



Idaho Legal Aid Services, Inc.



# Fair Housing News

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Topics discussed in this issue:

*Language Access Plans for Housing Providers and Agencies who Receive Federal Funding*

*Meaningful Access to Housing for Limited English Proficiency Consumers*

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## Compliance with Fair Housing and Limited English Proficiency Requirements

By Rob Christensen, LEP Coordinator, Boise City Ada County Housing Authority

Fair housing is a right for all. The inability to understand what a person is being told about housing programs, rules and regulations may seriously impact a person's basic need, his/her shelter and the rights that a person is due. Moreover, housing providers, agencies, and businesses that receive federal funding must comply not only with the Fair Housing Act but also with Title VI of the Civil Rights Act of 1964, and the August 11, 2000, Executive Order 13166 to prevent discrimination based on race, color, or national origin by providing meaningful access in the form of interpretive and/or translation services to Limited English Proficient (LEP) persons so as not to limit effective participation in programs.

Limited English Proficiency (LEP) policies adopted by housing service providers allow for equal access to those members of the community who are too-often the most vulnerable. Meanwhile, LEP policies give the staff members of agencies, organizations, and businesses important tools to assist consumers. Law enforcement and emergency medical crews have clearly recognized the need for language assistance, and they have undertaken steps to increase service to the community by increasing communication abilities either through bilingual staff and/or commercial translators. In a recent survey conducted by a national telephone-based translation/interpretation service, it was reported, "Spanish-speaking households were more likely than English-speaking households to experience problems related to purchasing/pricing related issues." (Language Line Survey)

A variety of businesses in the United States spend billions of dollars on programs that care for consumers. Housing service providers will do themselves a good deed when providing LEP services to consumers. Increased communication and understanding create a better relationship between service providers and clientele. Meanwhile, staff members are offered resources to deal with the frustrations of trying to help someone with whom they cannot communicate.

### **Three Steps Toward Compliance With Title VI**

Three steps housing agencies can take to comply with Title VI are: (1) conduct a four factor analysis, (2) develop a language access plan (LAP), and (3) implement and monitor the language access plan.

#### **STEP 1--Four Factor Analysis**

Housing providers should engage in the following four factor analysis:

- (1) Determine the number or proportion of LEP persons served or encountered in the eligible service area;
- (2) Determine the frequency of contact with LEP persons in your service area;
- (3) Determine the importance of the service, information, program, or activity that is provided; and
- (4) Compare cost and resources available to housing providers versus benefits to LEP persons.

Maintain records of your analysis.

*Three Steps. . .Continued*

### ***STEP 2--Language Access Plan (LAP)***

Design a Language Access Plan based on five steps:

- a. Identify LEP individuals who need language assistance in your service area;
- b. Determine how your staff will provide language services;
- c. Decide how you will train your staff to implement your LAP;
- d. Provide public notice of the language services that you provide; and
- e. Conduct a self-assessment and monitoring plan of your LAP.

### ***STEP 3--Implementation of your Language Access Plan***

Many service providers are small organizations that find themselves caught between a genuine desire to help people and having limited funds to provide that assistance. Within any given community there are a number of partners available to a resourceful agency, organization or business in providing vital services while doing so within budgetary restraints. What most organizations have in abundance is an unlimited amount of talent, creativity and ability amongst their staff. The building of the Language Assistance Plan (LAP) should not solely be the obligation of the LEP Coordinator. As staff members share in the process, they gain information, tools, and confidence in using the language assistance plan to help consumers. You may want to provide consumers with language assistance through a language line such as the ATT Language Line or the Certified Language Line. In addition, place an "I speak" card at the front desk or point of entry for LEP clients to communicate to you in the language they speak. You can obtain this card from your language line provider or from <http://www.usdoj.gov/crt/cor/Pubs/ISpeakCards.pdf>.

The enormity of the situation involving non-English speaking members of the community and their right to meaningful access to services can be daunting to smaller housing service providers with limited staff and a limited budget. The federal guidelines do not indicate that housing service providers must do everything at once, but organizations must do something to serve the needs of LEP consumers. Designate someone to oversee the project who is the LEP Coordinator. Providers must work together as a team in the workplace to ensure they are making progress towards meaningful access for LEP consumers. Service providers can start with those things that most impact consumers and document well what has been done to ensure compliance. As an organization progresses and adds more materials, documents, notices, translation services, etc., again document what has been changed or added. Organizations should not delay the process of translating vital documents into safe harbor languages (such as Spanish in the State of Idaho) because of the lack of certified translators. Begin translation and then secure certified translators to review documents for accuracy. Providers should continuously inform staff members of the available LEP resources and continue to train employees on providing LEP services. Keeping meticulous documentation of the entire process is critical.

### ***Providing Meaningful Access to LEP Consumers***

Compliance with LEP requirements is beneficial to everyone involved in the housing rental process. Housing service providers and legal advocates can effectively support LEP consumers when they work together with others to provide meaningful access to all services available. Compliance with LEP requirements, and by extension Title VI and the Fair Housing Act, results in service providers and their employees benefiting from having action plans in place with the proper tools to assist consumers, federally funded organizations are in compliance with their obligations to LEP consumers, and LEP consumers benefit from meaningful access to vital services.

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Promoting fair housing for *all* Idahoans.

## RESOURCE LIST FOR LEP AND LAP ASSISTANCE

Prepared by: Rob Christensen, LEP Coordinator, Boise City Ada County Housing Authority

For information regarding LEP and Title VI compliance, review the LEP guidelines and HUD Frequently Asked Questions (FAQs) at [www.hud.gov](http://www.hud.gov) and [www.idaholegalaid.org](http://www.idaholegalaid.org).

### ***Local Universities***

Modern Language Departments of local universities have upper-division students who may be available for internships to help with development of vital forms, notices or letters.

Many universities have Service Learning programs in which students can do a class-based project at an organization.

Many International Student Associations at universities have a service component to their organization's activities that might be of assistance to LEP programs for their communities.

Other university departments such as Sociology, Statistic, or Political Science may want to do parallel projects of research, policy development, organizational management indirectly related to LEP consumers and services.

Many universities have student volunteer boards who may want to invite service providers to volunteer fairs.

### ***Other Like-minded Agencies and Organizations***

Nearby housing service providers make great partners in sharing already-translated documents, forms, and notices that are common to both providers.

Nearby social service providers make great partners in sharing the costs of translating commonly used documents.

National professional housing organizations are involved in the role of the LEP/LAP process for housing service providers, and can often offer assistance.

### ***Community-based Groups Serving LEP Clientele***

Community action groups are already serving the needs of LEP clientele in communities. These resources can be combined to better serve the LEP consumers through sharing of interpretation and translation services, partnerships with case managers who assist with other areas of clientele's needs and can share costs with smaller housing providers and other community action groups.

With the current nature of global migration, almost all communities now have refugee services organizations, immigrant services organizations or social clubs such as athletic clubs.

Religious institutions that serve the non-English-language groups are good resources for volunteers or joint projects.

Immigrant services groups often have bilingual staff that can assist with interpretation and translations as part of a partnership between the organization and the housing service provider.

Refugee resettlement groups have multi-lingual staff members who work with almost exclusively LEP clientele and are a good partner for housing providers and in many cases the agency and the housing provider are already working together.

Idaho Legal Aid Services, Inc., and Fair Housing Councils also understand the need for translated vital documents, interpretation services and identifying and helping LEP consumers. Partnerships in projects to promote fair housing through LEP activities are good ways for housing services providers and fair housing councils to ensure LEP clientele are provided equal access to services.

Non-English Media: newspapers, radio programs and other non-English media in your community can serve as a resource for determining the need in your community, providing assistance to the community and informing the community that LEP services are available.

**Resource List Continued. . .**

### **Government Resources**

HUD has begun the process of translating documents into other languages. There are model lease agreements, fair housing rights documents and other forms and information available in more than one language. The HUD web site has a Spanish version. HUD continues to provide information to housing service providers on LEP as updates and clarifications are provided.

The Department of Justice (DOJ) has forms in other languages, and information on LEP for service providers. Federal agencies such as Department of Labor and others have forms, information, posters, etc., in different languages. Many of these forms, notices and posters you may already be required to have and display.

State agencies such as Departments of Labor or Commerce also may have forms, posters, or other information available in a variety of languages.

### **Translations and Interpretation**

Organizations can create their own forms with the help of professional translators, translated forms from other organizations and internal bilingual staff.

Commercial national telephone-based interpretation/translation services serve as a safety net for all consumers, especially those from language groups who may not meet the HUD and DOJ-established "Safe Harbor" provisions of 5% or 1000 people in a community, but who also need assistance.

Sharing with near-by agencies /housing service providers on already translated forms.

*Additional helpful web sites:*

<http://www.lep.gov/>

<http://www.usdoj.gov/crt/cor/Pubs/ISpeakCards.pdf>

<http://www.lep.gov/selfassesstool.htm>

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

<http://www.census.gov/>



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## **Advocates Guide to Accessing Interpretive and Translation Services for LEP Consumers Under Title VI and the Fair Housing Act**

By Zoe Ann Olson, Fair Housing Project Director, Idaho Legal Aid Services, Inc.

As an advocate working with Limited English Speaking Proficient (LEP) persons, your client may have legal rights to obtain an interpreter and also translation of vital documents if the agency from whom they are seeking services receives federal monies.

Title VI of the Civil Rights Act states that “No Person in the United States shall, on the ground of race, color or national origin, be excluded from the participation in, be denied the benefits of, or be subjected to the discrimination under any program or activity receiving Federal financial assistance.” Recipients of federal funding must comply not only with the Fair Housing Act but also with Title VI to prevent discrimination based on race, color, or national origin by providing meaningful access to interpretive and translation services for LEP persons so as not to deny or limit effective participation in its program.

As a beneficiary of any of the programs which are federally funded, you as the advocate or consumer should consider how to assert your or your client’s rights to interpretive and/or translation services. Consider these points:

1. Ask for an interpreter for the language that your client speaks from the federally funded agency, especially when your client has questions regarding critical issues or emergencies.
2. Make sure that the interpreter understands that communications must be confidential and s/he is there to interpret and/or translate.
3. If the issue is serious enough, bring your own interpreter as well.
4. Make sure that all of your questions and concerns are answered.
5. The provider may or may not be required to translate documents, but AT LEAST have the documents read to the consumer in his or her language. When in doubt, ask for translation and ask for a written denial of the translation.

If you did not receive interpretive and/or translation services from federally funded housing providers or housing service agencies, and you believe there is a basis for a claim of discrimination, you may contact Idaho Legal Aid Services’ Fair Housing Legal Advice Line at 345-0106 in the Boise calling area, 1-866-345-0106 toll-free, statewide, Monday through Friday 9:00 a.m. to 12:00 p.m., TTY1-208-245-7573, en español llamada gratis estatal, 1-866-954-2591 o 454-2591 en la área local de llamadas en Caldwell. You may also contact the Department of Housing and Urban Development Fair Housing and Equal Opportunity Office at 1-800-669-9777 or TDD 1-800-927-9275. Other resources include the Intermountain Fair Housing Council at 1-208-383-0695, or the Idaho Human Rights Commission at 1-208-334-2873, toll-free at 1-888-249-7025, and TTY/TTD 1-208-334-4751.

If you did not receive interpretive and/or translation services, and you believe there is a basis for an assertion of discrimination in non-housing related matters, you as an individual have a right to file with the appropriate federal agency, a signed, written complaint, generally within 180 days of the alleged discrimination. The Department of Justice will review your complaint for purposes of dissemination to the jurisdictionally appropriate agency. The address and phone number to access the Department of Justice service is ***Coordination and Review Section, Civil Rights Division, U.S. Department of Justice, P.O. Box 66560, Washington, DC 20035-6560, Phone: 1-888-TITLE06 (1-888-848-5306), (202) 307-2678 (TDD).***

The complaint should contain:

Your name, address, and telephone number.

The name and address of the federally assisted recipient agency, institution, or department that the alleged complaint of discrimination has been made against.

An accurate and detailed description of the circumstances surrounding the discriminatory act/s, inclusive of the name/s of those individuals involved and against whom you allege discriminated against you. Include dates of occurrence. Include the names of any persons who may have additional information, may clarify, or support your allegation.

Your signature or that of an authorized representative.

For training or questions about LEP compliance contact HUD, DOJ, or Idaho Legal Aid Services, Inc. at the contact numbers listed above.



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[idaholegalaid.org](http://idaholegalaid.org)



### ***How can I contact the Fair Housing Legal Advice Line?***

Idaho Legal Aid Services, Fair Housing Legal Advice Line is open Monday through Friday, 9:00 a.m. to 12:00 p.m. M.S.T., (208) 345-0106 in the Boise calling area, or statewide toll-free 1-866-345-0106, or (TTY) 1-800-245-7573.

En español llamada gratis estatal, 1-866-954-2591 o 454-2591 en la área local de llamadas en Caldwell.

If you are a senior, you may also call the Idaho Senior Legal Hotline toll-free 1-866-345-0106 or 345-0106 in the Boise calling area, open 9:00 a.m. to 12:00 p.m. and 1:00 p.m. to 4:00 p.m., M.S.T. Monday through Friday.

Check out our web site at [www.idaholegalaid.org](http://www.idaholegalaid.org) for fair housing information and materials.

E-mail the Fair Housing Legal Advice Line at [www.fairhousing@idaholegalaid.org](mailto:www.fairhousing@idaholegalaid.org).