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June 28, 2011

HUD Desk Officer
Office of Management and Budget
New Executive Office Building
Washington, DC 20503

RE: “Notice of Submission of Proposed Information Collection to OMB; Emergency Comment Request; Notice of Funding Availability for Fiscal Year 2010 Limited English Proficiency Initiative Program; Notice of Proposed Information Collection for Public Comment,” OMB Approval Number 2529

To Whom It May Concern:

Thank you for the opportunity to comment on HUD’s proposed “Notice of Funding Availability (NOFA) for Fiscal Year (FY) 2010 Limited English Proficiency Initiative (LEPI) Program” [Docket No. FR–5480–N–49].

The National Affordable Housing Management Association (NAHMA) is a trade association whose mission is to promote the development and preservation of quality affordable multifamily housing by advancing legislative and regulatory policy, and preparing affordable housing professionals to succeed in evolving economic and political environments. NAHMA’s members are property owners and managers, industry stakeholders, and providers of goods and services to the affordable housing industry.

NAHMA is a strong proponent of ensuring that limited English proficient (LEP) persons have meaningful access to HUD programs. For several years, we have worked constructively with Congress, other multifamily housing trade associations and interested colleagues in the civil rights advocacy community to advance appropriations for HUD to provide technical assistance to assist recipients of HUD funding in meeting their obligations to persons with LEP.

To date, HUD has used its modest LEP appropriations to translate numerous vital documents into necessary languages for LEP populations. NAHMA commends HUD on the excellent job it has done on providing competently translated vital documents for LEP households. As a few noteworthy examples, NAHMA was pleased that HUD translated the following documents used to support multifamily rental assistance programs into 14 different languages: the annual certification notices, the “EIV & You” brochure, the four multifamily model leases, the notifications for rent increases, and the “Residents’ Rights and Responsibilities” brochure. Many more documents used to support additional HUD programs are available on HUD’s website, http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/promotingfh/lep.

We must emphasize that HUD sought and received input from multifamily housing providers and civil rights advocates to identify vital documents and to prioritize the need for translating them. In fact, this highly productive collaboration followed the general principles from LEP authorization legislation drafted by affordable multifamily housing industry representatives, civil rights advocates and HUD staff (as of late last year). This consensus LEP authorization language provides a number of broad, mutually agreeable uses for the LEP funding, which include:

- Developing a process for ongoing review of vital documents which require translations;

- Creating a task force of industry and civil rights stakeholders to identify vital documents (to include both official HUD forms and unofficial property documents);
- Requiring HUD to translate the vital documents within six months;
- Developing and maintaining a housing information resource center to facilitate the provision of language services by recipients of HUD funds to LEP persons; and
- Creating a HUD-administered 1-800 telephone interpretation service to supplement resources in the community for serving LEP persons.

Because this proposal and its particulars have such broad support—from Congress, HUD, civil rights groups, and the affordable housing industry--LEP funding should be prioritized for these uses before awarding funds for specialized programs through a NOFA. Although the language has not been enacted into law, NAHMA continues to support the passage of this LEP authorization legislation on the first available legislative vehicle.

Because of the significant achievement HUD has made on providing widely available translations, we do have concerns over HUD's proposed new approach for using FY 2010 LEP appropriations under the proposed LEPI program. The FY 2010 appropriations legislation provided a \$500,000 line item to HUD's Office of Fair Housing and Equal Opportunity "...for the creation and promotion of translated materials and other programs that support the assistance of persons with limited English proficiency in utilizing the services provided by the Department of Housing and Urban Development." We understand that HUD's intention is to distribute an unspecified level of unspent FY 2010 funds from this line item through a LEPI NOFA. To that end, the LEPI's objectives focus on:

- Identifying and meeting the needs of the targeted LEP communities;
- Improving the participation of LEP individuals in HUD programs, services, and activities beyond the 12-month grant period; and
- Enhancing the dissemination and communication of HUD programs, services, and activities in languages targeted to meet the needs of local communities.

NAHMA does not object to expanding LEP outreach efforts to targeted LEP populations and communities *per se*. Nevertheless, we are concerned that HUD's process for implementing the LEPI may shift financial and administrative resources away from HUD's centralized LEP translation and technical assistance activities which the appropriations were intended to support. In fact, members of Congress raised numerous concerns about HUD's over-reliance on the private sector to carry-out LEP activities in the past. Congress provided LEP appropriations since FY 2007 in order to empower HUD to take the lead in providing LEP translations and technical assistance to recipients of federal funds. However, we are unaware of any recent outreach from HUD to the industry stakeholders or LEP advocacy community to identify new or updated documents that may require translations. In the absence of such outreach, we are concerned that HUD may overlook additional vital documents that are worthy of translation. Furthermore, even though HUD provided no safe harbor for oral interpretation in its LEP guidance, the Department has yet to create a 1-800 translation hotline to supplement resources available in the community to assist with oral interpretation needs.

Aside from differences in the philosophical approach to the LEPI NOFA, we have practical concerns with HUD's proposal. We are not sure HUD plans to do enough to connect grantees and community groups that will provide LEP services with local housing providers. A press release naming the grantees will not suffice. It is unclear how grantees will be selected, nor is it clear what specific activities the grants will fund. If HUD is serious about implementing the LEPI program in local communities, the Department should make a more significant effort to connect local housing and services providers with grant recipients to maximize its LEP outreach efforts. NAHMA believes this could best be achieved by the housing information resource center detailed in the draft LEP authorization language discussed above.

Thank you for the opportunity to comment on the NOFA for FY 2010 LEPI program. While NAHMA does not oppose the LEPI program, we believe HUD should prioritize the FY 2010 and 2011 LEP appropriations

for the functions laid out in the widely supported draft LEP authorization language before embarking on a new LEP assistance program. NAHMA feels the authorization language provides the best tools for ensuring individuals with LEP have meaningful access to HUD's programs. We urge the Obama Administration to support quick passage of the LEP authorization language by Congress.

Sincerely,

A handwritten signature in black ink, appearing to read "Kristina Cook". The signature is fluid and cursive, with the first name "Kristina" being more prominent than the last name "Cook".

Kristina Cook, CAE
Executive Director