



Wilma Cartagena and Heidi O'Day  
Washington State Human  
Rights Commission

# **NATIONAL ORIGIN ISSUES IN HOUSING**

# DEFINITION OF NATIONAL ORIGIN

---

- ✕ Every individual has a national origin:
  - + The United States;
  - + A country other than the United States;
  - + His or her ancestors came from a country other than the United States.

# EXAMPLES OF NATIONAL ORIGIN

---

- ✗ Mexican
- ✗ Chinese
- ✗ Panamanian
- ✗ Afghani
- ✗ Russian
- ✗ Canadian
- ✗ Irish
- ✗ Turkish
- ✗ American
- ✗ Portuguese
- ✗ British or English
- ✗ Guamanian
- ✗ Peruvian
- ✗ Armenian
- ✗ German
- ✗ Italian
- ✗ Ukrainian
- ✗ Grecian
- ✗ Spanish
- ✗ Brazilian

# NATIONAL ORIGIN AND LANGUAGES

- ✘ Limited English proficiency (LEP)
- ✘ Recipients of Federal Funds must provide more language-related services
  - + (1) conduct a four-factor analysis;
  - + (2) develop a Language Access Plan (LAP); and
  - + (3) provide appropriate language assistance.



# LEP #1: THE FOUR FACTOR ANALYSIS

- ✘ The number or proportion of LEP persons served or encountered in the eligible service population;
- ✘ The frequency of contact with LEP persons come;
- ✘ The nature / importance of the program, activity, or service provided; and
- ✘ The resources available and costs to the recipient.

# LEP #2: A LANGUAGE ACCESS PLAN

- ✖ A Language Access Plan may include:
  - + Identifying LEP persons who need language assistance;
  - + Identifying the points and types of contact the agency may have with LEP persons;
  - + Identifying ways to provide language assistance;
  - + Effective outreach to the LEP community;
  - + Training staff;
  - + Determining which materials are vital;  
(continued)

# LEP #2: A LANGUAGE ACCESS PLAN (CONTINUED)

- ✗ A Language Access Plan may include:
  - + Translating materials to identified language(s) (e.g., leases, brochures, rules, first-time homebuyer guide);
  - + Providing appropriately translated notices to LEP persons (e.g., eviction notices, security information, emergency plans);
  - + Providing interpreters for meetings;
  - + Developing community partnerships to help provide language services; and
  - + Making provisions for monitoring and updating the LAP
    - ✗ How is it working?
    - ✗ Other actions to take?
    - ✗ Community input?



# LEP #3: LANGUAGE ASSISTANCE

- ✖ Language assistance that a recipient might provide to LEP persons includes, but is not limited to:
  - + Oral interpretation services;
  - + Bilingual staff;
  - + Phone interpretation;
  - + Written translation services;
  - + Notices to staff and recipients of the availability of LEP services; or
  - + Referrals to community liaisons proficient in the language of LEP persons.



# INTERPRETATION FOR LEP INDIVIDUALS

- ✘ Interpreter services should be offered whenever possible (federal funding v. private);
- ✘ Generally not advisable to rely on LEP individual's family or friend for interpretation (improper understanding/misinformation);
- ✘ LEP individual can choose to use interpreter of their choice (family/friend);
- ✘ It is not advisable to allow children to interpret.

# LEASES AND RULES

---

- ✘ For LEP Individuals, inability to understand the rules creates an inability to comply;
- ✘ Funds to translate leases and rules vs. resources spent on enforcing compliance, as well as eviction;
- ✘ Enabling LEP tenants to continue being good tenants minimizes tenant turnover.

# OCCUPANCY ISSUES

---

- ✘ It is common for people from many countries to share space differently than is usual in the United States;
- ✘ Cultural differences result in different living preferences;
- ✘ Determine appropriate occupancy standards before a problem begins.



# OCCUPANCY ISSUES (CONTINUED)

- ✗ Rule imposing a “fee per person” = disparate impact
  - + Not illegal, per se
  - + Higher impact for Familial Status/National Origin
  - + Must demonstrate a business necessity
  - + Recommend 3<sup>rd</sup> party biller for utilities

# OCCUPANCY ISSUES – KEATING MEMO

HUD's Keating Memo can provide guidance to housing providers in determining an appropriate number of occupants for a rental unit.

- ✖ General standard = 2 per bedroom
- ✖ Factor in sizes of rooms, and other space
- ✖ Consider property limitations
- ✖ Consider ages of occupants (under 2?)

<http://www.hud.gov/offices/fheo/library/occupancystds.pdf>

# STEERING

---

It is a violation of law to steer, or to place applicants in the unit where the housing provider wants them to live.

All applicants must be offered the choice of the available units for which they qualify.



# COOKING ODORS

---

- ✖ Some cultures cook using certain methods that may disturb other tenants or cause damage;
- ✖ Rules - any activities which cause damage to the property or disturb other tenants are prohibited;
- ✖ Rules can prohibit smoking, incense burning, and cooking with excessive, permeating oil and spices; and
- ✖ These rules **MUST** be applied equally to all.

# MUSIC/TV, PARTIES, AND BBQS

---

- ✘ Rules about music levels, TV volume levels, parties, and use of BBQs should be very clear;
- ✘ Such rules should always be applied equally;
- ✘ Having rules translated into other languages helps ensure compliance;
- ✘ Cultural sensitivity is a must.

# ONSITE AUTO REPAIRS / AUTO WASHING

- ✘ Culturally common for many individuals to make their own auto repairs;
- ✘ Rules restricting auto repairs or auto washing should be very clear and specific;
- ✘ All rules must be applied equally.



# ELDERLY FAMILY MEMBERS

---

- ✘ Culturally common to have elderly parents living with the family;
- ✘ Elderly parents may have little or no income;
- ✘ Consider adding them as an occupant, and not qualifying them as a rent-paying tenant.

# RULE-VIOLATING BEHAVIOR

---

- ✗ Rules must be clear;
- ✗ Consider translations for LEP;
- ✗ Be consistent with warnings and comply notices;
- ✗ Offer opportunities to discuss rule violations;
- ✗ Offer an interpreter for LEP to have such discussions.

# CITIZENSHIP ISSUES

---

- ✘ Federally-funded properties are usually required to deny undocumented applicants;
- ✘ Other housing providers do not have those requirements;
- ✘ Employment requires documentation but housing does not;
- ✘ Use alternative methods to screen applicants;
- ✘ Policy determines whether denial based on providing false SSN.



# BEST PRACTICES

---

- ✘ Allow new applicants to choose their own rental from all available options;
- ✘ Provide materials in other languages to the extent possible;
- ✘ Provide interpreter services to the extent possible (Language line);
- ✘ Establish rules and policies prior to problems;
- ✘ Treat all tenants equally and consistently.

# SCENARIO #1

---

Can manager Baines ask applicants about their citizenship?

## SCENARIO #2

---

Ted and Amanda MacDonald, who are Caucasian, have frequent visitors who are Hispanic. When the apartment manager realizes this, he issues them an eviction notice. Is this discriminatory?



## SCENARIO #3

---

Manager Jane was given a policy by the owner of the building she manages which states that applicants must have current, valid Social Security Numbers, or she is not permitted to rent to them. What can Jane do? How could she effectively screen such applicants?

# SCENARIO #4

---

Applicants Marcos and Juana Salazar have a family of seven – including Marcos' mother, and their four children – and they have applied to rent a three-bedroom house. Do Fair Housing laws govern whether they can rent a dwelling of that size?

---

# QUESTIONS?