

Summary of LEP Requirements for Federal Recipients (HUD FEHO training in Visalia 1/2013)

Discriminatory Effect

FHEO has already been making Title VI findings of non-compliance for many years if:

1. Program shows under-representation of protected class/es likely to include LEP persons; and
2. Recipient cannot show effective outreach and marketing to LEP persons, and/or,
3. Recipient cannot demonstrate policies to accommodate LEP persons.

Programs to which LEP Guidelines Apply

Any program to which federal financial assistance to HUD is applied, including:

- Public and Indian Housing (PIH): Low-Income Public Housing, voucher, project-based, homeownership, moving to work, etc.
- CPD: CDBG, HOME, ESG, McKinney, etc.
- Housing: project-based Section 8, mod, rehab, etc.

What the LEP Guidelines Require of Recipients

- Are there LEP persons in the service area?
- Devise a plan for oral interpretation & written translations based upon four-factor analysis, in:
 - ✓ Outreach
 - ✓ Conduct of day-to-day activities
- Take necessary and reasonable step.

Four-Factor Analysis of Needs

- **Factor 1: Identify the number / proportion of LEP persons in the service area:**
 - The more LEP persons, the greater the need.

Summary of LEP Requirements for Federal Recipients (HUD FEHO training in Visalia 1/2013)

- NOT who speaks other languages, but who speaks English less than well or not at all.
- Data Source: US Census / American Factfinder2 Table QT-P17 or SF 3/DP2 or B16001.
- **Factor 2: Analyze frequency of contact**
 - The more frequent the contact, the greater the apparent need.
 - Anticipate that increased outreach may result in increased frequency of contact and higher overall participation by LEP persons.
- **Factor 3: Analyze importance of contact**
 - The more important the contact, the greater the need.
 - Compulsory participation = high importance.
 - Identification of vital documents (documents that if not translated could result in denial of benefits / exclusion from program even if unintended).
- **Factor 4: Weighing of cost vs. resources vs. benefits**
 - Consider sharing resources with other recipients.
 - Industry best practices.
 - HUD documents already translated.

Oral Interpretation

- Oral interpretation is always a requirement.
- Recipient must have a plan for communicating with applicant / participant if he/she is unable to communicate effectively in English.
- Language cards to allow identification of language spoken.
- Resources such as language line, use of staff.
- Never: “If you need a translator, bring your own.”

Written Translations

- Guidelines establish “safe harbor of presumptive compliance” if four-factor analysis of needs establishes:
 - > 1,000 persons LEP in one language within service area – translation required.

Summary of LEP Requirements for Federal Recipients (HUD FEHO training in Visalia 1/2013)

- > 5% of population LEP in one language (at least 50) = translation required.
- Disclaimer on translated documents: “provided for information only.”

Language Assistance Plan

- Identifies groups who need language assistance.
- States how agency will provide language services (translation plan).
- Train staff on plan.
- Public notice of plan.
- Self-assessment & monitoring of plan’s effectiveness.

More Information about LEP Guidelines

- <http://www.hud.gov/offices/fheo/promotingfh/FederalRegistepublishedguidance.pdf>
- Q&A’s from FHEO Headquarters:
<http://www.hud.gov/offices/fheo/promotingfh/lep-mfh-faq.cfm>