

**Testimony of Maggie Donahue
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**Before the Committee on Housing and Workforce Development,
Council of the District of Columbia**

**Agency Performance Oversight Hearings
Fiscal Year 2011-2012**

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Eight years ago, the District of Columbia passed the D.C. Language Access Act, a vital and innovative piece of legislation intended to ensure that all residents – regardless of the languages they speak – have meaningful access to the city’s services. The Act requires District government agencies to offer oral translation services to any individual who contacts the agency seeking its services, regardless of the language spoken by the individual. It also requires District government agencies to provide written translations of documents in certain specified languages. Third, the Act requires District government agencies with major public contact – which includes the D.C. Housing Authority – to establish a language access plan and to designate a language access coordinator to ensure the agency is in compliance with the law.

Unfortunately, the D.C. Housing Authority (DCHA) has consistently failed to comply with the D.C. Language Access Act. As a result, many DCHA customers and would-be customers are without any meaningful way to communicate with the agency about their housing, their subsidies, or their rights.

Failure to Provide Oral Translation Services

Under the Language Access Act, anyone interacting with DCHA is entitled to service in his or her own language, either through live interpretation or through a telephonic interpretation service such as Language Line. However, Legal Aid’s experience is that the oral translation that DCHA provides to Spanish-speaking persons is scattered at best; for speakers of Asian or other languages, it is nonexistent.

Spanish-speaking clients have told us that although at times they are served in Spanish at DCHA, they are often forced to wait hours to be served, are asked to use their minor children as translators, and are sometimes told to just go home and come back another day when a Spanish speaking staff member might be available.

Our Spanish speaking clients who specifically request to be served in Spanish have been met with responses such as, “No, your English is good enough; we’re going to speak English,” and “You are in America now; we speak English here.”

¹ The Legal Aid Society of the District of Columbia was formed in 1932 to “provide legal aid and counsel to indigent persons in civil law matters and to encourage measures by which the law may better protect and serve their needs.” Legal Aid provides assistance in public benefits, housing, family, and consumer law matters.

In the instances where Spanish speakers are provided oral translation, it often a partial or inaccurate translation, performed by a staff member at the housing authority who has not been trained in providing translation services. When speakers of Asian or other languages come to the housing authority, according to discussions with our own clients and with other Asian community groups, they really must come with someone who is proficient in English; otherwise, they will not be served. Of course, the Language Access Act is specifically designed to prevent individuals from having to rely on their friends or their children to act as interpreters.

Failure to Provide Vital Documents in Any Language Other than English

In addition to providing oral language translation services to speakers of all languages, DCHA is also required to translate vital documents into certain specified languages, including Spanish.

However, DCHA consistently sends our Spanish-speaking clients important notices – including letters about their rent, recertification obligations, and potential termination from the program – in English only. Even after the agency is specifically informed about the need for individual customers to receive notices in Spanish, and even when DCHA then promises to send those notices in Spanish, our clients continue to come to us weeks and months later with English-only notices they do not understand.

Why Compliance Matters

While it is true that many D.C. residents who are Limited English Proficient speak English well enough to communicate basic niceties, maintaining participation in a DCHA program requires communicating in a language one can fully understand.

Participants must be able to understand complicated rules and procedures regarding maintaining eligibility for the program. Miscommunications – both oral and written – about obligations under the program can quickly lead to termination from the program and homelessness. It is extremely difficult to follow DCHA's rules if you are unable to communicate with the agency and do not receive important notices in a language you understand.

To illustrate, DCHA has complicated regulations regarding when and how participants must report income. There are strict timelines for presenting this information to DCHA. If a participant does not have a full understanding of these rules, she may bring in an unacceptable form of documentation, or submit her paperwork late.

She may then be issued a notice explaining that she will be terminated from the program. This notice will be in a language she does not understand. This notice will explain to her that she can challenge her termination by filing certain paperwork with a certain office at DCHA by a certain date. Not following the specific instructions in this notice can cause participants to lose their subsidized housing.

Legal Aid recommends the following steps to bring DCHA into Compliance with the D.C. Language Access Act:

- **Require immediate and regular training of all staff at DCHA, especially inspectors, front line staff, admissions and recertification staff, and hotline personnel, in DCHA's obligations under the Language Access Act.** Legal Aid has been told on a number of occasions that staff members will be trained on their obligations under the law. If this training has taken place, it has not been effective. The agency should implement better training and should conduct it on at least an annual basis. All new staff should be required to complete Language Access Training before they begin interacting with the public.
- **All vital documents must be translated into the necessary languages.** The agency should ensure that *all* vital documents, including rent letters and termination notices, are translated into Spanish and into all other languages spoken by populations that constitute three percent or 500 individuals, whichever is less, of the population served or encountered, or likely to be served or encountered by DCHA, a standard established in the D.C. Language Access Act itself.
- **DCHA should hire more bilingual staff.** The agency should seek staff members who speak Spanish as well as other languages spoken by DCHA's client population, and should train them in how to provide translation services. The implementing regulations of the D.C. Language Access Act authorize agencies to give preference to hiring qualified bilingual personnel to help meet the requirements of the Act. Any existing budgeted vacant public contact positions should be filled with qualified bilingual personnel.
- **DCHA needs to tag customers who do not speak English and consistently offer those customers services in their native languages.** Once the Housing Authority first becomes aware that a customer does not speak English (for example, on the application to be put on the waiting list for housing), then that customer's record should be tagged and the customer's language should be noted. From that point on, the customer should receive services in the customer's language. When the customer is called into the Housing Authority, the notice should be written in the customer's language and the housing specialist with whom the customer shall meet should be alerted to the customer's language. DCHA should have the ability to automate the system by which tagged customers receive written communication in their language.
- **DCHA needs to train bilingual staff in how to provide translation services.** DCHA should consult the Language Access Coalition or the Office of Human Rights for resources that are available concerning ways to train bilingual staff in providing quality interpretation.

We believe these steps will help ensure that all D.C. residents who qualify for subsidized housing have equal access to it through the D.C. Housing Authority.