



**EQUAL HOUSING
OPPORTUNITY**

**LANGUAGE ACCESS,
AUXILARY AIDS &
EFFECTIVE
COMMUNICATION**

FOR HOUSING COUNSELING

MEANINGFUL ACCESS

A goal of civil rights laws is to ensure equal or meaningful access to programs, services, activities, facilities... to all persons regardless of race, color, national origin (including English language proficiency), sex/gender, age, religion, disability & familial status*.

**in housing activities*



EFFECTIVE COMMUNICATION

Equal access requires effective communication with all persons... whatever is written or spoken must be as clear and understandable to a person with a vision, hearing, or speech disability, or limited English proficiency (LEP), as it is for a person without a disability or LEP.

For more information on LEP requirements & resources: www.LEP.gov;
Executive Order 13166 & HUD's Final Limited English Proficiency Guidance

For more information on ADA requirements & resources:
<https://www.ada.gov/resources/effective-communication/>

LANGUAGE ACCESS: FOUR FACTOR ANALYSIS

HUD recommends a **Four Factor Analysis** to determine the actions necessary to ensure meaningful access to LEP persons.

1. Number/proportion of LEP persons in eligible or target population
 - 5% (or > 1,000 persons) of the eligible population is HUD's safe harbor for written translation of vital documents.
 - THDA has completed a county level analysis using Census data that may be accessed by sub-recipients.
2. Frequency of encounters with LEP individuals
 - Agencies should develop a protocol for tracking LEP encounters.
 - The more frequent the contact with a particular language group, the more likely that enhanced language services are needed.
3. The nature and importance of the program, activity or service provided by the recipient to its beneficiaries
4. The resources available to the grantee/recipient and the costs of interpretation/translation services.
 - Agencies with smaller budgets/less resources are not expected to offer the same level of language assistance as larger agencies with greater resources.

LANGUAGE ACCESS PLANS

Where the Census shows more than 5% (>1,000) of the eligible population in the agency's geographic service area speak a language other than English "less than very well," a written **Language Access Plan** should be considered.

- The most common non-English languages spoken in Tennessee are Spanish, Arabic, Asian (Chinese, Korean and Vietnamese) and African languages. Almost 4% of Tennesseans speak Spanish.
- Some cities or counties have far more than 5% (or 1,000 persons) of the population who speak a language other than English, particularly Spanish.

ADA: AUXILIARY AIDS & SERVICES

Under the ADA, *covered entities* are required to provide aids and services when needed to communicate effectively with people who have communication disabilities unless doing so would result in an “undue burden,” which is defined as significant difficulty or expense. If a particular aid or service would result in an undue burden, the entity must provide another effective aid or service, if possible, that would not result in an undue burden.

The key to communicating effectively is to consider the nature, length, complexity, and context of the communication and the person’s normal method(s) of communication.

Covered entities = title ii (state and federal government) & title III (businesses and nonprofit organizations that serve the public)

ADA: AUXILIARY AIDS & SERVICES

Here are some examples of different auxiliary aids and services that may be used to provide effective communication for people with disabilities. **But, remember, not all ways work for all people with disabilities or even for people with one type of disability. You should ask the individual what is most effective).**

Hearing Impaired

- Qualified Interpreters (in person or video interpreting)
- TTY/TRA (text or relay telephone) or video relay service
- Email, text messaging, instant messaging
- Assistance filling out forms

Visually Impaired

- Taped Texts or Audio Recordings
- Qualified Readers or assistance with appointments/filling out forms
- Braille materials
- Large print materials
- TRA (relay telephone) or video relay service (services for blind/deaf persons)

RESOURCES

Limited English Proficiency

- Tennessee Relay (Dial 711)
<https://hamiltonrelay.com/tennessee/>
- Bridges for the Deaf & Hard of Hearing
<https://www.bridgesfordeafandhh.org/>
- National Association of the Deaf Interpreter Directory
<https://www.nad.org/deaf-interpreters-directory/>
- Disability organizations/Council for Independent Living
- Zoom and many other online meeting platforms have a feature to turn on **CART** real-time manual captioning. You Tube (video) also has a captioning feature

Deaf & Hard of Hearing

- LEP.gov
- In person, over the phone or video remote interpretation
- State contracts with AVAZA and Linguistica for over the phone/video; multi-lingual agency staff may be available
- HUD & THDA (translated documents) -
https://www.hud.gov/program_offices/housing/translations
- Machine translation (i.e. Google, Microsoft Translator, Translate me, DeepL)- ideally use should be limited to informal translation or interpretation (i.e. emails)