

Issues Regarding Limited English Proficiency/National Origin

Discriminating against someone with **Limited English Proficiency (LEP)** is considered a violation of Title VI of the Civil Rights Act of 1964 prohibition against discrimination against someone based upon their National Origin. LEP persons may be entitled to language assistance with respect to anyone who does not speak English as their primary language and who have a limited ability to read, write, speak, or understand English.

The LEP obligations of Title VI apply to entities that receive financial assistance from the Federal government, including state agencies, local agencies, and for-profit and non-profit entities. This would include subsidized housing and public housing. It does not include homes financed by FHA financing since, by itself, an FHA loan is not considered federal financial assistance.

Citizenship is irrelevant in determining whether a person qualifies as LEP; Title VI applies to citizens, documented non-citizens, and undocumented non-citizens.

What needs to be done to provide LEP assistance:

The housing provider needs to consider four factors in determining LEP needs:

- 1 The number of LEP persons from a particular language group to be served or encountered.
- 2 The frequency of contact with LEP persons.
- 3 The nature and importance of your program (and housing is important!).
- 4 The resources available, including costs, to provide LEP services.

Develop a Language Access Plan (LAP)

If the four factors indicate you should provide LEP services you will need a LAP. Examples of assistance you might provide to LEP persons includes, but are not limited to:

- Oral interpretation services (by other than a family member).
- Bilingual/Multi-Lingual Staff.
- Written translation services.
- Telephone service lines interpreter.
- Notices to staff and consumer recipients of the availability of LEP services.
- Referrals to community liaisons proficient in the language of the LEP person.

In designing your LAP you should also consider:

- How to identify LEP persons
- Identify the types of points of contact with LEP persons, e.g., walk-in, phone, internet, etc.
- How to provide the assistance to LEP persons.
- Staff training.
- Which documents are important for translation.
- Provide translated notices – evictions, violations, security, emergency plans, etc.
- The need for interpreters
- Available community resources for interpretation and communication.
- Quality assurance and how to monitor your LAP.

Lastly – Actually provide the appropriate assistance to LEP persons!

Other Information:

Hawaii State law mirrors the Federal statutes with respect to language access for LEP persons

Each state agency and all covered entities shall take reasonable steps to ensure meaningful access to services, programs, and activities by limited English proficient persons, which will be determined by a totality of circumstances, including the following factors: (1) The number or proportion of limited English proficient persons served or encountered in the eligible service population; (2) The frequency with which limited English proficient persons come in contact with the services, programs, or activities; (3) The nature and importance of the services, programs, or activities; and (4) The resources available to the State or covered entity and the costs.

Hawaii Revised Statutes § 321-C3

Some additional resources regarding LEP persons and language access are:

[State of Hawaii Office of Language Access](#)

[HUD Frequently Asked Questions on LEP](#)