

I. Nondiscrimination and Accessibility

A. Nondiscrimination -- Complying with Civil Rights Laws

1. Civil rights laws protect the rights of applicants and residents to equal treatment by the Housing Authority in the way it carries out its programs. It is the policy of the Housing Authority (PHA) to comply with all Civil Rights laws, including but not limited to:

- *Title VI of the Civil Rights Act of 1964, which forbids discrimination on the basis of race, color, religion, national origin or sex;*
- *Title VIII of the Civil Rights Act of 1968 (as amended by the 1974 HCDA and the Fair Housing Amendments Act of 1988), which extends protection against discrimination based on disability and familial status, and spells out forms of prohibited discrimination;*
- *Executive Order 11063;*
- *Section 504 of the Rehabilitation Act of 1973, which describes specific housing rights of persons with disabilities;*
- *The Age Discrimination Act of 1975, which establishes certain rights of the elderly;*
- *Title II of the Americans with Disabilities Act of 1990 (ADA) requires that the PHA provide individuals with disabilities with access to its programs, services and activities including common areas and public spaces. However, Title II does not require that individual housing units be accessible to individuals with disabilities; rather Section 504 and the Fair Housing Act govern access for individuals with disabilities to the PHA's housing units;*
- *Any applicable State laws or local ordinances, and*
- *Any legislation protecting the individual rights of tenants, applicants or staff that may subsequently be enacted.*

2. The PHA shall not discriminate because of race, color, national origin, sex, religion, familial status, or disability in the leasing, rental occupancy, use or other disposition of housing or related facilities, including land that is part of a development under the PHA's jurisdiction covered by a public housing Annual Contributions Contract with HUD.

3. PHA shall not, on account of race, color, national origin, sex, religion, familial status, or disability, age or marital status;

- (a) Deny anyone the opportunity to apply for housing (when the waiting list is open), nor deny to any qualified applicant the opportunity to lease housing suitable to its needs;
- (b) Provide anyone housing that is different (of lower quality) from that provided others;
- (c) Subject anyone to segregation or disparate treatment;
- (d) Restrict anyone's access to any benefit enjoyed by others in connection with the housing program;
- (e) Treat anyone differently in determining eligibility or other requirements for admission;
- (f) Deny anyone access to the same level of services; or
- (g) Deny anyone the opportunity to participate in a planning or advisory group that is an integral part of the housing program.

4. PHA shall not automatically deny admission to otherwise qualified applicants because of their membership in some group to which negative behavior may be imputed (e.g., families with children born to unmarried parents or families whose head or spouse is a student). Instead, each applicant who is a member of a particular group will be treated as an individual based on his or her attributes and behavior.

5. PHA will correct situations or procedures that create a barrier to equal housing opportunity for all. To permit people with disabilities to take full advantage of the PHA's housing program and non-housing programs, in accordance with Section 504, and the Fair Housing Amendments Act of 1988, there are requirements, optional actions and prohibitions:

PHA **must**, upon request by an applicant or resident with a disability,

- make structural modifications to its housing and non-housing facilities and
- make reasonable accommodations in its procedures or practices

unless such structural modifications or reasonable accommodations

- would result in an undue financial and administrative burden on the Authority,
- or**
- would result in a fundamental alteration in the nature of the program

6. PHA will not permit these policies to be subverted to do personal or political favors. PHA will not offer units in an order different from that prescribed by this policy, since doing so violates the policy, federal law, and the civil rights of the other families on the waiting list.

B. Making Programs and Facilities Accessible to People with Disabilities

1. Facilities and programs used by residents will be accessible to a person in a wheelchair. Application and management offices, hearing rooms, community centers, etc. will be usable by residents with a full range of disabilities. To the extent that the PHA offers such facilities, if none is already accessible, some will be made so, subject to the undue financial and administrative burden test.

2. Documents used by applicants and residents will be accessible for those with vision or hearing impairments. Also, all documents will be written simply and clearly to enable applicants with learning or cognitive disabilities to understand as much as possible. Unless prohibited by local law, documents may be translated into languages other than English.

3. PHA will present examples to help applicants and residents understand eligibility, rent computation, applicant screening, reasonable accommodations, and lease compliance. In writing materials for applicants and residents, PHA staff will be prepared to explain rules and benefits verbally, as often as may be needed, because some disabilities may affect an applicant's ability to read or understand.

4. When PHA has initial contact with the applicant, PHA staff will ask whether the applicant requires an alternate form of communication. Examples of alternative forms of communication might include, but are not limited to: a qualified sign language interpreter provided for and paid for by the PHA; having written materials explained orally by staff either in person or by telephone; provision of written materials in large/bold font; information on computer diskette; permitting applicants to file applications by mail. In addition, the PHA's obligation to provide alternative forms of communication to persons with disabilities does not preclude an individual's right to have a friend, relative or advocate accompany him/her for purposes of conducting business with the PHA. Also, upon request, the PHA may conduct a home visit to assist with the application process.

5. Some applicants will not be able to read (or to read English), so intake staff must be prepared to read and explain anything that they would normally hand to an applicant to be read or

filled out. Applicants who read or understand little English may furnish an interpreter who can explain what is going on. PHA is not required to pay the costs associated with having a foreign language interpreter (as they are for a sign language interpreter for the hearing impaired because the Fair Housing law makes no such requirement).

6. At a minimum, PHA will prepare information to be used by applicants and residents in plain-language accessible format.

Summary

Name of Project: Housing Authority of Billings' Plan for providing access to benefits and services for Persons with Limited English Proficiency (LEP).

Introduction: Section 2 of Executive Order 13166 requires Federal agencies and recipients of Federal financial assistance to develop and implement a plan for improving access to services and participation in federally conducted programs and activities to LEP individuals. The Housing Authority of Billings is committed to improving language accessibility of its federally conducted programs and activities and to take reasonable steps to provide meaningful access to LEP individuals using a "4-factor" analysis. Factors that we consider when determining what constitutes reasonable steps to ensure meaningful access to LEP individuals are the:

- Number or proportion of LEP persons in the eligible service population;
- Frequency with which LEP individuals come into contact with the program;
- Importance of the service provided by the program; and
- Resources available to the recipient.

Background: The Housing Authority of Billings has taken a proactive approach to implementing a comprehensive plan to provide access to program benefits and services to LEP individuals.

Vision Statement: The Housing Authority of Billings provides effective, efficient and equitable service to the public we serve. Members of the public have access to our services regardless of their ability to speak, read or write English. Service delivery options are available to LEP individuals, enabling them to communicate effectively with the Housing Authority of Billings in person, over the phone, in writing or through electronic media.

Policy: The Housing Authority of Billings has taken a proactive approach to ensure access to the programs we administer to all of the American public. Our policy ensures that individuals have access to our programs and services regardless of their ability to communicate with us in English. The Housing Authority of Billings will provide and interpreter free of charge, to any individual requesting language assistance or, when it is evident that such assistance is necessary to ensure that the individual is not disadvantaged. We do not require individuals needing language assistance to provide their own interpreters.

Qualified Interpreter Services - The Housing Authority of Billings uses qualified interpreters available in our community. If the LEP individual prefers to use his/her own interpreter, such as a family member, friend, or third party, the Housing Authority of Billings will determine whether the interpreter meets our requirements. Generally, we will not permit a child under age 18 to serve as an interpreter due to the nature and complexities of our business processes.

Public Information – The Housing Authority of Billings recognizes the value of public information to educate, improve access to our services, address LEP concerns, promote program integrity and build public confidence in the programs

we administer. The Housing Authority of Billings contracts with the US Department of Housing and Urban Development (HUD) to administer various programs and will utilize all materials available from HUD that are produced in languages other than English to provide this information to LEP individuals.

Written Communications – In order to facilitate access to our programs and to improve administrative effectiveness, the Housing Authority of Billings will use public information materials, notices and form letters produced and provided by HUD due to the nature and complexities of our business processes. We will use the following criteria:

- Number of LEP beneficiaries/applicants;
- Literacy level in the non-English language;
- Anticipated demographic growth; and
- Cost effectiveness.

Section 1. Demography: Number of Proportion of LEP Individuals.

The Housing Authority of Billings will begin collecting language preference of our applicants and program participants. Capturing language preferences will ensure that we:

- Know the preferred languages of the individuals we serve;
- Know where the language demands are located; and
- Make informed staffing and resource allocation decisions.

Section II. Frequency of Contact with the Program.

The Housing Authority of Billings will collect information as to the number of LEP individuals that come into contact with our programs through the main office and our off-site complex: in person, by mail, phone or internet, to apply for housing assistance, request services or ask questions about the programs we administer.

Section III. Nature and Importance of the Program. In 1937, the U.S. Housing Act established programs to help low-income Americans with their housing needs. Thus, for LEP individuals, the Housing Authority of Billings plays a critical role in helping provide housing assistance and linkages to other housing and self-sufficiency services.

Section IV. Resources The Housing Authority of Billings directs resources to LEP activities in the form of:

- Professional networking with other agencies such as Montana Legal Services (3 Spanish speaking staff members and located directly across the street), Montana Migrant Council, and the foreign language department of Montana State University Billings;
- Providing for paid third-party interpreters;
- Providing written materials in languages other than English. This is limited to those documents currently produced and published by HUD.

C. 504 POLICY/NONDISCRIMINATION/GRIEVANCE

1. Public Notice

POLICY OF NONDISCRIMINATION ON THE BASIS OF HANDICAPPED STATUS

The Housing Authority of Billings does not discriminate on the basis of handicapped status in the admission or access to, or treatment or employment in, its federally assisted programs or activities.

Lucy Brown, Executive Director, has been designated to coordinate compliance with the nondiscrimination requirements contained in the Department of Housing and Urban Development's (HUD) regulations implementing Section 504 (24 CFR Part 8).

Feel free to contact Ms. Brown with your comments or suggestions regarding how the Housing Authority may better serve those with handicaps.

The 504 Grievance Policy is posted at all Housing Authority offices and community centers.

Telephone Number: (406) 245-6391
Montana Relay: 711

2. The Housing Authority and any of the properties it manages does not discriminate on the basis of handicap status in the admission of, access to, or treatment or employment for any of its projects or programs

The Housing Authority adheres to the 504 Act policies to assist those with disabilities as delineated by H.U.D. The 504 Act applies to clients and client applicants as well as employees and job applicants. The Executive Director is the 504 Coordinator. Any of these groups may request a reasonable accommodation, and if denied a right to grieve the decision. The following is the process to be followed.

- a. Client applicants and clients may request a reasonable accommodation in writing and it will be directed to the effected department. Staff will then present to their supervisor and the supervisor will take it to the Executive Director. If the reasonable accommodation is denied, the client applicant or client may request a grievance hearing or review as set up in the various program policies.
- b. Job applicants may request a reasonable accommodation in writing and it will be submitted to the Executive Director. If denied, the denied job applicant may request a grievance hearing within ten days of denial. The grievance hearing officer will conduct a hearing within ten days of the request and within ten days of the hearing render a decision.
- c. For all current employees, a reasonable accommodation may be requested during employment. If denied, the employee should following the grievance procedures spelled out in the Affirmative Action Plan.

For external complaints, you may contact:

- U.S. Department of Housing & Urban Development: 1-800-669-9777; TDD 1-800-927-9275
- Your local, state, or national protection and advocacy system
- Your private Fair Housing agency

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- The Mental Health Law Project: 1-202-467-5730
- The U.S. Department of Justice: 1-202-514-4713