

# *LIMITED ENGLISH PROFICIENCY* and **Title VI** of the Civil Rights Act



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Fair Housing Training

# Not everyone speaks English

Number of Limited English Proficient (LEP) Individuals by State, 2010



Worldwide there are 7000 languages

18 sign languages in Central America

380 languages in the U.S. (160 are indigenous)

25 million or about 9% LEP population in the U.S.

60,000 LEP persons in ID or about 4% of the population

Language other than English spoken in 10%+ of ID homes

# Languages in our school districts:

Boise	80-100
Meridian	58
Canyon County	12
Twin Falls	21

*Why is this important?*

# LINGUISTICALLY ISOLATED HOUSEHOLDS

These are households where no one over age 14 speaks English very well

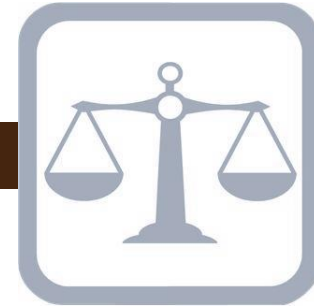
	All HH	Spanish HH
<b>Idaho</b>	2.2%	21.3%

# LANGUAGE ASSISTANCE NEEDS IMPROVEMENT

The City of Boise's Analysis of Impediments to Fair Housing and its 2011-2015 Fair Housing Plan reported:

**72% of refugees...said they received verbal interpretation of their apartment lease; 14% reported no form of translation or having to obtain translation services themselves.**

# LEGAL UNDERPINNINGS



- Title VI of the 1964 Civil Rights Act
- U.S. Supreme Court—Lau v. Nichols (1974)
- Executive Order 13166 (2000)
- Federal Agency Guidelines

HUD – 2007

# WHO MUST COMPLY?

- All agencies of the federal government
- All programs that receive federal assistance
  - State and local agencies
  - Subrecipients
  - Private and nonprofit entities

# COVERAGE

Coverage extends to a recipient's entire program or activity, *i.e.*, to all parts of a recipient's operations. **This is true even if only one part of the recipient receives the federal assistance.**

*What are the implications of this?*



# EQUALITY



# WHAT IS LIMITED ENGLISH PROFICIENCY?

*Persons who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English can be limited English proficient, or “LEP.”*

# WHAT IS LANGUAGE ASSISTANCE?

**Interpretation**: *listening to something in one language...and orally converting it into another....*

**Translation**...*replacement of written text from one language into an equivalent written text in another language.*

*But, what about gesturing and pantomiming?  
Or, speaking louder and slower?*

# FULL SPECTRUM LANGUAGE ASSISTANCE

**No/Low Touch**

**High Touch**

No federal \$

**FEDERAL \$**

No or low impact

**HIGH IMPACT**

Low risk

**HIGH RISK**

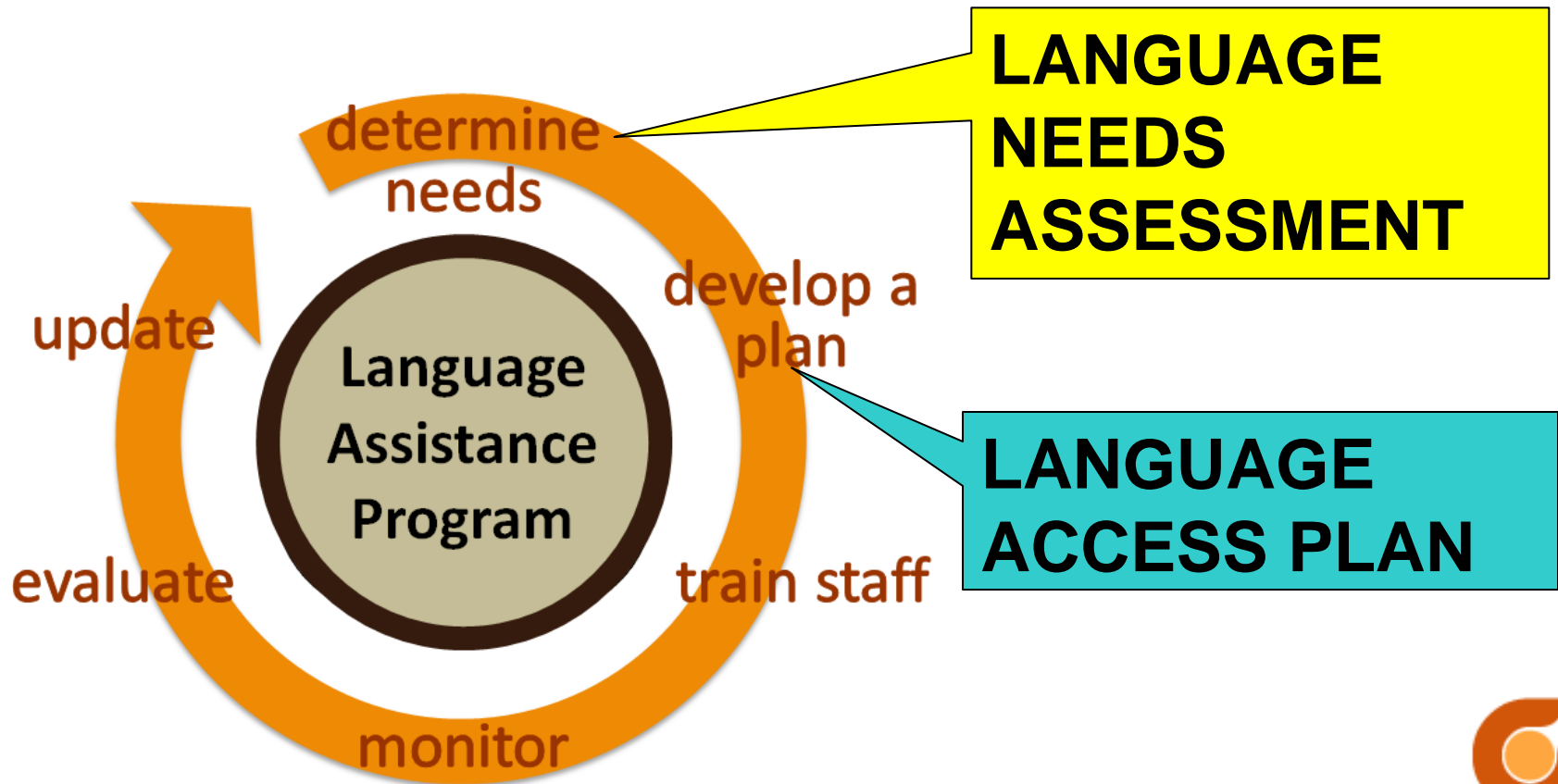
**No plan**  
**Customer service**  
**Lose a customer**  
**Low tech to Higher tech**  
**Machine interpretation & translation**  
**Child interpreters**  
**Lower accuracy**  
**Low cost**

*[Speak slow & loud?]*

*[Gesture/Pantomime?]*

**Language Assistance Program**  
**Customer service/CIVIL RIGHTS**  
**Monetary penalties**  
**Lower tech**  
**Human interpretation/translation**  
**Adult (certified?) interpreters**  
**High accuracy/Cultural competence**  
**High cost**  
**Interpretation of a document**  
**Translated 'offer to interpret'**

# LANGUAGE ASSISTANCE PROGRAM



# YOU MUST PROVIDE INTERPRETATION

## When the client is:

- Assessed as being LEP; and,
- The communication involves the meaningful access by a person to information or services, then:

The interpretation must be competent, timely and free

# INTERPRETING CAUTIONS



- Using friends and family...**especially children** to interpret
- Different dialects/cultural competency
- There is no “safe harbor” for interpretation!

# WHAT DOCUMENTS SHOULD BE TRANSLATED?

## VITAL DOCUMENTS

Those documents that are critical for ensuring meaningful access by **beneficiaries** or **potential beneficiaries** generally and **LEP persons** specifically.

Such as...



# THERE IS “SAFE HARBOR” FOR TRANSLATION

Size of language group	Recommended provision of written language assistance
1,000 or more in the eligible population in the market area or among current beneficiaries.	Translated vital documents.
More than 5% of the eligible population or beneficiaries <i>and</i> more than 50 in number.	Translated vital documents.
More than 5% of the eligible population or beneficiaries <i>and</i> 50 or less in number.	Translated written notice of right to receive free oral interpretation of documents.
5% or less of the eligible population or beneficiaries <i>and</i> less than 1,000 in number.	No written translation is required.

Are there other reasons to translate docs?



# A FEW WORDS ABOUT AFFIRMATIVE MARKETING

- The LNA may or may not inform your Affirmative Fair Housing Marketing Plan
- The AFHMP may indicate that to achieve the demographic occupancy goals that marketing information should be in more languages

## **But...English is the official language!**

In a jurisdiction where English has been declared the official language, a HUD recipient is still subject to federal nondiscrimination requirements, including Title VI requirements as they relate to LEP persons.

# WHY COMPLY?

- ✓ To expand your market
- ✓ To provide good customer service
- ✓ To comply with the law
  - Ensure meaningful access
  - Avoid disparate treatment
- ✓ To manage risk
  - Avoid civil lawsuits and
  - Fair Housing complaints



# CASE STUDY

A Spanish-speaking tenant failed to recertify HH income. All written and oral communication was in English from the housing provider. The tenant was terminated and did not know her appeal rights.

The affordable housing provider did not have a LNA or LAP. There was bilingual staff, BUT no policy for its use.

# CASE STUDY - Outcome

The housing provider:

- Paid the complainant **\$25,000**
- Adopted LEP Policy and completed a LNA and LAP
- Improved procedures (inc. interpretation)
- Translated documents
- Trained staff
- Conducted outreach

# THE GOLDEN RULE:

Put a **Language Assistance Program** in place, follow it, and..

- **Document!**
- **Document!**
- **Document!**



# RESOURCES

- U.S. Department of Justice: [www.lep.gov](http://www.lep.gov)
- [www.gehanes.com](http://www.gehanes.com)

- Offers to Interpret
- “Please Repair” pamphlet
- Know your rights
- Langwij Finder
- In the News
- Connect on Linked In





# TITLE VIII of the FAIR HOUSING ACT NATIONAL ORIGIN -- LEP

- An emerging area of interest and focus
- **42 USC 3604(b)**—It is prohibited to discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, familial status, or ***national origin***.
- Attention Housing Providers--advertising, policies, procedures, training



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SERVICE IS WELCOME IN  
ANY LANGUAGE — Erik Kingston**