



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-2000

ASSISTANT SECRETARY FOR
FAIR HOUSING AND EQUAL OPPORTUNITY

MEMORANDUM FOR: Office of Fair Housing and Equal Opportunity
Headquarters Staff, Office of Enforcement Staff,
Regional Directors

FROM: John Gibbs, Principal Deputy Assistant Secretary
for Fair Housing and Equal Opportunity

DATE: September 19, 2025

SUBJECT: Enforcement Guidance – National Origin Discrimination based on
Limited English Proficiency under the Fair Housing Act and
Title VI of the Civil Rights Act

EFFECTIVE DATE: Upon receipt

EXPIRATION DATE: This Notice will remain in effect until amended, superseded, or
rescinded

This memorandum provides guidance to Office of Fair Housing and Equal Opportunity (FHEO) staff in processing current and future complaints of national origin discrimination based on language proficiency under the Fair Housing Act (Title VIII) or Title VI of the Civil Rights Act of 1964. In the past, FHEO premised investigations, conciliations, and voluntary compliance agreements on the mistaken notion that the Fair Housing Act and Title VI of the Civil Rights Act *categorically* require Respondents to provide language assistance in order to avoid discriminating based on national origin.

This memorandum rescinds and supersedes all prior conflicting FHEO guidance involving Limited English Proficiency (LEP) and national origin discrimination under the Fair Housing Act and Title VI.

I. LEP Enforcement Guideline

HUD is committed to vigorously enforcing the civil rights protections of the Fair Housing Act and Title VI of the Civil Rights Act, including with respect to discrimination based on national origin. To achieve this mission, HUD must prioritize cases of intentional discrimination.

Executive Order 14219, “Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative,” requires all agencies to review their enforcement activities and practices to ensure they are necessary actions to “discharge their legal obligations, protect public safety, and advance the national interest.”

Under Executive Order No. 14224, the official language of the United States of America is English. As the Department of Justice explained in its memorandum for implementing the

executive order¹, the order represents “a forward-looking strategy to enhance social and economic integration, offering all residents the opportunity to learn and embrace English as a means of achieving the American dream.”

Relevant to the LEP-related complaints frequently processed by FHEO, Section 804 of the Fair Housing Act prohibits:²

(1) The following acts:

- (a) making unavailable or denying the rental or sale of a dwelling;
- (b) discriminating in the terms, conditions, or privileges of a housing transaction;
- (c) advertising or publishing preferences or limitations for the sale or rental of a dwelling,
- (d) inaccurately representing the availability of a dwelling for inspection, sale, or rental

AND

(2) Taking one of the preceding actions “based on” or “because of” national origin.

Title VI provides that “[n]o person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” 42 U.S.C. § 2000d.

FHEO is now prioritizing cases where the Respondent acted for discriminatory reasons, i.e. “because of” national origin. Language is not a protected trait and, by itself, does not identify members of a suspect class.³ Thus, under Title VI of the Civil Rights Act, language proficiency is not interchangeable with national origin or race.

The same is true under the Fair Housing Act. Unlike race, color, and national origin, English proficiency is *not* “an immutable characteristic determined solely by the accident of birth.”⁴

¹ See DOJ Memorandum for All Federal Agencies, 6 [*AG Bondi Memo: Implementation of Executive Order No. 14224 Designating English as the Official Language of the United States of America*](#).

See also, [*Rescission and Notice of Intent to Issue the Rescission of Title VI Guidance in the Federal Register*](#)

² 42 U.S.C. 3604(a)-(d).

³ *Frontera v. Sindell*, 522 F.2d 1215, 1219-20 (6th Cir. 1975); *Carmona v. Sheffield*, 475 F.2d 738, 739 (9th Cir. 1973).

⁴ See *Frontiero v. Richardson*, 411 U.S. at 686 (1973).

Notably, Section 804(f) of the Fair Housing Act requires reasonable modifications and reasonable accommodations for disabled individuals, but neither Title VIII of the Fair Housing Act nor Title VI of the Civil Rights Act categorically require reasonable modifications/accommodations (*e.g.*, translation services) for individuals with limited English proficiency.

Any attempt to determine liability and enter a conciliation agreement or issue a finding of probable cause for national origin discrimination based on limited English proficiency under the Fair Housing Act or Title VI of the Civil Rights Act, must present evidence that the Respondent used language as a proxy or vehicle to discriminate based on national origin.

II. Future Enforcement Prioritization

Going forward, FHEO will prioritize enforcement actions where language has been used as a proxy for national origin or a vehicle for intentional discrimination.

Conciliations or voluntary compliance agreements with foreign language remedies should not be entered or submitted to FHEO leadership for approval unless the evidence shows that (1) language was used as a pretext for intentional national origin discrimination or (2) meaningful access to the program is denied by the provider's policy or practice. Such cases should be brought to the attention of leadership for a case-by-case determination of the merits.

The Fair Housing Act provides that the complainant may file a civil action in an appropriate federal district court or state court within two years after the occurrence or termination of the alleged discriminatory housing practice. Nothing in this memo affects the rights of the parties to seek redress through a private right of action.

III. Examples

Please find in the appendices below two example enforcements which illustrate the approach outlined above.

Attachment(s):

[Exhibit A: Enforcement Example #1](#)

[Exhibit B: Enforcement Example #2](#)

Exhibit A

LEP Enforcement Example

Case #1

The information included in this case example was extracted from HUD Enforcement Management System (HEMS) and illustrates the importance of utilizing HEMS to document investigations.⁵

1. Jurisdiction

The complainant alleges that the Respondent Housing Authority did not provide translation services for its services.

The complaint and investigative file lack any allegation or evidence to suggest that the complainant is disabled and thus there is no jurisdiction under Section 504 of the Rehabilitation Act.

2. Complainant Representative's Allegations (As taken from HEMS)

“[Complainant] stated that she believes [Respondent] has systemic issues involving Limited English Access (LEP) persons. [Complainant] pointed out the following issues: 1. Lack of staff members to specifically assist LEP persons with program access such as MyHousing portal. RESPONDENT's failure to translate *all* vital documents into *additional* languages. RESPONDENT's use of machine translation without human translator review.”

3. Respondent's Defenses

“[Respondents] stated the following relevant facts:

- On or around January 18, 2022, RESPONDENT mailed Complainant an Eligibility Determination in order to obtain documentation from Complainant to determine eligibility in the Housing Choice Voucher (HCV) program. This notice included many forms that Complainant was required to fill out and return via mail to RESPONDENT.
- On or around January 26, 2022, Complainant executed the required forms; this included the following:
 - Complainant executed RESPONDENT's WAIVER OF USE OF RESPONDENT PROVIDED ORAL INTERPRETATION, stating that she was declining the free oral interpretation offered by RESPONDENT and choose to utilize my own. The document itself has information translated into Korean, among other languages.

⁵ Case Numbers: 09-24-4216-8 (Title VIII); 09-24-4216-4 (Section 504); 09-24-4216-D (ADA)

- Complainant executed RESPONDENT’s LIMITED ENGLISH PROFICIENCY NOTICE SECTION 8, where she indicated her preference for Oral communication in Korean. The document itself has information translated into Korean, among other languages.
- Complainant appears to have completed and executed a certified statement in English.
- On or around February 7, 2022, RESPONDENT sent Complainant a First Notice identifying documents needed to continue processing Complainant’s voucher application.
- On February 18, 2022, Complainant appears to have completed and executed a certified statement in English
- On or around March 31, 2022, RESPONDENT sent Complainant a Voucher, with an expiration date of September 27, 2022.
- On or around August 1, 2023, RESPONDENT sent Complainant with a Notice of Withdrawal of Participation, given that the voucher expired on September 27, 2022
- On August 14, 2023, RESPONDENT received an email communication from [Third Party] translating a message on behalf of Complainant.
- On October 26, 2023, a Korean speaking staff from RESPONDENT, contacted Complainant and explained in Korean that her application was withdrawn from Section 8, due to her inability to find a place by the voucher expiration date in September 2022. Complainant stated that she wants another opportunity for section 8 voucher.
- In November 2023, Respondent contacted Complainant to translate and explain the basis for RESPONDENT’s withdrawal notice. On or around November 7, 2023, Respondent called Complainant again to inform her that RESPONDENT cannot provide her with a new voucher because her voucher expired and that she must apply in the future when RESPONDENT’s waitlist reopens. Complainant understood clearly on phone the reason her application was withdrawn and has no objection at all.

As noted above, Complainant did not initially request oral translation of RESPONDENT documents. While Complainant did state a preference to have oral communication be in Korean, at no point prior to her voucher expiration does RESPONDENT have any record that there was a specific request or attempt to communicate over the phone or in person. There was a significant amount of correspondence between RESPONDENT staff and Complainant prior to voucher issuance on March 31, 2022, and there did not appear to be any issue with language proficiency or any specific request for translation. Accordingly, RESPONDENT complied with its LEP policy.”

RESPONDENT has an existing LEP policy and applied it to the complainant.

“Undated RESPONDENT Waiver of Use of RESPONDENT Provided Oral Interpretation: Complainant signed a waiver document stating, “I decline the free oral

interpretation offered by the RESPONDENT and choose to utilize my own.” The waiver document included the aforementioned statement in Korean.”

“RESPONDENT Limited English Proficiency Notice – Section 8: The notice states the following ‘The Housing Authority of the Subject City is sensitive to the needs of individuals with Limited English Proficiency (LEP) and is committed to ensure equal access to its services. If you are an individual with limited English skills and would like to communicate either orally or in writing in a language other than English, please indicate your language preference on the form on the back of this notice and submit it to your RESPONDENT worker.’ Complainant signed a notice dated January 26, 2022, stating that she prefers oral and written communication in Korean.”

4. Findings and Conclusions

FHEO Case Summary: “Evidence showed that Complainant is LEP and primarily speaks Korean. Evidence showed that on March 31, 2022, RESPONDENT issued Complainant a HCV with an expiration date of September 27, 2022. Complainant did not locate housing or utilize the HCV prior to the expiration date. Evidence showed that on August 1, 2023, RESPONDENT sent Complainant with a Notice of Withdrawal of Participation (“Notice”) informing her that the HCV expired. Evidence showed that in November 2023, a RESPONDENT staff member that speaks Korean contacted Complainant and explained RESPONDENT’s reasoning for issuing the Notice. Thereafter, on April 18, 2024, RESPONDENT re-issued Complainant’s HCV and Complainant utilized the HCV at her new residence.”

Far from using language as a proxy to discriminate against an individual of Korean national origin, RESPONDENT attempted in good faith to provide services despite the language barrier. RESPONDENT has a LEP policy to accommodate LEP individuals despite no federal law requiring such a detailed policy. Thus, there is no cause to believe the housing authority discriminated on the basis of national origin. The same applies for the Title VI claim.

Though a separate “meaningful access” analysis is unnecessary, it would result in the same outcome. *The “meaningful access” factors are: (1) the number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee; (2) the frequency with which LEP individuals come into contact with the program; (3) the nature and importance of the program, activity or service provided by the recipient to its beneficiaries; and (4) the resources available to the grantee/recipient and the costs of interpretation/translation services.*

Less than 5% of the population of the Subject City is of Korean national origin, and there is no indication that voucher recipients within that small subset of the population overwhelmingly lack English proficiency. RESPONDENT appears to be absorbing substantial costs to accommodate a variety of languages. Thus, the “meaningful access” factors would

counsel in favor of a finding of no cause on these facts. A finding that meaningful access was not denied is warranted by the fact that the complainant received *actual* access.

The available evidence indicates no reasonable cause exists. A conciliation cannot be entered on this factual record. The Subject City is free to procure and acquire translation services for every non-English speaker of every language, but neither the Fair Housing Act nor Title VI categorically require provision of those services for LEP persons when providing public housing-related services.

5. Additional Information

Notwithstanding this determination by HUD, the Fair Housing Act provides that the complainant may file a civil action in an appropriate federal district court or state court within two years after the occurrence or termination of the alleged discriminatory housing practice. The computation of this two-year period does not include the time during which this administrative proceeding was pending. In addition, upon the application of either party to such civil action, the court may appoint an attorney, or may authorize the commencement of or continuation of the civil action without the payment of fees, costs, or security, if the court determines that such party is financially unable to bear the costs of the lawsuit.

The Department's regulations implementing the Act require that a dismissal, if any, be publicly disclosed, unless the Respondent requests that no such release be made. Such request must be made by the Respondent within thirty (30) days of receipt of the determination to the Field Office of Fair Housing and Equal Opportunity at the address contained in the enclosed summary.

Exhibit B

LEP Enforcement Example

Case #2: (abbreviated)

Complainant⁶ alleged that she visited Respondent's office in-person for assistance with filing a habitability and rent increase complaint. Complainant alleged she requested assistance in Korean and Respondent's staff told her Korean interpretation was not available. Complainant alleged Respondent's staff provided her with an English copy of the complaint form and told to call their hotline. Complainant alleged she called the hotline and it was in English. Complainant alleged that Respondent violated subsections 804(b) of the Fair Housing Act, Title VIII of the Civil Rights Act of 1968 as amended. The complaint also alleged noncompliance with Title VI of the Civil Rights Act of 1964 ("Title VI").

Defense: Respondent asserts that their staffs are trained to use LanguageLine Solutions when assisting with a person with limited English proficiency (LEP) in-person and to conference in an interpreter if assisting an LEP persons over the phone.

Facts: Because the parties pursued conciliation during the investigative process, this matter was not fully investigated. The investigation that did occur involved reviewing and analyzing documents provided by Complainant and by Respondent. The preliminary investigation revealed that Respondent does not have *some* vital documents professionally translated on its website, and that there is support to Complainant's claim that oral translation was not provided.

Determination: The investigation that continues should focus on evidence indicating Respondent acted with a discriminatory intent. For the same reasons outlined in the first case example, a determination of no cause is likely appropriate.

⁶ HEMS Case Number(s): 09-24-5209-8; 09-24-5209-6