

2020 Limited English Proficiency: TDHCA Guidance



Presented by: Texas
Department of Housing
and Community Affairs

DISCLAIMER

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Before We Start

- All materials and recordings of this webinar will be available on the TDHCA website.
- If you have any questions, please enter them into the question chat box – after every segment, we will answer the questions in the chat box.
- This training is informational only and does not satisfy the requirements in 10 TAC §10.402(e)(1)-(2) for post bond closing documentation (for Multifamily Bond transactions) and documentation submitted for the 10 Percent Test (for Housing Tax Credits).



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Agenda

LEP Definition and EO
13166

HUD Guidance on Limited
English Proficiency

Four-Factor Analysis

Language Access Plan



Objectives



UNDERSTAND
LIMITED ENGLISH
PROFICIENCY



KNOW HOW TO
COMPLETE A FOUR-
FACTOR ANALYSIS



KNOW HOW TO
DEVELOP A
LANGUAGE ACCESS
PLAN



LEP Definition and EO 13166

- It is the policy of the United States to provide, within constitutional limitations, for fair housing through the United States. No person shall be subjected to discrimination because of their race, color, religion, sex, handicap (disability), familial status, or national origin in the sale, rental, or advertising of dwellings, in the provision of brokerage services or in the availability of real estate-related transactions. (24 CFR §100.5(a))



THE FAIR HOUSING ACT

LEP Definition

A limited English proficient person is someone who does not speak English as their primary language, and who has a limited ability to read, speak, write, or understand English. A person self-identifies as limited English proficient, or LEP.

Executive Order 13166

On August 11, 2000 President Clinton signed Executive Order 13166, titled, “Improving Access to Services for Persons with Limited English Proficiency”. This EO requires federal agencies and recipients of federal funds to assess and address needs of eligible persons who wish to access federally conducted programs and activities, but due to their limited English proficiency, cannot fully and equally participate in or benefit from those programs and activities.





HUD Guidance on Limited English Proficiency

HUD Final Rule

HUD issued Final Guidance on LEP on January 21, 2007, which is applicable to any program or entity receiving HUD funding, whether directly or indirectly. This includes but is not limited to the following programs:

- HOME
- CDBG
- HOPWA
- ESG
- 811 PRA
- NSP



Safe Harbor

HUD has adopted a "safe harbor" for translation of written materials. The Guidance identifies actions that will be considered strong evidence of compliance with Title VI obligations. Failure to provide written translations under these cited circumstances does not mean that the recipient is in noncompliance.



What is Expected?

Federally assisted recipients are required to make reasonable efforts to provide language assistance to ensure meaningful access for LEP persons to the recipient's programs and activities. To do this, the recipient should:

- (1) conduct the four-factor analysis;
- (2) develop a Language Access Plan (LAP); and
- (3) provide appropriate language assistance.





Four-Factor Analysis



Four-Factor Analysis

HUD Guidance directs recipients and subrecipients to conduct a four-factor analysis to assess what type of language assistance is needed. The analysis reviews the following four factors:





1. The number of 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;



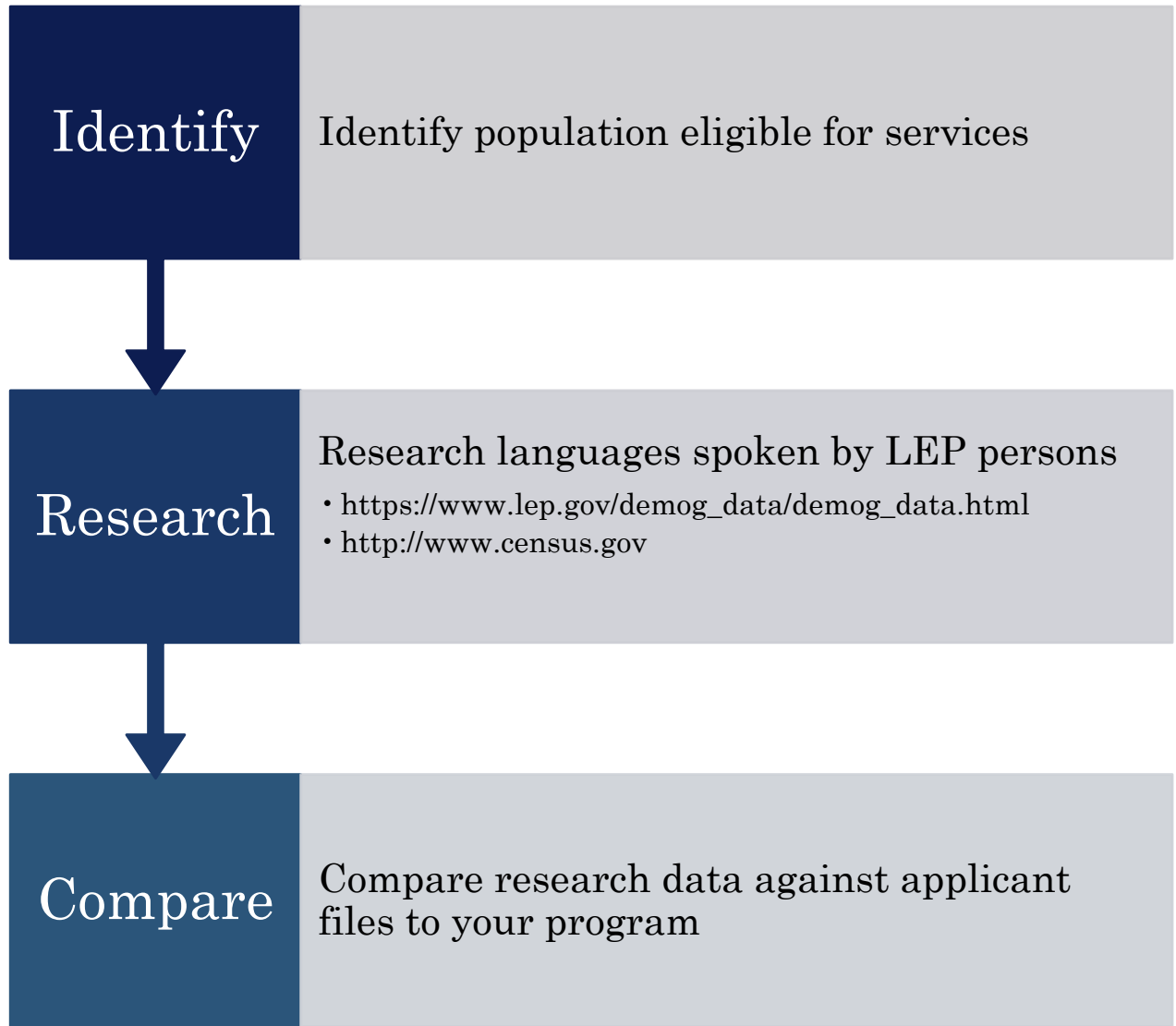
4. The resources available to the grantee/recipient and costs.

Four-Factor Analysis



How to Identify LEP Populations

How to Identify LEP Individuals who need Language Assistance



Eligible Service Population

- Factor One is determining who the LEP persons are in the eligible service population.
- The ESP is every household in the market area that is below 80% of the AMFI (this is the criteria for LIHTC properties, this will differ for each housing program). The market area is determined by you: the area which you believe people will seek your property to live in. This will almost always be your county or your MSA (Metropolitan Statistical Area).
- For example, Dallas-FW is an MSA. The city of Dallas is in the Dallas-FW MSA. Depending on the population and population density of the city, or county, or even MSA, will influence what you determine to be your market area.



Explore Census Data

The Census Bureau is the leading source of quality data about the nation's people and economy.

[Advanced Search](#)

data.census.gov

American Community Survey

Explore Census Data

The Census Bureau is the leading source of quality data about the nation's people and economy.

<input type="text" value="c16001"/>	<input type="button" value="SEARCH"/>
C16001: LANGUAGE SPOKEN AT HOME FOR THE POPULATION 5 YEAR...	
Advanced Search	

The Census Bureau is the leading source of quality data about the nation's people and economy.

<input type="text" value="b16002"/>	<input type="button" value="SEARCH"/>
B16002: DETAILED HOUSEHOLD LANGUAGE BY HOUSEHOLD LIMITED ...	
B16002: HOUSEHOLD LANGUAGE BY HOUSEHOLD LIMITED ENGLISH ...	
Advanced Search	



LANGUAGE SPOKEN AT HOME FOR THE POPULATION 5 YEARS AND OVER

Survey/Program: American Community Survey
TableID: C16001

Product: 2019: ACS 5-Year Estimates Detailed Tables
Universe: Population 5 years and over

[CUSTOMIZE TABLE](#)

	United States	
Label	Estimate	Margin of Error
▼ Total:	304,930,125	±3,961
Speak only English	238,982,352	±212,806
▼ Spanish:	40,709,597	±128,950
Speak English "very well"	24,451,026	±65,118
Speak English less than "very well"	16,258,571	±77,923
▼ French, Haitian, or Cajun:	2,060,721	±16,494
Speak English "very well"	1,478,732	±12,881
Speak English less than "very well"	581,989	±8,152

LANGUAGE SPOKEN AT HOME FOR THE POPULATION 5 YEARS AND OVER

Survey/Program: American Community Survey Universe: Population 5 years and over TableID: C16001 Product: 2019: ACS 5-Year Estimates Detailed Tables

Notes Selections 1 Geo Years Topics Surveys Codes 123 Hide Transpose Restore Export Download More Data Map

GEOGRAPHY
 Show Summary Levels

- Nation
- Region
- Division
- State
- County**
- Tract

WITHIN (STATE)

- South Carolina
- South Dakota
- Tennessee
- Texas**
- Utah
- Vermont
- Virginia

TEXAS

- El Paso County, Texas
- Edwards County, Texas
- El Paso County, Texas
- Ellis County, Texas
- Erath County, Texas
- Falls County, Texas

Selected Geographies: El Paso Co... Geography

CLEAR GEOGRAPHIES CLOSE

Russian Polish or other Slavic languages:	544	+300
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LANGUAGE SPOKEN AT HOME FOR THE POPULATION 5 YEARS AND OVER

Survey/Program: American Community Survey Universe: Population 5 years and over TableID: C16001 Product: 2018: ACS 5-Year Estimates Detailed Tables

Notes
Selections
2 Geos
Years
Topics
Surveys
Codes 123
Hide
Transpose
Margin of Error
Restore
Export
Download
Print
More Data
Map

	El Paso County, Texas		El Paso, TX Metro Area	
Label	Estimate	Margin of Error	Estimate	Margin of Error
▼ Total:	772,472	±234	776,363	±234
Speak only English	221,500	±3,977	222,474	±3,954
▼ Spanish:	534,990	±3,794	537,789	±3,775
Speak English "very well"	293,489	±4,235	294,596	±4,222
Speak English less than "very well"	241,501	±3,984	243,193	±3,990
▼ French, Haitian, or Cajun:	1,017	±360	1,023	±359
Speak English "very well"	728	±291	728	±291
Speak English less than "very well"	289	±170	295	±171
▼ German or other West Germanic languages:	3,044	±612	3,055	±613
Speak English "very well"	2,249	±450	2,260	±450
Speak English less than "very well"	795	±424	795	±424
▼ Russian, Polish, or other Slavic languages:	716	±377	716	±377
Speak English "very well"	472	±270	472	±270



	A	B	C
1	Language	Label	Estimate
2	Total	Total:	772,180
3	English	Speak only English	226,954
4	Spanish	Spanish:	530,201
5	Spanish	Speak English "very well"	289,663
6	Spanish	Speak English less than "very well"	240,538
7	French	French, Haitian, or Cajun:	974
8	French	Speak English "very well"	780
9	French	Speak English less than "very well"	194
10	German	German or other West Germanic languages:	2,527
11	German	Speak English "very well"	2,087
12	German	Speak English less than "very well"	440

	A	B	C	D
1	Language	Label	Estimate	Percent
2	Total	Total:	772,180	=C2/\$C\$2
3	English	Speak only English	226,954	
4	Spanish	Spanish:	530,201	
5	Spanish	Speak English "very well"	289,663	
6	Spanish	Speak English less than "very well"	240,538	
7	French	French, Haitian, or Cajun:	974	

	A	B	C	D
1	Language	Label	Estimate	Percent
2	Total	Total:	772,180	100.0%
3	English	Speak only English	226,954	29.4%
4	Spanish	Spanish:	530,201	68.7%
5	Spanish	Speak English "very well"	289,663	37.5%
6	Spanish	Speak English less than "very well"	240,538	31.2%
7	French	French, Haitian, or Cajun:	974	0.1%
8	French	Speak English "very well"	780	0.1%
9	French	Speak English less than "very well"	194	0.0%





Language Access Plan

Language Access Plan

A Language Access Plan addresses identified needs of the LEP population eligible in the program service areas, or wherever housing provider. The LAP should include, but is not limited to:

- Methods of identifying LEP individuals who need language assistance;
- Information on how language assistance is provided
- Methods of providing notice of language assistance to LEP persons
- How to outreach effectively to LEP community
- Training Staff
- Method of monitoring and updating the LAP





How to Determine Language Assistance Measures

- Review nature and importance of program and services provided, and consider obligation to communicate and inform eligible persons about your program
- Identify ways in which language assistance will be provided – LEP callers, written communication, translation services, etc.
- Identify vital documents within your program/services – any document that is critical for ensuring meaningful access, i.e. intake forms, leases, eviction notices, etc.
- Translate Vital Documents
- Determine how to appropriately provide translated notices to LEP persons

Examples of Language Assistance

- Oral interpretation services (REQUIRED);
- Bilingual staff;
- Telephone service lines interpreter;
- Written translation services;



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.



The LAP is required to be kept on file for TDHCA programs. Spanish is a required language for all subrecipients and grantees. Other languages may be identified by an applicant.

TDHCA Program LAP Guidelines



Best Practices

DO NOT rely upon family members or friends of an LEP person as an informal interpreter – make sure you follow your LAP for all LEP persons.

If an LEP person wants to choose their own interpreter, not matter if they are professional or not, they should be permitted to do so at their own expense.





Complaints & Mediation

FAIR HOUSING COMPLAINTS

- If you have a complaint filed against you:
 - You will be notified of the allegations
 - You likely will be invited to mediate
 - If you decide not to mediate, you may file an answer that is,
 - In writing
 - Under penalty of perjury
 - May be amended at any time



Mediation

- Free service offered from the time of the complainant filing until resolved
- Eliminates lengthy investigations and expensive litigation
- Speedy resolution of complaints
- Saves time and money
- Opens lines of communication between disputing parties
- Allows each party to understand the position of an opposing party
- The agreement is binding on both the Complainant and the Respondent



TEXAS WORKFORCE COMMISSION
Civil Rights Division
(TWCCRD)

Fair
Housing
Mediation



TDHCA Complaint Process

- There are 3 ways to file a complaint within the TDHCA complaint process:
 - 1. Submit a written complaint online on this website:
https://public.tdhca.state.tx.us/pub/t_complaint.complaint_add1
 - 2. Mail your complaint to this address: **PO Box 13941, Austin, TX 78711-3941**
 - 3. Fax your complaint to this number: **512-475-0070**
- The Complaint Submission System is to be used only for complaints dealing with TDHCA programs and funded properties
- Once a complaint is filed, you will receive a notice from TDHCA with 15 business days indicating the complaint has been resolved, or that it will be resolved by a certain date.



TRAINING & TECHNICAL ASSISTANCE

Contact the Texas Department of Housing
and Community Affairs

at

(512) 475-0306

Fair.Housing@tdhca.state.tx.us

FHEOI@tdhca.state.tx.us



Questions?





THANK YOU FOR YOUR
PARTICIPATION!