

**COMMONWEALTH OF MASSACHUSETTS
COMMISSION AGAINST DISCRIMINATION**

**MASSACHUSETTS LAW REFORM INSTITUTE AND MASSACHUSETTS
IMMIGRANT AND REFUGEE ADVOCACY COALITION**

v.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

**MCAD Docket No. 15BPH00759
HUD Docket No. 01-15-0257-8**

SETTLEMENT AGREEMENT

I. INTRODUCTION

1. This Settlement Agreement is made and entered into between Complainants Massachusetts Law Reform Institute (“MLRI”) and Massachusetts Immigrant and Refugee Advocacy Coalition (“MIRA”), and Respondent Massachusetts Department of Housing and Community Development (“DHCD”).
2. This Agreement resolves the language access complaint filed by MLRI and MIRA with the Massachusetts Commission Against Discrimination, Docket No. 15-BPH-0759, and resolves all claims raised in the complaint.
3. DHCD administers the state-funded Emergency Assistance (“EA”) program. The EA program is for low-income families (families whose income is at or below 115% of the poverty level) with children under the age of 21 and pregnant women with no other dependents who have no feasible alternative housing. The purpose of the EA program is to prevent homelessness, provide shelter for homeless families, and re-house homeless families in stable, permanent housing.
4. This Agreement applies to the entire EA program and all eligible persons, applicants to and participants in the EA program, including HomeBASE applicants in EA shelter. This Agreement does not apply to other DHCD programs.
5. The goal of this Agreement is to: 1) settle fully and finally all differences between the parties including, without limitation, the Complaint and any and

all claims or counterclaims that were raised or could have been raised therein; 2) improve DHCD's language access services so that Limited English Proficient ("LEP") applicants and participants have meaningful access to the EA program at no charge to them. DHCD is committed to providing language access services to LEP persons so that everyone has an equal opportunity to fully participate in the EA program, regardless of their English language proficiency.

6. It is the policy of DHCD to comply with all applicable laws, regulations, guidances, policies and executive orders concerning language access for LEP persons.
7. The parties agree that nothing in this Agreement will be construed as an admission of liability by DHCD under applicable laws, regulations, policies executive orders, or guidances.

II. DEFINITIONS

1. **DHCD Contractors:** Shelter providers and hotel/motel providers.
2. **Interpretation:** Oral communication from one language (the source language) into another (the target language).
3. **Language Access Coordinator (LAC or Coordinator):** The appointed DHCD staff person who will oversee implementation of the EA Language Access Plan as described in **Exhibit 2**.
4. **Language Access Plan (LAP or Plan):** Document which sets out the actions to be taken by DHCD to ensure meaningful access to the EA program on the part of LEP persons. The LAP is attached at **Exhibit 1**.
5. **Language Protocols:** Document entitled "Staff Protocols for Responding to Language Assistance Needs of Persons with Limited English Proficiency," updated concurrently with this Settlement Agreement, and further updated from time to time. The Language Protocols include: step-by-step, short and succinct instructions on how to access oral interpretation and written translation of documents.
6. **Limited English Proficient (LEP) Person:** A Person who does not speak English as his or her primary language and who has a limited ability to read, speak, write, or understand English.
7. **Multilingual Notice:** Attachment to DHCD documents and mailings to EA applicants and participants that states in 25 languages, "This is an important document. Please contact the Massachusetts Department of Housing and Community Development at [phone number] for free language assistance."

8. **Primary Language:** The language identified by Applicants/Participants as the language they prefer to communicate in at the initial point of contact with DHCD. Applicants/participants may change their primary language at any time.
9. **Translation:** Rendering of written text from the source language into the target language.
10. **Vital Document:** A document that contains information that is critical for meaningful access to the EA program by LEP persons. A list of current vital documents for the EA program is attached as **Exhibit 3**. DHCD will translate vital documents into the five most prevalent languages among EA applicants as determined by DHCD.

III. SPECIFIC PROVISIONS

1. Language Access Coordinator

DHCD will designate a Language Access Coordinator (LAC) who will implement the Language Access Plan, as resources allow. See **Exhibit 2**.
2. Identification of Primary Language
 - i. DHCD will continue its practice of asking Applicants/Participants to identify their primary language at the first point of contact with the EA program and thereafter.
 - ii. DHCD uses and will continue to use a software program that prompts Homeless Coordinators to ask the primary language of each EA applicant and all members of their family when the family is entered into the system. The system asks the Homeless Coordinator to select the primary language from a drop down list and then type in a secondary language, if applicable. The software system also prompts the Homeless Coordinator to ask if the family needs an interpreter. DHCD will ensure to the greatest extent possible through training and other methods that the system is utilized by relevant staff so that staff are aware of the family's primary language and can arrange for interpretation or translation in the appropriate language. DHCD will make every effort to improve the efficiency of this tracking system so that applicants/participants' primary languages are more easily accessible to staff and Contractors, and within 60 days of the date of MCAD's approval of this settlement agreement will report on those improvements to MLRI.
3. Oral Interpretation
 - i. DHCD and Contractors will continue to offer oral interpretation to LEP persons in their primary language when required to provide meaningful access to EA services and benefits.
 - ii. DHCD bilingual staff will provide oral interpretation when they fluently speak the same primary language as EA applicants and participants.

- iii. DHCD currently provides and pays for telephone interpreter services for DHCD staff and hotel/motel providers. By September 30, 2017, DHCD will extend and pay for telephone interpreter services for shelter providers, and train shelter providers on the use of the telephone interpreter service if bilingual staff are not available when needed.
- iv. DHCD staff and Contractors will avoid using family members, children, friends, and untrained volunteers as interpreters. DHCD will not ask an LEP applicant/participant to use a minor child as an interpreter, except in emergencies or if the child is over the age of 14, and the family prefers to use the child.
- v. DHCD will continue to provide language assistance to persons calling the Hearings Division. Currently, the automated outgoing message at the Hearings Division is only in English and Spanish.
- vi. DHCD will make every effort to expand the number of languages on the Hearings Division's outgoing message and the outgoing message of the number listed on the Multilingual Notice (currently (617) 573-1528). Within 120 days of MCAD's approval of this settlement agreement, DHCD will report on the outcome of these efforts to MLRI.
- vii. Within 120 days of MCAD's approval of this settlement agreement, the LAC will train and monitor the DHCD main office staff members whose primary job function includes answering the phone at the number listed on the Multi-Lingual Notice to ensure that families receive timely, required language assistance. DHCD will also provide Language Protocols to all persons who may be answering the phone.

4. Written Translation

- i. By September 30, 2017, DHCD will translate the Vital Documents listed in **Exhibit 3** into the five most prevalent languages among EA applicants and participants based on DHCD data and any updated language data from DHCD.
- ii. The standardized portion of the Vital Documents will be translated, but the narrative portion (the portion that must be completed by program staff) will be in English with an opportunity for the applicant/participant to receive free oral interpretation of the narrative portion.
- iii. On an on-going basis, but at least once every two years, DHCD will review and update, if necessary, the five most prevalent languages among EA applicants and participants and translate Vital Documents into those languages.
- iv. DHCD will timely translate Vital Documents that are updated or created after this Agreement goes into effect into the most prevalent languages.
- v. When issuing and mailing hearing decisions, DHCD will include a hearing decision cover sheet in the participant's primary language if the cover sheet is translated into that language.

By September 30, 2017, DHCD will translate the hearing decision cover sheet into at least the five most prevalent languages (as shown by DHCD data) among EA applicants.

5. Training

Within 6 months of MCAD's approval of this settlement agreement, DHCD, with the cooperation of MLRI, will develop language access training materials for DHCD staff and Contractors. Once developed, DHCD will immediately begin implementing the periodic language access training programs for all new and current DHCD staff and Contractors that have contact with EA applicants and participants. Staff will be required to participate in trainings as they are offered.

6. Language Access Protocols

Within 60 days of MCAD's approval of this settlement agreement, in cooperation with MLRI, DHCD will update, post on the EA website, and distribute to staff and DHCD Contractors the protocols necessary to implement this Agreement and the LAP. All EA workers, including DHCD employees, congregate and scattered site shelter workers, and HomeBASE workers helping individuals in the EA program, will follow the protocols and participate in trainings on them.

7. Outreach

- i. By September 30, 2017, DHCD offices, congregate shelters, and hotels/motels will have "I speak" cards and visible posters that offer free interpretation.
- ii. DHCD will continue its practice of making a clear offer of free professional interpretation to LEP applicants/participants and will instruct and train shelter and hotel/motel providers on how to make a clear offer of free professional interpretation.
- iii. Within 60 days after MCAD's approval of this settlement agreement, DHCD will post on its public website, the LAP, the complaint procedure, certain translated EA documents, and other language access materials. In addition, DHCD will consult with MLRI about posting additional language access information useful to EA applicants and participants.

8. Language Access Complaints

DHCD's EA Language Access Plan advises families that they may file a complaint with the Language Access Coordinator. By September 30, 2017, the complaint form will be translated into the five most prevalent languages among EA applicants and participants. LEP applicants and participants who believe they did not receive language access services described in this Agreement and the LAP, can file a complaint with the Language Access

Coordinator, avail themselves of the remedies provided in Section VI of this Settlement, or pursue other actions if they choose.

9. Contract Provisions

DHCD's current contracts with shelter providers and hotels/motels contain a provision about providing language access services to EA participants. In addition, shelters are staffed by multi-lingual and multi-cultural staff. Further, shelters will have access to the telephone interpreter service (paid for by DHCD) by September 30, 2017.

For FY 18 contracts, DHCD agrees to update the scope of services in the provider contracts to include the following provisions:

- 1) Upon placement, Contractor will check ASIST to verify the family's primary language.
- 2) Prior to issuing a document or taking any action related to an LEP family, Contractors should check ASIST to determine the primary language of that participant.
- 3) If participant's primary language is one of the five languages into which DHCD has already translated its Vital Documents, Contractor will provide participant with documents in that language.
- 4) DHCD will provide access to the telephone interpreter service to all Contractors.
- 5) Newly hired Contractor staff will participate in language access trainings as soon as the next training is available. Current staff will participate in periodic language access trainings as soon as is feasible, so that all staff are trained.

IV. **REPORTING AND RECORDKEEPING**

1. DHCD will collect or continue to collect the following data:
 - i. Primary language of applicants and participants
 - ii. Number of calls to Multilingual Notice phone number and languages requested
 - iii. Number of calls to telephone interpreter service, by language
 - iv. Language access complaints: number of complaints, complaint issue areas, and status of complaints (resolved or not resolved)
 - v. To determine costs, DHCD will provide MLRI with the total number of minutes used monthly by the telephone interpreter service
 - vi. Periodically survey and update the language skills DHCD staff.
2. DHCD will work to develop a system to determine additional data including the number of hearing decisions in which appellant was an LEP person and the primary language; the number of termination notices issued to LEP participants and their preferred languages.

3. DHCD will produce a report showing the data outlined above, and implementation of this Settlement and the Language Access Plan. The report will be issued every six months for two years following the execution of this Agreement.

V. REVIEW AND MONITORING

1. Review and Monitoring by MLRI

- i. DHCD and MLRI shall meet on a semiannual basis or at MLRI's request to review reports prepared by DHCD, data collected, settlement progress and compliance with this Agreement and the LAP.

VI. REMEDIES FOR EA APPLICANTS/PARTICIPANTS

1. If EA applicants and participants believe they have not received the services provided in this settlement agreement or the LAP they may, among other options, avail themselves of the remedies described here.
 - i. Before initiating any adverse action, DHCD staff and Contractors will check an applicant/participant's preferred language in ASIST to determine that the family has received required language access services related to the adverse action. For purposes of this section, adverse action includes but is not limited to a Request for a Noncompliance Notice, a Noncompliance Notice, a denial of EA, a denial of transfer, a denial of Presumptive Placement, a Notice to schedule a hearing.
2. Remedies when language access services are not provided to applicants or participants.

DHCD shall provide the following remedies to EA applicants and participants who did not receive language access services as described in this Settlement and the LAP and as a result some adverse action was taken against them.

 - i. At any time, EA applicants and participants who believe they have not received appropriate language services can file a complaint with the Language Access Coordinator who will investigate the circumstances and work to resolve the issues or the individual may take other action if he or she chooses. Possible remedies can include: delaying or rescinding a department action, re-issuing documents in the appropriate language (if the documents are already translated), providing telephone interpreter service, speaking with staff, tolling deadlines, or other remedies.
 - ii. If a family that has identified a language other than English as their primary language receives a document in English or does not receive interpreter services as provided in this Settlement and the LAP, the family can raise

these facts as a good cause defense when DHCD policies and procedures allow applicants and participants to show good cause, or at any time.

VII. COMPLIANCE AND ENFORCEMENT

1. The parties will work cooperatively to resolve implementation issues or noncompliance with this Agreement.
2. If either party claims the other has failed to comply with this agreement, before proceeding with any other remedy, the party claiming noncompliance shall give the other party written notice of any alleged deficiency and the party receiving notice shall be given sixty (60) days to cure any alleged deficiency.
3. If the parties have worked in good faith to resolve issues but cannot reach agreement, and there is substantial non-compliance, MLRI and MIRA may file a complaint with MCAD seeking enforcement of this Agreement or take other legal action.
4. This agreement will remain in effect for two years from the date of signing.

VIII. RELEASE OF CLAIMS

In exchange for the promises and performance thereof set forth herein, the parties and their heirs, successors, assigns, employees and agents hereby release and forever discharge each other from any and all suits, claims, demands, debts, sums of money, damages, interest, attorneys' fees, expenses, actions, causes of action, judgments, accounts, promises, contracts, agreements, and any and all claims of law or in equity, whether known or unknown, which they now have or ever have had against the other at any time up until the execution of this Agreement which arise out of or relate to the matters set forth in the Complaint.

IX. EXHIBITS

1. Language Access Plan
2. Language Access Coordinator Responsibilities
3. List of Vital Documents

EXHIBIT 1

DHCD EA Language Access Plan

[See attached document]



Commonwealth of Massachusetts
**DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT**

Charles D. Baker, Governor ♦ Karyn E. Polito, Lt. Governor ♦ Chrystal Kornegay, Undersecretary

LANGUAGE ACCESS PLAN

FOR THE

EMERGENCY ASSISTANCE (EA) PROGRAM

July 14, 2017

I. Introduction

The Department of Housing and Community Development (DHCD) has prepared this Language Access Plan (“LAP” or “Plan”) which defines the actions that have been or will be taken by DHCD to ensure meaningful access to the Emergency Assistance (EA) program for persons who have limited English proficiency.

The purpose of this plan is to ensure that DHCD is taking reasonable steps to ensure that EA program applicants and participants have meaningful access to the program although they may be limited in their English language proficiency. This Language Access Plan represents DHCD’s administrative blueprint to provide meaningful access to the EA program for Limited English Proficient (LEP) individuals. It outlines the tasks DHCD currently takes and tasks it will undertake in the future to meet this objective. DHCD’s Language Access Plan will be implemented subject to the availability of fiscal and human resources.

DHCD will review and update this LAP on an ongoing basis, but at least once every two years, in order to ensure continued responsiveness to program needs and compliance with the Executive Office for Administration and Finance (“ANF”) Administrative Bulletin #16, as it is updated, and any other applicable guidance and laws.

Although DHCD has had an agency-wide Language Access Plan (LAP) since 2010, DHCD has now determined that a separate Language Access Plan for the EA program is appropriate.

II. Definitions

1. **DHCD Contractors:** Shelter providers and hotel/motel providers.
2. **Interpretation:** oral communication from one language (the source language) into another (the target language).

3. **Language Access Coordinator (LAC or Coordinator):** the appointed DHCD staff person who will oversee implementation of the EA Language Access Plan.
4. **Language Protocols:** Document entitled “Staff Protocols for Responding to Language Assistance Needs of Persons with Limited English Proficiency,” updated concurrently with this Language Access Plan and further updated from time to time. The Language Protocols include: step-by-step, short and succinct instructions on how to access oral interpretation and written translation of documents. The Language Protocols are attached as **Exhibit E**.
5. **Limited English Proficient (LEP) Persons:** Persons who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.
6. **Multilingual Notice:** attachment to DHCD documents and mailings to EA applicants and participants that states in 25 languages, “This is an important document. Please contact the Massachusetts Department of Housing and Community Development at [phone number] for free language assistance.”
7. **Primary Language:** The language identified by applicants/participants as the language they prefer to communicate in at the initial point of contact with DHCD. Applicants/participants may change their primary language at any time.
8. **Translation:** rendering of written text from the source language into the target language.
9. **Vital Document:** A document that contains information that is critical for meaningful access to the EA program by LEP persons. A list of current vital documents for the EA program is attached as **Exhibit A**. DHCD will translate vital documents into the five most prevalent languages among EA applicants as determined by DHCD.

III. The Emergency Assistance Program

The EA program is administered by the Division of Housing Stabilization (DHS), within DHCD. The Division of Housing Stabilization is committed to improving the accessibility of the Emergency Assistance program to eligible LEP persons.

The mission of the EA program is to prevent homelessness, shelter those for whom homelessness is unavoidable, and rapidly re-house the homeless in stable, permanent housing.

The EA program is for low-income families (families whose income is at or below 115% of poverty level) with children under the age of 21 and pregnant women with no other dependents who have no feasible alternative housing.

Prior to July 1, 2009, the EA program was administered by the Department of Transitional Assistance (DTA). On July 1, 2009, it was transferred to DHCD. Overall program

administration, including policy development, program coordination, contract management, placement, noncompliance, some Americans with Disabilities Act (ADA) processes, and providing hearings are handled by a central office staff located at DHCD's main office at 100 Cambridge Street, Boston, MA. Some services/functions of the EA program (primarily determining eligibility) are carried out by staff (either in person or telephonically) located in one of 11 different field offices.

As of the date of this Plan, applications for the program are taken at one of 11 field offices throughout the state which are staffed in person or telephonically by DHCD employees. A list of DHCD field offices is set out in **Exhibit B**.

If a family is determined ineligible, a Notice of Denial is issued. If a family is determined eligible or presumptively eligible the family should be placed that same day in one of 3 types of possible placements: congregate shelters (individual bedrooms, with shared kitchen, bathroom and living areas), scattered site units (apartments rented by a provider agency which may be shared by two or more families), or hotel/motel rooms. The average cost of sheltering a family is \$117 per night.

DHCD does not own, manage or staff any of the facilities that provide shelter units. Instead, DHCD currently contracts with 52 shelter providers that provide congregate and scattered site units, and 2 hotels/motels that provide hotel/motel units.

While in shelter, an EA family is required to follow the rules and participate in various programs and activities designed to assist the family in securing permanent housing. In addition, EA families receive support services from the shelter provider and various other state agencies such as the Department of Children and Families (DCF), the Department of Public Health (DPH), and others.

Families may be moved at any time from one placement to another anywhere in the state depending on the number of families entering, the number of families exiting, and the needs of those families. However, DHCD endeavors to place all families within 20 miles of their home community.

Applicants and participants in the EA program may appeal four types of actions to DHCD's Hearings Division: Denial of Eligibility, Notice of Noncompliance, Notice of Termination and Denial of a Request to Transfer. The Hearings Division is currently staffed with four Hearing Officers, two administrative staff and a Hearings Manager, all of whom are DHCD employees. The Hearings Division processes a very high volume of hearing requests - over 2000 a year.

After an appeal is received, a hearing is scheduled. A Hearing Officer conducts the hearing and issues a written decision based on the evidence presented at the hearing.

IV. EA Language Access Needs Assessment:

- a. State and federal guidance provides that LAPs should be premised on the following factors:**

1. The number and proportion of non-English speakers and LEP persons served by the agency in its services, programs and activities;
2. The frequency with which non-English speakers and LEP individuals come in contact with the service, program or activity;
3. The nature and importance of the service, program or activity provided by the agency; and
4. The fiscal resources available to the agency and/or costs incurred by the agency.

State guidance provides that agencies should translate “vital” documents for languages “regularly encountered” in the program. Further, the guidance states that the term “languages regularly encountered” shall mean “any language spoken by at least 5% of the population served within a particular agency program, service or activity.” *ANF Administrative Bulletin #16, pages 6 and 7.*

The EA program is entirely state-funded. The funding is appropriated through the legislative process, using taxpayer dollars, and funding is subject to change from year to year. Once appropriated, program funds for the EA program are restricted to program use only, and cannot be used for administrative costs. The Department will use best efforts to implement this Plan by continuing to request sufficient funding from the Legislature and elsewhere to support this Plan's resources and activities.

This Plan seeks to balance the objective of creating meaningful access to services on the part of LEP persons with administrative fiscal limitations.

b. Language Makeup of EA Client Population.

When applying for EA, all families are asked their primary language. The most recent data collected between January 1, 2016 and February 7, 2017 indicates that of the 9138 total applicants¹, the majority identified English as their primary language. Other than English, the languages most encountered by the Emergency Assistance program are: Spanish (15.4%), Haitian Creole (1.33%), Cape Verdean Creole (0.94%), Arabic (0.47%), and Portuguese (0.43%). Each other language identified by applicants accounted for less than 0.2% of the total applicants. See, **Exhibit C** for a summary of the language data for the entire program, and **Exhibit D** for the primary languages of the applicants by office.

When analyzing the data statewide or by office, the only language which meets the 5% threshold for either document translation or oral interpretation is Spanish. Nonetheless, DHCD will translate Vital Documents into the top five most frequently encountered languages. DHCD will continue to collect and analyze data and adjust this language access plan as necessary, or at least every two years.

c. Points of contact between DHCD and EA population

¹ Note that not all applicants will be determined eligible for the program.

The primary contact between applicants and DHCD staff is either in person or telephonically in one of the 11 field offices. The field offices are set out in **Exhibit B**.

Once a family is determined eligible, the family may have contact with central office staff concerning placement or noncompliance. DHCD's main office is located at 100 Cambridge Street, Suite 300, Boston, MA 02114, and its main telephone number is 617-573-1000. The general DHCD website is available at <http://www.mass.gov/hed/economic/eohed/dhcd/>. The Housing Stabilization programs including Emergency Assistance are at <http://www.mass.gov/hed/housing/stabilization/>

Applicants and participants may also have contact with the Hearings Division staff, if they choose to appeal a Department action. The Hearings Division is located within the Office of General Counsel at 100 Cambridge Street, Suite 300, Boston, MA 02114, but hearings are often conducted in one of the field offices, with Hearing Officers traveling to the field office for the convenience of the Appellant.

V. Language Resources

a. Existing staff - Staff of the Division of Housing Stabilization and the Hearings Division are culturally and linguistically diverse. A survey of staff, including field office staff, shows that, in addition to English, staff speak the following languages: Spanish, Cape Verdean Creole, Haitian Creole, Portuguese, French and Korean. The EA program will continue to promote the hiring of bilingual/multilingual staff at DHCD, and in contracted shelters/hotels/motels.

b. Community based resources - Where available and appropriate, DHCD may use community based resources for language assistance.

c. Telephone Interpretation Service – DHCD contracts with a telephone interpretation service that provides over-the-phone, on-the-spot interpretation of oral communication and written documents for all or most languages encountered. DHCD staff and shelter workers will use the telephone interpretation service to communicate with LEP applicants/participants.

d. Language Access Protocols:

When the program was transferred to DHCD in 2009, DHCD continued with the initial language access protocols that had been put in place by DTA. Those protocols were memorialized in a 2011 document entitled, "DHCD Staff Protocols for Responding to Language Assistance Needs of Person with Limited English Proficiency ("LEP") that summarized in writing the practices that had been occurring in the field since 2009. The Language Protocols are based on the 2011 protocols and will be updated concurrently with this LAP. Among other things, the Language Protocols include detailed instructions to employees for using the *I Speak* cards available at the 3rd and 4th Floor reception desks at DHCD's main offices, in field offices, and by September 30, 2017 in shelters and on DHCD's web site, for utilizing DHCD staff for interpretation, and for obtaining assistance

from the telephone interpretation line. The Language Protocols will be further updated on an on-going basis, as necessary. In addition, DHCD is updating its website to post information about free language assistance.

e. Oral Interpretation

- i. DHCD and Contractors will continue to offer oral interpretation to LEP persons in their primary language when required to provide meaningful access to EA services and benefits.
- ii. DHCD and Contractors bilingual staff will provide oral interpretation when they fluently speak the same primary language as EA applicants and participants.
- iii. DHCD currently provides and pays for telephone interpreter services for DHCD staff and hotel/motel providers. By September 30, 2017, DHCD will extend and pay for telephone interpreter services for shelter providers.
- iv. DHCD staff and contractors will avoid using family members, children, friends, and untrained volunteers as interpreters. Except in emergencies, DHCD will not ask an LEP applicant/participant to use a minor child as an interpreter, unless the child is over the age of 14, and the family prefers to use the child.
- v. DHCD will continue to provide language assistance to persons calling the Hearings Division.
- vi. Currently, the automated outgoing message at the Hearings Division is in English and Spanish. DHCD will make every effort to expand the number of languages on the Hearings Division's outgoing message and the outgoing message of the number listed on the Multilingual Notice (currently (617) 573-1106).

f. Translation of Vital Documents

The Uniform Shelter Rules (17 pages), and a shorter summary of the rules (5 pages), the Overnight request forms and the Babysitting forms have been translated into the following languages: Spanish, Portuguese, Haitian, Somali, Amharic and Arabic. These documents are available on the DHCD website, and can be accessed by DHCD staff, shelter staff, hotel/motel staff, and EA participants.

In addition, by 2012 all of the standard documents used in the program had been translated into the following five languages: Amharic, Arabic, Haitian, Portuguese, Somali, and Spanish. However, several of the standard documents were changed in 2012 as a result of changes made to the program. By September 30, 2017, DHCD will translate all of the Vital Documents listed on Exhibit A into the five most prevalent languages among EA applicants at the time of translation as determined by DHCD based on data collected from field offices or main office, as applicable.

The Hearings Division has recently drafted a cover sheet to be attached to all hearing decisions informing appellants of the outcome of the hearing. By September 30, 2017 this cover sheet will be translated into the five most prevalent languages among EA applicants

at the time of translation as determined by DHCD based on data collected from field offices or main office, as applicable.

g. DHCD website.

There is much information on the DHCD website about the EA program, including who is eligible, how to apply and a list of field offices. Translation software provides translation of some content on the DHCD website into some 40 different languages.

By September 30, 2017, DHCD will include language access information, the language access complaint form, and more translated vital documents on the EA website.

VI. Language Services Provided by DHCD and Contractors

a. DHCD Field Staff.

Staff at all field offices are linguistically and culturally diverse. DHCD has surveyed field staff and main office staff that interact with EA applicants and participants whether in person or over the phone. Every field office employs Spanish speaking staff, and many field offices employ staff that speak other languages, as well, such as Portuguese, Cape Verdean Creole, Haitian Creole, and French.

DHCD field staff have been trained to and will continue to provide language assistance to every Limited English Proficient (LEP) person who appears at an EA office needing assistance. Since 2009 DHCD has contracted with a telephone interpretation service that can provide on-the-spot, over-the-phone interpretation for most or all languages encountered. All field staff have been trained to use the current telephone interpreter service.

At intake (the first point of contact), DHCD field staff will:

- Ask each family the primary language of all family members.
- Communicate to all applicants that they will not be treated differently if they identify a language other than English as their primary language.
- Note in ASIST (the DHCD software program) the primary language of the family, and a secondary language, if applicable.
- Ask each family if they would like an interpreter.
- Provide the family with a one-page document entitled, "If You Do Not Speak English Well," which sets out the services that are available to the family. This document is attached as **Exhibit F**.
- If DHCD staff speak the same language as the family, staff will communicate directly with the family. If not, staff will call the telephone interpretation service that will provide on-the-spot interpretation.
- If the family indicates their primary language is one of the five languages into which standardized documents have been translated (Spanish, Portuguese, Haitian, Somali,

Amharic and Arabic), DHCD will provide documents to the family in their primary language. However, the narrative portion of the documents may be in English.

- If the family's primary language is a language into which documents have not been translated, DHCD will call the telephone interpretation line and have the document interpreted for the family. Families may record conversations/phone calls with an interpreter so they can refer back to the recording.
- Post "I Speak" posters in all field offices.
- Post information about free language assistance in all field offices.

Field staff will be trained, on an on-going basis, about the importance of asking applicants their primary language, entering that information into the DHCD database, providing interpretation, and issuing documents in the participant's primary language, if it is a language into which the documents have been translated.

b. DHCD Main Office staff

Main office staff are culturally and linguistically diverse, and are surveyed periodically to determine who is available to provide oral interpretation for EA participants. The list of staff names and languages spoken have been circulated among the main office staff, including the main receptionists.

Staff have been and will continue to be trained on how to provide language services to LEP persons needing assistance. Main office staff, including the main receptionists, will provide effective language assistance to EA families, including use of the telephone interpretation service that can provide on-the-spot, over-the-phone interpretation.

Main office staff will communicate directly with an EA participant if staff speak that participant's language fluently. If not, staff should use the telephone interpretation service.

The LAC will train the DHCD main office staff members whose primary job function includes answering the phone at the number listed on the Multi-Lingual Notice to ensure that families receive timely, required language assistance. DHCD will also provide Language Protocols to all persons who may be answering the phone.

In addition, DHCD main office staff will:

- When issuing documents to EA families, include a Multilingual Notice which states in 25 languages, "This is an important document. Please contact the Massachusetts Department of Housing and Community Development at [phone number] for free language assistance."
- Check the family's primary language in ASIST prior to issuing any documents, and send documents to the family in their primary language, if it is one into which the documents have been translated.
- Post "I Speak" posters in the 3rd and 4th Floor reception area.
- Post information about free language assistance in the 3rd and 4th floor reception area.

c. Shelter Providers and Hotels/Motel Staff

As stated earlier, DHCD does not own, manage or staff any of the facilities that provide shelter units. Instead, DHCD currently contracts with 52 shelter providers that provide congregate and scattered site units, and 2 hotels/motels that provide hotel/motel units.

Shelters are staffed with culturally and linguistically diverse staff who interpret and assist LEP persons when they are able.

With regard to shelter and hotel providers DHCD will:

- Instruct Contractors to determine and note a family's primary language when the family is placed in one of their facilities.
- Train Contractor staff with regard to identifying a family's primary language, providing interpretation services, using documents in the family's primary language, and other language access issues.
- Notify Contractor staff that EA families should be permitted to record conversations/phone calls with an interpreter so they can refer back to the recording.
- DHCD has already extended the use of the telephone interpretation line to hotels/motels, and pays for that use. DHCD provided training to hotel/motel staff, and will continue to do so.
- By September 30, 2017 DHCD will extend, and pay for, the telephone interpretation line to its 52 shelters, and will train shelter staff on the use of the line.
- When contracts are issued for FY18, DHCD will update the Scope of Services to include the following provisions:
 - 1) Prior to issuing a document or taking any action related to an LEP family, Contractors should check ASIST to determine the primary language of that participant.
 - 2) If participant's primary language is one of the five languages into which DHCD has already translated its Vital Documents, contractor will provide participant with documents in that language.
 - 3) Newly hired contractor staff will participate in language access training as soon as the next training is available.
- DHCD provides guidance and training to its Contractors and expects they will comply with the Scope of Services in their contracts.

d. DHCD Hearings Division staff

Appeals are received by fax, e-mail or regular mail. Currently, the administrative staff of the Hearings Division are multi-lingual and can communicate with Appellants in Portuguese and Spanish. In addition, the administrative staff are well-trained in using the telephone interpreter service. When LEP persons call or contact the Hearings Division, if staff cannot speak with them in their own language, the telephone interpreter service is used.

When Hearings are scheduled, Appellants are notified by a written notice (in Spanish or English) of the date, time and place of the hearing. Because families are often moved, the

Hearings Division also calls every Appellant to tell them of the date, time and place of the scheduled hearing. If the family speaks Spanish, messages are left in Spanish.

When Appellants call the Hearings Division, and staff is not able to answer the phone, the outgoing message is currently in English and Spanish. Starting in 2017, the outgoing messages will be in English, Spanish, Portuguese and Haitian. Appellants can leave a message in any language, and, if necessary, staff will return the call with a telephone interpreter.

At the hearing, every Appellant who requests an interpreter is given one, usually through the telephone interpreter service. Using an interpreter, hearings have been held with Appellants whose primary language is: Spanish, Cape Verdean Creole, Haitian Creole, Somali, Amharic, Vietnamese, Arabic, Burmese, Cantonese, Russian, and other languages. This has been the protocol since 2009, when the program was transferred to DHCD.

Since 2009, every document issued by the Hearings Division has been accompanied by a multi-lingual notice, and DHCD will continue this practice. Currently, the notice states in 25 languages: "This is an important document. Please contact the Massachusetts Department of Housing and Community Development at (617) 573-1528 for free language assistance."

The phone number listed on the Hearings Division multi-lingual notice is answered by one of the administrative staff, who can communicate in both Spanish and Portuguese. Hearings Division staff will call the telephone interpreter line if a person speaks another language.

VII. Staff Training

DHCD has trained and will continue to train Division of Housing Stabilization staff on the procedures outlined in this Language Access Plan. DHCD plans to develop and implement a language access training program for all DHCD staff that have contact with EA applicants and participants. Training materials and related materials will be made available to new staff, who will be required to participate in trainings when offered. DHCD will periodically review training materials, solicit feedback on the effectiveness of training, and update or modify training materials as needed.

VIII. Notice to public

This Language Access Plan will be posted on the DHCD website in the Emergency Assistance subsection of the Housing Stabilization Programs section at <http://www.mass.gov/hed/housing/stabilization> .

IX. Agency monitoring

In general, the Language Access Coordinator will oversee implementation of this LAP. Complaints and feedback should be directed to the Coordinator.

DHCD has collected and will continue to collect data on the languages spoken by applicants and participants in the EA program. The data, along with complaints and feedback, are reviewed on an on-going basis and used to evaluate the totality of circumstances and need, including the four factors mentioned above to determine the tasks DHCD will undertake to meet the objective of providing the most meaningful access to the EA program for LEP applicants and participants.

X. Complaints

Complaints related to the Division of Housing Stabilization should be directed to the EA Language Access Coordinator:

Brenda O'Donnell
Language Access Coordinator
Division of Housing Stabilization
Department of Housing and Community Development
100 Cambridge Street Suite 300
Boston, MA 02114
(617) 573-1381
Brenda.ODonnell@state.ma.us

A copy of the Complaint form is attached as Exhibit G.

LIST OF EXHIBITS

Exhibit A – List of Vital Documents

Exhibit B – List of Field Offices

Exhibit C – Primary Languages of EA Applicants

Exhibit D – Primary Languages of EA Applicants by office

Exhibit E – Staff Protocols for Responding to Language Assistance Needs of Persons with Limited English Proficiency.

Exhibit F – One page document entitled, “If You Do Not Speak English Well”

Exhibit G – Complaint Form

EXHIBIT A

EA Program Vital Documents

1. Pre-application screening materials:
 - a. Part I Applicant's Statement for Emergency Assistance Shelter
 - b. 3 year housing history
 - c. Part II Pre-Assessment Re-Housing Tool
2. Notice to Individuals Requesting Emergency Assistance Temporary Emergency Shelter Services and NFL-16 (setting forth required verifications for full shelter eligibility)
3. Notice of Approval or Denial For Emergency Assistance (EA) and HomeBASE Referral with appeal form
4. Re-Housing Plan/Agreement – Phase 1
5. Client Responsibilities While in Temporary Emergency Shelter
6. Placement/Information Contacts
7. Re-Housing Plan and Stabilization Plan – Part 1 and Part 2
8. Noncompliance/Termination Determination Request/Notice of Infraction of Uniform Shelter Rules and Noncompliance Determination Request Emergency Assistance (EA) Household Response
9. Notice of Noncompliance and appeal form
10. Notice of Termination of Temporary Emergency Shelter and appeal form
11. Notice of Shelter Transfer and appeal form
12. Notice of Transfer at Shelter Request and appeal form
13. NFL #12 – Fair Hearing Decision Implementation
14. Request for an ADA Accommodation
15. Pre Noncompliance Warning Notice
16. Notice of Hearing
17. Notice of Failure to Appear For Good Cause
18. Uniform Shelter Program Rules
19. Overnight Request Form
20. Babysitting Request Form
21. Babysitting Guidelines
22. Summary of Uniform Shelter Program Rules
23. Temporary Emergency Shelter Interruption (TESI) form

EXHIBIT B

List of Field Offices

- Boston – 1010 Massachusetts Avenue - New Market Square
- Brockton – 60 Main Street
- Chelsea – 80 Everett Avenue, 3rd Floor
- Hyannis – 181 North Street
- Lawrence – 280 Merrimack Street
- Lowell – 131 Davidson Street
- New Bedford – 160 West Rodney French Boulevard
- Salem – 45 Congress Street, Suite 1176
- Springfield – 310 State Street
- Worcester – 13 Sudbury Street

Office hours are from 8:00 am - 4:00 pm

EXHIBIT C

Primary Languages of EA Applicants January 1, 2013-March 31, 2016

Primary Languages	Interpreter Needed			Total
	No	Yes	Missing	
English	16,216	0	0	16,216
Spanish	1,875	1,289	629	3,793
Haitian Creole	175	162	38	375
Cape Verdean Creole	84	78	27	189
Arabic	63	66	8	137
Portuguese	33	44	4	81
French Creole	29	16	5	50
French	16	13	2	31
Ethiopian	10	10	2	22
Somali	10	7	3	20
Chinese	9	7	3	19
Other Indigenous Language	6	12	0	18
Somalian	7	11	0	18
Other	9	4	1	14
Swahili	5	7	2	14
Vietnamese	6	7	1	14
Eritrean	9	0	4	13
Cambodian	6	6	0	12
*Sign Language	4	6	0	10
Albanian	7	1	1	9
Amharic	0	8	1	9
Russian	5	1	1	7
Farsi	2	0	1	3
Polish	2	1	0	3
American Sign Language	0	2	0	2
Cantonese	0	2	0	2
Filipino	1	0	1	2
Hindi	1	1	0	2
Italian	1	0	1	2
Mandarin	0	2	0	2
Gujarati	0	1	0	1
Korean	1	0	0	1
Kru, Ibo, Yoruba	1	0	0	1
Pushto	0	0	1	1
Tagalog	0	1	0	1

Tigrinya	0	1	0	1
Missing Unknown	3,206	159	5,520	8,885
Total	21,799	1,925	5,787	29,980

EXHIBIT D

**Primary Languages of EA Applicants
January 1, 2013-March 31, 2016
By Field Office**

[See attached Excel spreadsheet]

Primary Language of Applicants for EA by Eligibility Office, Jan. 1, 2013 - Mar. 31, 2016

Primary Language	EA Eligibility Office																				Total		
	Boston	Central	Brockton	Chelsea	Fall River	Fitchburg	Frammingham	Greenfield	Holyoke	Hyannis	Lawrence	Lowell	Malden	New Bedford	Pittsfield	Plymouth	Revere	Salem	Southbridge	Springfield		Taunton	Worcester
English	3,051	393	1,623	330	466	365	428	176	623	439	981	820	439	638	112	230	607	974	111	1,682	484	1,237	16,216
Spanish	827	127	44	131	68	72	72		205	8	518	170	6	95	4	1	20	219	12	573	9	371	37,793
Haitian Creole	177	9	96	4	4					1	1	8	5	3		1	36	6				2	189
Cape Verdean Creole	50	11	117	1	1				4	1	1	2	5	4		2	6	22				2	137
Arabic	13	11	5	14	2					2	2	2	5	4		2	7	1				1	3
Portuguese	29	1	23	1			1			2	2	1	2	2		1	6	2				1	3
French Creole	22	2	7	2						1	5		2				3	5					3
French	7	1	3								1	1	3				8	3					3
Ethiopian	9	1	1	1					1		1	1	1				1	2			2	2	2
Somali	7	3							1		1	1	1				1	1			1	1	19
Chinese	7	1	3						1		1	1	1				9	1			1	6	18
Other Indigenous Language	9						1				1	1	1				3	2			2	1	14
Somalian	4	2	1								2	2	1				4	1			2	2	14
Other	1	1	1								2	2	1					1			2	3	14
Swahili	5	1	1				1		1		1	1	1									1	13
Vietnamese	6	1	1								2	1	1									1	12
Eritrean	1	1	1		1				1			6	1	1							3	1	10
Cambodian	2	1	1				1						1	1							1	1	9
*Sign Language	1		1						1				1										3
Albanian	4	1	1										1								2	1	7
Amharic	2	1								1	1												3
Russian	1																						3
Carri	1															1							3
Polish	1		1									1											2
American Sign Language	2																						2
Cantonese	1																						2
Filipino	1								1														2
Hindi	1															1							2
Italian	1																						2
Mandarin	1																						2
Gujarati	1																						1
Korean	1																						1
Ku. Ibo. Yoruba	1																						1
Puhto	1																						1
Tamil	1																						1
Tigrinya	1																						1
Missing/Unknown	2,163	334	750	116	238	196	136	58	297	132	883	387	167	237	56	62	353	456	49	1,044	160	611	8,885
Total	6,408	901	2,678	603	780	634	641	234	1,338	584	2,296	1,407	694	980	172	297	1,313	1,694	172	3,319	665	2,270	29,980

EXHIBIT E

Staff Protocols for Responding to Language Assistance Needs of Persons with Limited English Proficiency.

[Will be attached when finalized]

Exhibit F

One page document entitled, “If You Do Not Speak English Well”

[Will be inserted when finalized]

Exhibit G

Language Access Complaint Procedure

You may file a complaint with the DHCD Language Access Coordinator or the Office of Access and Opportunity if you believe you have not received the services set out in this Plan. You must file a written complaint within 6 months of the alleged denial. To file a complaint with the DHCD Language Access Coordinator, submit the written complaint to:

Brenda O'Donnell
Language Access Coordinator
Division of Housing Stabilization
Department of Housing & Community Development
100 Cambridge Street, Suite 300
Boston, MA 02114
(617) 573-1381
Brenda.ODonnell@state.ma.us

The DHCD Language Access Coordinator will investigate the circumstances alleged in the complaint and will work with you, staff, Contractors and advocates to resolve the issue.

To file a complaint with the Office of Access and Opportunity, please submit the written complaint to the attention of:

Office of Access and Opportunity
Office of the Governor
State House, Room 373
Boston, MA 02133
Jabes.Rojas@state.ma.us

EXHIBIT 2

DHCD EA Language Access Coordinator Responsibilities

- 1. Implement and review settlement provisions, Language Access Plan, and relevant supporting documents.**
 - a. Monitor effective operation of the DHCD phone number listed in the Multilingual Notice, including through testing.
 - b. Oversee translation of vital documents and work with IT to see that staff have access to, are trained in the use of, and appropriately use all translated documents
 - c. Make sure all relevant sites have “I speak” cards and easily visible posters that offer free interpretation
 - d. Work with IT and program staff to track applicant/participant’s language preference and correct that preference, when necessary. Work to improve the visibility of a family’s primary language in the DHCD software.
 - e. Oversee use of bilingual staff as a language access resource and create a directory of bilingual DHCD staff.

- 2. Receive and respond to feedback; resolve any problems**
 - a. Receive and respond to feedback from staff, contractors, community organizations, advocacy organizations, legal services, and applicants/participants related to Language Access for LEP persons.
 - b. Correct language access problems raised in feedback, to the greatest extent possible.

- 3. Compile data and information on language usage and language needs, and create a report for monitoring and planning purposes on a schedule set out in the LAP.**
 - a. Primary language of applicants and participants
 - b. Number of calls to Multilingual Notice phone number and languages requested
 - c. Number of calls to telephone interpreter service, by language
 - d. Language access complaints: number of complaints, complaint issue areas, and status of complaints (resolved or not resolved)
 - e. To determine costs, DHCD will provide MLRI with the total number of minutes used monthly by the telephone interpreter service
 - f. Periodically survey and update the language skills of DHCD staff.

- 4. Draft, review, and recommend modifications and updates as necessary to the LAP and protocols**
 - a. On an on-going basis, or in accordance with the schedule in the LAP, collect necessary data, determine if language needs have changed and if modifications to the LAP, protocols or vital documents are necessary to meet new language needs
 - b. Evaluate cost structure of language access services and recommend changes to language access services based on costs

- 5. Implement language access complaint procedure**

- a. As described in the LAP, make available coordinator's name and contact information with notice that coordinator can be contacted if language access problems arise in shelters, offices that take EA applications, and anywhere else that EA participants come into contact with the EA program
 - b. Develop a written system and procedure posted on the public website for handling language access complaints in a timely and effective manner
 - c. In accordance with the LAP, ensure that applicants/participants who were not provided language access receive appropriate remedies for adverse actions taken against them, when such language access issues are brought to DHCD's attention.
- 6. Create and implement training (with cooperation of MLRI)**
- a. Create and implement EA language access training, outlined in the LAP, for relevant DHCD staff, shelter staff, regional agencies and other DHCD contractors who interact or provide services to EA applicants/participants
 - b. Create and implement language access protocols for all offices, shelters, scattered sites
 - c. Work with site coordinators for proper implementation of protocols
 - d. Create trainings in several formats. Make training materials available on the internal website. Train new staff members and contractors on a rolling basis.

EXHIBIT 3

EA Program Vital Documents

1. Pre-application screening materials:
 - a. Part I Applicant's Statement for Emergency Assistance Shelter
 - b. 3 year housing history
 - c. Part II Pre-Assessment Re-Housing Tool
2. Notice to Individuals Requesting Emergency Assistance Temporary Emergency Shelter Services and NFL-16 (setting forth required verifications for full shelter eligibility)
3. Notice of Approval or Denial For Emergency Assistance (EA) and HomeBASE Referral with appeal form
4. Re-Housing Plan/Agreement – Phase 1
5. Client Responsibilities While in Temporary Emergency Shelter
6. Placement/Information Contacts
7. Re-Housing Plan and Stabilization Plan – Part 1 and Part 2
8. Noncompliance/Termination Determination Request/Notice of Infraction of Uniform Shelter Rules and Noncompliance Determination Request Emergency Assistance (EA) Household Response
9. Notice of Noncompliance and appeal form
10. Notice of Termination of Temporary Emergency Shelter and appeal form
11. Notice of Shelter Transfer and appeal form
12. Notice of Transfer at Shelter Request and appeal form
13. NFL #12 – Fair Hearing Decision Implementation
14. Request for an ADA Accommodation
15. Pre Noncompliance Warning Notice
16. Notice of Hearing
17. Notice of Failure to Appear For Good Cause

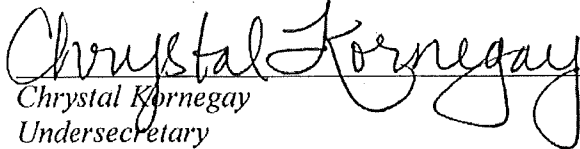
18. Uniform Shelter Program Rules (Already translated into Amharic, Arabic, Haitian, Portuguese, Somali and Spanish and have been posted on the DHCD website since 2012.)
19. Overnight Request Form (Already translated into Amharic, Arabic, Haitian, Portuguese, Somali and Spanish and have been posted on the DHCD website since 2012.)
20. Babysitting Request Form (Already translated into Amharic, Arabic, Haitian, Portuguese, Somali and Spanish and have been posted on the DHCD website since 2012.)
21. Babysitting Guidelines (Already translated into Amharic, Arabic, Haitian, Portuguese, Somali and Spanish and have been posted on the DHCD website since 2012.)
22. Summary of Uniform Shelter Program Rules (Already translated into Amharic, Arabic, Haitian, Portuguese, Somali and Spanish and have been posted on the DHCD website since 2012.)
23. Temporary Emergency Shelter Interruption (TESI)

X. SIGNATURES

IN WITNESS WHEREOF, the parties have executed this Agreement as of the last date below written.

For the Respondent:

Department of Housing and Community Development:

 7-12-2017
Chrystal Kornegay *Date*
Undersecretary

For the Complainant:

Massachusetts Law Reform Institute:

Judith Liben, Esq. *Date*
Staff Attorney

Teresita Ramos, Esq. *Date*
Staff Attorney

Massachusetts Immigrant and Refugee Advocacy Coalition:

Eva Millona *Date*
Executive Director

Reviewed for the Massachusetts Commission Against Discrimination by Its Duly Authorized Representative.

Yaw Gyebi, Jr., Esq.
Chief of Enforcement

Effective Date: _____

X. SIGNATURES

IN WITNESS WHEREOF, the parties have executed this Agreement as of the last date below written.

For the Respondent:

Department of Housing and Community Development:

Chrystal Kornegay
Undersecretary

Date

For the Complainant:

Massachusetts Law Reform Institute:

Judith Liben, Esq.
Staff Attorney

7/14/17
Date

Teresita Ramos, Esq.
Staff Attorney

7/14/17
Date

Massachusetts Immigrant and Refugee Advocacy Coalition:

Eva Millona (g)
Executive Director

7/14/17
Date

Reviewed for the Massachusetts Commission Against Discrimination by Its Duly Authorized Representative.

Yaw Gyebi, Jr., Esq.
Acting Chief of Enforcement

Effective Date: _____

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For the Respondent:

Department of Housing and Community Development:

Chrystal Kornegay
Undersecretary

Date

For the Complainant:

Massachusetts Law Reform Institute:

Judith Liben, Esq.
Staff Attorney

Date

Teresita Ramos, Esq.
Staff Attorney

Date

Massachusetts Immigrant and Refugee Advocacy Coalition:

Eva Millona
Executive Director

Date

Reviewed for the Massachusetts Commission Against Discrimination by Its Duly Authorized Representative.

Yaw Gyebi, Jr., Esq.
Chief of Enforcement

Effective Date: _____

8/11/2017

The Commonwealth of Massachusetts
Commission Against Discrimination
One Ashburton Place , Boston, MA 02108
Phone: (617) 994-6000 Fax :(617) 994-6024

Jamie Williamson, Investigating Commissioner
Massachusetts Commission Against Discrimination

**RE: Massachusetts Law Reform Institute, Massachusetts Immigrant and Refugee
Advocacy Coalition v. Mass-C Dept. of Housing & Community Development**

MCAD Docket Number: 15BPH00759

HUD : 01-15-0257-8

Dear Chairwoman:

Complainants hereby request permission to withdraw the complaint filed with this Commission on 03/27/15, for the following reason:

- (6) Complainants have decided that I no longer wish to pursue my complaint.
- (16) The Respondent(s) and Complainants have agreed to a settlement of the complaint which an MCAD Representative has signed.
- (18) The issue that initiated the complaint has been resolved to Complainants' satisfaction; namely, Respondent(s) have agreed to: _____.

We understand that upon the granting of this request, we may bring no further complaint on the same matter before the Massachusetts Commission Against Discrimination. We also wish to withdraw the complaint regarding this matter filed with the U.S. Department of Housing and Urban Development (HUD) under the federal Fair Housing Act (Title 8)

We have been advised that it is unlawful for any person covered by Chapter 151B and the federal Fair Housing Act (Title 8) to threaten, intimidate or harass me because we have filed a Complaint. We have not been coerced into requesting this withdrawal.

We have been advised of our right to seek enforcement of the terms of the settlement for which we agreed to withdraw the Complaint. If the Respondent does not comply with the terms agreed to withdraw my complaint, we have six (6) months, from the date of signing this form, to request that the complaint with MCAD be reactivated.

If violations of other laws under HUD jurisdiction have been alleged, HUD retains Jurisdiction over such allegations.

Authorization for this request is indicated by the following Certification of Withdrawal by Complainant, **OR** Certification of Authorization to Withdraw by Counsel.

Eva A. Millona

Eva Millona, Executive Director
Massachusetts Immigrant and Refugee Advocacy Coalition

Date: August 2, 2017

Certification of Authorization to Withdraw by Counsel

I am authorized as Counsel of Record for the Complainant Massachusetts Law Reform Institute and have the authority and permission to sign for the Complainant in this matter. I have advised the Complainant that it is unlawful for any person to threaten, intimidate, or harass him/her because s/he filed a complaint. Complainant has represented that s/he has not been coerced into requesting this withdrawal.

Judith Liben

Judith Liben, Esq.
for Massachusetts Law Reform Institute

Date: August 2, 2017

Teresita Ramos

Teresita Ramos, Esq.
for Massachusetts Law Reform Institute

Date: August 2, 2017