



RCAP Solutions, Inc.  
Language Access Plan  
And Assessment

## **I. Introduction and Intent**

RCAP Solutions, Inc. (RCAP) a regional non-profit housing agency, has prepared this Language Access Plan (LAP) to ensure that its clients and visitors who have limited English proficiency (LEP) have meaningful access to all of the RCAP's programs, activities, and services. A person with LEP is someone who does not speak English as his/her primary language and who has limited ability to read, write, speak, or understand English.

## **II. Background and Policy Statement**

Federal law, pursuant to Title VI of the Civil Rights Act of 1964, requires recipients and sub-recipients of federal financial assistance to take reasonable steps to ensure meaningful access to their programs and activities by person with LEP, and such steps include creating a Language Access Plan.

The Massachusetts Department of Housing and Community Development (DHCD) also requires that entities administering DHCD programs create and implement an LAP in order to meaningfully serve the persons with LEP that they encounter at their organizations. In July 2009, DHCD adopted a Language Access Plan for the Bureau of Rental Assistance Section 8/Housing Choice Voucher Program. It defines the actions to be taken by DHCD and its regional subcontracting agencies. RCAP Solutions is one of those regional subcontracting agencies (RAAs).

In addition, it is the policy of RCAP Solutions to take reasonable steps to provide persons with LEP timely and meaningful access to its programs, activities, and services. ***This LAP will be posted on RCAP Solutions website.***

In determining what steps are reasonable to ensure meaningful access for persons with LEP, RCAP Solutions staff will adopt and consult this LAP, consider the totality of the circumstances, and balance the following four factors (also known as the four-factor analysis) to achieve successful outcomes for all those with LEP who need our services.

The four-factor analysis as described in the Federal Register Part V Department of Housing and Urban Development dated December 19, 2003 is the starting point of the individualized agency assessment that balances the following four factors:

- 1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or RCAP;*
- 2. The frequency with which LEP persons come in contact with RCAP SOLUTIONS and its programs, activities, or services;*
- 3. The nature and importance of the program, activity, or service provided by RCAP; and,*
- 4. The resources available to RCAP SOLUTIONS and costs.*



### **III. Description of Agency Programs**

#### **RCAP SOLUTIONS Overview**

RCAP Solutions mission is to foster personal and public self-reliance and improve the quality of life for individuals, families and the communities in which they live.

RCAP Solutions has been helping people throughout Massachusetts with a wide range of housing and supportive services for over 40 years. RCAP Solutions is the Worcester County affiliate of The Regional Housing Network of Massachusetts. This non-profit organization delivers progressive, affordable housing solutions and education to families and individuals in every community throughout the state.

RCAP Solutions is also the Northeast affiliate of the six-member national Rural Communities Assistance Partnership which focuses its interests on rural water-related and infrastructure issues. As such, we provide services in all six New England states, New York, New Jersey, Pennsylvania, Puerto Rico and the U.S. Virgin Islands.

RCAP Solutions is a comprehensive and complex nonprofit 501C (3) corporation, that has grown into four key pillars of programming over its 43 years of existence.

**The Client Resources Division** works with eligible individuals and families in Massachusetts to provide a wide range of affordable housing, homelessness prevention, workforce development and family unification and self-sufficiency services. These services include housing assistance payments for low income tenants, transitional housing and assistance for the homeless or those fleeing domestic violence, landlord and tenant mediation. We offer training and support on a wide variety of topics including elder services, financial literacy, first time homeownership and foreclosure prevention; for property owners, tenants and home owners. We are centered within Worcester County, Massachusetts and serve thousands of individuals and families each year.

**The Community Resources Division** supports the Northeastern United States, Puerto Rico and the U.S. Virgin Islands to promote public, environmental and economic health by providing consulting, planning, financing, build-out oversight, regulatory and compliance oversight, management and operational support for a wide range of community development and infrastructure projects.

**The Real Estate/Property Management Resources Division** oversees the operations of our residential properties as well as development activity, to its properties located in Central Massachusetts. RCAP's property development and management services support small and mid-sized communities by using a comprehensive approach, working with legislators, community leaders, design and construction professionals and funding sources to assist with their property management and development needs. The Company's portfolio currently includes ten affordable housing projects with a total of 362 elderly, family and handicap rental units.



**RCAP Solutions Financial Resources Division** serves as an alternative lender, dedicated to making loans to homeowners and small businesses not eligible for loans through the traditional resources. Loans are made primarily in Central Massachusetts with funds received from governmental agencies to promote various loan programs. These programs include: loans for low income homeowners unable to obtain conventional financing to make essential repairs that jeopardize the health and safety of the occupants; loans for disabled persons and their families to make necessary home modifications; loans to support local small businesses; and loans to municipal or nonprofit borrowers for capital projects such as basic infrastructure or community water and wastewater facilities. RCAP Solutions Financial Resources is the only certified SBA micro-lender for Worcester County.

**IV. Assessment of Limited English Proficiency (LEP) Populations**

a. Using the data from the DHCD Language Access Plan dated July, 2009, here is the identity by language, number, and percentage of the eligible population in RCAP's service area that speaks the language and has limited English language proficiency. RCAP Solutions will use the HUD Safe Harbor Guidelines to determine its responsibilities relative to providing language assistance to its clients.

	Number	Estimate of Language Speakers who speak English "Not Well" or Not at All"	% that speak language and are limited in English proficiency
Population 18 years and over	558,886		
Speak only English	474,518		
Speak a language other than English	84,368		
Spanish or Spanish Creole	30,619	8,139	1.4%
French Creole	309	66	
Italian	3,593	417	
Portuguese or Portuguese Creole	4,557	1,338	.02%
Russian	1,199	391	

Chinese	2,481	745	
Mon-Khmer, Cambodian	355	132	
Vietnamese	3,756	1,439	.025%

Populations which meet the Safe Harbor Threshold at the estimate of Language Speakers who speak English "Not Well" or "Not at All"

b. Agency staff has determined through frequent contact with clients that the principal language spoken is Spanish but RCAP Solutions supports the Safe Harbor Threshold requirements for Spanish, Vietnamese, and Portuguese/Portuguese Creole. Therefore, translation services in those languages will be made available at the agency although there are very few requests for these interpretive services.

Every person coming into an RCAP Solutions office will be asked to fill out a Voluntary Language Survey to complete and return to RCAP Solutions staff.

Data collected will be analyzed and managed by the Grants & Contracts division at RCAP Solutions and reviewed periodically with the LAP Officer and annually with all staff as changes occur.

c. There are no variations by program in language needs. Therefore, translation services in the three languages listed above will be available to agency clients. Information on languages spoken by clients participating in all DHCD-supported programs including but not limited to rental assistance programs, those who are tenants at properties owned and/or managed by RCAP, the Home Modification Loan Program, and the HCEC is gathered routinely through application processing and re-certifications.

**V. Assessment of Type, Nature, and Frequency of Programmatic Contacts**

a. Contact between agency clients and staff happens in many ways but includes:

- Appointment reminder calls
- Appointments
- Assessments and reassessments
- Counseling and Advocacy
- Group Sessions and Briefings
- Home Visits
- Inspections
- Outreach and Education
- Workshops
- Telephone communication

- Agency website
- Walk-ins for information and referral
- Notices of changes to program guidelines and other forms of written communication

b. The frequency of such contacts varies by program need/regulations and by participant needs. Contact with participants in all subsidy programs occurs at least annually and often more frequently. For the HCEC contact is sporadic and varies by availability of resources. RCAP Solutions has a property management division and there is very frequent contact between tenants and property management staff. Should any tenant require interpretive assistance, it will be the responsibility of the property manager to find such assistance and if necessary and with permission from the Director of Property Management, pay for the service.

c. All contact with our clients and prospective clients is important. Many of them are very poor and working to just stay in safe housing or find safe housing for themselves and their families. It is often critically important that those seeking our services have immediate access to an advocate who speaks their language. Because accurate household income and family size is needed to determine program eligibility for most of our programs, clear communication is imperative.

From time to time, we receive funding for special short-term programs and for which we may use sub-contractors to help us in the delivery of those programs and anytime that happens, those sub-contractors will be required to have a LAP of their own or abide by the requirements of our Plan.

#### **VI. Assessment of Language Assistance Resources and Costs**

a. There are a number of people on staff at RCAP Solutions offices who are competent to accurately and effectively deliver assistance in another language. A list of staff and the languages they speak and write is attached to this LAP.

b. RCAP Solutions will develop informal and formal agreements with other organizations such as Lutheran Family Services to provide oral interpretation on a volunteer basis to address the needs of its clients. In crisis situations, with supervisory approval, staff may use a telephonic oral interpretation service.

c. The agency has a budget for utilizing vendor services when needed. We prefer to rely on our partners in the area who can provide some of those services at no cost.

#### **VII. Language Access Protocols**

RCAP Solutions requires interpretation and translation of intake forms, assessments, consent documentation, lease agreements, and other “vital” documents as described by HUD and DHCD. We will use all currently available translated HUD forms and will continue to work through our formal and informal agreements including those with our partners in the Regional Housing Network of MA to produce whatever else is needed, when it is needed.

a. RCAP Solutions program language access protocols for providing over-the-phone, in-person, and other (internet) oral interpretative services will include:

- “I Speak” cards and/or posters will be available at RCAP Solutions offices for clients to identify which languages they speak
- Voluntary Language Surveys will be given to everyone arriving at a RCAP Solutions office
- RCAP Solutions multilingual staff will be available for oral translation on an as needed basis.
- A list of RCAP Solutions multi-lingual staff will be updated quarterly and made available to all staff.
- Once the language preference has been determined, staff will make the necessary arrangements for oral interpretation and provision of the translated vital documents.

b. Provisions for providing written translation services include:

- Each RCAP Solutions program will make available any documents determined to be vital translated into the identified primary languages for their staff. These documents will be made available electronically and in hard copy versions.
- All DHCD and HUD translated vital documents will be maintained in an easily accessible file on the agency’s hard drive.

c. Each program will have responsibility for tracking requests for language assistance which may include but not be limited to:

- Tracking frequency of distribution of “I Speak” cards and the languages that are identified using the cards.
- Requesting language spoken information from clients on an annual basis at program re-certification.
- Calculating described needs as defined by the client/interested party on the Voluntary Language Survey.
- The Grants & Contracts division at RCAP Solutions will be responsible for collecting and managing LAP data and will review trends and any resulting changes to this plan with Senior Management Staff annually or as needed.

d. Timing-related rights are taken very seriously by agency staff and each program director will have responsibility for preserving those rights. An LEP person will in no way be penalized or denied meaningful and effective access because of this agency’s inability to provide timely translation or interpretation services. This would include “stopping the clock” during the application or an appeal process to allow time for translation and/or interpretation. RCAP Solutions will provide DHCD with information whenever a request requires it to stop the clock to ensure that DHCD understands why the standard timetable for document management has been suspended.

To ensure success, all RCAP Solutions staff will be trained on the LAP implementation and the agency will annually review its outreach efforts, any changes in language demographics (including an update of the U.S. Census) to ensure that the agency is reaching the language communities that are identified in the Plan.

### **VIII. Vital Documents and Translation**

Vital documents are defined by HUD as "...any document that is critical for ensuring meaningful access to the recipients major activities and programs by beneficiaries generally and LEP persons specifically." For this agency those documents will include application materials; verification and consent forms; participation agreements and rules; notices of eviction; notices of rights, denial or decrease in benefits and related hearings; notices of free language assistance, and grievance and appeal forms. Program Directors will be responsible to: (1) determine which of their documents should be considered Vital Documents; (2) provide a list of these documents to the Language Access Compliance Officer, who will be responsible for maintaining a master list of all such documents for the agency on a public drive; (3) and update the list as needed to reflect program changes; (4) for insuring that translations of the Vital Documents associated with their program(s) are available in all of the languages determined to meet the requirements for translation described above.

RCAP Solutions will provide access in the following ways:

- Maintain bi-lingual staff and aggressively market for additional bi-lingual staff as positions turn over.
- Vital documents that have not already been translated by HUD or DHCD will be translated into the primary languages other than English identified by RCAP's demographic statistical analysis and based on the frequency of requests. Currently those languages as identified by HUD standards are Spanish, Portuguese/Portuguese Creole, and Vietnamese.

The English version of the document will be considered to be the only version of that document that binds the agency and the client. When signatures are required, this will be the only copy of the document to which the signatures will be affixed. ***Every translated document will include language prominently stating: "This document is for informational purposes only. The English version of this document is considered the legally binding document"***.

### **IX. Interpretation**

Every reasonable effort will be made to provide oral interpretation assistance free of charge for any LEP individual who is, or who might be, a beneficiary or potential beneficiary of its services by: (1) making use of bilingual agency staff capabilities; (2) making use of bilingual staff from area agencies or other nonprofits if no bilingual staff are available within the agency; or (3) making use of an external translation service. Where possible, the agency will enter into formal agreements for the provision of these services, which can include telephone, internet or remote video translation.

The agency will maintain an active TDD telephone number in order to provide access to its programs and services to individuals with a hearing impairment. This number will be prominently displayed in public areas of the agency and should appear on any documents on which a contact telephone for the agency is listed, including email signatures.

The agency will arrange for the presence of sign-language interpretation at public meetings and presentations at which one or more individual in need of these services is likely to be present.

It will be the responsibility of individual Program Directors to evaluate the competency of persons acting as translators or interpreters within their program(s). Program Directors may request the assistance of the Language Access Compliance Officer in this matter. They will supply the Language Access Compliance Officer the names and qualifications of all individuals whose services are being used for these purposes. The Language Access Compliance Officer will maintain a master list of all translators and interpreters, which will be available on the Public Agency drive.

LEP individuals should not be asked to rely on family members, friends, or other informal interpreters to provide interpretation services. If, however, they choose not to utilize the free language assistance services offered by the agency, and prefer to make use of an interpreter of their own choosing, they should be permitted to do so; although in such situations, the agency will request that they confirm this choice in writing.

LEP individuals will not be penalized for scheduling delays arising from the need to secure translators.

#### **X. LEP Appeals**

The agency will establish a Review Process for handling complaints having to do with LEP compliance. The Language Access Compliance Officer will be responsible for overseeing this process.

#### **XI. Providing Notice to Persons with LEP**

A LAP policy statement and procedures will be included in all workshop folders, briefing packets, and any other pertinent agency materials. Every staff person will have "I Speak" cards. "I Speak" cards and/or posters will be prominently displayed at RCAP Solutions offices.

#### **XII. Staff Training**

Staff training modules will be developed and implemented agency-wide. An all-staff training will be provided within 60 days of the implementation of this Plan. Appropriate staff will be required to attend any Fair Housing training or LEP training that is offered by DHCD. RCAP Solutions will also use LEP protocols developed by DHCD and as referenced in their LAP dated July, 2009.

#### **XIII. LEP Coordination and Complaint Procedures**

Senior managers will coordinate and monitor responses to LEP-related requests, issues, and complaints using existing agency policies and procedures, including standard grievance procedures.



**XIV. Monitoring and LAP Updates**

Each year, RCAP Solutions Senior Managers will review its LAP and update it as needed. DHCD has created a review process which is included in their July 2009 LAP and we will employ the same process and our review will also assess or include:

- Whether there have been any significant changes in the composition or language needs of the region's population using data collected during the year by program staff;
- A review to determine if additional vital documents require translation;
- A review of any issues or problems related to serving LEP persons which may have emerged during the past year; and,
- Identification of any recommended actions to provide more responsive and effective language services.