

## LANGUAGE ASSISTANCE PLAN

### **Introduction and Purpose**

WinnResidential is committed to complying with all civil rights laws, including Title VI of the Civil Rights Act of 1964 (Title VI), which requires us to make sure individuals with limited English proficiency (LEP) have meaningful access to our housing programs and activities. The term LEP doesn't refer to people who are bilingual, but rather individuals who have a limited ability to read, write, or understand English well or at all.

The purpose of this plan is to ensure that we provide individuals with LEP meaningful access to our housing programs and activities. In preparation for writing this plan and in order to identify the specific needs for LEP applicants and residents we serve we conducted a needs assessment using the four-factor analysis provided in the Department of Housing and Urban Development's Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons.

In accordance with this four-factor analysis, WinnResidential's assessment considered the following:

- 1) The number or proportion of LEP persons served or encountered in the eligible service population. (As instructed in the guidance for the purpose of determining those LEP persons "served or encountered", we included those persons who would be served or encountered if the persons received adequate outreach and we provided sufficient language services);
- 2) The frequency with which LEP persons come into contact with each site;
- 3) The nature and importance of the program, activity or service provided by the site; and
- 4) The resources available and costs to the property. Please note that to the extent possible, we have attempted to minimize costs by identifying the resources available throughout our management company and making them available to this property.

### **LEP Populations to be Served or Encountered and the Frequency of Encounters**

The LEP populations to be served for this property are identified utilizing the LEP Four Factor Analysis based on the following:

- 1) census data information
- 2) review of current residents language needs
- 3) conversations with social service agencies in the geographic area where our properties are located
- 4) review of the property's Affirmative Fair Housing Marketing Plan (AFHMP)

It is recognized that property staff have significant contact with LEP persons throughout the occupancy cycle at application, occupancy and move-out process, and at times adverse actions, including eviction. This includes the following:

- 1) The application process, including telephone communication, assistance in filling out the application, the interview, and the signing of all requisite forms and the lease;
- 2) Standard interactions residents, including but not limited to, recertification, standard maintenance requests and emergencies, newsletters, notifications of events, lease violation notices, and social events;
- 3) The move-out process; and, if applicable;
- 4) Eviction proceedings.

We also recognize that based on the four factor analysis conducted for this property, our marketing efforts need to reach the LEP persons identified in the geographic area.

### **Language Assistance Measures**

The type of language assistance necessary to provide meaningful access will vary depending on the type of communication staff is having with the LEP person (e.g. phone, in person or written communication) and in some circumstances more than one method may be determined as necessary. Regardless of how the language assistance is provided, we recognize the importance of providing such services in a timely manner and in an appropriate place. Failure to do so may effectively delay or deny LEP applicants and residents access to our housing and services. We understand that the extent of our obligation to provide both oral and written translation is dependent on the four-factor analysis we conducted at this site. We have chosen to follow the Safe Harbor rule, contained in HUD's final guidance, to assist us in determining when to provide translation of vital documents. The Safe Harbor rule for written translation of vital documents is based on the number and percentages of the market area-eligible population or current applicants and residents that are LEP.

According to the Safe Harbor rule, HUD would expect translation of vital documents to be provided when the eligible LEP population in the market area or current beneficiaries exceeds 1,000 persons or if it exceeds 5% of the eligible population or beneficiaries and more than 50 people. In cases where more than 5% of the eligible population speaks a specific language, but fewer than 50 persons are affected, there should be a translated written notice of the person's right to an oral interpretation.

As such, we will make every effort to translate all vital written documents for all languages that exceed the Safe Harbor rule and will provide a translated written notice of the person's right to an oral interpretation when numbers do not exceed the Safe Harbor rule.

Marketing efforts will be fully accessible to all LEP populations represented in the geographic area. This will include brochures, advertisements, choice of newspapers and radio stations. Affirmative Fair Housing Marketing Plans will be updated to reflect our LEP plan.

Oral language assistance will be provided regardless of the number or percentage of persons who comprise a specific language group at a property or in the service area. The degree to which we will provide oral language assistance will depend on the nature and importance of the activity:

- Although recreational activities provided by our properties are important to the quality of life in the community all properties may not have the resources to provide language assistance to each person during such events. However, to the degree possible, notice of such events will be provided in an accessible manner.
- We will provide language assistance to LEP individuals for important, critical junctures, such as assistance with the application, the application interview, recertification, health and safety related issues, fair housing related matters (including any discussions regarding the need for reasonable accommodation), conflict resolution between residents, lease violation notification and related meetings, and relocation and displacement issues.
- When we hold property-wide resident meetings and will provide an interpreter for any LEP population that we translate vital documents for in accordance with the Safe Harbor rule for written documents. We will also announce in major languages in any public notice of the meeting that anyone in need of an interpreter may call a certain number before the meeting to request an interpreter.

### I Speak Cards

In order to be able to provide language assistance we need to identify who needs the assistance. All applicants will be asked if they need language assistance. This site will use the language identification cards to invite LEP persons to identify their own language needs.

### Competent Bilingual Staff

Every effort is made to hire staff that can communicate with residents. A significant consideration when hiring staff for a property for both office staff as well as maintenance staff is whether the person could provide language assistance to LEP residents at the property. Every effort is made to match staff language skills with the needs of LEP residents. Our preference is to meet the needs of our LEP applicants and residents through direct language assistance with our property staff throughout the occupancy cycle. When this isn't possible we are committed to meeting our LEP applicants and residents needs through other methods.

It is acknowledged that it is not enough for staff to be "bilingual" when communicating with LEP applicants and residents. Some bilingual persons may be able to effectively communicate in two languages but aren't competent to interpret between English and that language. It is also recognized that the skills of interpreting and the skills used for translating aren't the same. A person may be capable of one and not the other. We will make every effort to offer bilingual staff interpreter training and professional development opportunities when needed to ensure that communication is effective and accurate.

### Oral Language Services In Addition To Bilingual Staff

The goal is to provide meaningful access to our programs for all LEP individuals in a timely manner. As stated above, our goal is to utilize competent bilingual staff to act as interpreters for applicants and residents.

We do recognize however that under some circumstances it isn't appropriate for site staff to serve as interpreters. For example, if an LEP applicant was rejected for housing, it wouldn't be appropriate for a site staff person involved in the decision to serve as an interpreter at an appeal. For these circumstances, we will create a list of outside resources that include community volunteers and residents in our developments who are willing to provide oral language assistance.

Under most circumstances, interpreters aren't required to provide a formal certification as an interpreter. However, they must still do the following:

- Be proficient in and able to communicate information accurately in both English and the other applicable language;
- Understand affordable housing-related terms;
- Understand and ensure confidentiality;
- Maintain impartiality and act solely in the role as an interpreter; and
- Be aware of regionalisms and be able to provide the most appropriate interpretation in a consistent manner.

Where individual rights depend on precise, complete and accurate interpretation, we will try to use qualified and experienced interpreters. We also recognize that it may be necessary to utilize team interpreters to ensure accuracy and to provide an opportunity for breaks.

Regardless of who is used as an interpreter, property staff will adhere to the following guidelines when using an interpreter:

- Explain to the interpreter the purpose of the communication and provide a description of the information to be conveyed;
- Provide brief explanations of technical terms that may come up during the communication, such as eligibility, income limits, recertification, and lease violation, etc.
- Avoid using acronyms, such as HUD, DHCD, MHFA, etc.;
- Speak in short sentences;
- Express one idea at a time and allow the information to be interpreted prior to continuing;
- Check in with the interpreter to make sure he/she is understanding what you're saying because if he/she doesn't then how he/she translates the information may be confusing to the LEP applicant/resident;
- Avoid using double negatives;
- Enunciate words;
- Don't use contractions;
- Talk to the applicant and not to the interpreter. In other words, face the applicant/resident and look at him/her and not the interpreter;
- Be patient;
- Thank the interpreter.

### Informal Interpreters

Applicants and residents who have Limited English Proficiency often choose to bring an informal interpreter with them to assist in communication, including but not limited to the LEP client's family members, friends, legal guardians, service representatives or personal advocates. In such instances, site staff must remember the following:

- LEP persons who bring an informal interpreter with them must be reminded that each property is willing to pay for language interpretation. If the LEP person prefers the informal interpreter, he/she will be permitted to do so at his/her own expense.
- Informal interpreters may not be appropriate, depending on the circumstances and subject matter. Not all informal interpreters are competent to provide quality and accurate interpretations. As a result, such language assistance may not result in an LEP person obtaining meaningful access to our housing. If a LEP client wants an informal interpreter, the property may choose to also have a formal interpreter to ensure accurate translation of complex, legal material;
- In emergency situations that are not reasonably foreseeable, the property may need to temporarily rely on informal interpreters. Reliance on children is especially discouraged unless there is an extreme emergency and no competent interpreters are available.

### Telephone Interpreter Service Line

All site personnel have been provided information on how to access and utilize Language Line Services, which can provide immediate interpreter services in over 140 different languages. This can be very helpful when an LEP applicant calls or comes in and no other interpreter is available to assist.

### Written Translation Services

Written translation of vital documents into the language of each frequently encountered LEP group who is currently residing in our developments will be provided as determined by HUD's Safe Harbor Rule. In addition, we will conduct our marketing in a manner that reaches each LEP group "eligible" to be served based on the census data for the geographic area.

Vital documents include the following:

- Notices of free language assistance for persons with LEP;
- Consent and Compliance Forms;
- Application;
- Notice of Non-Discrimination and Reasonable Accommodation;
- Written notices of rights, denial, loss or decreases in benefits or services (including recert notices);
- Notices of Eviction, Leases ("for information purposes only") and Tenant Rules;
- Any forms with the potential for important consequences; and
- Outreach materials.

The property staff will maintain a list of outside resources that include community volunteers and residents in our developments who are willing to provide written translation assistance.

### Accuracy of Translation

Every effort will be made to use competent and accurate translators. We recognize that this is particularly important for documents with legal or other information where accuracy has important consequences. Many of the considerations discussed regarding interpreters apply to translators. As stated earlier, the skill of translating is very different from the skill of interpreting, and competency in one doesn't mean competency in the other. To the degree possible, we will rely on our site staff to translate our documents, and either have two people work in tandem or have one person translate the document and a second, independent translator, translate it back into English to make sure it's accurate.

When translating documents we will make every effort to do so at the appropriate reading level of our target audience. We also recognize that there isn't always an appropriate direct translation of an English term. We will work with our translators to provide an appropriate alternative and try to develop and maintain a glossary of commonly used terms that can be used again, when appropriate. We may also provide our translators with examples of previous translations of similar material (either ours or others, including HUD's) to assist in translation.

HUD has translated a number of documents that we will utilize. We recognize that the translated document isn't a legal document and that HUD intends to put a disclaimer on it stating that it is "providing the translation to you merely as a convenience to assist in your understanding of your rights and obligations. The English language version of this document is the official, legal, controlling document. This translated document is not an official document." A similar disclaimer on its legal documents that are translated will be used at this property.

Staff has also been instructed that LEP persons may not be able to read their native language, and to be ready to provide oral interpretation of written documents.

### **Staff Training Regarding LEP Policies and Procedures**

Staff are provided with written policies and guidelines and trained on their obligation to provide meaningful access to information and services for LEP persons. These resources seek to make all employees aware of the following:

- A) Background of the LEP program;
- B) Our site's obligation to provide meaningful access to individuals with LEP;
- C) LEP policies and procedures; and
- D) Protocol in responding to LEP callers, written communications from LEP persons and in-person contact with LEP persons.

In addition, staff persons who have contact with our applicants and residents are trained to work effectively with in-person and telephone interpreters, and the various modes of interpretation.

### **Providing Notice of Free Language Services to Persons with LEP**

We recognize that it is important to inform applicants and residents that we provide free language assistance. We have developed a notice in different languages that states this and how to obtain language assistance. We will notify persons through the following methods:

- A) Post signs in common areas, offices and anywhere applications are taken in an accessible manner;
- B) Place this statement in marketing materials, if space is limited we will put it in the most common language(s);
- C) Provide notification with our application materials;
- D) Provide notification with recertification materials;
- E) Use a telephone voice mail menu in the most common languages encountered;

### **Continuous Oversight of the Language Assistance Plan – Monitoring and Updates**

This Language Assistance Plan will be monitored and updated on an ongoing basis.

- Staff must track the language assistance requested and what was provided - both the type of assistance requested as well as in what language. The purpose of this is to determine both need and how well the needs are met.
- Each property will periodically review the demographics of our residents to make sure their language assistance needs are adequately met.
- If new demographic data is released by the federal or state government, it will be reviewed and the data implemented accordingly (i.e., adjust marketing efforts and update this plan). In addition, special attention will be made to incorporate this plan into any AFHMP updates, as applicable.