



TO: ALL RHS MFH National Office Directors

ATTN: Regional Directors
Field Operations Division Program Staff
Multi-Family Housing

FROM: Dr. Sharese C. Paylor
Director, Civil Rights Office
Rural Development

**SHARESE
PAYLOR**

Digitally signed by
SHARESE PAYLOR
Date: 2023.03.08
15:00:09 -05'00'

Joaquin Altoro
Administrator
Rural Housing Service

SUBJECT: Responsibilities Under Executive Order 13166, *“Improving Access to Services by Persons with Limited English Proficiency”*

The purpose of this Unnumbered Letter is to remind all Multi-Family Housing (MFH) program staff and recipients including Owners, and Management Agents of their obligation to comply with the policies and procedures for ensuring that persons with limited English proficiency (LEP) have meaningful access to programs and activities conducted by the U.S. Department of Agriculture (USDA). A person that does not speak, read, write, or understand English well, or at all, is considered an LEP person.

Title VI of the Civil Rights Act of 1964 prohibition of discrimination on the basis of national origin includes equal program access for persons with limited English proficiency (LEP). The requirement for providing meaningful access to LEP persons is addressed on the Executive Order 13166 entitled, *“Improving Access to Services by Persons with Limited English Proficiency”* and further affirmed in the USDA Departmental Regulation 4330-005, *“Prohibition Against National Origin Discrimination Affecting Persons with Limited English Proficiency in Programs and Activities Conducted by USDA,”* dated June 4, 2013.

MFH program recipients (Owners and Management Agents) are required to take reasonable steps to ensure LEP persons receive the language assistance necessary for meaningful access to the program or activity, free of charge. A notification must be posted on their physical location and website advising, in other languages as appropriate, that language services are available, free of charge. Meaningful access includes both oral and written language access and must result in accurate and timely communications. It begins with an individualized assessment that balances the following four factors:

EXPIRATION DATE:
March 31, 2025

FILING INSTRUCTIONS:
Housing Programs

- The number or proportion of LEP persons eligible to be served or likely to be encountered within the housing market area;
- The frequency with which LEP persons come in contact with the program or activity;
- The nature and importance of the program, activity, or service to people's lives; and
- The resources available to the recipient and costs.

MFH program recipients (Owners and Management Agents) are further encouraged to utilize the Department of Justice's LEP website (www.LEP.gov) for guidance and examples on how to complete the required individualized assessment, use Census data resources, and develop a Language Access Plan (LAP). In addition, they can contact the CR Regional Teams for technical assistance and questions.

MFH program staff should be aware of specific servicing needs of projects and the potential to interact with project tenants that have LEP needs. Rural Development has developed LEP resources for RD Staff to use in the course of official servicing activities.

- Professional telephonic interpretation services via a 3rd party provider. The instructions on how to use the interpretation line is available on the RD's Civil Rights Office-SharePoint website. The Civil Rights Office (CR) administers the interpretation line's service contract and work together with RD Procurement Management Office. Any questions or concerns should be directed to the CR.

Telephonic interpreter services may need to be used when communicating with an LEP project beneficiary (tenant) or an LEP Borrower/Management Agent. This service should be used in context of official servicing activities where a language barrier exists between the Agency and program recipient or beneficiary. The service is prohibited from providing telephonic interpreter services between Borrowers or Management Agents and tenants.

- Language translations of MFH Program's vital documents includes Spanish translations and other four (4) foreign language translations are available through RD's Civil Rights-SharePoint website. The CR also administers the procurement of RD programs' vital documents and work together with RD Procurement Management Office. Any questions or concerns should be directed to the CR.
- There may be instances when the MFH staff receive documentation from a LEP person such as a letter, financial report, dwelling inspection, etc. in a language other than English. For any translations of documents, other than the MFH vital documents and/or program's fact sheets, the cost is the responsibility of the servicing office. Do not use machine translations (google translate) for official program documents.

In summary, the Multi-Family Housing program staff and program recipients are required to ensure LEP persons have meaningful access to the USDA Multi-Family Housing Program and all its benefits and services. Failure to provide meaningful access to LEP persons may be an indicator of noncompliance under Title VI of the Civil Rights Act of 1964.

If you have any questions, please contact the RD Civil Rights Office, Program Compliance & Training Branch at: RA.RD.MOSTL.CivilRights@usda.gov or (202) 692-0252.