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### About the Presenter

NAHMA Approved FHC™ Instructor



Heather Staggs, SHCM™, CPO™, FHC™

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 COMPLIANCE CONSULTING, INC.

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- Ms. Staggs brings knowledge from both sides of the aisle. Formerly with the Colorado Housing and Finance Authority (CHFA) and, prior to that, the U.S. Department of Housing and Urban Development, she is an expert in compliance with low-income housing laws and regulations. As a long-time property manager, Ms. Staggs possesses the real-world, hands-on knowledge of applying the rules of the trade. Her experience includes:
  - More than 20 years of property management experience with deep knowledge of multifamily programs and regulations, including: Fair Housing, Project Based Section 8, Low Income Housing Tax Credit, FDC, Affordable Housing Program, and FHA and Non-FHA Loan products.
  - Former Manager of Section 8, and Multifamily Program Compliance and Asset Management Officer with Colorado Housing and Finance Authority (CHFA)
  - Former Project Manager with the U.S. Department of Housing and Urban Development
  - Former Sr. Director of Property Management
  - Former Community Manager/Assistant Manager with Windsor Communities/General Investment and Development
  - Former District Manager with McCormack Baron Management Services and Winthor Properties
  - Former Special Task Assignment/Response Team Specialist with Property Asset Management/ AIMCO
  - Attended the University of Denver's Executive Leadership Program 2000-2001
  - Rocky AHPMA's Contract Administration Special Recognition Award for Commitment to Excellence in Affordable Housing in 2011
  - Recipient of a Special Recognition Award from the Denver HUD Office 2012




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### Who and What is LEP?

- What is LEP - Limited English Proficiency
- Who is LEP - Limited English Proficient person(s)
  - Persons with a specific national origin, who do not speak English as their main language, and who have a limited ability to speak, read, write, or understand English.

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### Does LEP ONLY Apply to Citizens of the United States?

- NO!
- It applies to all individuals with LEP regardless of their citizenship status; so that means, it applies to:
  - U.S. Citizens
  - Non-citizens
    - Documented and undocumented

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### Who Enforces LEP

- The Secretary of HUD has designated the Office of Fair Housing and Equal Opportunity (FHEO) to take the lead in coordinating and implementing Executive Order 13166 for HUD, but each program office is responsible for its recipients' compliance with the civil-rights related program requirements.

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### What are your Responsibilities?

- To understand the statistical data which provides information on how many LEP individuals are in the area
- To reasonably provide meaningful access to LEP persons applying or living at your community.
- To be able to successfully conduct business in a way that you are able to communicate effectively with your applicants and residents

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## What are your Responsibilities?

- To follow the law. There is a legal obligation to provide meaningful access to LEP individuals.



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## What is Meaningful Access?

- Meaningful access means, giving LEP individuals the ability to have the same communication access which then enables them to receive the same services and benefits as those individuals who fluently speak English.



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## How to Provide Meaningful Access

- Use the four factor analysis approach
- Develop and LEP Language Access Plan (LAP)
- Provide Language Assistance



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## Four Factor Analysis

- The number of LEP persons in a community
- How frequently is there contact with LEP persons?
- How important is the benefit or service being provided to LEP persons?
- Resources to provide assistance and the cost to do so.

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## Types of Language Assistance

- Providing interpretation services
- Having bilingual staff
- Access to translators
  - Telephone service lines interpreter
  - Written translation services
- Providing notices to staff and recipients of the availability of LEP services
- Providing referrals to community contacts who are fluent in the language of LEP persons

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## Language Assistance Plan

- This is a plan which identifies what methods will be used to assist LEP individuals.
- What are some of the elements in a successful plan?

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## What Are Some Of The Elements In a Successful Plan?

- How you will identify LEP persons and the specific language assistance that is needed?
- Using the "I speak" form
- How you will identify the types of community resources, partnerships of agencies and their points of contact that help LEP persons?
- How will you identify which type of language assistance will be provided?
- How will you effectively conduct outreach to the LEP community
- How will you train staff?
- The method used to determine which documents and informational materials are considered "vital documents"?
- How will you go about ensuring that informational in the vital documents are appropriately translated?
- When will you provide interpreters for large, medium, small, and one-on-one meetings?
- What are your processes for monitoring and updating the LAP
- How will you assess and who will you contact to see how the LAP is working and what other actions if any, should be taken.

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## Vital Documents

- How Your Rent is Determined
- Model Lease
- Lease Addendum - Violence Against Women and Justice Department Reauthorization Act of 2005 (HUD 91067)
- Supplement to Application for Federally Assisted Housing (HUD 92006)
- Certification of Domestic Violence, Dating Violence or Stalking (HUD 91066)
- HUD-9887, Form HUD-9887-A

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## Vital Documents

Documents can be found here:

<https://www.hud.gov/offices/ftheo/lep.xml#Multi>

Several of HUD's documents are translated into the following languages:

- English
- Arabic
- Amharic
- Armenian
- Chinese
- Farsi
- Farsi
- French
- Korean
- Portuguese
- Russian
- Spanish
- Tagalog
- Vietnamese

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## How is LEP Tied to Fair Housing?

- The Fair Housing Act prohibits discrimination in the sale, rental or financing of dwellings, and in other housing-related transactions, based on National Origin.

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## What is National Origin?

- “National origin” means the area in the world what a person was born or from where their ancestors originated.
- \* The geographic area need not be a country for it to be considered someone’s “national origin,” but rather can be a region within a country, or a region that spans multiple countries.

\*See Guidelines on Discrimination Because of National Origin, 45 Fed. Reg. 85632, 85633 (Dec. 29, 1980) (EEOC explanation that under Title VII national origin need not be a “sovereign nation”).

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## Some of the Federal Programs Covered

Some additional Federal programs are:

- HOME
- RAD
- Rural Housing
- Project Based Section 8
- Mod-Rehab
- HUD RAP or Rent Supplement
- Section 202/811
- HUD 236
- Below Market Interest Rate Loans
- HUD 221 (d)3, 221(d)4 and 223(f) loans

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## What is HUD’s Safe Harbor

- According to HUD
  - A “safe harbor,” in the context of this guidance, means that the recipient has undertaken efforts to comply with respect to the needed translation of vital written materials.
  - If a recipient conducts the four-factor analysis, determines that translated documents are needed by LEP applicants or beneficiaries, adopts an LAP that specifies the translation of vital materials, and makes the necessary translations, then the recipient provides strong evidence, in its records or in reports to the agency providing federal financial assistance, that it has made reasonable efforts to provide written language assistance.

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# Written

The table below sets forth safe harbors for written translations.

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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# Verbal

- There are no "safe harbors" for oral interpretation services.
- Recipients should use the four-factor analysis to determine whether they should provide reasonable, timely, oral language assistance free of charge to any beneficiary that is LEP (depending on the circumstances, reasonable oral language assistance might be an in-person interpreter or telephone interpreter line).

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# Can Family or Friends Provide Interpretations?

## HUD Says...

- "Generally, recipients should not rely on family members, friends of the LEP person, or other informal interpreters.
- In many circumstances, family members (especially children) or friends may not be competent to provide quality and accurate interpretations.
- Therefore, such language assistance may not result in an LEP person obtaining meaningful access to the recipients' programs and activities.
- However, when LEP persons choose not to utilize the free language assistance services expressly offered to them by the recipient but rather choose to rely upon an interpreter of their own choosing (whether a professional interpreter, family member, or friend), LEP persons should be permitted to do so, at their own expense. Recipients may consult HUD LEP Guidance for more specific information on the use of family members or friends as interpreters. While HUD guidance does not preclude use of friends or family as interpreters in every instance, HUD recommends that the recipient use caution when such services are provided.

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## Can Family or Friends Provide Interpretations?

### HUD Says...

- However, when LEP persons choose not to utilize the free language assistance services expressly offered to them by the recipient but rather choose to rely upon an interpreter of their own choosing (whether a professional interpreter, family member, or friend), LEP persons should be permitted to do so, at their own expense.
- Recipients may consult HUD LEP Guidance for more specific information on the use of family members or friends as interpreters.
- While HUD guidance does not preclude use of friends or family as interpreters in every instance, HUD recommends that the recipient use caution when such services are provided.

See HUD LEP FAQ

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## Which Document Prevails?

- Generally, the English language document prevails. The HUD translated documents often carry the disclaimer,

*"This document is a translation of a HUD-issued legal document. HUD provides this translation to you merely as a convenience to assist in your understanding of your rights and obligations. The English language version of this document is the official, legal, controlling document. This translated document is not an official document."*

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## HOW DO YOU COMPLY?




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# Read Guidance

## Legal Guidance

### [Executive Order 13166](#)

This webpage provides [Frequently Asked Questions on HUD LEP Guidance](#) Order 13166, "Improving Access to Services for Persons with Limited English Proficiency" and resources connected to it.

### [Guidance for LEP for Different Federal Agencies](#)

This webpage provides links to the guidance issued on LEP for all Federal Agencies. HUD's final guidance was issued in 2007, and the Department of Agriculture's was issued in 2014.

### [Frequently Asked Questions on HUD LEP Guidance](#)

These questions and answers specifically addressed HUD's LEP guidance and appeared in the Federal Register.

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# Read Guidance

## [Questions and Answers Regarding Executive Order 13166 and LEP In General](#)

These questions and answers are general in nature and address Executive Order 13166 and implementation of it. Some of these are redundant to the Frequently Asked Questions on HUD LEP Guidance.

## [HUD LEP Frequently Asked Questions](#)

These questions and answers are specific to HUD programs and activities.

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# Tools

## Helpful Assessment Tools

### [Language Access Assessment and Planning Tool](#)

This is an excellent planning tool for any company/site seeking to identify and implement a plan for providing meaningful access for persons with LEP.

### [Common Language Access Questions, Technical Assistance, and Guidance for Federally Conducted and Federally Assisted Programs](#)

Although this document is geared towards federally conducted and assisted programs, it contains a lot of helpful information which applies to providing persons with LEP meaningful access to housing sites and their programs.

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## Websites

### Websites

#### [Federal Gov't Interagency LEP Website](#)

Clearinghouse for LEP information and tools developed by the Federal government.

#### [HUD LEP Materials](#)

Contains HUD guidance and translated documents.

#### [National Housing Law Project](#)

Provides general materials, cases relating to LEP, and links to other websites.

#### [The Migration Policy Institute Language Access Project](#)

Designed to provide information on ways to provide high-quality and cost-effective translation and interpretation services.

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## Multi-lingual Glossaries

### [Legal Glossaries](#)

These glossaries for legal terms, which include multiple languages, were created by the Superior Court of CA, Sacramento

### [Spanish Language Style Guide and Glossaries for U.S. Government Web Sites](#)

A resource on language use and terminology for Web managers dealing with websites in Spanish and/or Spanish language contractors.

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## Online translation tools/Apps

These tools can be helpful in communicating with applicants and residents with LEP.

**These translation tools sometimes provide inaccurate translations.**

#### [Google Translator Toolkit](#)

Tool for document translation, and includes features such as multi-lingual glossaries.

#### [Freetranslation](#)

Translation available between English and multiple languages, and other tools available. Links to other resources.

#### [translation2](#)

It includes online translator, dictionary, text-to-speech (text to voice), virtual keyboard, spell-checker, Russian decoder, back translation, and translators comparison tool.

#### [WorldLingoC:\Users\Debbie\Documents\worldlingo translation and other products](#)

Translation available in multiple languages and various services provided.

#### [SayItTranslate](#), a speech translation App for iPhone, iPod Touch or iPad

[Communicate](#) allows you to create pictures, flashcards, storyboards, routines, visual schedules and record custom audio in any language.

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# Interpreter and Translator Resources

## [languageLine](#)

Provides comprehensive language assistance, such as telephonic interpreting, video remote interpreting, and onsite interpreting as well as accurate document translation and language testing and training.

## [ABS Interpreter](#)

ABS (Alliance Business Solutions) Language Services, provides clients with Translation, Interpretation and Transcription Services.

## [Court Interpreters Program](#)

Includes a [database](#) of Certified and Registered court interpreters.

## [American Translators Association](#)

Provides information on over 9,500 translators and interpreters.

Local Universities

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# Washington State Materials from the DOJ

## Washington State Materials

[The King County Superior Court Signs a Letter of Resolution with the U.S. Attorney's Office for the Western District of Washington State and the Federal Coordination and Compliance Section- December 1, 2015](#)

[The King County Superior Court Agrees to Work with the U.S. Attorney's Office for the Western District of Washington State and the Federal Coordination and Compliance Section to Improve Access to Court Interpreters – January 21, 2014](#)

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# Perform a Self-Assessment

- Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs
- [https://www.lep.gov/resources/2011\\_Language\\_Access\\_Assessment\\_and\\_Planning\\_Tool.pdf](https://www.lep.gov/resources/2011_Language_Access_Assessment_and_Planning_Tool.pdf)

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## Develop Policies and Procedures

- Be sure to address how staff will:
  - Respond to telephone calls from individuals with LEP
  - Track and record language preference information
  - Inform individuals with LEP about available language assistance services
  - Identify the language needs of individuals with LEP
  - Respond to correspondence (letters and email) from individuals with LEP
  - Obtain in-person interpreter services
  - Obtain telephone or video interpreter services
  - Use bilingual staff for LEP services and which staff are authorized to provide in-language service
  - Obtain translations of documents
  - Process language access complaints

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## Spend Time on LEP.GOV



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