



U. S. Department of Housing and Urban Development
San Juan Multifamily Program Center
Region IV

MAY 19 2009

CIRCULAR LETTER - 09-04

MEMORANDUM FOR: Owners, Management Agents, and Contract Administrators
of Multifamily Subsidized Properties in Puerto Rico

FROM: 
Sylvette A. Méndez, Director

SUBJECT: Translation of Model Leases in Puerto Rico

Several concerns were raised whether it was acceptable, under Title VI and the consequently LEP Guidance, for Multifamily housing providers in Puerto Rico to use Spanish language leases, or leases that contain a line-by-line translation. The Office of Fair Housing expressed they believe that this practice would not violate Title VI, and would be in keeping with the LEP Guidance's directive to take reasonable steps to provide meaningful access to federally assisted programs by persons who, as a result of national origin, are limited in the English proficiency. The issue whether *translating* the model lease constitutes *modifying* the lease was not addressed.

HUD's LEP Guidance suggests that recipients sign the English version of a lease as the legally binding document, and provide an unsigned translated version marked "For Information Only." This suggestion was developed based upon public comments from housing providers that signing non-English documents or documents in multiple languages may complicate eviction or other legal proceedings. However, the LEP Guidance clarified that state law governs the lease and rental agreements. HUD does not interpret state contract law.

Given that the LEP Guidance defers to local law in landlord/tenant matters and based on a legal opinion provided to HUD, the Office of Fair Housing sees no prohibition to Puerto Rican housing providers using Spanish language leases.

The Department has contracted out the translation of the HUD model leases into 13 languages, including Spanish and they will be posted when available. In the meantime, HUD encourages owners that require documents to be translated to work together to offset the costs which would be an approved project expense.

*HUD's mission is to increase homeownership, support community
development and increase access to affordable housing free from discrimination.*