 apartments. The Housing Management Bureau (HMB) monitors the owners’ compliance with the relevant statutory and

regulatory requirements and enforces the law requiring that residents qualify for state-supported housing accommodations. HMB may act as an intermediary between owners and residents, assisting parties in meetings where necessary. The HMB has a hotline available for Mitchell-Lama residents as well as a Mitchell-Lama Online Complaint Form.

In developing this plan, we have understood LEP individuals to be persons who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English. We will reassess language needs periodically as needed, but at least every two years starting from the effective date of this plan.

PART 2 – ASSESSING LEP POPULATION LANGUAGE NEEDS

The estimated total number of individuals in our service area is: ORA provides direct public services to approximately 156,000 people a year. HMB provides direct public services to approximately 40,000 people a year. HCVP provides direct public services to approximately 24,000 people a year.

The top six languages spoken by LEP individuals that our agency serves or could potentially serve are as follows:

Language	Estimated Number of LEP Individuals Who Speak this Language
Spanish	1,216,864
Russian	126,828
Chinese	310,462
Italian	70,985
Korean	65,932
French (Haitian) Creole	52,292

We use the following resources to determine the top six languages spoken by LEP individuals:

- U.S. Census data (including American Community Survey data)
- Agency data on client contacts
- School system data
- Information from community organizations that serve LEP individuals

Names of organizations:

- Information from other government agencies

Names of agencies:

Other (describe)

We have determined the frequency of our contacts with LEP individuals as follows:

The frequency of DHCR's contacts with LEP individuals is directly related to each program's interaction with the public. Specifically, ORA has contacts with approximately 18,400 LEP individuals per year, with contact occurring on a daily basis. HCVP estimates that 20% of its contacts (approx. 4,800 persons annually) are with LEP individuals. HMB estimates that 5% of its contacts (approx. 2,000 persons annually) are with LEP individuals.

PART 3 – PUBLIC OUTREACH AND NOTICE OF AVAILABILITY OF LANGUAGE ASSISTANCE SERVICES

We inform LEP individuals, in the languages indicated in the chart in Part 2 of this plan, about their right to free language assistance services by using the following measures:

LEP individuals are informed directly by our staff

In what ways? Each of the relevant program areas employs some staff who are fluent in at least one of the six LEP languages noted above. If they are available, these staff members may be called upon to inform an LEP client of their right to language assistance services.

Brochures or flyers about language assistance services

In public areas of the agency

Elsewhere in the agency's service areas

Signs posted about language assistance services

In public areas of the agency

Elsewhere in the agency's service areas

Outreach and presentations at schools, faith-based groups, and other community organizations

What are the LEP populations targeted?

Local, non-English language media directed at LEP individuals in their languages

Telephonic voice menu providing information in non-English languages

In which languages: Spanish.

- Other (describe) ORA informs clients of language assistance services through its Website Banner. The ORA website banner enables a person visiting the ORA web-page, at <http://nysdhcr.gov/Rent/> to have the web-page's contents translated into any of the top six non-English languages spoken in New York State. The website also contains a notice which will be translated, informing the public of the availability of our translation services and how to access such services.

PART 4 – PROVISION OF LANGUAGE ASSISTANCE SERVICES

We use the following resources to determine when an individual is LEP, and what the individual's primary language is, when the encounter is *in person*:

- "I Speak" posters or visual aids
- Reception staff make those determinations based on experience, with the assistance of bilingual staff members where available
- Other (describe)

We use the following resources to determine when an individual is LEP, and what the individual's primary language is, when the encounter is *by telephone*:

- Reception staff make those determinations based on experience, with the assistance of bilingual staff members where available
- Telephonic interpreting service
- Other (describe)

We record and maintain documentation of each LEP individual's language assistance needs as follows:

ORA uses a Language Access Log and stat sheets provided by its vendor, Language Line. In addition, ORA's administrative hearing files must include a record of an individual's language assistance needs. HCVP maintains a record of each client's LEP language assistance needs in their case file. HMB maintains records of any language assistance services provided in its "Complaint Hotline Log."

A. Oral Interpreting Services

Our protocol(s) for assessing whether an LEP individual needs oral interpreting services is as follows:

For in-person encounters: DHCR's front-line staff is trained to assess an individual's need for oral interpretation services based on certain verbal or visual cues, such as giving inappropriate

responses (or not responding at all) to the staff member's questions or comments. If such cues are present, staff may use "I Speak" cards or language ID posters to confirm the individual's limited English proficiency and, if confirmed, to determine their primary language. Bi-lingual staff members may also be called on to assist.

By telephone: LEP individuals contacting ORA or HCVP by telephone may proceed through the automated system with Spanish instructions. With respect to non-Spanish speaking individuals, DHCR staff members determine whether such LEP individual needs translation services when staff are unable to understand what the individual is saying or asking.

At initial contact in the field: DHCR staff is trained to assess an individual's need for oral interpretation services based on certain verbal or visual cues, such as giving inappropriate responses (or not responding at all) to the staff member's questions or comments. If such cues are present, staff may use the "I Speak" card to determine the individual's primary language.

For pre-planned appointments with LEP individuals: Staff reviews pertinent files or records of a person prior to the appointment. If not indicated in the file, staff may otherwise follow the same procedures used for in-person encounters.

Other (describe): Not applicable.

Our protocol(s) for informing LEP individuals that they do not need to provide their own interpreters and that free interpreting services will be provided is as follows:

For in-person encounters: All three relevant programs post flyers and/or notices in the reception areas of their offices, including ORA's Borough Rent Offices. Bilingual staff members are also called upon, as available and needed.

By telephone: LEP individuals contacting ORA or HCVP by telephone are given the option of receiving information and instructions in Spanish. For LEP speakers of other languages, our staff initiates telephone interpretation services with Language Line Services. Once staff contacts the service, they enter the relevant language code and remain on the line for the translation.

At initial contact in the field: Staff carries a notice that informs the client, in all six LEP languages, of the availability of free interpreter services and provides them with a contact number.

For pre-planned appointments with LEP individuals: Staff is trained to check the pertinent file prior to an appointment and otherwise follow the same procedures used for in-person encounters.

Other (describe): Not applicable.

If an LEP individual insists on using a family member, friend, or other person as an interpreter, our protocol(s) for determining whether to accept or decline such an arrangement is as follows:

LEP individuals that come into contact with our agency will be informed of the availability of free interpreting services. Generally, an LEP individual may not use a family member, friend, or a minor as an interpreter. However, **during emergencies** an LEP individual will be permitted to use a minor, a family member or friend as an interpreter. Upon request, an LEP individual may also be permitted to use a minor, a family member or friend as an interpreter for routine matters, such as asking the location of the office, hours of operation or rescheduling an appointment. Where the interaction with the LEP individual occurs at the agency's office, and an individual is permitted to use an interpreter of his or her choosing, he or she must fill out a written consent/waiver form.

Where an LEP individual is engaged in official business with the agency, the agency will provide an independent interpreter at all times. An LEP individual will not be permitted to use an independent interpreter of his or her choosing when filling out applications or when involved in other legal matters.

Our protocol(s) for obtaining interpreter services in a timely manner is as follows:

Once aware that a client needs language assistance, DHCR staff takes action to provide translation services either through the use of the telephone interpreter services or from bilingual colleagues. Help from bilingual staff may be offered, depending on the purpose of the individual's contact with the agency (but always seeking to ensure that such person's right to DHCR services are not infringed).

We record and maintain documentation of oral interpreting services provided to LEP individuals at each encounter as follows:

As noted above, ORA uses a Language Access Log and stat sheets provided by the interpreting services vendor: Language Line Services. In addition, documentation is available in the files of each administrative hearing for ORA proceedings. HMB maintains records of language assistance services provided in its "Complaint Hotline Log." HCVP maintains a record of a client's language assistance needs in their case file.

Competency and confidentiality

The linguistic and cultural competence of interpreters is addressed as follows:

From time to time, DHCR may use multilingual staff volunteers who are self-assessed in their own language competency. Where DHCR utilizes independent interpreting services, that vendor will implement quality assurance standards to guarantee that its interpreters are trained and are linguistically and culturally competent. Language Line Services requires its interpreters to abide by its "Interpreter Code of Ethics." The Code requires an interpreter to "render, to the best of his/her ability, a complete and accurate interpretation without altering or omitting anything that is stated." The Code also requires that an interpreter "continually ... maintain and improve his/her Interpreter

skills and knowledge through activities such as professional training or education and interaction with colleagues and specialists in related fields.”

The issue of confidentiality pertaining to the use of interpreters is addressed as follows:

The training provided to staff will address the importance of confidentiality. Furthermore, independent interpreters will enforce standards of confidentiality in accordance with NYS Law.

Maintaining a list of oral interpreting resources

We use, or have available for oral interpreting, the following resources:

- Bilingual staff members who work directly with LEP individuals

Number of staff and languages spoken: From ORA: eight speak Spanish; two speak Haitian Creole, one speaks Chinese. From HMB: eight speak Spanish, two speak French, one speaks Russian, one speaks Yiddish and one speaks Urdu and Hindi. For HCVP: eight speak Spanish.

- Bilingual staff members who provide oral interpreting when necessary

Number of staff and languages spoken: Same as above.

- Telephonic interpreting service

Names of vendors: ORA and HCVP provide interpreter services via Language Line Services, a provider retained through the Office of General Services. All six of the languages identified in part 2 above are provided through this service.

- Contracts or other arrangements with community organizations or individuals for oral interpreting services

Names of individuals/organizations and languages: Not applicable

- Other (describe) Not applicable.

The agency’s Language Access Coordinator maintains the list of oral interpreting resources that are available to staff, which includes:

- Names and contact information for all resources

- Names and locations of staff members who are available to act as interpreters or provide services directly in the LEP individual's primary language

Languages in which each interpreter or service is qualified

Procedure for accessing each interpreter or service

We inform all staff members who have contact with the public how to obtain oral interpreting services as follows:

Information regarding how to arrange for oral interpreting services is posted on HCR's internal website and is made part of training for all staff members that have contact with the public.

B. Translations of Written Documents

The process to determine and reassess, at least every two years starting from the effective date of this plan, those vital documents (including website content) which must be translated is as follows:

DHCR's LAC and its language access committee, in conjunction with our Office of Legal Affairs, conducts a periodic review and assessment of its list of vital documents. The process includes an assessment of (1) the frequency of requests for translations of any non-vital documents, as well as (2) any changes in laws, regulations or the demographic make-up of DHCR's clients which may require the translation of additional agency materials.

DHCR considers "vital" those documents which (a) contain information that is critical for obtaining agency services and/or benefits, or (b) are required by law.

The process to timely translate documents that LEP individuals submit in their primary languages is as follows:

Documents submitted by LEP individuals in their primary language are transmitted promptly to our language services provider, Language Line Services. They, in turn, translate and return the documents within three to five days, depending on the size and complexity of the document.

The process for ensuring that documents are written in plain language before they are translated into other languages is as follows:

DHCR strives to communicate with its clients through language that is as clear and concise as possible. DHCR's documents are prepared in accordance with the concepts set forth in NY Gen Obligations Law § 5-702, which requires the use of plain English so that the documents and notices can be easily understood by the public at large. Consistent with these concepts, DHCR staff is instructed to use titles and headings that enable clients to quickly and easily identify the type of information that is being presented and, where applicable, sought from them. In addition, where appropriate, DHCR documents: (a) use bullet lists to recap main points or other important

information on the page; (b) put the most important material first and the exceptions last; and (c) organize material chronologically.

The following documents are currently translated by the agency in the languages indicated:

Currently, DHCR provides many of its documents in languages other than English. DHCR will provide translated versions of the following documents in the top six languages specified in Part 2 above, titled "Assessing LEP Population Language Needs:"

For ORA: About DHCR/ORR, Fact Sheet #26: Guide to Rent Increases for Rent Stabilized Apartments in New York City, Fact Sheet #4: Lease Renewal in Rent Stabilized Apartments, Fact Sheet #1: Rent Stabilization and Rent Control, Fact Sheet #30: Succession Rights, Fact Sheet #24: Major Capital Improvements (MCI) - Questions and Answers, Fact Sheet #5: Vacancy Leases in Rent Stabilized Apartments, Fact Sheet #14: Rent Reductions for Decreased Services, Fact Sheet #9: Security Deposits, Fact Sheet #12: Rent Increases for Individual Apartment Improvements (IAI), Fact Sheet #21: Special Rights of Senior Citizens, Policy Statement No. 93-2: Definition of Room for Major Capital Improvements (MCI) Purposes, Policy Statement No. 89-7: Collection of Administrative fees: Housing Accommodations Permanently Not Subject to the RSL or ETPA and Application Form, Policy Statement No. 89-2: Application of the Treble Damage Penalty, Policy Statement No. 90-10: Major Capital Improvements/Individual Apartment Improvements/Confirmation of Costs/Payments, Policy Statement No. 91-5: Limitations of Filing Requests for Reconsideration of Order Issued by Rent Administrators and/or the Commissioner, RA-89 Tenant's Complaint of Rent and/or Other Specific Overcharges in Rent Stabilized Apartments, RA-90 Tenant's Complaint of Owner's Failure to Renew Lease and/or Failure to Furnish a Copy of a Signed Lease, RA-81 Application for a Rent Reduction Based Upon Decrease in Services – Individual Apartment, RA-60H Tenant's Statement of Complaint(s) – Harassment.

For HCVP: First Notice, Notification Watch Out for Lead-Based Paint Poisoning, Annual Income Review Sheet for Section 8 Housing Assistance Program, Document Verification Details, Section 8 Housing Choice Family Obligations, Section 8 Participant Informal Hearing Fact Sheet, Tenant Unit Self-Inspection Form, Reasons for Termination of Assistance, Portability Information Sheet Tenant Briefing, Information Package, Tenant Briefing Package, Six Most Frequently Asked Questions and Answers, Personal Declaration Form, Applicant/Tenant Certification, Initial Certification for Section 8 Housing Choice Voucher Program, Section 8 Program Customer Services Intake Sheet for Walk-In/No Appointment Inquiry.

For HMB: List of Developments, Letters describing the housing type and requirements, Agreement of Lease, Limited Profit Rental, (4/08), HM-78, Agreement of Lease, Limited Profit Mutual Co-op (4/08), HM-78.2, Agreement of Lease, Limited Dividend Mutual Co-op (4/08), HM-78.3, Apartment Application for Federally-Assisted Developments (8-11), HM-79, Apartment Application for Non-Federally-Assisted Developments (8-11), HM-80, Mitchell-Lama Automated Waiting List (AWL) Public Access Functions, Mitchell-Lama Complaint Hot Line, Mitchell-Lama Online Complaint Form, Income Affidavit Forms (HM-73, 2/12), Tenant/Cooperator Instructions for Completion of Affidavit of Family Income, Change in Family Income or Composition, Notice of Right To Administrative Review of OHM Succession-Claim Order, Notice of Right To File Article 78.

The process for ensuring that translations are accurate and incorporate commonly used words is as follows: (Note: The Office of the Deputy Secretary for Civil Rights will maintain a list of commonly used words.)

DHCR ensures that translation of vital documents is accurate and incorporates commonly used words by entering into agreements with language service vendors who have a reputation for providing quality services, and whose quality of work has been demonstrated on prior occasions either for DHCR or other state agencies. We also cross-check translated material with the list of commonly used words maintained by the Office of the Deputy Secretary for Civil Rights and, where possible, ask bilingual staff of the relevant DHCR programs to review translated documents.

We use, or have available for translating, the following resources:

Contracts with language service vendors

Names of vendors: Language Line Services

Contracts or other arrangements with community organizations or individuals for oral interpreting services

Names of individuals/organizations and languages:

Oral translations of written documents by bilingual staff members

Oral translations of written documents by other individuals or community organizations

Other (describe)

The agency's Language Access Coordinator maintains the list of written translation resources that are available to staff, which includes:

Names and contact information for all resources

Names and locations of staff members who are available to provide oral translations of written documents

Languages in which each translation service is qualified

Procedure for accessing each translation service

PART 5 – STAFF TRAINING

The person(s) in the agency who is responsible for the provision of training to staff in language access issues is: DHCR’s Director of its Office of Training and Professional Development (OTPD).

The staff training includes the following components:

- The legal obligations to provide meaningful access to benefits and services to LEP individuals
- How to access language assistance services
- How to work with interpreters
- Cultural competence and cultural sensitivity
- Documenting the language needs of LEP individuals and the language services provided to them by the agency
- How to obtain written translation services

The methods and frequency of training are as follows:

Staff is trained in-person and through on-line seminars and workshops and provided with written materials. OTPD provides biennial training for supervisors and front-line staff in the relevant programs. New staff must complete on-line training within sixty days of their start date.

PART 6 – ADMINISTRATION

Monitoring

To ensure compliance with the Plan, the LAC will monitor its implementation as follows:

DHCR’s Language Access Coordinator (“LAC”) has organized an agency-specific Language Access Committee, comprised of key staff from each of the relevant agency offices. The LAC schedules periodic committee meetings to assess Plan compliance, identify and address any problem areas and consider methods for increasing compliance. The LAC also reviews all written complaints concerning the agency’s provision of language assistance services. In addition, the LAC meets with individual staff, including the director of OTPD, to monitor the progress of any LEP initiatives.

Complaints

We provide information to the public, including to LEP individuals in languages regularly encountered in this service area, advising them of the right to file a complaint if they feel that they have been the subject of discrimination. The information we provide describes how and/or where to file a complaint. We do not retaliate or take other adverse action because an individual has filed a complaint alleging discrimination based on LEP status or needs.

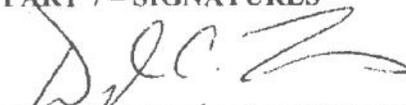
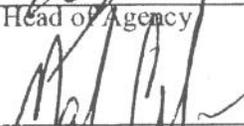
We display information on the right to file a complaint, and the procedures to file a complaint, in the following manner:

DHCR will provide the standard complaint form provided by the Governor's Office. The form will be made available in all 6 languages mentioned above. All relevant DHCR programs post notices identifying the right to file such a complaint form in all reception areas of their offices, including ORA's Borough Rent Offices. Complaint forms and a binder containing the procedures to file such a complaint are kept in each of these reception areas.

We handle complaints made to the agency regarding the provision of language assistance services in the following manner:

All complaints regarding the DHCR's provision of language assistance services are referred to the agency's LAC. Where appropriate, the LAC may (1) ask a DHCR language access committee member from the relevant program area to investigate the complaint, and/or (2) notify the supervisor of the relevant program area about the complaint. The LAC or their designee must promptly acknowledge receipt of the complaint, in writing, and inform the complainant of the estimated timeframe for resolution of their complaint (subject to the agency's receipt of any necessary information from the complainant).

PART 7 - SIGNATURES

	Commissioner/CEO	9/5/2012
Head of Agency	Title	Date
	Deputy Counsel	9/5/2012
Agency LAC	Title	Date
		9/17/12
Deputy Secretary for Civil Rights		Date