

# NEW MEXICO LANGUAGE ACTION PLAN 2018

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**NEW MEXICO MORTGAGE FINANCE AUTHORITY  
LANGUAGE ACTION PLAN**

**I. Policy Statement**

The U.S. Department of Housing and Urban Development (HUD) regulation, 24 CFR Part 1, “Nondiscrimination in Federally Assisted Programs of the Department of Housing and Urban Development— Effectuation of Title VI of the Civil Rights Act of 1964,” requires all recipients of federal financial assistance to provide meaningful access to Limited English Proficiency (LEP) persons. The New Mexico Mortgage Finance Authority (MFA) is committed to providing equal opportunity in all programs and services to ensure full compliance with all civil rights laws, including Title VI of the 1964 Civil Rights Act which requires non-discrimination on the basis of national origin. Equal opportunity includes physical and program access for persons with disabilities and program access for persons with Limited English Proficiency. Program and physical access for persons with disabilities is covered in the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973 as amended, Section 504.

MFA’s Language Action Plan (LAP) is based on HUD’s suggested four prong analysis which examines 1) the number of limited English proficiency persons served, 2) the frequency with which those persons come into contact with services, 3) the nature and importance of services provided and 4) the costs to MFA. This LAP is intended to ensure MFA’s compliance with the Department of Housing and Urban Development’s Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency” and was drafted upon consideration of the services offered, the community served, the resources of MFA, and the costs of various language service options. It is the policy of MFA to provide language access services to populations of persons with Limited English Proficiency (LEP) who are eligible to be served or likely to be directly affected by our programs. Such services will be focused on providing meaningful access to our programs, services and/or benefits.

Any individual eligible for programs/services through MFA who cannot speak, read, write, or understand the English language at a level that permits them to interact effectively with our staff has the following rights:

- A right to qualified interpreter services at no cost to them.
- A right not to be required to rely on their minor children, other relatives, or friends as interpreters.
- A right to file a complaint about the language access services provided them.

**II. MFA Equal Opportunity/Limited English Proficiency Coordinator**

MFA’s Fair Housing Officer below has been designated as the Equal Opportunity/Limited English Proficiency Coordinator:

***Robyn Powell, Compliance Officer  
New Mexico Mortgage Finance Authority  
344 4<sup>th</sup> Street SW  
Albuquerque, New Mexico 87102  
505-843-6880***

Ms. Powell may be reached on weekdays from 8:00am – 5:00pm.  
Phone Numbers:  
(505) 843-6880



(800) 444-6880 (Toll free in New Mexico)

Fax: (505) 243-3289

TTY/Voice: 711, or if no answer:

1-800-659-8331 (English)

OR

1-800-327-1857 (Spanish)

A New Mexico Relay operator will answer by saying: "New Mexico Relay Go Ahead."

Information about discrimination complaint resolution process is available upon request.

### III. Definitions of Terms

- **Effective Communication** – In a housing services assistance setting, effective communication includes: 1) agency staff take necessary steps to make sure that a person with LEP is given adequate information in his/her language to understand the services, benefits or requirements for services or benefits offered by MFA; 2) these necessary steps must allow an individual the opportunity to qualify for the benefits or services provided by MFA without unnecessary delay due to the person's LEP, and 3) a person who has LEP is able to communicate the relevant circumstances of his/her situation to MFA staff.
- **Interpretation** – The oral or spoken transfer of a message from one language into another language.
- **Limited English Proficiency** – A person with limited English proficiency or "LEP" is not able to speak, read, write or understand the English language well enough to allow him/her to interact effectively with MFA staff.
- **Meaningful Access** –Free language assistance that results in accurate and effective communication and does not result in undue delay or denial of benefits to which the LEP applicant/recipient is eligible.
- **Translation** – The written transfer of a message from one language into another language.
- **Vital Documents** – Forms or documents designed and utilized by MFA that are critical for accessing federally funded services or benefits or are required by law. Vital documents can include but are not limited to: applications for MFA programs, consent forms designed by MFA or letters designed by MFA requesting eligibility documentation.
- **Outreach Documents** - Documents by MFA that are utilized to provide information to the general public while also targeting individuals who are eligible or may be eligible for MFA programs.

### IV. Four Factor Analysis

#### Factor One: Number or Proportion of LEP Persons Served or Encountered in the Eligible Service Area

MFA has determined that the language(s) other than English that is/are most likely to be encountered by employees of MFA is Spanish. According to the 2012-2016 American Community Survey, approximately 64.6 percent of New Mexico's population speaks English. Twenty-eight percent of New Mexico's population speaks Spanish, 3.2 percent speaks Navajo and 1.7 percent speaks another native North American language. The Department of Justice Guidance issued pursuant to Executive Order 13166 provides that if the size of the language group exceeds more than five percent of the eligible service area, all vital documents shall be translated. MFA has a statewide service area, and will therefore use data compiled for the geography of the state of New Mexico for its LAP.



In addition to statewide data, MFA has identified 22 counties where LEP populations exceed the Department of Justice’s Safe Harbor five percent threshold, as shown in the following table. This county-level data may be relevant to MFA subrecipients that provide services in one or more counties of the state, or to special MFA efforts to expand programs and services or outreach to particular counties or areas of the state. MFA will monitor the LEP population of those served or those who could be served by MFA. If it is determined that other LEP language groups are seeking benefits/services or are potentially eligible to receive benefits/services, MFA will adjust its methods and services to serve the new population accordingly. Any new LEP populations will be reflected in an updated version of the LAP.

Languages Spoken by LEP Individuals by County at or above 5% of total population								
County	total population	Language other than English spoken at home	Language 1 (name)	Language 1 (LEP number)	language 1 (LEP % of total pop)	Language 2 (name)	Language 2 (LEP number)	language 2 (LEP % of total pop)
<b>NEW MEXICO</b>	<b>1,948,900</b>	<b>690,523</b>	<b>Spanish</b>	<b>545,986</b>	<b>28.0</b>	<b>Navajo</b>	<b>62,431</b>	<b>3.2</b>
Bernalillo County	633,303	193,704	Spanish	43,664	6.9	Vietnamese	2,109	0.3
Chaves County	60,972	22,191	Spanish	7,054	11.6	Other*	38	0.1
Cibola County	25,404	10,925	Spanish	1,662	6.5	Navajo	719	2.8
Curry County	46,343	12,570	Spanish	3,356	7.2	Tagalog	25	0.1
Doña Ana County	198,611	101,344	Spanish	97,308	49.0	Chinese	239	0.1
Eddy County	52,340	13,598	Spanish	2,959	5.7	Tagalog	42	0.1
Guadalupe County	4,244	2,165	Spanish	326	7.7	Other*	18	0.4
Hidalgo County	4,236	1,752	Spanish	402	9.5	Other*	10	0.2
Lea County	63,130	26,230	Spanish	8,384	13.3	Other*	29	0.0
Lincoln County	18,788	4,373	Spanish	1,274	6.8	Other Asian	69	0.4
Luna County	22,833	11,766	Spanish	4,056	17.8	Other*	27	0.1
McKinley County	68,191	37,785	Navajo	6,297	9.2	Spanish	965	1.4
Mora County	4,306	3,040	Spanish	561	13.0	German	15	0.3
Otero County	60,802	16,661	Spanish	5,149	8.5	German	664	1.1
Rio Arriba County	37,131	22,814	Spanish	1,925	5.2	Other*	70	0.2
Roosevelt County	18,224	5,398	Spanish	1,543	8.5	German	59	0.3
San Miguel County	26,825	15,471	Spanish	4,457	16.6	Other*	85	0.3
Santa Fe County	140,262	48,662	Spanish	12,335	8.8	Other*	137	0.1
Socorro County	16,425	6,629	Spanish	1,469	8.9	Navajo	856	5.2
Taos County	31,436	13,844	Spanish	1,813	5.8	Other Indo	75	0.2
Union County	4,057	1,059	Spanish	393	9.7	Other*	15	0.4
Valencia County	71,361	24,809	Spanish	5,649	7.9	Other*	75	0.1

Source: U S Census Bureau’s American Community Survey 5 year estimates for 2012-2016 Table B16001

\*Other and unspecified languages – Primarily Native American Indian

Other Indo is Other Indo-European languages



## **Factor Two: Frequency with Which LEP Persons May Come Into Contact With MFA's Programs (Factor Two)**

Considering MFA's diverse array of programs, statewide service area and statewide population of Spanish-speakers, MFA expects to have frequent and predictable contact with Spanish speakers. On an infrequent and irregular basis, MFA may also have contact with speakers of Navajo and other native languages, and on a rare basis, with other LEP groups. Therefore, MFA's LAP provides extensive LEP services for Spanish-speakers, while providing assistance to other LEP groups on an as-needed basis.

MFA has determined that persons with LEP are most likely to come into contact with agency programs as follows:

- Persons seeking access to housing or housing assistance in any program funded by or through MFA.
- Persons seeking relief from pending foreclosure proceedings.
- Persons that visit MFA's office to receive information regarding programs or other services.
- Persons seeking to participate in the planning process for MFA programs or services.
- Persons who reside in MFA funded affordable housing and have a question or problem with property ownership or management.

## **Factor Three: Nature and Importance of the Program, Activity, or Service Provided By MFA**

MFA understands that the more important the activities, information, services or program, the more likely language services are needed. LEP services for programs administered by MFA are very important, because MFA programs result in individuals and families receiving funding for housing, which is essential to their health, safety and welfare. LEP services for MFA citizen participation efforts are also important, because they set priorities for program funding which will impact persons served. It is also important that MFA provide services to LEP persons that will allow them to file a complaint if they believe they have been denied the benefits of language assistance.

## **Factor Four: Resources Available to the Recipient and Costs**

MFA has limited resources available for administration of federally funded programs. These resources primarily come from the percentage of federal program funding that is allowed to be used for administration. MFA will use these administration funds to provide LEP services, in addition to using such funds for fulfilling all other statutory and regulatory requirements of these programs.

The costs associated with providing LEP services will vary depending upon the service provided. If MFA uses existing resources, such as having MFA staff members who are proficient in languages other than English assist in translation and/or interpretation, this will be a cost effective method of providing LEP services. Another cost effective method of providing LEP services would be to make LEP persons aware of the many brochures, handbooks, booklets, factsheets and forms that are available in multiple languages on the HUD website. MFA may also, when appropriate, utilize free websites to translate written materials. The most costly option for providing LEP services would be to contract with outside persons that are proficient in interpretation of spoken word and in translation of documents. MFA regularly provides interpretation and translation services for Spanish-speakers and will provide these services for other LEP groups when necessary. It is expected that the cost of obtaining such services will vary depending upon the nature of the services requested, and the service provider selected.



## V. Language Access Plan

### General LEP Services and Assistance:

- MFA will provide notification to LEP persons of the availability of language assistance services (both interpretation and translation) on its website and through public notices published in conjunction with the Annual Action Plan and the CAPER.
- MFA will provide information relating to MFA's translation and interpretative services to industry partners.
- MFA will monitor, maintain and update LEP requirements as required by HUD at least annually and/or as changes occur. MFA shall use its existing customer service database system to document all requests for reasonable accommodation and actions taken to address those requests.

**MFA Staff Responsibilities and Training:** MFA will ensure that MFA staff persons are given proper LEP training so that they are aware of their obligations to provide meaningful access to information and services for LEP persons. Staff associated with federally funded programs will have a greater need for in-depth training, and MFA will ensure such staff persons have been trained on providing language assistance and/or obtaining language assistance for LEP individuals. Training for these individuals will include the following:

- Staff persons will be trained on language assistance requirements by being made aware of applicable law and resources.
- Staff persons will be provided with a copy of this LAP, and will be informed when such information is updated.
- Staff persons will be informed of other staff persons who are proficient in providing language assistance, and receive instructions on actions to take when LEP individuals are encountered.
- Front desk receptionists will be trained on the use of language identification cards, or "I speak cards", which invite LEP persons to identify their language needs. "I speak cards" will be kept at the front desk.
- Supervisors will be trained on language assistance requirements so that they can reinforce the importance of compliance and ensure implementation by staff.
- All staff persons that monitor recipients will be trained on examining the efforts of recipients to comply with LEP requirements. This will include the following: (1) evaluating whether the recipient has completed a Four Factor Analysis; (2) determining whether such Four Factor Analysis necessitated the preparation of a LAP; (3) determining whether recipient is providing language assistance outreach and services as identified in the LAP; and (4) determining whether vital documents have been made available in appropriate languages.

**Interpreter Services:** MFA, at no cost to the LEP individuals or families, will provide interpreter services to all LEP individuals or families applying for, participating in programs, or receiving services/benefits through MFA. The interpreter services are provided in an efficient and timely manner so as not to delay a determination of eligibility for an individual or family, receipt of eligible services/benefits or participation in a MFA program beyond that of an English speaking individual or family. English and Spanish outreach materials are available. Additionally, English and Spanish brochures describing services are available at MFA and at various community events, fairs and outreach engagements.



**Phone and Walk-in Contact:** MFA addresses phone calls and voice mail by LEP individuals in the following manner: Clients indicating they speak Spanish are transferred to Spanish-speaking staff by the receptionist. MFA addresses walk-ins who are LEP individuals in the same manner, using "I speak cards" when necessary. Spanish-speaking staff is available for walk-in clients, scheduled appointments and written translation.

MFA does not require, suggest or encourage LEP individuals or families to use friends, family members or minor children as interpreters. If an LEP individual or family insists that an adult friend or family member serve as interpreter, MFA does not refuse. MFA will then, on a case by case basis, consider factors such as: competence of the family or friend used as the interpreter; the appropriateness of the use in light of the circumstances and ability to provide quality and accurate information, especially if the interview could result in a negative effect on the individual or family's eligibility for benefits/services; potential or actual conflicts of interest; and confidentiality of the information being interpreted to determine whether the agency should provide its own independent interpreter. In no case does MFA allow a minor child to act as interpreter for an LEP individual or family.

**Translation of Documents:** MFA maintains a significant number of vital documents and outreach materials in Spanish, including its Fair Housing brochure and most program-specific brochures. MFA will translate additional vital documents into Spanish upon request from LEP individuals.

**Internet Access:** MFA has a webpage with a link on the main page that can be used to locate MFA resources and other important information in Spanish.



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Isidoro R. Hernandez  
Deputy Director of Programs

7/23/18

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Date

