

**RICHMOND REDEVELOPMENT & HOUSING AUTHORITY
LIMITED ENGLISH PROFICIENCY LANGUAGE POLICY**

I. Statement of Purpose

Richmond Redevelopment & Housing Authority (“RRHA”) strives to provide equal housing opportunities for all qualified applicants and residents. To further these efforts, RRHA has adopted this Limited English Proficiency Language Policy (the “Language Access Policy” or “LAP”) to ensure all persons have meaningful access to its programs and activities regardless of national origin or proficiency with the English language. In accordance with this LAP, RRHA shall take reasonable steps to provide or arrange free language assistance for its Clients, as defined herein, with limited English proficiency (“LEP”).

This policy applies to all RRHA departments that are Recipients, as defined herein, and provide or administer RRHA services, programs, or activities. RRHA shall also take reasonable steps to ensure all Sub-recipients adhere to this LAP.

II. Legal and Regulatory Background

Title VI of the Civil Rights Act of 1964 (“Title VI”) and its implementing regulations prohibit discrimination on the basis of national origin. On August 11, 2000, the President of the United States issued Executive Order 13166, which required each agency providing federal financial assistance draft guidance “specifically tailored to its recipients that is consistent with the LEP Guidance issued by the Department of Justice [65 Fed. Reg. 50,123 (August 16, 2000)].” *Executive Order 13166 of August 11, 2000, Improving Access to Services for Persons With Limited English Proficiency*, 65 Fed. Reg. 50,121 (August 16, 2000); see also *Guidance to Federal Financial Assistance Recipients Regarding Title IV Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons*, 67 Fed. Reg. 41,455 (June 18, 2002).

The United States Department of Housing and Urban Development (“HUD”) issued its Final Guidance in 2007. *Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons*, 72 Fed. Reg. 2,732 (January 22, 2007). This Final Guidance offers a four-factor analysis that helps Recipients assess the necessary scope of their language services. These factors are:

1. The “Eligible Population Factor”: the number or proportion of LEP persons served or encountered by the Recipient in the eligible service population, including those persons who would be served or encountered if there were sufficient Foreign Language outreach and education.
2. The “Clients Factor”: the frequency with which LEP persons are come into contact with the Recipient.
3. The “Importance Factor”: the nature and importance of the program, activity, or service provided by the Recipient.
4. The “Resources and Cost Factor”: the resources available to the Recipient and the costs associated therewith.

The Final Guidance encourages Recipients to develop written policies and procedures in light of these factors to ensure meaningful access by LEP persons.

At the state level, Virginia adopted the Virginia Human Rights Act, Va. Code Ann. § 2.2-3900, *et seq.*. As a political subdivision of the Commonwealth of Virginia, RRHA is prohibited from engaging in, “Conduct that violates any Virginia or federal statute or regulation governing discrimination on the basis of race, color, religion, *national origin*, sex, pregnancy, childbirth or related medical conditions, age, marital status, or disability” because such conduct is “an ‘unlawful discriminatory practice’” under the Virginia Human Rights Act. Va. Code Ann. § 2.2-3901 (emphasis added).

RRHA adopts this policy in compliance within this legal and regulatory framework, in light of its mission and core principles, and with a deep understanding of the importance of its services, programs, and activities.

III. Definitions

Capitalized terms in this LAP shall be given the following definitions, unless a different definition is explicitly indicated elsewhere herein:

Bilingual – the ability to communicate in two (2) languages fluently. Being Bilingual, in and of itself, does not necessarily mean that the individual has the necessary skills and training to competently serve as an Interpreter.

Client – any individual who comes into contact with RRHA in order to access RRHA services, programs, or activities. This includes, by way of example only and in no way any limitation, any potential applicant, applicant, resident, voucher holder, or participant.

Common Language – any Foreign Language that is the Primary Language by LEP persons that account for either (a) 1,000 or more persons in the Eligible Population in the Market Area or among Clients, or (b) more than 5% of the Eligible Population in the Market Area or Clients and more than 50 persons. As described in Section IV, *infra*, the only Common Language under this LAP is Spanish.

Crucial Communications – communications between RRHA and Clients that are essential to an LEP Client’s ability to access important benefits or services, understand and exercise important rights, comply with applicable responsibilities, or understand other important information.

Eligible Population – all persons within the Market Area who qualify as Clients, or who would qualify as Clients if they were to contact RRHA.

Final Guidance – Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 72 Fed. Reg. 2,732 (January 22, 2007).

Foreign Language – any language, whether spoken or written, other than English.

Housing Choice Voucher (“HCV”) Program – both the tenant-based assistance administered by RRHA under 24 C.F.R. §§ 982.1 *et seq.* and the project-based assistance administered by RRHA under 24 C.F.R. §§ 983.1 *et seq.*

HUD – the United States Department of Housing and Urban Development.

Interpretation – the act of listening to a verbal communication in one language and orally converting it into another language while retaining the same meaning.

Interpreter – any person who facilitates communication between or among languages either through Interpretation or Translation services. An Interpreter need not be physically present to provide assistance so long as they are able to properly Interpret or Translate.

Language Access Plan (“LAP”) – this Limited English Proficiency Language Policy, as amended from time to time in accordance with the terms herein.

Language Services – Interpretation and Translation services provided to Clients by RRHA for all Crucial Communications. Language Services shall be provided at RRHA’s sole cost and expense.

Limited English Proficiency (“LEP”) – the use of a Foreign Language as the Primary Language together with the limited ability to read, write, speak, or understand the English language.

Market Area – the area wherein RRHA duly operates. For purposes of this LAP, this is the city of Richmond, Virginia and its surrounding metro area.

Multilingual – the ability to communicate in three (3) or more languages fluently. Being Multilingual, in and of itself, does not necessarily mean that the individual has the necessary skills and training to competently serve as an Interpreter.

Primary Language – a person’s native language or the language in which a person most effectively communicates.

Recipient – any entity or agency receiving federal financial assistance administered by HUD, specifically including all Sub-recipients. Under this definition, RRHA is a Recipient.

RRHA – Richmond Redevelopment & Housing Authority.

Sub-recipient – any individual, entity, or organization receiving federal financial assistance administered by HUD and passed through RRHA.

Title IV – Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d *et seq.*

Translation – the act of taking written text in one language and converting it into another language, either into an equivalent written text (“Written Translation”) or an equivalent oral communication (“Sight Translation”). Translation shall require the Interpreter retain a substantially consistent content and meaning between languages and provide more than a summary of the original written text.

Vital Document – any document produced by a Recipient or Sub-recipient that RRHA determines, in accordance with the Final Guidance and other relevant regulations, is essential to an LEP Client’s ability to access important benefits or services, understand and exercise important rights, comply with applicable responsibilities, or understand other important information.

IV. Common Languages

As defined herein, a Common Language is any Foreign Language that is the Primary Language by LEP persons that account for either (a) 1,000 or more persons in the Eligible Population in the Market Area or among Clients, or (b) more than 5% of the Eligible Population in the Market Area or Clients and more than 50 persons.

RRHA’s Market Area is the city of Richmond, Virginia and its outlying metro area. According to the United States Census Bureau¹, there were an estimated 468,648 households in the Market Area between 2011 and 2015. Of this total, 418,579 households, approximately 89.32% of the total population², are considered English only. These households have no member over the age of 5 years old that speaks a Foreign Language at home.

The remaining 50,069 (10.68%) households are categorized as Foreign Language households. Of those households, 21,253 (4.53%) identified as Spanish speaking; 14,816 (3.16%) speak other Indo-European languages; 10,151 (2.17%) are households with Asian and Pacific Island language speakers; and other languages, as a whole, are spoken in 3,849 households (0.82%).

The Census Bureau also provides information on limited English speaking households, defined as households, “in which no member 14 years old and over (1) speaks only English or (2) speaks a non-English language and speaks English ‘very well.’”³ This definition is in line with LEP, as defined and used herein. Overall, 9,372 (2%) of Market Area households are considered LEP.

Spanish households, the largest non-English group, also have the highest number of LEP households, with 5,257 (1.12%) reporting they were LEP. There are an estimated 1,599 (0.34%) other Indo-European LEP homes. Asian or Pacific Island language households include 2,045 (0.44%) LEP households; and 0.10% of the total population, or 471 households, are LEP speaking other languages.

Considering this Market Area data in light of the Common Language analysis, these language groups are all larger than 50 persons, based on an average household size of 2.35 persons.

¹ Unless otherwise noted, data referenced in this section is from the U.S. Census Bureau, 2011-2015 American Community Survey 5-year Estimates, Household Language by Household, Limited English Speaking Status for the Richmond, VA Metro Area.

² Unless otherwise noted, references to a percentage in this section reflect the percentage of the total number of households.

³ The Census Bureau clarifies that, another way to phrase this definition is households in which everyone 14 and older has at least some difficulty with English.

See U.S. Census Bureau, 2013-2017 American Community Survey 5-year Estimate. However, none of the Foreign Language groups constitute more than 5% of the total population; therefore they cannot comprise more than 5% of the Eligible Population as required.

On the other hand, each of these Foreign Language groups include more than 1,000 persons in the Market Area, seemingly making them all Common Languages. Yet the reality is that in 2019 there were an estimated 446 Indo-European languages other than English and Spanish. Eberhard, David M., Gary F. Simons, and Charles D. Fennig (eds.). 2019. *Ethnologue: Languages of the World*. Twenty-second edition. Dallas, Texas: SIL International. Asian and Pacific Island languages are even more diverse with an estimated 2,197 distinct languages, leaving the remaining 4,466 estimated languages, *id.*, lumped together in 0.82% of the Market Area's total population. Unfortunately, the data available only provides these broad categories, making it reasonable to assume, yet impossible to determine, that the Market Area contains fewer than 1,000 speakers of any one Foreign Language in these large categories.

This data is in line with RRHA's internal demographic information for the public housing and HCV programs. Only 1% of RRHA public housing units are occupied by a head of household who identifies as Hispanic or Latino. Similarly, Hispanic or Latino heads of households possess between 2% and 3% of RRHA's total vouchers under the HCV program. Although this information does not shed light on language use, these percentages are presumably larger than the percentage of residents who qualify as LEP. This assumption is also supported by the infrequency of resident requests for language services; RRHA's compliance department has no record of any such requests over the previous two years.

However these numbers are always subject to change. More recent Census Bureau data indicates a slight decrease in the percentage of Foreign Language households in the Market Area. See U.S. Census Bureau, 2013-2017 American Community Survey 5-year Estimate (9.2% language other than English spoken at home). As demographics across America shift and Clients move in and out of RRHA properties and programs, RRHA remains committed to reevaluating Common Languages and revising this LAP accordingly, as outlined in Section VII, *infra.*

V. Providing Language Services

A. *Identification of LAP Coordinator*

RRHA shall select and designate an employee to oversee implementation of this LAP, specifically including but not limited to training of staff, monitoring compliance, answering questions, addressing complaints, and researching and proposing updates as necessary. The LAP Coordinator may request assistance with any of their responsibilities from other RRHA employees, community partners, and Interpreters, as needed.

B. *Outreach and Education*

1. Public Notices. At each RRHA office, in all RRHA-owned public housing communities, and in all HCV project-based property management offices, there shall be a posted sign with information, in English and all Common Languages, providing information on the availability of Language Services.

2. Client Notices. RRHA shall include on each RRHA standard form notice to Clients information, in English and all Common Languages, about the availability of Language Services.

3. Community Partnerships. RRHA shall work towards fostering relationships and partnerships with other agencies and organizations within the Market Area to communicate to LEP persons the availability of Language Services for RRHA clients or provide the same for RRHA Clients in accordance with the terms and conditions of the LAP.

C. *Determining Client's Language Needs*

1. Determining English Proficiency. RRHA is mindful that a person may be proficient at understanding certain types of English communications, such as reading written materials, and yet still be considered LEP for other purposes, like speaking or writing. Similarly, a person might possess sufficient English competency to function in some settings and have insufficient skills to operate in others. Therefore, there is a rebuttable presumption that any Client requesting Language Services is LEP. This presumption shall be rebutted by sufficient evidence of the Client's thorough understanding of the English language, including but not limited to the Client's designation that English is their preferred language for oral and written communications.

2. RRHA Determination. Nothing in this LAP shall be construed to prevent RRHA from providing Language Services regardless of the Client's Preferred Language designation or the lack of any explicit request for Language Services by the Client.

3. Initial Application. Clients overwhelmingly first contact RRHA through an online application process. To ensure meaningful access by LEP persons, RRHA shall work with the application provider to develop the application in all Common Languages or shall provide an Interpreter to assist LEP applicants with the application.

4. Initial Meeting. At the first in-person meeting between RRHA and any Client (the "Initial Meeting"), Client shall be asked to designate, in writing, their Primary Language for both written and oral communications. RRHA shall retain this designation in the Client's file. Any Client who indicates a Foreign Language as their Primary Language, for either written or oral communications, shall be told about the availability of Language Services.

5. Annual Review. At any Client re-examination, whether an annual or interim review, Clients shall be asked to designate, in writing, their Primary Language for both written and oral communications. RRHA shall retain this designation in the Client's file. Any Client who indicates a Foreign Language as their Primary Language, for either written or oral communications, shall be told about the availability of Language Services.

6. Other Interactions. During any other interactions between RRHA and Clients involving Crucial Communications, whether telephonic, written, in-person, or by

some other means, Clients shall have the right to request Language Services, which shall be provided in accordance with the terms of this LAP.

D. Language Services

1. Requests for Language Services. Clients may request Language Services either verbally or in writing to any RRHA staff member at any time. RRHA shall document any Client request for Language Services and maintain such documentation in the Client's file along with documentation detailing any specific Language Services provided and any Interpreter used. Once a Client requests Language Services, RRHA shall provide Language Services for all future Crucial Communications unless and until Client informs RRHA of Client's desire to cease or amend the Language Services.

2. Reasonable Services.

i. RRHA shall provide reasonable Language Services to LEP Clients. The determination of which Language Services, if any, are reasonable shall be made in accordance with the terms and conditions of this LAP, relevant federal and state laws and regulations, and appropriate HUD guidance documents. This determination shall be on a case-by-case basis and include, among other factors, a balancing of the need for the service and the costs associated therewith.

ii. When required under this LAP, RRHA shall arrange for the necessary Language Services at RRHA's sole cost and expense. The Interpreter may be physically present or may provide the Language Services by means of telephonic or internet-based communication platform, provided the technology provides real-time or near instant communication.

iii. When required Language Services are not immediately available, RRHA shall schedule an appointment with the Client and Interpreter. Such appointment shall be at the earliest available date and time that is convenient for all parties. Until such appointment occurs, RRHA shall not take any action that affects the Client's rights or obligations or prejudices the Client in any way.

3. Interpreters

i. RRHA shall procure and develop a sufficient database of Interpreters, which shall indicate the type(s) of service(s) provided, i.e. Interpretation, Sight Translation, or Written Translation.

ii. RRHA shall, to the greatest extent reasonable, ensure that Interpreters (a) demonstrate proficiency in English and the Client's Preferred Language or Common Language needed, (b) demonstrate proficiency in the type of service provided, such as Interpretation,

Telephonic Interpretation, Sight Translation, or Written Translation, (c) have knowledge of any specialized terms or concepts in the Crucial Communication in both English and the Preferred Language or Common Language needed, (d) agree to adhere to all privacy and confidentiality rules required by relevant laws and regulations, (e) understand their role as Translator and avoid deviating into other roles, such as lawyer, counselor, representative, or advocate, and, (f) for Written Translations, understand the audience's expected reading level(s).

- iii. Formal certifications and licenses, while informative and demonstrative, are not determinative of the of the Interpreter's competency.
- iv. RRHA is strictly prohibited from requiring or asking LEP Clients to provide their own Interpreter for any Crucial Communications.
- v. An LEP Client may use their own Interpreter, including a friend or family member, for Crucial Communications only if (a) RRHA informed the Client of the availability of Language Services at no cost to the Client and the Client voluntarily chooses not to use the RRHA-provided Language Services, (b) the Client's Interpreter is at least 18 years of age, and (c) the Client's Interpreter acknowledges, in writing, their responsibility to accurately and faithfully perform the Interpretation and/or Translation.
- vi. Nothing in this LAP shall be construed to prevent RRHA from providing Language Services in addition to a Client's Interpreter under Section V, D, 3, v, *supra*.

4. Interpretation

- i. RRHA shall provide, at its sole cost and expense, Interpretation for all Crucial Communications with a LEP Client regardless of the Client's Preferred Language.
- ii. Interpretation may be in-person or via a telephonic or internet-based communication, in accordance with other terms and conditions of this LAP.

5. Translation

- i. RRHA shall provide, at its sole cost and expense, Translation for all Crucial Communications with a LEP Client, regardless of the Client's Preferred Language, in accordance with this section and other terms and conditions of this LAP.

- ii. Vital Documents shall be translated into the Common Languages and be readily available in RRHA offices.
- iii. When required under this LAP, Translation of (a) Vital Documents into a Foreign Language other than the Common Languages, and (b) other, non-vital documents into a Foreign Language shall be provided by RRHA at RRHA's sole cost and expense. Such Translations shall be by Sight Translation, to include telephonic or internet-based systems, unless another method is deemed reasonable by RRHA.
- iv. Whenever an Interpreter performs Sight Translation, RRHA shall, whenever practicable, ensure the Interpreter is provided all relevant documents in advance of providing the Language Services to provide Interpreter sufficient time to review such documents and prepare for the Translation.

VI. Training RRHA Staff

A copy of this LAP shall be provided to all current RRHA staff. A copy shall also be provided to all new staff as a component of their initial employee orientation.

The LAP Coordinator shall offer, or cause to be offered, training to all RRHA staff who engage in Crucial Communications with Clients. Such training shall be offered with reasonable regularity, as determined by the LAP Coordinator, and may cover such topics as policy overview, how and when to use Interpreters, cultural sensitivity, and using particular Language Service providers.

VII. Monitoring and Updating LAP

The LAP Coordinator shall monitor compliance with this LAP and develop appropriate benchmarks to evaluate the success of the same. Such benchmarks may include, but are not limited to, maintaining a database of Clients who identify a Foreign Language as their Primary Language, tracking requests for Language Services and the frequency of use of particular Interpreters, survey of RRHA staff regarding issues implementing this LAP and suggestions for revisions to the same, and an opportunity for feedback from Clients.

The LAP Coordinator shall review this LAP, or cause the same to be reviewed, at reasonable intervals and determine the need for any updates or revisions. For purposes of this section, a review at least every two (2) years and in response to any Client complaints or grievances regarding this LAP shall be considered reasonable.