



## **Language Access Plan**

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### **1. Introduction**

The Boston Redevelopment Authority, doing business as the Boston Planning & Development Agency (BPDA), is committed to compliance with Title VI of the Civil Rights Act of 1964 and relevant implementing regulations to ensure meaningful access to BPDA planning and development review public processes for individuals with Limited English Proficiency (LEP), meaning individuals who do not speak English as their primary language and who have a limited ability to read, speak, write or understand English. This document provides guidelines and procedures for the BPDA to take reasonable steps to provide LEP persons meaningful opportunities to be informed of and participate in its planning and development review processes.

### **2. Boston Planning & Development Agency Mission**

The BPDA is the planning and development agency for the City of Boston. In partnership with communities, the BPDA plans Boston's future while respecting its past. By guiding inclusive, resilient growth in partnership with communities throughout the neighborhoods of Boston, and leveraging funding through large-scale real estate development for affordable housing and workforce training & development, the BPDA helps to create a more equitable city for all.

### **3. Language Access Plan**

BPDA staff shall take reasonable steps to ensure that LEP persons have meaningful access to the BPDA's planning and development review public processes by implementing a Language Access Plan (LAP). This LAP applies to BPDA departments that conduct planning and development review public processes and interact with the public and provides guidelines and

procedures for the BPDA to take reasonable steps to provide persons with LEP meaningful opportunities to be informed of and participate in its planning and development review public processes. BPDA staff shall take reasonable steps to effectively inform members of the public that language and communications assistance services are available free of charge to persons with Limited English Proficiency (LEP) and shall provide free language and communications assistance to individuals with LEP whenever appropriate or requested.

The BPDA will require specific Project Proponents (Proponent) for Boston Zoning Code Article 80B and 80C projects to create, implement and submit for BPDA staff approval a project-specific LAP as further defined herein (see Section 5E below).

#### **4. Limited English Proficiency (LEP) Population Assessment**

The BPDA is guided by the [Four Factor Analysis](#) that assesses each neighborhood of Boston individually based on an assessment that balances the factors provided herein, without imposing undue financial burdens, and in accordance with the U.S Department of Housing and Urban Development (HUD) LEP Guidance. The Four Factor Analysis provides reasonable steps to provide meaningful access to the BPDA's development review and planning processes to LEP persons. The BPDA will annually review data collected pursuant to the provisions of the Four Factor Analysis provided herein.

The Four Factor Analysis is as follows:

1. The number or percentage of LEP persons eligible to be served or likely to be served using Standards of Thresholds (Attachment A), which is supported by census data or other relevant data. Threshold Languages are determined annually by the BPDA's Research Division, which monitors Boston's demographics;
2. Frequency with which LEP persons come into contact with the planning and development review public processes, including planning initiatives and development review projects proposed in proximity to LEP persons' residence or neighborhood;
3. Nature and importance of the public meeting, process or document. For example, assisting a LEP population with interpretative services during a planning or development review public meeting; and
4. The BPDA has committed resources to providing the LAP services free of charge through its budget and, or requiring Proponents of Large Projects under Article 80B of the Boston Zoning Code (Code) or Proponents of Development Plans of Planned Development Areas under Article 80C of the Code to provide such services as part of a project specific LAP.

The resources available to implement the LAP will take into account the most proficient, cost-effective and reasonable measures to provide LEP services. For example, utilizing the Language Bank Volunteer, contract vendor or bilingual staff, or use of technology tools. The

BPDA budget for LAP services shall be reviewed annually by the LAP Coordinator and Director of Diversity, Equity and Inclusion. This commitment is subject to the availability of appropriated funds. BPDA commits to using commercially reasonable efforts to appropriate such funds. It may not occur in full if the translations required would create an undue administrative and financial burden on the BPDA weighed against how important the document information is. In addition, the BPDA will rely on project Proponents as part of the project specific LAPs to translate their own required vital documents with BPDA oversight.

### **5. Provision of Language Access Services**

BPDA staff shall make efforts to conduct or arrange for an initial assessment of the need for language and communications assistance and should make efforts to obtain such services if they are needed to effectively communicate with the LEP individual(s). Such efforts may consider whether more effective alternatives exist rather than reliance upon translated documents to obtain or process vital information. Language and Communications Access will be planned for and integrated into planning and development review public processes before they commence.

#### **A. Language Access Coordinator**

The BPDA has appointed a Language Access Coordinator who will be responsible for ensuring the BPDA's implementation and ongoing compliance with this LAP. The Language Access Coordinator will also, collaborating with other city departments as appropriate, work toward the continued operation and, as applicable, timely completion of each portion of this LAP. The Language Access Coordinator will be responsible for monitoring and overseeing the effectiveness of the BPDA's LAP.

#### **B. Interpretive Services (Oral Language)**

BPDA departments that conduct planning and development review public processes will provide oral interpretation at no charge to LEP persons to ensure meaningful access to the planning and development review public processes. The BPDA shall notify the public of its ability to request an interpreter through notices from the BPDA for public meetings and hearings; such notification shall be provided in the threshold language, as applicable.

#### **C. Translation Services (Written Language)**

Documents that contain information that is critical to ensuring meaningful access to the BPDA's planning and development review public processes are considered Vital Documents. BPDA staff has conducted a review of planning and development review written documents for the purpose of assessing whether a document is a Vital Document and requires translation (Attachment B). The BPDA shall translate Vital Documents into Threshold Languages, as applicable. BPDA shall continue to review new planning and development review written documents for the purpose of assessing whether a new document is a Vital Document and requires translation. BPDA staff may

consider whether more effective alternatives exist rather than reliance upon written documents to obtain or process vital information.

Although many documents will be completely translated under this LAP, the BPDA recognizes that some Vital Documents are not entirely comprised of information critical to ensuring meaningful access to the BPDA's planning and development review public processes. Summaries or Fact Sheets will be created in lieu of an entire document and such Summaries and Fact Sheets will be considered Vital Documents. In addition, when a document is very long and portions are not considered vital, the vital portions will be translated. The BPDA may also use technology embedded in its website to provide translated summaries to provide such information contained in a document to an LEP person, e.g.: Google Translate. Further, some documents would be impractical to translate in every instance because of their volume, associated costs, and time involved.

D. Assessment of the Need for Language and Communications Assistance:

BPDA staff can determine whether a person needs language and communications assistance in several ways:

- Individual self-identifies as limited English proficient, or as having a communications-related disability;
- Individual asks for an interpreter;
- Individual asks for a document translation;
- Individual asks for assistive technology;
- Individual has LEP or disability information documented;
- Individual cannot grasp or respond to questions in English;
- Individual does not speak or understand English well enough to effectively take part in the conversation.

BPDA staff can identify whether a planned activity requires interpretation services to be made available in several ways:

- Individual attending is determined to require some sort of language and communications accommodations;
- The planned interaction is of legal consequence or holds legal precedence;
- The planned interaction is hosted in and/or for a specific neighborhood that meets the language threshold;
- The planned interaction is hosted for an identified community with specific language assistance needs.

BPDA staff can identify whether a planned interaction requires assistive technology to be made available in several ways:

- Individual attending makes specific request to require some sort of language and communications accommodation, including screen readers and closed captioning for access to persons with disabilities;

- Individual attending makes specific request for a type of assistive technology accommodation;
- The planned interaction requires simultaneous interpretation services in one or more languages;
- The planned interaction is hosted in the BPDA offices. If requested, assistive listening devices must be made available for use;
- The planned interaction contemplates soliciting feedback from individuals and communities with disabilities.

E. Article 80 Language Access - Project Specific LAP

The BPDA will require specific project Proponents for Boston Zoning Code Article 80B and 80C projects to create, implement and submit for BPDA staff approval a project-specific LAP with the Letter of Intent for Large Project Review (80B) or filed plan for Planned Development Area Review (80C), including Master Plan Planned Development Area, (collectively, PDA), as relevant. The project-specific LAP should outline the Proponents' strategies for community engagement and inclusion and be publicly disseminated prior to or concurrent with the Letter of Intent or PDA filing, as relevant. The BPDA will require Proponents of projects and PDAs to include a plan to provide interpreters for large, medium, small and one-on-one meetings in project specific LAPs.

**6. Training**

The BPDA will provide annual training for staff, under the supervision of the Language Access Coordinator, about the LAP and implementation plan. Training will include:

1. An overview of the BPDA's LAP;
2. How and when to access language services through Language Bank Volunteer, contract vendor or bilingual staff, when appropriate; and
3. How to work with an interpreter.

**7. Record Keeping and Evaluation**

The BPDA's Language Access Coordinator shall:

1. Ensure tracking of language assistance services provided by the planning and development review departments in the following ways: (i) LEP person served; (ii) the language; and (iii) type of service and how language service was provided;
2. Work with planning and development review departments to address issues related to language services;
3. Provide the Director of Diversity, Equity and Inclusion of the BPDA with reports on language assistance and/or services provided;
4. Identify staff requiring training on the delivery of language services, e.g., project manager, planners, employees new to the planning and development review departments;
5. Evaluate the tracking information and data above, reach out to BPDA staff for feedback, and report to the Director of Diversity, Equity and Inclusion regarding the sufficiency and

- appropriateness of language services in light of the requirements of Title VI and provide the Director of Diversity, Equity and Inclusion with changes or updates to the LAP; and
6. Prepare for the BPDA to submit quarterly reports to HUD for the first year of the LAP; thereafter separate bi-annual reports shall be submitted to HUD for five years, including evidence and documentation, when appropriate.

### **8. Outreach and Public Awareness**

The BPDA will provide notification of the availability of free language assistance services through public notices (e.g.: digital, newspaper, distribution through community organizations), announcements at public community meetings and email distribution. Notices regarding the availability of free language assistance services will also be posted on the BPDA's website. Such notices posted on the BPDA's website will be published in the applicable threshold languages. The Language Access Coordinator will coordinate with planning and development review staff to develop community resources, partnerships, and other relationships to help with the provision of language services. The coordination will consist of sharing multilingual information and resources with planners and project managers so they may provide outreach with such information and resources by emails and at community meetings. Coordination and outreach will be an ongoing effort whereby planners and project managers, working with the Language Access Coordinator and Director of Diversity and Inclusion, will work with and gather feedback from community based organizations around language access and educating the community on the BPDA's LAP and available services and resources. A list of community based organizations that the BPDA will reach out to and continue to work with is attached as Attachment C. Such list will be updated continuously based upon outreach, coordination with organizations, and best practices.

BPDA planning and development review staff with responsibility for Article 80B and 80C review processes shall conduct community engagement initiatives and sessions such as community events, forums and listening sessions at least bi-annually, e.g.: "Popsicle with a Planner" and "Pupusa with a Planner".

### **9. Language Access Complaints and Feedback**

The Language Access Coordinator is the BPDA's designated representative to receive and coordinate all complaints and feedback regarding implementation of the LAP. BPDA staff who receive a report, or become aware that a LEP person believes that he/she has not been provided with language assistance services, in accordance with the provisions of the BPDA's LAP, should report such information to the Language Access Coordinator. The Language Access Coordinator will work with the relevant BPDA staff and complainant to ensure compliance with the LAP.

### **10. Resources**

1. Demographic Data Report: [Demographic Data Report: Language](#) [Update Link] by neighborhood (to be updated annually, Attachment A)

2. Providers: BPDA sample list of professional contract vendors for translation and interpretation services, subject to updates (Attachment D).
3. The BPDA regularly consults with city agencies such (Mayor's Office of Neighborhood Services, Mayor's Office for Immigrant Advancement, and [Commission for Persons with Disabilities](#)) to ensure that additional professional providers are made available if/when necessary ([Professional Interpreter/Translator Vendor Directory](#): list of professional vendors).
4. Language Bank Volunteers: [LAP Volunteer Pool](#): list of volunteer interpreters/translators

Language Bank Volunteers are City of Boston, including BPDA employees, who have been deemed proficient to provide oral interpretation and/or written translation in particular languages and who volunteer, with supervisory approval, to provide such service outside the scope of their usual work. The list of volunteers is maintained and updated by the City of Boston.

**Attachment A: Threshold Languages**

**Attachment B: Vital Documents**

**Attachment C: Community Based Organizations**

**Attachment D: Contract Providers**

## **Attachment A: Threshold Languages**

### **Standards for Threshold Languages (City-Wide)**

Standards for threshold languages for planned constituent-facing interaction depends on the intended service area and type of interaction in consideration. If the interaction is planned for city-wide consumption or is purposed to be accessible to residents across all neighborhoods, interpretation services will be made available in threshold languages. U.S. Census American Community Survey 5-year sample data is used to identify individuals aged 5+ who speak English less than very well by the language they speak at home. Interpretation means listening to a communication in one language and converting it to another spoken language while retaining the same meaning. The planners and project managers running the community meetings or interactions should make such services available as follows:

1. When advertising or organizing the planned interaction, such as community meetings, the planners and project managers should include on such advertisements or notices in threshold languages notifying people that they can inform the planners or project managers in advance that they will attend and need interpretation services. When informed that someone attending needs interpretation services, the planners and project managers will take reasonable steps to provide interpretation services; and

2. BPDA may offer interpretation services a planned community meetings and interactions in accordance with the BPDA LAP.

Threshold Languages are determined annually by the BPDA's Research Division, which monitors Boston's demographics. The 2020 threshold languages are the following:

- Spanish
- Haitian
- Mandarin - Chinese
- Vietnamese
- Cantonese - Chinese
- Cape Verdean or Kabuverdianu
- Portuguese
- Russian
- Arabic
- French
- Somali

Translation services shall be made available upon request in threshold languages spoken by a LEP population within the City of Boston that constitutes either 5% of the agency's constituents or 1,000 individuals, whichever is less. Translation services, meaning the replacement of a



communication from one language into an equivalent written text in another language, shall be provided for all vital documents.

*Standards for Threshold Languages (Neighborhood)*

If the interaction or community meeting is planned for a specific neighborhood, project, or smaller site area, purposed for a specific identified location, the threshold languages are those that are spoken by a LEP population within a certain proximity to LEP population's residence, or neighborhood or neighborhoods that constitutes either 5% of the neighborhood population or 1,000 individuals, whichever is less. This standard will be applied to both interpretation services as well as translation of vital documents for planning and development review processes. For these geographies smaller than the city, data from the U.S. Census are more limited. Data on limited English speakers by specific language are only available for Spanish, Chinese, Vietnamese, Haitian/French, Arabic, Korean and Tagalog. Data by neighborhood for these languages are presented below:

- **Allston** Chinese
- **Back Bay** none
- **Beacon Hill** none
- **Brighton** Chinese, Spanish
- **Charlestown** none
- **Chinatown/Downtown** Chinese
- **Dorchester** Spanish, Vietnamese, Haitian/French
- **East Boston** Spanish
- **Fenway** Chinese
- **Hyde Park** Spanish, Haitian/French
- **Jamaica Plain** Spanish
- **Longwood** none
- **Mattapan** Haitian/French, Spanish
- **Mission Hill** Spanish
- **North End** none
- **Roslindale** Spanish
- **Roxbury** Spanish, Haitian/French
- **South Boston** Spanish
- **South End** Chinese, Spanish
- **West End** none
- **West Roxbury** Haitian/French

**Attachment B: Vital Documents**

<b>Informational documents</b>	<b>Originator</b>	<b>Translation provided by</b>
Citizen's Guide to Article 80	BPDA	BPDA
Impact Advisory Group flyer	BPDA	BPDA
<b>Article 80B - Large Projects</b>		
Letter of Intent	Proponent	Proponent
Fact Sheet/Summary of Project filing Benefits Summary	Proponent	Proponent
Public Meeting Outreach Documents and Notices	BPDA/Proponent	BPDA/Proponent
Public Meeting Presentation Materials	Proponent	Proponent
Board Agenda - Related Item (all 80B)	BPDA	BPDA
Board Memo - Public Hearing	BPDA	BPDA
Notices/advertisements required under Affordable Housing Marketing Plans	Proponent	Proponent
Outreach and Notices for Community Benefits Applications	BPDA	BPDA
<b>Urban Renewal</b>		
Fact Sheet/Summary of Proposed Changes to Plans	BPDA	BPDA
Public Meeting Outreach Documents and Notices	BPDA	BPDA
Public Meeting Presentation Materials	BPDA	BPDA
<b>Article 80C - Planned Development Area Development Plan</b>		
Planned Development Area/Fact Sheet/Summary	Proponent	Proponent
Public Meeting Outreach Documents and Notices	BPDA	BPDA
Public Meeting Presentation Materials	BPDA	BPDA
Board Agenda - Related Item (all 80C)	BPDA	BPDA
Board Memo - Public Hearing	BPDA	BPDA
<b>Planning Initiatives</b>		
Fact Sheets/Summary of Plans	BPDA	BPDA
Public Meeting Outreach Documents and Notices	BPDA	BPDA
Public Meeting Presentation Materials	BPDA	BPDA

**Attachment D: Contract Providers**

<b>Language</b>	<b>Translation</b>	<b>Contact</b>	<b>Email</b>	<b>Phone Number</b>
All except Vietnamese	Rapport International	Aimi or Linda	translation@rapportintl.com	
Vietnamese	VACA	Thuan Tran	thuan.tran.vaca@gmail.com	617-288-7344 x18
<b>Language</b>	<b>Interpretation</b>		<b>Email</b>	<b>Phone Number</b>
Haitian Creole	Boston Linguistics	Oliver Kici	bostonlinguistics@gmail.com	617-839-9009
Cabo Verdean Creole	Boston Linguistics	Oliver Kici	bostonlinguistics@gmail.com	617-839-9009
Spanish	Boston Linguistics	Oliver Kici	bostonlinguistics@gmail.com	617-839-9009
All others except below	Boston Linguistics	Oliver Kici	bostonlinguistics@gmail.com	617-839-9009
Vietnamese	VACA	Thuan Tran	thuan.tran.vaca@gmail.com	617-288-7344 x18
Mandarin	Terry Yin	Terry Yin	yxb1989@gmail.com	203-893-7963
Cantonese	Anna Tse	Anna Tse	anna.translate@gmail.com	617-818-1754

Source: COB Language Access, 2020

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