

# Translation Woes:

Language Barriers  
at New York City's  
Human Resources  
Administration

2007 Survey Results of  
language service provision at  
Medicaid, Public Assistance  
& Food Stamps Centers

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## LETTER FROM LSNY'S EXECUTIVE DIRECTOR

This report shows in dramatic detail the language barriers many low-income New Yorkers face when they try to access the most basic benefits and services from the Human Resources Administration (HRA). Despite federal, state and city laws and regulations that require HRA to serve people with limited English proficiency (LEP), our survey of all 69 HRA centers in New York City demonstrates that HRA routinely fails to provide translation services, translated documents, and other language assistance to New Yorkers who need their help. HRA's failure to provide language access services violates the civil rights of the City's most vulnerable residents, and creates significant barriers to critical income supports and healthcare services.

While the survey results paint the broad picture of system-wide bureaucratic failure, interviews conducted with affected community members highlight the very personal human cost of HRA's failure to provide language services at its centers. This report calls for action from HRA, and for leadership from elected officials who are committed to reducing the impact of poverty and eliminating discrimination in the provision of services. Unless necessary changes are made at HRA, the door to benefits and services will remain slammed shut for thousands of our low-income clients.



Andrew Scherer

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# EXECUTIVE SUMMARY

## The Need

A close look at New York City's linguistic diversity reveals the critical need for language services at government agencies that administer vital public benefits. Almost half of all New York City residents speak a language other than English at home. One out of four New Yorkers over the age of five does not speak English, or does not speak it well, making them limited English proficient (LEP). Because LEP communities are growing at a rapid rate and because LEP status is closely connected to poverty, food insecurity and lack of economic mobility, LEP persons are more likely to need critical public benefits. Language access services are vital services for LEP New Yorkers, immigrants and citizens alike, and when denied, can result in hunger, eviction, and other grave problems.

## Providing Language Access: It's the Law

HRA is mandated by federal, state and local laws to provide language services to LEP individuals. Its failure to provide such services may violate such laws and may be considered national origin discrimination, which is prohibited by Title VI of the Civil Rights Act of 1964. The Federal Food Stamp Act (FSA) and its implementing regulations prohibit national origin discrimination against LEP individuals who apply for Food Stamps. New York State Social Services regulations and the State's Human Rights and Civil Rights statutes further prohibit national origin discrimination. Local Law 73, the Equal Access to Human Services Act of 2003, requires HRA to provide comprehensive language services to LEP applicants and recipients.

## Our Survey

In June and July of 2007, LSNY surveyed 69 HRA centers in New York City (Medicaid, Food Stamps, and Public Assistance offices). At each site we documented whether the center was complying with legal and regulatory requirements to provide language access in three areas. The first was whether conspicuous signs were posted stating that free interpreter services are available. The second was whether translated applications in the six most commonly encountered languages were available upon request. Lastly, our surveyors asked whether an interpreter or bilingual staff member would be provided for an LEP client at the center. In partnership with community-based organizations, we also interviewed LEP applicants and recipients of HRA benefits about their experiences accessing language services at HRA centers.

## What Our Surveys Revealed

Our survey results revealed HRA's systemic failure to provide legally mandated language access services to limited English proficient individuals. Only 18 of the 69 HRA offices (26%) provided all three basic language assistance services surveyed (posted signs, translated applications and interpreter provision/bilingual personnel). Not a single Medicaid office was in compliance with all three measures. Furthermore, 10% of offices surveyed were not in compliance with any of the three measures. Our surveyors observed serious inconsistencies between offices and a general lack of knowledge on the part of frontline staff regarding HRA policies on language services.

### Signs Informing LEP Individuals of Language Services

Thirteen percent of HRA offices have not posted a single legally mandated sign stating that free language services are available. Of those that did, over 20% of the signs were in bad condition, ripped, or difficult to read.

### Translated Applications

Most (66%) HRA offices surveyed did not provide translated applications in the six most commonly spoken languages. Thirty percent of the offices surveyed were only able to produce a translated application in one other language. Ten offices, almost 15%, could not produce any translated applications at all. In Queens, the most diverse county in the country, none of the ten HRA offices had all six translated applications. Eighteen percent of offices citywide did not have applications in Spanish, a language spoken by nearly 2 million New York City residents and by far the most common language spoken after English by New Yorkers. Of the 19 Medicaid offices surveyed citywide, not one provided applications in all six surveyed languages.

### Interpreter Services

Fewer than two-thirds of the surveyed offices responded that an interpreter or bilingual staff member would be available as legally required to speak to an LEP applicant or recipient in the most commonly spoken languages of the community. Twenty-six percent of offices surveyed stated that an LEP person would have to wait or come back later for an interpreter or bilingual staff member. Two offices stated that an LEP person would have to bring someone with them to interpret, a clear violation of federal and local laws.

## Recommendations

The survey results, when viewed as a whole, do not point to a lack of sound policy. Rather, they suggest an administrative failure to follow through on existing policies that are based on legal requirements. The following recommendations address these systemic problems.

### →Accountability

*The Mayor of New York City and the Governor of New York State should provide guidance and oversight to ensure that HRA complies with legal requirements to provide language services to limited English proficient applicants and recipients.*

→ HRA must design a system that holds each center accountable for its compliance with language policies and procedures.

→ HRA should designate a language policy coordinator at each center and make this person known to center staff and the general public.

→ HRA should create a central complaint system for the public so that limited English proficient applicants and recipients or their advocates and representatives can make complaints about improper language service provision without danger of retaliation. Multi-lingual signage about the complaint process should be posted in all offices.

→ HRA should create a citywide taskforce for language policy coordinators to share best practices and resources.

### →Monitoring

*HRA should implement an internal compliance monitoring system utilizing random testers and outside consultants to regularly monitor HRA centers for compliance with language service procedures.*

### →Training

→ All HRA center staff (not just bilingual and interpreter personnel) should be regularly trained on HRA's language access policies and procedures and how to implement them.

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# THE NEED FOR LANGUAGE SERVICES IN NEW YORK CITY

“I have always felt discriminated against when I go to [an HRA] center. When it’s time to go, I feel anxious and scared because I know that I can’t communicate with my caseworker or with anyone there. I feel rejected when they realize that I can’t speak English. They tell you they’ll do their best to find someone to help, and sometimes they find someone and sometimes they don’t. I feel impotent and frustrated because I want to do what I need to and I can’t. On July 16th, 2007, my caseworker didn’t even say hello to me, she just spoke in English. She told me to go sit down and she didnt even ask me if I wanted an interpreter. The people who translate also treat you badly. They don’t tell the worker what you say and they don’t ask if you have any questions. They treated me very badly that day.”

Sonia Martinez,\*  
Spanish-speaking resident  
of Bushwick, Brooklyn

\*All names have been changed.

Census data from 2000, the most recent data available, reveals a diverse immigrant population in New York City with large communities made up of limited English proficient (LEP) individuals. Almost half of all New York City residents speak a language other than English at home.<sup>1</sup> One out of four New Yorkers over the age of five does not speak English, or does not speak it well, making them LEP.<sup>2</sup> About 15% of New York City households are linguistically isolated, which means that every member over the age of 14 is LEP.<sup>3</sup> Linguistically isolated households have an even greater need for interpretation and translation services. New York’s LEP communities are growing fast. Since 1990 there has been more than a 30% increase in New York’s Hispanic LEP population alone.<sup>4</sup> Since LEP status is closely connected to poverty, food insecurity and lack of economic mobility, LEP persons are more likely to be in need of critical public benefits.<sup>5</sup> A lack of linguistic access to vital programs does not only affect immigrants. Since 25% of New York City families are mixed-status households<sup>6</sup> (meaning that at least one parent is a non-citizen and at least one child is a citizen), U.S. citizen children are particularly at risk of suffering a lack or loss of benefits as a result of these access barriers. Language access services are vital services for LEP New Yorkers, immigrants and citizens alike, and when denied, can result in hunger, eviction and other grave problems.

# A HISTORY OF LANGUAGE ACCESS ADVOCACY

This report is not the first to focus on the lack of linguistic access to HRA's programs and services. In the 1990s New York City advocates focused on this issue as a result of widespread discrimination against LEP New Yorkers seeking to apply for public benefits at HRA. Advocates filed a civil rights complaint at the Office for Civil Rights (OCR) of the United States Department of Health and Human Services (DHHS) in 1999 against HRA.<sup>7</sup> After an extensive investigation, OCR issued a Letter of Findings that described widespread violations of language rights at HRA offices. Also in 1999, a settlement was reached in *Ramirez v. Giuliani*, a class action lawsuit brought against HRA on behalf of LEP Food Stamps applicants.<sup>8</sup>

Despite the OCR Letter of Findings and the Ramirez settlement, LEP applicants at HRA offices continued to face language barriers when trying to access critical benefits and services. In 2000, New York City advocates banded together to push for a local law that would mandate the provision of language services at HRA offices. In 2003, the New York City Council passed Local Law 73: The Equal Access to Human Services Act described in detail below. Section I of the legislation states "Individuals should not face obstacles to receiving social services for which they may be eligible because they do not speak English. The purpose of this local law is to ensure that persons eligible for social services receive them and to avoid the possibility that a person who attempts to access services will face discrimination based upon the language s/he speaks."<sup>9</sup> Now, almost four years later, a lack of language services still prevents needy New Yorkers from accessing the programs they need to keep their families fed and healthy. This report follows in the footsteps of others before it<sup>10</sup> by documenting this critical problem and recommending steps that must be taken to bring HRA into compliance with their legal obligations to provide equal access to benefits and services for LEP applicants and recipients.

Mr. Jiang, a Food Stamps applicant at the 16th Street Center and an LEP Cantonese-speaker, reported that even though his caseworker asked him what language he spoke, he still was not served in Cantonese. He receives all of his benefits materials in English, including applications and recertification forms which he cannot understand. Not only was he not informed of his right to an interpreter, but he was told to bring his own. Mr. Jiang brought a friend with him to the center and reported that, at times, he preferred not to say certain things because the communication did not feel confidential. As a result, he was confused about his benefits and felt humiliated and discriminated against.

# LEGAL REQUIREMENTS FOR LANGUAGE ACCESS

Federal, state and local laws and regulations prohibit HRA from discriminating against people who are not proficient in English.

## Federal Requirements

Title VI of the Civil Rights Act of 1964 prohibits national origin discrimination by entities that receive federal funding. Under Title VI, national origin discrimination includes the failure to provide language assistance services to non-English speaking individuals. In 2000, President Clinton issued Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency,” which clarified the requirements of Title VI with regard to LEP individuals. Executive Order 13166 directed all federal agencies to issue their own policy guidance directing recipients of their federal funds to comply with Title VI obligations to provide meaningful access to LEP individuals. HRA is a recipient of federal funding from the U.S. Department of Health and Human Services (DHHS). In 2003 DHHS issued its own LEP guidance instructing recipients of its funding to provide meaningful access to LEP persons and outlining specific recommendations for providing such access.

The Federal Food Stamp Act (FSA) also prohibits national origin discrimination against LEP individuals who apply for Food Stamps.<sup>11</sup> Food Stamp regulations prohibit state agencies from discriminating against applicants or recipients. The regulations require agencies that administer Food Stamps to provide bilingual program information and certification materials, and bilingual staff or interpreters for LEP applicants and recipients.

## State Requirements

New York State Social Services regulations further prohibit national origin discrimination by social service districts and officials.<sup>12</sup> Additional protections are provided under New York State’s Human Rights and Civil Rights statutes.

In April of 2006, the New York State Office of Temporary and Disability Assistance (OTDA) issued administrative directive 06-ADM-05 to local district commissioners to remind them of their obligation to provide equal access to their programs for LEP individuals. Specifically, the directive states that, “no person shall be denied access to an application for benefits, programs or services based on a district’s inability to provide adequate interpretation services. Persons with LEP must be able to apply without undue hardship.”

## Local Requirements

In New York City, Local Law 73, the Equal Access to Human Services Act of 2003, places specific mandates on HRA regarding the provision of language services. The law requires HRA to determine the primary language of each individual upon initial contact and to inform all LEP persons of their right to free language assistance services. Conspicuous signs must be posted in the six covered languages (Arabic, Chinese, Haitian-Creole, Korean, Russian, and Spanish) at all agency offices informing the public of the right to free language services. Most importantly, the law requires HRA to provide “prompt language assistance services in all interactions” with an LEP individual and to provide translated vital documents in the covered languages. The law further requires HRA to orally translate any form that must be submitted to a state or federal authority if it is not translated.

HRA’s own Local Law 73 Implementation Plan from February 2006 states that HRA currently provides access to LEP applicants and recipients through a number of procedures. For example, it states: “[f]or individuals presenting in person, and for whom the language is not immediately recognized, employees utilize the Language Card to help make the determination... The Office of Refugee and Immigrant Affairs (ORIA) at HRA worked with agency programs to develop Limited English Speaking Ability (LESA) procedures for staff at all Job Centers...to determine the primary language and the need for language assistance by LESA applicants and clients.” With regard to the provision of interpreter services, the plan states that, “[a]ll HRA/DSS centers have LESA Liaisons who are designated to procure interpreter services.”

Ms. Wong was told by her center to bring an interpreter with her. She brought a friend who did not speak English very well and could not translate accurately for her. Another time, after waiting from 10 am until 5 pm for an interpreter, she was told to go home because there was no interpreter available. She felt very frustrated and wasted many hours waiting for an interpreter.

Ms. Rodriguez reported that when she went to the Food Stamps Office on 16th Street, no one asked her what language she spoke. She was not offered an interpreter or a Spanish-speaking caseworker, even though she was unable to speak about her benefits in English. She received notices and a case closing letter in English, which she could not understand. As a result of her language barrier, her benefits were wrongly terminated.

The plan further states that “ORIA reviews the assignment of LESA public assistance cases semi-monthly to identify trends and ensure that LESA cases are being matched to available bilingual staff.” The plan also notes that, “ORIA has contracts to provide on-site, in-person interpreter services in 38 languages at HRA locations...and telephone interpreter services in over 125 languages accessible by staff at HRA locations.”

HRA’s own policies and procedures mandate the provision of services to LEP applicants and recipients. HRA policy directive 06-12-OPE, “Servicing Individuals with Limited English Speaking Abilities (LESA),” issued on May 2, 2006, directs center staff to provide communication assistance to LEP applicants and recipients. The policy states that LESA applicants and recipients must never be asked to bring an interpreter and must never be denied services due to their inability to communicate in English. The policy instructs center staff, upon an encounter with an LEP applicant/recipient, to identify the primary language of the individual, to provide interpreter services through the use of bilingual staff or telephonic interpretation, and to document the language of the applicant/participant in the case record. The LESA liaison at each center is instructed to oversee this procedure.

Taken as a whole, the laws, regulations and policy directives described above mandate HRA to provide basic language assistance services to LEP applicants and recipients of its services. Our project surveyed whether HRA was meeting the minimum legal requirements of its mandate.

# SURVEY METHODS & DATA

In June and July of 2007, LSNY surveyed all 69 HRA offices (Medicaid, Food Stamps, and Public Assistance). At each site we documented whether the center was complying with legal and regulatory requirements to provide language access in three areas. The first was whether conspicuous signs were posted stating that free interpreter services are available. The second was whether translated applications in the six most commonly encountered languages were available upon request. Lastly, our surveyors asked whether an interpreter or bilingual staff member would be provided for an LEP client at the center. Also, in partnership with community-based organizations, we interviewed LEP applicants and recipients of HRA benefits about their experiences accessing language services at HRA centers.

Our surveyors were all English-speaking individuals who asked for translated documents in English. Since English-speaking individuals requesting language services on behalf of LEP clients may receive a different response than LEP individuals requesting services, we, with the help of community-based partners, interviewed LEP HRA applicants and recipients about their recent experiences at HRA centers. We have included excerpts from these interviews throughout the report.

“All of the forms sent to me in the mail are in English and I never understand them. I miss dates and deadlines because I can’t read them. Then I end up having my benefits cut and I have to reapply. Sometimes I take the letters to a community group to translate for me. The most recent time I went to HRA, I paid someone \$100 to come with me to interpret. The people at the center act mad at us and don’t treat us well, they make us feel scared. We try not to go to the office at all unless it is really necessary. I know many people who are qualified for Food Stamps but they don’t want to apply because they know that no one will communicate with them at the center.”

Dora Chu,  
Cantonese-speaking resident of  
Manhattan

“They [Chinese-speaking applicants] could be waiting here all day for an interpreter.”

Caseworker at Boro Hall/Linden  
Food Stamps Office

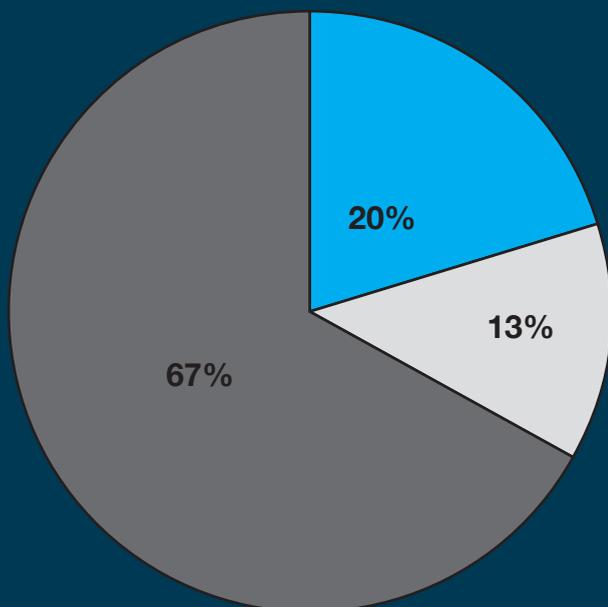
# HRA SURVEY RESULTS

Our survey results indicate a widespread failure on the part of HRA to provide legally mandated language services to limited English proficient individuals. Across the city, HRA centers routinely fail to provide equal access to HRA services and programs for LEP individuals. Most HRA offices surveyed did not provide translated applications in the six most commonly spoken languages. Despite the clear requirement to provide prompt communication assistance to LEP individuals, a shocking 26% of offices surveyed stated that an LEP person would have to wait or come back later for an interpreter or bilingual staff member in the area's two most common languages. Only 18 of the 69 HRA offices (26%) provided all three basic language assistance services (posted signs, translated applications and interpreter provision/bilingual personnel) that are legally required to provide equal access. And none of the Medicaid offices were in compliance with the three measures that were surveyed. Our survey also uncovered inconsistency across boroughs: while 27.8% of offices in Manhattan

provided all three basic language assistance services, none in Queens or Staten Island did. Ten percent of offices surveyed did not provide any of the required services.

## HRA Centers with Posted Signs Informing LEP Individuals of Language Services

- Sign posted
- Sign posted but hard to read (ripped, bad location, bad condition, too small)
- Sign not posted

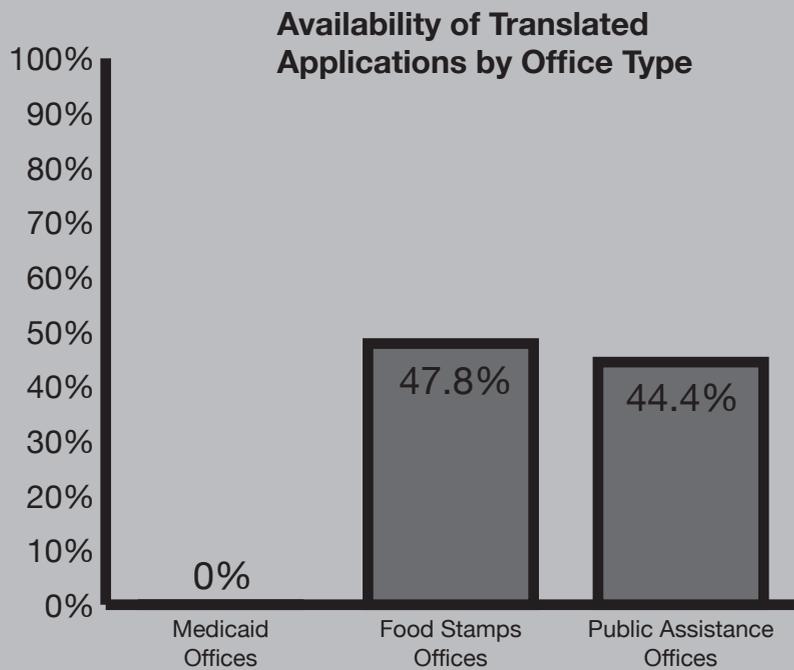


## Signs Informing LEP Individuals of Language Services

HRA's language service policies are meaningless if LEP individuals who enter centers to apply for benefits are not made aware of their right to free language services. Our survey revealed that most HRA centers do have the required signage. However, 13% (9 out of 69) HRA offices still do not have any legally mandated signs posted in their centers. Of those that did have signs posted, over 20% of the offices had signs that were in bad condition, ripped, or difficult to read because of their location or size.

## Availability of Translated Applications

HRA produces a vast number of documents, many of which should be translated for LEP applicants and recipients according to federal, state and local laws and regulations. We surveyed the availability of translated benefit applications since these are crucial to LEP individuals attempting to get income support, Food Stamps and Medicaid. Our surveyors asked for applications at each center in the six most commonly spoken languages in New York City: Spanish, Chinese, Russian, Korean, Arabic and Haitian-Creole.<sup>13</sup>



Out of 69 HRA offices surveyed, only 23 were able to provide translated applications in the six most commonly spoken languages upon request. That means that a full 66% of HRA offices were unable to produce a translated application in the six most common languages spoken in New York City. Nearly one-third (30.43%) of the offices surveyed were only able to produce a translated application in one language. Ten offices, almost 15%, could not produce any translated applications at all. In Queens, the most diverse county in the country, none of the ten HRA offices had all six translated applications. Eighteen percent of offices citywide did not have applications in Spanish, a language spoken by nearly two million New York City residents and by far the most common language spoken after English by New Yorkers.

Medicaid offices were particularly inaccessible to LEP clients and lagged far behind in the provision of translated applications. Of the 19 Medicaid offices surveyed citywide, not one provided applications in all six covered languages.

## Availability of Translated Applications in Six Surveyed Languages

Percentage of centers with translated applications in all six surveyed languages	33.3%
Percentage of centers with translated applications in five of six surveyed languages	7.3%
Percentage of centers with translated applications in four of six surveyed language	8.7%
Percentage of centers with translated applications in three of six surveyed languages	0%
Percentage of centers with translated applications in two of six surveyed languages	5.8%
Percentage of centers with translated applications in one of six surveyed languages	28.9%
Percentage of centers with applications in English Only	15.9%

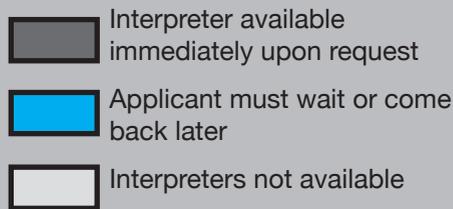
Frontline workers in all offices were often confused about the procedure to obtain the translated applications. One worker told us that translated applications existed but that she didn't know where to get them. Another worker told us they were only available by calling 311. Another worker said she could not distribute translated applications without speaking with a supervisor who was unavailable at the time. One worker gave our surveyor a number at the "main office" to call to obtain the translated applications, and another worker gave us a Spanish application but said it was the last one. Others did not have the translated applications and offered no further explanation.

## Interpreter Services & Bilingual Personnel

In order to assess the interpreter services available to LEP applicants and recipients at HRA offices, our surveyors asked whether an interpreter or bilingual staff member would be available if an LEP person were to come into the office speaking one of the two most common languages in the center's catchment area.<sup>14</sup>

Fewer than two-thirds, or 44 out of 69, of the offices responded that an interpreter or bilingual staff member would be available as legally required to speak to an applicant or recipient in the most commonly spoken languages of the community. Eight out of 19 Medicaid offices (42%) stated that interpreter services would not be available as legally required. For Food Stamps offices, the percentage was even higher (43.5%). One worker at a Brooklyn center told our surveyor, "They [Chinese-speaking applicants] could be waiting here all day for an interpreter."<sup>15</sup>

## Availability of Interpreters & Bilingual Personnel



Our data revealed vast inconsistencies not only across offices but also across boroughs. For example, in the Bronx, only 50% of the offices surveyed stated that they would assign a bilingual staff person or interpreter immediately to someone who needed one. In Staten Island, none of HRA's offices indicated the ability or the intention to utilize a staff person with appropriate language skills, despite the legal mandate and common sense need to communicate with applicants and recipients who are seeking benefits they are eligible for.

Two offices surveyed stated that an LEP person would have to bring someone with them to interpret. At 10 offices, our surveyors were told that an LEP person would not be served immediately and would have to come back at another time in order to be served. Overall, 26% of offices surveyed said that an LEP person would have to wait or come back later in order to speak with someone they could understand. Still, we received no assurances that the offices were capable of providing such services upon the LEP person's return.

The survey results indicate that frontline workers are confused about HRA policies and procedures regarding interpreter provision. Despite the posted signs at one office, a worker told our surveyor that interpreter services were not available. Another worker said that Language Line (telephonic interpretation) services existed but that she didn't know how to use them. Another worker said that Language Line could only be used in an emergency. One worker's answer was that "95% of non-English speakers bring their own interpreters." Other employees didn't know whether the center used outside interpreters or how to access them. Ten offices told our surveyors that an LEP applicant would have to make an appointment in order to receive interpreter services.

# RECOMMENDATIONS

The survey results, when viewed as a whole, do not point to a lack of sound policy. Rather, they suggest an administrative failure to follow through on existing policies that are based on legal requirements. The following recommendations address these systemic problems.

## Accountability

→ *The Mayor of New York City and the Governor of New York State should provide guidance and oversight to ensure that HRA complies with legal requirements to provide language services to limited English proficient applicants and recipients.*

The widespread violations described in this report suggest that HRA cannot monitor its compliance alone. Furthermore, a global city such as New York City should strive to be a model to other localities in serving our diverse immigrant populations. State and City involvement in compliance monitoring will hold HRA to that high standard.

→ *HRA must design a system that holds each center accountable for its compliance with language policies and procedures.*

→ HRA should designate a language policy coordinator at each center and make this person known to center staff and the general public. The language policy coordinator should devote a specific percentage of his or her time to overseeing the provision of language services at the center. This person should be responsible for the center's proper provision of language services.

→ The language policy coordinator should regularly monitor the center's provision of language services including its use of Language Line and other interpreter services, the provision of translated documents and the availability of proper signage regarding the provision of language services. The Language Policy Coordinator should be available to answer questions from applicants and recipients and to take complaints from the public.

- HRA should create a central complaint system for the public so that LEP applicants and recipients or their advocates and representatives can make complaints about improper language service provision without danger of retaliation. Multi-lingual signage about the complaint process should be posted in all offices.
- The names of each language policy coordinator should be posted prominently at each center and on its website.
- HRA should create a citywide taskforce for language policy coordinators to share best practices and resources.

While HRA has stated that each center has a “language liaison” responsible for ensuring that appropriate language assistance is provided, the names of such individuals are not available to the public nor were these people mentioned or contacted for a single one of our surveyors. If the language liaison and center staff are held accountable for compliance, service will be provided to LEP applicants and recipients in a more consistent and comprehensive manner.

## Monitoring

- *HRA should implement an internal compliance monitoring system utilizing random testers and outside consultants to regularly monitor centers for compliance with language service procedures.*

As documented above, HRA language services are sporadic throughout the City. To hold centers accountable for providing these vital services, compliance monitoring must be taken seriously.

## Training

- *All HRA center staff (not just bilingual and interpreter personnel) should be regularly trained on HRA's language access policies and procedures and how to implement them.*
  
- Comprehensive yearly training for all frontline staff on providing language services including HRA policies and procedures, how to access centrally translated documents such as notices and applications, how to use the telephonic interpretation system, and how to locate interpreters through other available means including the HRA language phone bank.
  
- Training of all frontline staff on language diversity issues and cultural competency.
  
- Training of all frontline staff on working with clients, including how to identify an LEP client, how and when to obtain interpreter services and how to work with interpreters.

Our surveyors frequently encountered staff that was unaware of their own center's policies, procedures and resources for serving LEP clients, including staff that lacked knowledge of how to access translated documents or how to use Language Line. The lack of training of center staff seriously undercuts the advances that HRA has made in implementing language service policies. When frontline staff are not aware of the availability of language services, or are not trained in how to use them, LEP applicants and recipients are denied the equal access they are entitled to. HRA workers in every office already have the ability to access translated applications and HRA has an agency-wide contract with Language Line services to provide telephonic interpretation. In a city as diverse as New York, HRA center staff should also be regularly trained on cultural competency issues specific to the communities they serve.

# CONCLUSION

Access to government services for limited English proficient individuals is an important civil right guaranteed by federal, state and local laws and regulations. When an LEP individual cannot apply for HRA benefits, communicate with his or her caseworker, or read notices sent in the mail, consequences such as hunger, serious illness and eviction can occur. Our survey revealed agency-wide pervasive non-compliance with governing laws and internal policies that mandate language service provision. If frontline staff are not trained and monitored on compliance with their own policies, and if the agency does not take compliance seriously by setting up systems to ensure language service provision, the existence of internal policies is meaningless. Our report calls on HRA to implement important changes in how their policies are monitored and enforced, and calls on Mayor Bloomberg and Governor Spitzer to provide much needed oversight of this process. New York City can and should be a model for our nation in providing equal access to government services for LEP communities.

Ms. Lee, a Cantonese speaker, routinely must bring her daughter to interpret for her at the 14th street HRA office. She reports that no one at the office communicates with her in Cantonese, asks her what her primary language is, or gives her forms in Chinese. She has trouble because she says her daughter does not understand what she says and doesn't interpret the conversation properly. She feels confused about her benefits and feels these barriers affect her health and well-being and her family life. She feels inconvenienced and discriminated against when she waits for long hours and is then told that there is no interpreter available and that she must come back the next day. Because of these waits, she often misses meals.

# SURVEY INSTRUMENTS

## INSTRUMENT 1: Survey of Language Access Services at HRA Centers

Date of survey:  
Name of surveyor:  
Contact information (phone and e-mail):  
HRA Center:  
HRA Center Address:

1. Were there signs posted notifying applicants to the right to an interpreter/translated documents?  
 Yes       No

Comments:

2. Please request an application packet in each of the following languages: Spanish, Russian, Arabic, Chinese, Korean, Haitian-Creole. Document the response below.

Application received in       Spanish     Russian     Arabic     Chinese  
    Korean     Haitian-Creole

Application not received in  Spanish     Russian     Arabic     Chinese  
    Korean     Haitian-Creole

Other responses:  
 Told to come back later  
 Told translated applications unavailable  
 Had to wait for \_\_\_\_\_ (amount of time) to receive translated application (please specify which ones)

Comments:

3. Ask whether an interpreter will be available if you come back with a client who speaks \_\_\_\_\_ . What was the response of the agency? (Please check all that apply)

Told interpreter would be made available immediately

through use of Language Line

through use of bilingual staff

other (please explain):

Told would have to wait for a Language Line/bilingual staff (please circle which one) interpreter. Wait would be approximately \_\_\_\_\_ (amount of time).

Told to bring someone who can interpret

Told to use someone from waiting area

Told to come back later

Other comments about your experience:

## INSTRUMENT 2: Survey for Interviews with LEP Individuals

Interviewed by:

Contact Information:

Site of interview (if at center, please specify):

1. What language do you speak at home? (Stop if ENGLISH)

2. Have you or a family member recently interacted with an HRA office?

YES NO

(Stop if NO)

3. If so, which office? (please write address and/or center #)

4. Do you or your family member who is applying for or receiving benefits feel comfortable speaking in English when it comes to discussing benefits? (Stop if YES-)

YES NO

If NO, what language is most comfortable for you?

5. Do you or your family member feel comfortable reading English?

YES NO

6. Do you or your family member feel comfortable filling out a form in English?

YES NO

If NO, what language is most comfortable for you?:

7. In your most recent interaction with HRA, were you assisted by anyone who spoke to you in your language?

YES NO

8. If YES, who was that person?

Caseworker Security guard Interpreter on the phone Other:

9. If your caseworker did not speak your language, did he/she ask you what language you speak?

YES NO

10. Did he/she inform you of your right to receive interpreter and translation services?

YES NO

11. Were you offered interpreter services?

YES NO

12. Did you ask for an interpreter?

YES NO

13. Did you see any signs informing you that interpreter services were available?

14. Did you receive any notices, forms or applications in English?

If so, do you remember which ones?:

16. Were any of these documents orally translated for you?

17. Were you told to bring your own interpreter?

YES NO

18. Did you bring your own interpreter?

YES NO

19. If you brought an interpreter, this person was:

A friend

A family member

Another applicant

Someone under the age of 18? How old?

Did person have to miss work/school to help you?

Did you have to pay this person?

Other:

20. If you brought an interpreter, did you feel uncomfortable disclosing personal information to this person?

21. Did you chose not to share some information because you felt it would not be kept confidential?

22. Did you feel this person accurately relayed information to the agency?

23. If it was a family member, did this cause any family tensions?

24. Please describe any other problems?

25. When you did not receive translation/interpretation services from your center, what were the resulting consequences for your family?

Confusion about benefits eligibility or procedures

Effects on health/well-being

Didn't receive benefits

Inconvenience

Felt discriminated against

Benefits were cut unjustly

Long delays in being served

Humiliation

Other:

Please describe any other ways that your life was affected by lack of translation/interpretation services at HRA:

In the future if we need to ask additional questions, can we contact you?

YES NO

Name:

Telephone:

Address:

*Thank you for your time!*

# REFERENCES

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2. *Id.*
3. Center for New York City Affairs, *Hardship in Many Languages: Immigrant Families and Children in NYC*, Milano Graduate School, New School University, 2004, <http://www.newschool.edu/milano/nyc affairs/immigrant/Hardship.pdf>
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5. *Immigrant Well-Being in New York and Los Angeles*, The Urban Institute, 2002, <http://www.urban.org/publications/310566.html>
6. *The Urban Institute's 2002 Survey of America's Families*, [http://www.researchforum.org/subtopic\\_summary\\_12.html](http://www.researchforum.org/subtopic_summary_12.html)
7. Complainants included the New York Legal Assistance Group, Make the Road By Walking, the Puerto Rican Legal Defense and Education Fund and the New York Immigration Coalition.
8. *Ramirez v. Giuliani* was a class action lawsuit that challenged HRA's failure to provide language services to Food Stamps recipients under the U.S. Constitution, Title VI of the Civil Rights Act of 1964, the Food Stamp Act, and New York State laws and regulations.
9. Equal Access to Human Services Act of 2003, Local Law No. 73, Section I.

10. Including *Policy or Pretense*, published in 1999 by Make the Road By Walking; *Lost in Translation I*, published in 2001 by Make the Road By Walking and the New York Immigration Coalition; *Seen But Not Served: The Need for Meaningful Access to Interpreter Services for Limited English Proficient Medicaid Beneficiaries at New York City Medicaid Offices*, published in 2001 by the New York Immigration Coalition; *Medicaid Emergency*, published in 2003 by Make the Road By Walking.
11. “In the certification of applicant households for the Food Stamps program, there shall be no discrimination by reason of race, sex, religion, creed, [or] national origin.” 7 U.S.C.A. § 2020 (c).
12. 18 NYCRR §303.1(b)
13. The Equal Access to Human Services Act of 2003 mandates that HRA translate documents and post signs in these six languages as well.
14. In order to determine the two most common languages in each center’s catchment area, we used census data and determined which languages had the most speakers in each center’s zip code. In all but one area, the two most commonly spoken languages were Spanish and Chinese.
15. Boro Hall/Linden Food Stamps Office.

# ABOUT LSNY

Legal Services for New York City (LSNY) is one of the country's largest providers of free civil legal services for low-income individuals and families. LSNY is dedicated to providing high quality legal assistance in the areas of housing, family law, public benefits, education, employment, consumer fraud, foreclosure prevention, childcare and disability rights as well as for persons with special needs such as victims of HIV and their families. LSNY provides legal services through a network of community-based offices located in low-income neighborhoods in New York City's five boroughs.

LSNY launched the Language Access Project (LAP) in 2006 to meet the multi-lingual needs of our low-income clients who are limited English proficient (LEP). The Language Access Project engages in legal advocacy to challenge language barriers faced by low-income LEP clients seeking access to government services and justice.

For assistance challenging language access barriers, call Amy Taylor at 646.442.3664 or 646.442.3600.

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