

CITY OF BILLINGS
COMMUNITY DEVELOPMENT DIVISION

LANGUAGE ASSISTANCE PLAN

November 2011



The work that provided the basis for this publication was supported by funding under a grant with the U.S. Department of Housing and Urban Development. The substance and findings of the work are dedicated to the public. The author and publisher are solely responsible for the accuracy of the statements and interpretations contained in this publication.

Such interpretations do not necessarily reflect the views of the Federal Government.



A. Purpose

The purpose of this Language Assistance Plan (LAP) Plan is to ensure meaningful access to program information and equal opportunity to benefit from services for persons with hearing impairment and limited English proficiency.

A client has Limited English Proficiency (LEP) when he/she is not able to speak, read, write or understand the English language at a level that allows him/her to interact effectively with City of Billings Community Development Division staff. It is not always easy to identify a person with LEP. Some clients may know enough English to manage basic life skills, but may not speak, read or understand English well enough to understand some of the complex issues they may encounter within the community services system (i.e. program or contract language). These clients may also fit the description of a person with LEP.

Interpretation and Translation Defined: For purposes of this policy, **Interpretation** is defined as a spoken or visual explanation provided to help two or more people who do not speak the same language to communicate with each other. **Translation** is defined as a written version of a document provided in a different language than the original document.

B. Statutory Authority

According to the Office for Civil Rights (OCR), in order to avoid discrimination on the basis of national origin against persons with limited English language proficiency, recipients of federal financial assistance from the U.S. Department of Housing and Urban Development (HUD) must take adequate steps to ensure that persons with limited English proficiency receive the language assistance necessary to allow them meaningful access to services, free of charge. This Language Assistance Plan (LAP) Plan for the City of Billings Community Development Division has been completed at OCR's instruction. In OCR's August 30, 2000 policy guidance, issued to interpret the regulations under Title VI, OCR states that an organization that is a recipient of federal financial assistance can ensure effective communication (which leads to meaningful access) by implementing a Language Assistance Plan that accounts for how the organization will provide language assistance services when they are needed by applicants, clients and members of the public.

Department of Housing and Urban Development Nondiscrimination Under Programs Receiving Federal Financial Assistance Through the U.S. Department of Housing and Urban Development (HUD) Federal Register Vol. 72, No. 13, 1/22/2007; Final Guidance as required by Executive Order 13166.

Department of Justice Regulation, 28 CFR §42.405(d)(1), Department of Justice, Coordination of Enforcement of Non-discrimination in Federally Assisted Programs.

C. Policy

No person will be denied access to City of Billings Community Development Division programs or program information because he/she does not speak English or speaks limited English. The City of Billings Community Development Division will provide language assistance services as needed for clients with LEP to provide meaningful access to programs and services and ensure effective communication between clients with LEP and City of Billings Community Development Division staff. Clients will be provided with language assistance services at no cost to them and in a timely manner during business hours.

The City of Billings has determined from a 2005 American Community Survey based on 2000 U.S. Census data, that less than 1% of Billings total population rate themselves as speaking English less than very well. Spanish has been determined to be the primary language of that small population. Therefore, the City of Billings Community Development Division will offer interpretation and/or translation services upon request.

The City of Billings Community Development Division will ensure that interpreters are competent to provide interpreter services. The interpreter must be proficient in both English and the target language and be able to convey information in both languages accurately. Interpreters must also have had orientation/training that includes the skills and ethics of interpreting, have basic knowledge of specialized program terms or concepts in both languages, and be sensitive to the client's culture. This training and assurance of competency is provided by our vendors.

D. Procedures

When an individual with LEP seeks services from the City of Billings Community Development Division, staff will inquire what language is their preference and whether they desire an interpreter if preference is other than English.

Whenever an interpreter/translator is needed, City of Billings Community Development Division staff is responsible for contacting a vendor to schedule the earliest possible date/time for interpretation/translation services ensuring the convenience of the individual with LEP. The interpretation/translation shall take place in Community Development Division offices during normal business hours and will include the appropriate City of Billings staff member, the individual with LEP and the contracted vendor.

E. Use of Approved Language Assistance Vendors

The City of Billings Community Development Division contracts with independent vendors to provide interpreter/translators services. Attachment A is a list containing the contact information of the language services providers and is accessible to all staff responsible for arranging interpreter/translator services.

F. Use of Family and/or Friends as Interpreters

Staff must not require, suggest, or encourage a client with LEP to use family or friends as interpreters. Family or friends may not be competent to serve as interpreters because they may not be proficient enough in both languages, may lack training in interpretation, and/or have little familiarity with specialized program terminology. Use of family or friends could also result in a breach of confidentiality or reluctance on the part of clients to reveal personal information critical to their situations.

Family members or friends of the limited-English-proficient person may only be used as interpreters/translators if specifically requested by that individual after staff has made an offer of a free interpreter/translator and if doing so does not compromise the effectiveness of the interpretation and/or violate the client's confidentiality. Staff's offer of an interpreter and the client's response must be documented in the person's file. These restrictions are to ensure confidentiality of information and accurate communication.

NOTE: Clients who wish to have bilingual friends and family present at meetings or interviews may do so; however, the presence of such persons does not affect the obligation of the City of Billings Community Development Division to provide interpreter/translator services.

G. Rule for Minor Children

Use of minor children as interpreters/translators by the City of Billings Community Development Division is never allowed.

H. Documentation regarding use of Interpreters/Translators

1. Each time there is a contact with a client of limited English proficiency and an interpreter/translator is offered, accepted, denied or arranged, it must be documented in the case narrative/notes by staff dealing with the client along with the client's response (whether they accepted or denied the request).
2. City of Billings Community Development Division staff working with the client will identify limited English proficiency clients' needs by placing a self-adhesive sticker indicating the language of preference on the **outside** of the client case file. This will alert staff that an interpreter/translator is required for all contacts with that client. ***Supplies of stickers will be maintained in the Community Development Division.*** (See Attachment B for sticker example.)

I. Assisting Clients Who Don't Read Their Language

City of Billings Community Development Division staff must assist a client with limited English proficiency who does not read his/her primary language to the same extent as staff would assist an English speaker who does not read English.

NOTE: It is not acceptable to tell a client to find someone to read a document to him or her. It is the division's responsibility to provide this service.

J. Emergency Situations

The City of Billings Community Development Division will take whatever steps necessary to ensure all clients, including clients with LEP, have access to services within the appropriate time frames. For example, when a client needs an interpreter or other language assistance services to obtain expedited program services, the City of Billings Community Development Division's responsibility is to ensure that services are accessible within the required time frame. During normal business hours, staff will contact a vendor to determine if they are immediately available.

K. Procedure for Using/Distributing Translated Forms

Forms and documents will be translated upon request for individual LEP clients of the City of Billings Community Development Division.

The City of Billings Community Development Division will translate vital documents and vital information contained in its documents and materials into the non-English languages of those language groups when a significant number or percentage of the population eligible to be served or likely to be directly affected by City

of Billings Community Development Division programs needs services or information in a language other than English to communicate effectively. The City of Billings Community Development Division has determined that the significant number that will trigger translation is 1,000 individuals within an LEP language group.

Attachment C indicates the languages spoken at home in Montana (please note that similar statistics are not available for the Billings community alone). Billings total population at 87,119 is 13% of Montana's total population of 672,250 (numbers based on the 2000 census). However, even if we assume that Billings holds a disproportionate percentage, for example one-third of individuals that rate themselves as speaking English "not well", at the current time, Billings would still have no more than 400 individuals of one language group other than English. Therefore, at the present time the City of Billings Community Development Division will not maintain translated forms and documents but instead will provide them upon request to individual LEP clients that are encountered.

L. Monitoring of LAP

On at least an annual basis, the City of Billings Community Development Division will conduct an evaluation of the LAP to determine overall effectiveness. The City of Billings Community Development Division LAP Contact Person will coordinate the review. The evaluation will consider what is working and what is not and make adjustments to the LAP accordingly. The evaluation will also determine whether new languages will be added for translation based on ongoing community needs assessments.

The City of Billings Community Development Division's annual evaluation of the LAP will include the following activities:

- Assessment to the best of our ability, of the number of persons with limited English proficiency in Billings, Montana.
- Assessment of the current language needs of clients with limited English proficiency to determine whether they need an interpreter and/or translated materials to communicate effectively with staff.
- Determining if existing language assistance services are meeting the needs of clients with limited English proficiency.
- Assessing whether staff members understand the City of Billings Community Development division policies and procedures, how to carry them out and whether language assistance resources and arrangements for resources are still current and accessible.
- Seeking and getting feedback from LEP communities, including clients and community organizations and advocacy groups working with LEP communities and the City of Billings Fair Housing Committee about the effectiveness of the City of Billings Community Development Division LAP.

M. Distribution and Posting of the LAP

Immediately upon its completion and approval, the LAP will be distributed to all City of Billings Community Development Division staff.

The LAP and Complaint Procedure will be posted for public review in the reception lobby on the bulletin board at the City of Billings Community Development Division. The LAP will be available in English and arrangements will be made for interpreters to be available to translate for those who do not speak English who wish to read

it. The words “Language Assistance Plan” or something to that effect, in Spanish, will be posted next to the LAP so clients with LEP know that such a plan exists and that they can get assistance to read it.

N. Responsible Authority

The person designated to provide technical assistance and respond to inquiries and complaints from the public is listed below as the LAP Contact Person.

LAP Contact: Brenda Beckett
Community Development Manager
510 N. Broadway – 4th Floor
P.O. Box 1178
Billings, MT 59103

(406) 657-8286

TTY: 711
Fax: (406) 657-8252

O. Limited English Proficiency Complaint Procedure

The LAP contact listed above is the contact for public complaints regarding the Language Assistance Plan. Complaints can be reported verbally or in writing to the LAP contact. After a complaint has been made, the LAP contact will investigate the concern. Following thorough investigation, a summary of findings will be provided to the complainant within 30 days of the date the complaint was filed. Divisional corrective action will be taken if violation of this plan is determined. Language assistance will be available for the duration of the complaint process for anyone with LEP who wishes to file a complaint.

The LAP and Complaint Procedure will be posted for public review in the reception lobby on the bulletin board at the City of Billings Community Development Division.

ATTACHMENT A

**CITY OF BILLINGS
COMMUNITY DEVELOPMENT DIVISION
INTERPRETER/TRANSLATOR VENDOR LIST**

Interpretation & Translation Providers:

Mr. Rafael Zepeda
7402 Clark Avenue
Billings, MT 59106
(406)656-3864
(406)247-2473

Dr. George St. John Robinson
MSU-Billings Campus
(406)657-2966

ATTACHMENT B

LIMITED ENGLISH PROFICIENCY

--INTERPRETER NEEDED