

Oregon Housing and Community Services

Limited English Proficiency (LEP)

Presented on May 19, 2015



Homeless Services Section Housing Stabilization Division



Federal Requirement for Limited English Proficiency (LEP) Compliance

Legal Authorities

- Title VI, Civil Rights Act of 1964, Section 601
 - Federal law that protects individuals from discrimination on the basis of their race, color, national origin in programs that receive federal financial assistance.
- Executive Order 13166
- HUD Rule: 24 CFR Part 1
- Federally funded entities are responsible for ensuring meaningful access to all portions of their programs or activities, not just those portions to which HUD funds are targeted.
- OHCS' LEP Policy is submitted to HUD in the Consolidated Plan.

Limited English Proficiency (LEP) Obligations

Reason for Requiring a LEP Policy

- Failure to ensure LEP persons can effectively participate in, or benefit from, federally assisted programs may violate Title VI's prohibition against national origin discrimination.
- Requirement is stated in Title VI, Section 602.

Entities That Must Comply

- State agencies
- Local agencies
- For-profit organizations
- Non-profit organizations
- Any grantee, recipient or subrecipient receiving federal financial assistance

Limited English Proficiency (LEP) Obligations

Compliance Expectations for HUD

- Title VI states HUD will:
 - Investigate any complaints or reports of noncompliance
 - Complete compliance reviews
 - Secure voluntary compliance
 - Provide technical assistance
- Office of Fair Housing and Equal Opportunity will investigate any concerns regarding noncompliance with civil rights-related issues.
- Gross noncompliance could result in termination of federal funding.

Definition of a Limited English Proficient (LEP) Individual

Persons who, as a result of national origin, do not speak English as their primary language

- Limited ability to read, write, speak, or understand English
- Applies to all persons regardless of citizenship status

LEP Requirements for ESG and HOME TBA Programs

Written Procedure Required

- Subgrantees must have a written procedure in place describing the actions they will take to ensure access to shelter facilities, assistance and services for LEP persons.
- A formal Language Access Plan (LAP) is recommended but not required.
- A decision to not develop an LAP does not lessen the subgrantee's obligation to ensure LEP requirements are met.

Developing an LEP Policy

Reasonable Steps Required

- Subgrantees are required to take ***reasonable*** steps to ensure meaningful access to LEP persons.
 - Allows for flexibility in policy development.

Developing LEP Policy

Assessment of the Need – Four Factors

#1: Defining the target audience

- Assess number and proportion of LEP persons eligible to be served in the target population.
- Think in geographic, not programmatic, terms.

#2: Frequency of contact

- Even if the overall number of LEP persons in the local area is low, the number of contacts with your agency may be high.

#3: Importance of the offered service, information or program activity

- Housing and housing services rank as critical for a person's well-being

Developing LEP Policy

Assessment of the Need - continued

#4: Costs vs. resources and benefits

- The cost of providing a service balanced against the resources available to the subgrantee or subrecipient providing the service.
- Identify at what times LEP assistance is a crucial and necessary part of providing a service.
 - Examples: client intake and assessment, dispute resolution
- Identify if the program offered is or is not relevant to an LEP population.
- A subgrantee with limited resources located in a community with very few LEP persons speaking any one language should target LEP services to the most important activities.

Developing LEP Policy

- **Guidance:** www.fhco.org
- **Guidance:** www.hud.gov/offices/ftheo/lep
- **Guidance:** www.lep.gov

Periodic Review and Update

- Assessments should be completed periodically as the needs and nationalities of persons in the subgrantee's service areas change.

Elements of an Effective Language Assistance Plan

Used as an Internal Planning and Procedural Document to:

- Identify which language assistance services are appropriate
 - Use results of four-factor analysis
- Provide a framework for how assistance will be provided
 - Types of resources available
 - How and when staff should access resources
 - Types of training needed
 - Types of outreach needed
 - How non-staff related resources will be used (posters, brochures, etc.)
- Cost-effective means of documenting compliance with LEP requirements.
- Assist managers to plan for training, administration and budgeting.

Outreach Options

Outreach can include:

- Posting signs in various languages in agencies and businesses LEP persons would be frequenting.
- Adding language to agency brochures and other marketing materials.
- Making sure faith-based organizations and schools have information available.
- Using a telephone voice mail menu.
- Including notices in local newspapers in languages other than English.

Outreach Options

Outreach - continued

- Providing notices on non-English-language radio and television stations
- Outreach can be intensified in a geographical area or to a community agency with a high concentration of a singular LEP population.

Outreach Options

Materials should also indicate the LEP services available at no charge to the LEP person, or the LEP person can provide their own interpreter at their own expense.

(Note: in issues of dispute, subgrantee may want to have a neutral interpreter attend even if the LEP person brings their own.)

Thank You!

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