

## **Rent Watch Article 2 Limited English Capacity**

**Question: I am a fifty-unit apartment complex property manager who wants to make repair requests more efficient. I take pride in managing the complex, and I want to ensure that I address all tenant requests for repairs. Our apartment complex is very diverse, with over half of the tenants coming from Central America, specifically, Guatemala and Nicaragua. Due to budget constraints, I am the sole onsite manager. We do not have any person in our organization who speaks Spanish. Many of our tenants from Central America have children who speak English and can translate for their parents. . Also, since most of our tenants have lived here for more than five years, they probably have a good grasp of English and can make repair requests in English. To address all tenant's repair requests faster, I will require that all repair requests must be made in writing and in English-only**

**Are there possible fair housing issues with this policy?**

Answer: Despite the good intentions of the policy, this policy may violate fair housing rules prohibiting discrimination based on national origin. The policy may place barriers on persons who have limited English proficiency because of where they are from geographically.

National origin is a protected category under fair housing rules. National Origin includes where a person is geographically from and their physical, cultural, or linguistic characteristics, including their language.

In its guidance on Fair Housing Act Protections for Persons with Limited English Proficiency (LEP Guidance), the US Department of Housing and Urban Development (HUD) found a strong link between language-related housing requirements and national origin discrimination. Any language-related requirement in housing, particularly English-only policies, will be closely examined for national origin discrimination.

Your reason for the English-only repair request policy is for business efficiency since you are the only onsite manager and no one else in your company speaks Spanish. These reasons will likely not be enough to say that the policy is non-discriminatory. In its LEP guidance, HUD underlined that business-related reasons for language policies in the employment context, such as the need for effective supervision and a cohesive workforce, do not apply in the housing context because of the relatively short interactions between tenants and housing providers. Finally, It is not sufficient to rely on your tenant's children for translation or assume your tenants know enough English.

A court found intentional national origin discrimination in a case where it was shown that one person was prevented from speaking their language. A court also found intentional national origin discrimination in a case where a housing provider would conduct transactions with persons that speak one language and not conduct these transactions with persons who speak another language.

This policy requiring all repair requests to be in English will prevent tenants from speaking in their language. The policy will likely result in a situation where there will be no repair requests from tenants originally from Central America who only speak Spanish.

Therefore, this policy is problematic, and likely shows discrimination based on national origin. A reasonable person could understand that the English-only policy is a restriction against persons who speak a specific language indicating a “preference, limitation, or discrimination” against individuals whose national origins (Guatemala and Nicaragua) are areas where the Spanish language is primarily used.