



⑤ Sometimes, federal law will require that a **landlord** have language assistance available.

✦ Title VI and Executive Order 13166 require that people with limited English proficiency have meaningful access to federally funded programs and activities. Recipients of federal funds and federal agencies are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

⑥ **How to file a FHA Complaint** – If you believe you have been a victim of housing discrimination, you have the right to file a housing discrimination complaint with HUD by calling 800-669-9777 (TTY 800-927-9275) by visiting hud.gov or you can utilize HUD's Housing Discrimination Complaint Application smartphone app.



Fair Housing Resources:

- ✦ U.S. Department of Housing and Urban Development (HUD) 1-800-669-9777 or 1-800-927-9275 (TDD)
- ✦ hud.gov
- ✦ Idaho Legal Aid Services Housing Hotline at 844-804-0386
- ✦ idaholegalaid.org
- ✦ Intermountain Fair Housing Council (208) 383-0695
- ✦ ifhcidaho.org
- ✦ Idaho Human Rights Commission (208) 334-2873
- ✦ humanrights.idaho.gov

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**IDAHO
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YOUR FAIR HOUSING RIGHTS

LIMITED ENGLISH PROFICIENCY (LEP)

What is the Fair Housing Act?

The Fair Housing Act, Title VIII of the Civil Rights Acts, prohibits discrimination in housing.

- ① **The Fair Housing Act (FHA) makes it illegal to discriminate against someone in a housing matter because that person belongs to a protected class. The protected classes are:**

Race, color, sex, religion, national origin, disability, and familial status (presence of minor children)

- ② **Persons with Limited English Proficiency (LEP) are not a protected class under the FHA. The FHA does, however, prohibit housing providers from using LEP as a pretext for discrimination because of a protected class. The FHA also prohibits using LEP in a way that causes unjustified discriminatory effects.**

- ✦ If a policy is challenged as being discriminatory; justifications for language-related restrictions will be scrutinized to determine whether the restriction is a pretext for race or national origin discrimination. For example, a blanket refusal to deal with LEP persons is likely not motivated by genuine communication concerns.



- ✦ A policy or practice violates the FHA if it has an unjustified discriminatory effect, even when there was no intent to discriminate.
- ✦ A landlord has to prove that the policy is justified, and their justification cannot be made up. The landlord has to provide evidence to prove that the language-related policy or practice is necessary to achieve a substantial, legitimate, and fair interest, then the complaining party has the opportunity to prove that such an interest could be served by a policy that has a less discriminatory effect. Here are some examples of policies that could accomplish a housing provider's legitimate interests but are less discriminatory:

- Allowing a tenant a reasonable amount of time to take a document to be translated and reviewed
- Obtaining written or oral translation services
- Allowing a tenant to bring along someone to interpret and agreeing to communicate through that person

- ✦ Below are some examples of practices that could constitute national origin discrimination:

- Advertisements such as "all tenants must speak English"
- Cost-based justifications for refusing to deal with LEP persons if the housing provider or resident can access free or low-cost language assistance
- Restrictions against people who speak a specific language
- Different treatment based on a person's accent
- Failing to provide language assistance services mandated by federal, state or local law

