

# *7 Things to know about Language Access*



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# ***DISCLOSURE***



This is not legal advice.  
Ask your attorney for that!



# *Seven Things*

1. What is LEP?
2. Why should I care?
3. Providing meaningful access to federally assisted housing
4. The unwritten rule
5. Affirmative Fair Housing Marketing and LEP
6. Resources
7. The most powerful access tool



#1

## *What is limited English proficiency (LEP)?*

A person whose primary language is not English and who does not read, write, speak, or understand English very well is

**Limited English Proficient**



# *Idaho Legal Aid Video*

## Fair Housing and LEP



# #2

## *Why should I care?*

Language = Race / National Origin

Protected Classes under **Title VI** and **Title VIII** of the  
**Civil Rights Act**



**Title VI** federally assisted activities

**Title VIII** the Fair Housing Act



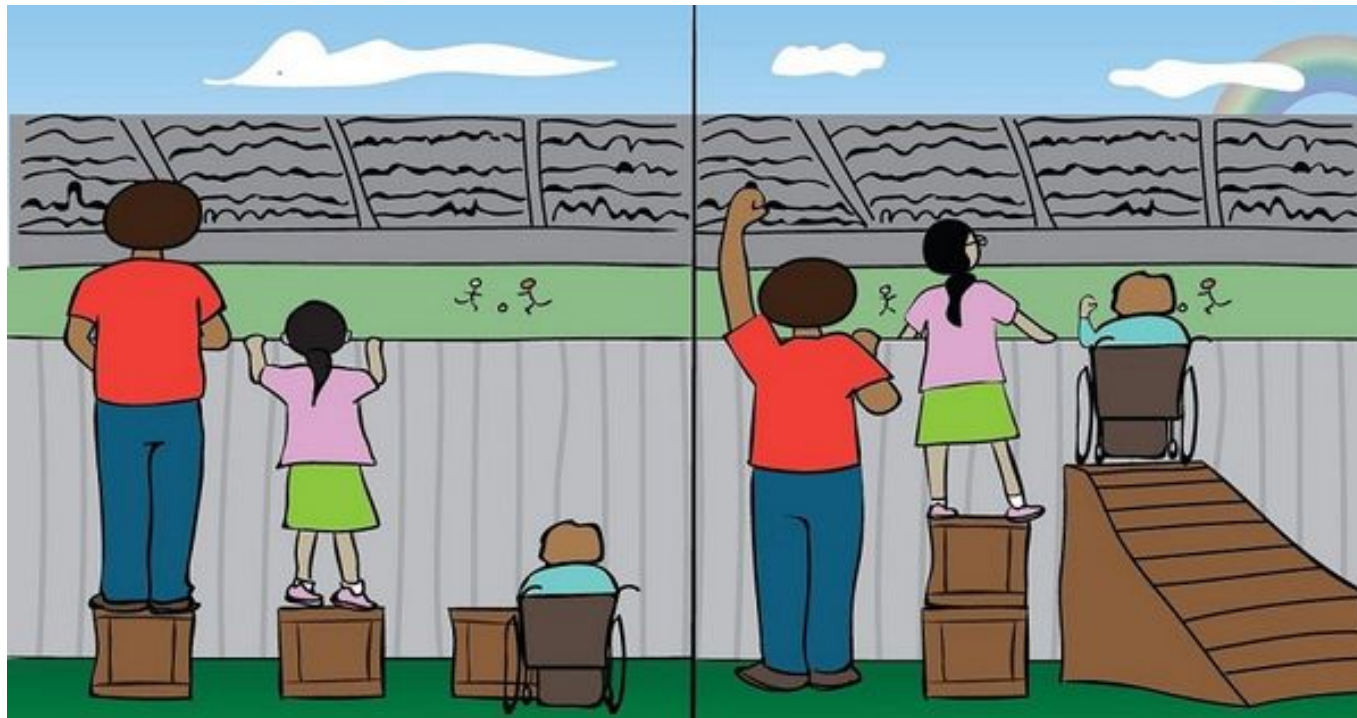
# Title VIII Language Access Best Practices

- Use low- or no-cost interpretation
- Allow friend/family to interpret
- Give time to translate documents, etc.

**Limited English Proficiency Plan (LEPP)**



# Title VI and Title VIII Side-by-Side



**Title VIII - Equality**

**Title VI - Equity**





# Title VI – federally assisted housing

## Meaningful Access

- Language assistance that results in accurate, timely and effective communication at no cost to the LEP person
- Access that is not significantly restricted, delayed or inferior as compared to that of English proficient persons



# #3

## *Providing meaningful access to federally assisted housing*

### Language Assistance Program



- Language Needs Assessment
- Language Access Plan
- Train staff
- Monitor for changing needs
- Evaluate changes
- Update Language Access Plan



# Language Needs Assessment

## A Four-Part Assessment

- LEP in the market
- LEP among beneficiaries/tenants & those in contact
- The importance of the need—**HIGH**—it's housing!
- The resources available – translated docs, bi-lingual staff, language access tools, budget, etc.



# Language Access Plan

## Policy and Procedures Document for Providing Language Assistance

What are you going to do?  
When are going to do it?  
Who's responsible?



# Language Access Plan

## How to:

- Notify LEP persons of rights
- Know when an interpreter is needed/not needed.
- Identify a person's language
- Access interpreters
- Help LEP callers, etc.
- Identify documents to translate/which language(s)
- Determine 'safe harbor'
- Quality control
- Deal with letters & emails
- Address marketing/AFHMP

**DESIGNATE A LEP COORDINATOR**



# Two kinds of Language Assistance

## Interpretation and Translation

**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*



# Character of Language Assistance

Competent  
Timely  
Free



# Competent Language Assistance

## Interpretation

Qualified interpreter → Certified Interpreter

Briefed on terminology to be used

Minor children should **never** interpret

## Translation



Use plain English in original document

**“Four Eyes Rule”**





# Competent Language Assistance

**Interpretation** - No 'safe harbor'

**Translation** - There is 'safe harbor'



# Competent Language Assistance

‘safe harbor’ for written assistance

## HUD “SAFE HARBOR” GUIDANCE

Size of language group	Recommended provision of written 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 1000 in number	No written translation required



# Competent Language Assistance

‘safe harbor’ for written assistance

‘safe harbor’ is a minimum performance level; not best practice



# Competent Language Assistance

## Internet translation apps

They are not competent or confidential

They should be used only for the simplest instructions or social exchanges

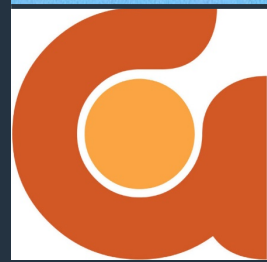


# Competent Language Assistance

**Vital Documents are subject to translation**

Vital Documents are those critical to accessing federally assisted activities

Untranslated Vital Documents must always be interpreted



# Competent Language Assistance

## Vital Documents

Marketing information  
Fair Housing Poster  
Non-Discrimination Poster  
Application  
Tenant selection criteria  
Building system shutdown

Income recert notices  
House rules  
Lease violation  
Grievance/appeal process  
Lease violation  
...and more!



# Competent Language Assistance

## Language Access Tools

- Language identification poster; “I speak...” cards
- Written ‘Offer to Interpret’
- USDoJ – Know Your Rights
- Telephonic language interpretation vendor
- “Please repair...”
- “Welcome to your new home”
- Dual handset phone



**#4**

***The unwritten rule!***

- 1. Document.**
- 2. Document.**
- 3. Document.**





#5

***Affirmative Fair Housing Marketing  
and LEP***

Language Access Plan



Affirmative Fair Housing  
Marketing Plan



#7

***The most powerful language access tool***



# 7 Things to know about Language Access



## Q&A

**Gary Hanes** Managing Member

Direct: 208-559-1321

[gary@gehanes.com](mailto:gary@gehanes.com)

[www.gehanes.com](http://www.gehanes.com)

