



## ADDRESSING LIMITED ENGLISH PROFICIENCY IN FEDERALLY-ASSISTED HOUSING



*GOOD CUSTOMER SERVICE  
IS APPRECIATED IN ANY  
LANGUAGE*

**2012 FAIR HOUSING MONTH**

### Some language facts:

- There are about 7000 languages worldwide
- Census tracks 380 languages--reports on 38
- There are 11,600 Spanish Speakers (7% of Canyon Co population) who speak English less than "very well"
- 1/4 of Canyon Co's Spanish-speaking households are linguistically isolated (no one over 14 speaks English "very well")
- About 100 languages in Boise schools



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## Authorities



- Title VI of the 1964 Civil Rights Act
- Fair Housing Act (1968)
- U.S. Supreme Court—Lau v. Nichols (1974)
- E.O. 13166 (2000)
- HUD LEP Guidelines (January 22, 2007)



## Who must comply?

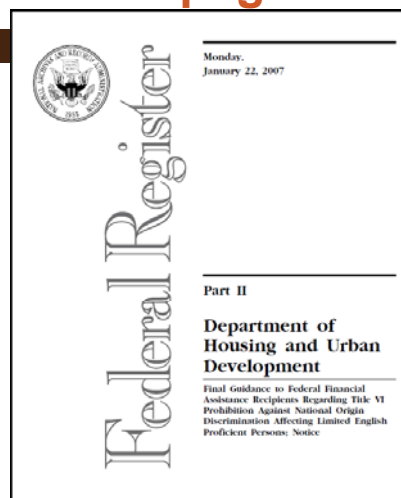
- All agencies of the federal government
- All programs that receive federal assistance
  - State and local agencies
  - Private and nonprofit entities
  - Subrecipients
  - Specifically: Assisted housing providers



## HUD LEP Guidelines in 24 pages

The intent of this Guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small business, small local governments, or small nonprofit entities.

USDA LEP Guidance is out for comment; deadline: May 7, 2012  
<http://www.gpo.gov/fdsys/pkg/FR-2012-03-08/pdf/2012-4377.pdf>



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## HUD LEP Guidelines

- The policy guidance is not a regulation, but rather a guide.
- These are the same criteria HUD will use in evaluating whether recipients are in compliance with Title VI and Title VI regulations.

  
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## Why Housing Providers should adhere to the LEP Guidelines?

- To provide good customer service
- To comply with the law
  - Ensure meaningful access
  - Avoid disparate treatment
- To manage risk



## 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,” and may be entitled to competent language assistance with respect to a particular type of service, benefit, or encounter.*



## What are interpretation & translation

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

Translation...*replacement of written text from one language into an equivalent written text in another language.* It ranges from a full translation of a document to a short translation of a description of a document.



## Interpretation services:

- **Consecutive** (wait for speaker pause, interpret afterward)
- **Simultaneous** (as the speaker talks)
- **Summarization** (summary of remarks)
- **Sight translation** (read English document in another language, vice versa)



## Translation Services:

- **One-way Translation** (translate from English to the target language)
- **Back (two-way) Translation** (verify translation—translate back to English)
- **Committee Translation** (consensus version—quality control)
- **Original Language** (create in the target language from scratch)



## Types of translations:

- **Full Translation/Transcription** (convert into grammatically and colloquially target language)
- **Partial Translation** (convert portions of original)
- **Summary Translation** (main points)
- **Gisting** (brief description)
- **Cataloguing** (scan and identify specific data)
- **Certified Translation** (accuracy certification)



## Housing Providers, should have...

A ***Language Assistance Program*** supported by:

- Four-factor ***Language Needs Assessment***
- ***Language Access Plan***



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## The Language Needs Assessment

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee;
2. The frequency with which LEP persons come in contact with the program;
3. The nature and importance of the program, activity, or service provided by the program to people's lives; and
4. The resources available to the grantee/recipient and costs.



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## The Language Access Plan

Policies and procedures covering:

- Identifying LEP Individuals Who Need Language Assistance
- Language Assistance Measures (interpretation and translation)
- Staff Training
- Notice to LEP Persons
- Monitoring and Updating the LAP



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## General notes on interpretation

**Interpretation should be competent, timely and free**

NOTE: Remember your recorded phone greeting

NOTE: After hours calls—LEP callers

NOTE: Include language information in client files

NOTE: Include maintenance staff in your Language Assistance Program!!

CAUTION: Using friends and family...especially children to interpret

CAUTION: Different dialects and cultural conflicts

CAUTION: A LEP person may also have a disability



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## When do I have to provide interpretation?

### MY RULE OF THUMB

If there's any doubt about whether the LEP person is trying to communicate their need to access critical services...it's better to provide interpretation.

NOTE: There is no "safe harbor" for interpretation!



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## General notes on translation

NOTE: Not all people are literate in their own language

NOTE: Not all cultures have a written language

NOTE: Consider a disclaimer on all translated documents that clarifies the English version controls

NOTE: The written **Offer to Interpret** is a good interim step to a full translation

CAUTION: A LEP person may also have a disability



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## When should I provide translated documents?

There is a “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 and more than 50 in number.	Translated vital documents.
More than 5% of the eligible population or beneficiaries and 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 and less than 1,000 in number.	No written translation is required.



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## 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.

Examples:

- Marketing information (remember: website)
- Lease
- Lease violation notice
- Termination notice
- Income recertification notices
- Housing Choice Voucher notices to recertify



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## Watch for more technology!


Telephonic interpretation

Cell phones

Dual handset phones →



Video conferencing--Skype

 Translate, Babel Fish—website gadgets

Tablets--“*There’s an app for that!*”

<http://www.vocre.com/>



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## But...English is the official language in Idaho! [Idaho Code 73-121]

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.



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## LEP cross-cutting considerations

- Affirmative marketing
- ADA and Section 504 (*disability*)
- Environmental Justice

The *fair treatment* and *meaningful involvement* of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

*Fair treatment* = no group should bear a disproportionate burden of risk or harm

*Meaningful involvement* = seek and facilitate involvement in decisions by community members that are potentially affected



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## What should I do?

Put a Language Assistance Program in place, use it, and...

- Document!
- Document!
- Document!



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## RESOURCES\*

2004 Census Test

LANGUAGE IDENTIFICATION TEST

1. Arabic

2. Armenian

3. Bengali

4. Cantonese

5. Chinese

- Department of Justice: [www.lep.gov](http://www.lep.gov)
- Language Identification Flash Cards: <http://www.lep.gov/resources/ISpeakCards2004.pdf>
- Idaho Fair Housing Forum: <http://fairhousingforum.org/>
- Language Line
- Certified Languages International
- BOINT: <http://www.boiseinterpreters.com/>
- Courts and Yellow Pages



\* Listing these resources is not intended as an endorsement of them



## RESOURCES (cont'd)

- Agency for New Americans
- Idaho Office of Refugees
- World Relief
- The International Rescue Committee
- CSI Refugee Service Center
- "Please Repair" – 10 languages  
<http://www.acf.hhs.gov/programs/orr/resources/publications.htm>  
<http://www.refugeehouse.org/publications.htm>



## RESOURCES (cont'd)

- IHFA--<http://www.housingidaho.com/>



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## Questions?



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