

Lesley M. Edmond
Housing Compliance Officer
Department of Housing & Community Development

The Intersection of the Fair Housing Analysis of Impediments, Language Access and Plain Language

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GOVERNMENT OF THE
DISTRICT OF COLUMBIA
MURIEL BOWSER, MAYOR

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Our mission

... to produce and preserve opportunities for
affordable housing and economic development and to
revitalize underserved communities in the District of
Columbia.



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Focus for today

1. Overview of Regional Housing Analysis Of Impediments
2. AFFH requirements
3. Link barriers to language and services
4. Introduce Plain Language
5. RAI practices
6. DHCD Language Access Project

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Housing Unit Goals

- DC-36,000 new housing units in DC by 2025
- DMV- 320,000 housing units between 2020-2030

28,279 new units –
79% of target

Goal: 36,000

8600 affordable units* –
71% of target

LEO

Goal: 12,000

*Includes new units and existing units with new or extended affordability requirements.



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Slide 4

LEO Update with new numbers

Lesley Edmond, 2023-05-18T22:14:37.596

Small but Mighty!!!

- 23rd most populous city in the U.S.
- 3rd most populous city in the Southeast
- 3rd most populous city in Mid-Atlantic
- 6th largest metro area in the U.S
- Size: 68.35 sq mi
- Federal District, not a state
- Act as a City and County



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Land Constraints

- 19% land is parks (7,464 acres)
- 9,122 acres federally owned
- Width restrictions (The Height of Buildings Act of 1910)
- Washington Monument-tallest structure
- Low and sprawling city



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Taxable land

- 40% of land is tax exempt
 - Nonprofits
 - Universities
 - DC government
 - Museums
 - Place of worship



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Metropolitan Washington Regional Analysis of Impediments to Fair Housing Choice

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Regional Fair Housing Journey

- 12 Jurisdictions (cities, counties, housing authorities)
- Seven years (started under Obama administration)
- AFFH (Obama Rule) suspended 2017/2018 by 45
- DHCD released a draft AI in 2019 while regional effort slowed
- Regional report updates last DC draft report
- Draft regional report will be submitted Fall 23



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Regional Partners & Support

- District of Columbia & DC Housing Authority
- Montgomery County, City of Gaithersburg & Rockville Housing Enterprises
- City of Alexandria & Alexandria Redevelopment & Housing Authority
- Arlington County
- Fairfax County & Fairfax Redevelopment & Housing Authority
- Loudoun County
- Prince William County



Metropolitan Washington
Council of Governments



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Community Advisory Committee Members

Greater Washington Urban League	Equal Rights Center	Washington Legal Clinic for the Homeless	NAACP Chapters of Northern VA, DC & Montgomery Co.	Legal Services of Northern VA	ENDependence Center of Northern VA
Friendship Place	Pathways Homes	CASA	SMYAL	House of Ruth	Northern VA Urban League
Ethiopian Community Development Council (ECDC)	Action in the Community Through Service (ACTS)	Interfaith Conference of Metropolitan Washington	Offender Aid Restoration	Catholic Charities	Maryland Legal Aid

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Fair HOUSING 101

Housing drives wealth in this country.* Millions of people immigrated to this country for the ability to own land and a home of their own; that's why homeownership is the American Dream. But not everyone has had equal access to homeownership opportunities. Often, people of color and other underserved groups were purposefully denied housing and lending opportunities.

This legacy of discrimination and structural inequality is the reason we have such huge disparities in wealth and homeownership. The homeownership gap between Whites and Blacks, after diminishing somewhat after the passage of the Fair Housing Act, has ballooned in the years since the 2008 Great Recession.

Systemic inequality and entrenched housing discrimination still drive residential segregation. Our neighborhoods are more segregated today than they were in 1920.

to build some kind of equity . . . to have a home where family can come visit . . . we want that for everyone.

EQUAL OPPORTUNITY for All

Equal access to rental housing and homeownership opportunities is the cornerstone of this nation's federal housing policy. Housing discrimination is not only illegal, it contradicts in every way the principles of freedom and opportunity we treasure as Americans.

Title VIII of the Civil Rights Act of 1968 is commonly referred to as the Fair Housing Act of 1968. The Office of Fair Housing and Equal Opportunity (FHOO) within the U.S. Department of Housing and Urban Development (HUD) is charged with administering and enforcing this law.

The Fair Housing Act prohibits discrimination and the interrelation of people in their homes, apartment buildings, and condominium developments – in nearly all housing transactions, including the rental and sale of housing and the provision of mortgage loans.

The Fair Housing Act protects people from discrimination based on seven classes:

- Race
- Color
- Religion
- Sex
- National origin
- Disability
- Familial status

For more information, please visit the website: www.hud.gov/fairhousing

Where you live matters

Where people live also determines their outcomes in life. Location is inextricably linked to opportunity. Unfortunately, housing segregation remains the primary driver of inequality in America, where neighborhoods of color are more likely to have diminished educational opportunities, fewer healthcare facilities, more hazardous and toxic waste plants, more polluted land, air, and water, fewer grocery stores and fitness centers, and fewer bank branches.

Fair housing intersects with all aspects of our society and is foundational to a strong economy, the prosperity of our nation, and the ability of people to thrive and access important opportunities.

In addition to addressing the wide-ranging impacts of residential segregation, fair housing and fair lending laws also cover issues like:

- Credit/Insurance Scoring,
- Risk-based Pricing,
- Automated Underwriting,
- Redlining,
- Racial Steering,

and other forms of discrimination.

Whites have about 10 times the wealth of Blacks and 8 times the wealth of Latinos.

Source: Federal Reserve Board, Survey of Consumer Finances, 2019.

DC KEY DEMOGRAPHICS

705,749 Total population
 47.4% Male, 52.6% Female
 42.5% White, 45.4% Black, 4.1% Asian, 6% Other
 11.5% Hispanic or Latino*
*Hispanics may be of any race, so this are included in appropriate race categories

\$92,266 Median household income
\$646,500 Median value of owner-occupied housing
\$1,603 Median monthly gross rent
322,814 Total housing units
 41.5% owner-occupied, 58.5% renter-occupied

Source: U.S. Office of Planning, District of Columbia Quick Facts 2019

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Why does it matter?



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About DC

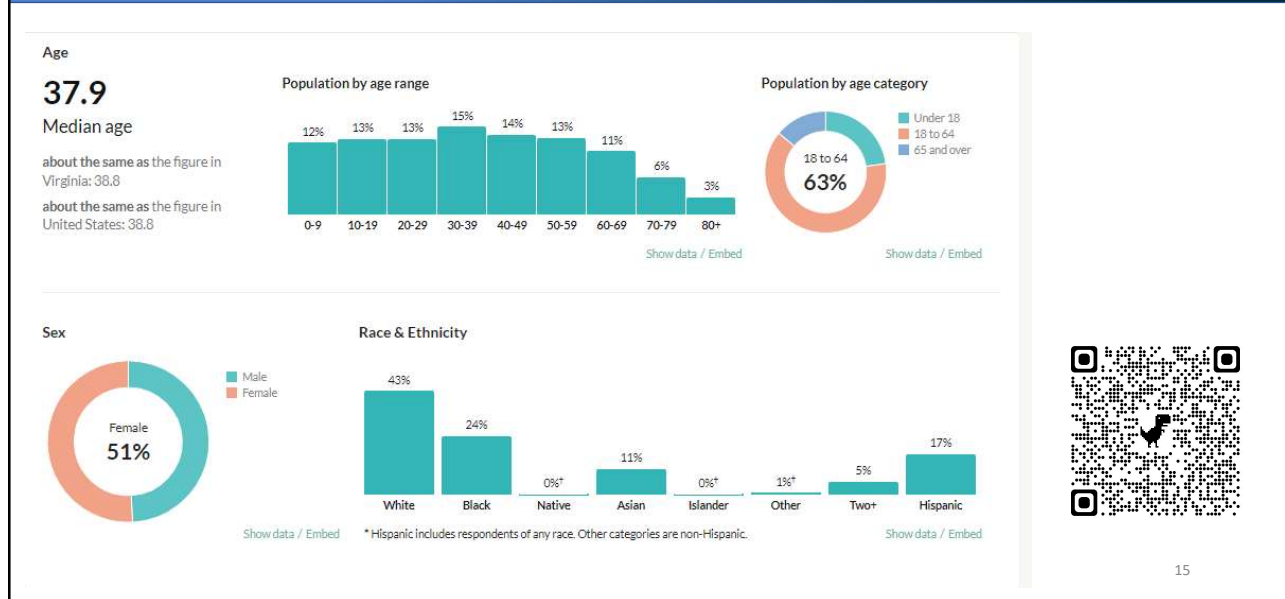
- Population: **671,803 Persons**
- % Population Change: **15%** (2010 to 2022)
- Median Rent: **\$1,681**
- Median Income: **\$93,547**
- Households: **310,104**
- Owner Occupied Housing Unit Average Value: **\$897,347**
- Homeownership Rate: **44.2%**



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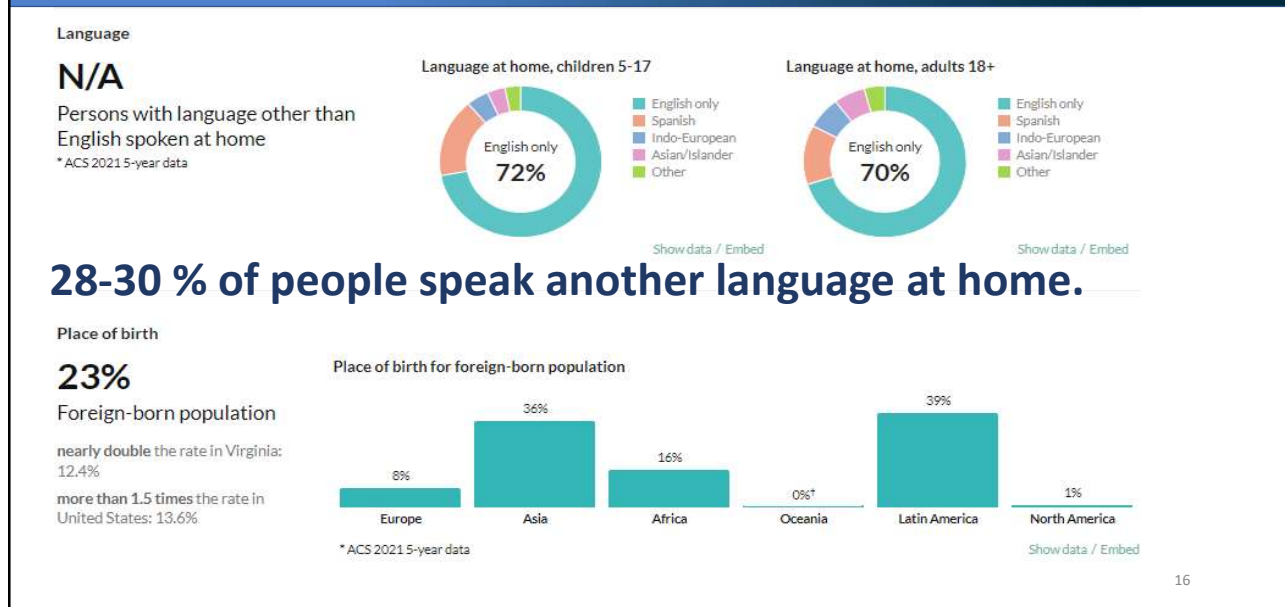
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DC Metro Demographics- Census Reporter (ACS 2021)



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DC Metro Demographics, Language & Place of Birth



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DC Language Stats

- 140 countries represented
- 94 languages spoken in Washington, DC
- Spanish (62%) is the most spoken language other than English
- Small language-speaking communities with high LEP rates.



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How many languages are spoken in the U.S.?

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Why does it matter?

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Duty Affirmatively Further Fair Housing

HUD and recipients of federal funding are required by the Fair Housing Act to do more than simply not discriminate; they must take meaningful actions to overcome patterns of segregation and foster inclusive communities.

- Agencies must:
 - Determine who lacks access to opportunity and address any inequity among protected class groups
 - Promote integration and reduce segregation
 - Transform racially or ethnically concentrated areas of poverty into areas of opportunity

- February 9, 2023, HUD published in the Federal Register a Notice of Proposed Rulemaking (NPRM) entitled “Affirmatively Furthering Fair Housing”.

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Community Engagement-AFFH

Required to engage the community

- Direct community members such as marginalized or underrepresented groups,
- Community-based organizations that represent protected class populations,
- State or local fair housing agencies and organizations,
- Housing organizations,
- Tenant organizations,
- Public and private agencies that provide social services,
- Local government agencies with metropolitan-wide planning responsibilities,

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Community Engagement-AFFH (2)

- Local PHAs or other affordable housing providers,
- Organizations relevant to the opportunity analysis,
- Philanthropic organizations.
- State and local universities and colleges.
- Realtors, property management companies, and developers.
- Appointed Public Officials serving their jurisdiction on a citizen advisory group
- Community Land Trusts or Land Banks.
- Lenders/banking institutions,
- Regional Government Councils or Planning Commissions.

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Is English the official language of the United States?

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Duty to provide language services (Language Access)

Civil Rights Act of 1964

- States that no person 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.”

Executive Order 13166 Improving Access to Services for Persons with LEP

- States that each federal agency should “work to ensure that recipients of Federal financial assistance...provide meaningful access to their LEP applicants and beneficiaries.”



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U.S. Literacy & Challenges

- 7th grade: the average reading level of adults
- 15 seconds or less: average time spent on a web page
- 3 to 4: how many ideas our brains can handle
- 8% of the population (25 million people) are LEP
- 21-23% of adults (40 to 44 million) are illiterate



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Limited English Proficient (LEP)

- LEP is anyone above the age of 5 who reported speaking English less than "very well," as classified by the U.S. Census Bureau.
- The term English proficient refers to people who reported speaking English only or "very well."
- Non-English proficient (NEP)

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Plain Language (Plain English) What is it?

“A communication is in plain language if its wording, structure, and design are so clear that the intended readers can easily find what they need, understand what they find, and use that information.”

Readers will:

1. **Find** information quickly and easily
2. **Understand** what they read
3. **Use** the information to fill a need



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Plain Language Movement (Oversimplified)

- Started around the 1940s
- 1960-1970 lawyers advocate for plain legal and plain language
 - Plain legal language advocated for by Thomas Jefferson and John Adams

Federal level, three Executive Orders + Law:

1. [Executive Order 12866 of September 30, 1993, Regulatory Planning and Review](#)
2. [Executive Order 12988 of February 5, 1996, Civil Justice Reform](#)
3. [Executive Order 13563 of January 18, 2011, Improving Regulation and Regulatory Review](#)

Plain Writing Act of 2010

The Act requires regulations to be accessible, consistent, written in plain language and easy to understand.



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Plain Language required for federal agencies

Requirements

Executive departments and agencies must:

1. Follow the Federal Plain Language Guidelines.
2. Follow OMB's Guidance on Implementing the Plain Writing Act.
3. Have a plain writing section on your website. Start with our templates for your plain writing page and compliance report (DOC).

See: <https://www.plainlanguage.gov/law/>

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Plain Language International Standards Released

- Published in late June 2023 by International Organization for Standardization (ISO)
- First internationally agreed upon standards
- ISO 24495-1:2023 Plain language — Part 1: Governing principles and guidelines
- Available in the U.S. through American National Standards Institute (ANSI)
- Principles apply to most languages

ISO (the International Organization for Standardization) is a worldwide federation of national standards bodies (ISO member bodies).

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All English is not the same.

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School Segregation

- Rooted in colonialism:
 - Native Americans
 - African Americans
 - Groups considered non-white
- The first school desegregation cases were brought by members of Native American nations in the late 1800 and 1920 in Oregon and California.
- Dual education system:
 - Poor educational outcomes for Black, Native American and Latino communities
 - Underpaid teachers
 - Poorly funded
- In 1950 only 1 in 10 Black adults graduated from high school while 4 out of 10 white adults did.

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Indicators of low achievement

The less literate parents, they are read to less frequently when young and are exposed to less complex language at home. (Ayoub et al., 2009; Brooks-Gunn Markman, 2005)

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Literacy Tests-Barriers to Rights

- **Voting**
 - Used to prove ability to read and understand English
 - Prevented Blacks, immigrants and the poor from voting
 - **Ended via the Voting Rights of 1964**

Examples:

- Alabama, “Name the attorney general of the United States” and “Can you be imprisoned, under Alabama law, for a debt?”)
- In Mississippi, applicants were required to transcribe and interpret a section of the state constitution and write an essay on the responsibilities of citizenship.
- Louisiana's known as the Impossible Test went beyond citizenship and facts.



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Louisiana Voting Test

The State of Louisiana

Literacy Test (This test is to be given to anyone who cannot prove a fifth grade education.)

Do what you are told to do in each statement, nothing more, nothing less. Be careful as one wrong answer denotes failure of the test. You have 10 minutes to complete the test.

1. Draw a line around the number or letter of this sentence.
2. Draw a line under the last word in this line.
3. Cross out the longest word in this line.
4. Draw a line around the shortest word in this line.
5. Circle the first, first letter of the alphabet in this line.
6. In the space below draw three circles, one inside (engulfed by) the other.

7. Above the letter X make a small cross.

8. Draw a line through the letter below that comes earliest in the alphabet.

Z V S B D M K I T P H C

9. Draw a line through the two letters below that come last in the alphabet.

Z V B D M K T P H S Y C

10. In the first circle below write the last letter of the first word beginning with "L".



11. Cross out the number necessary, when making the number below one million.

1000000000

12. Draw a line from circle 2 to circle 5 that will pass below circle 2 and above circle 4.



13. In the line below cross out each number that is more than 20 but less than 30.

31 16 48 29 53 47 22 37 98 26 20 25

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English as a barrier to access

U.S. Exams

Test of English as a Foreign Language (TOFEL)

British Exams

International English Language Testing System (IELTS)

- American English vs British English
 - American English developed due to immigration patterns
- British English taught by most international universities and places there was English colonization:
 - Africa
 - North America
 - Australia
 - India

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Immigration Patterns & Language

Chinese Immigration	Irish Immigration
First wave mid 1800s	First wave colonial times (Scotch-Irish)
Second wave 1970s	Second wave mid 1800s (Catholic)
Third largest foreign-born group of U.S. immigrants	Between 1820 and 1860, the Irish constituted over one third of all immigrants to the United States
Both groups experienced extensive discrimination what are the dissimilarities?	

All English speakers do not have the same level of literacy including persons born in the U.S.

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Both groups experienced extensive discrimination what are the dissimilarities?

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Persons with Disabilities

According to the National Center for Learning Disabilities, around 15% or one in seven individuals, has some form of learning disability. That is about 1 in 10.

- The prevalence is believed to be higher with many people who are undiagnosed and lack support
- Still learning about neurodiversity
- 65 million working adults are dyslexic
- 8.3 million adults are diagnosed with autism spectrum disorder
- Most of these disabilities occur with other similar disabilities



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Respectful, bias free and conscious

- Language should be conscious and free from bias
 - [Conscious Editing and Reparative Description](#)
 - UNC leading this effort
- Trauma informed and culturally responsive
- Language should be inclusive and respectful
 - Colloquialisms and Idioms should not be used
 - Don't always translate or interpret well-Transcreation required
 - "About to Go Down"
 - "Bandwagon"
 - "Plead the Fifth"



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Plain Language is the right thing to do

- Increased public trust
- Transparency
- Reduced translation costs
- Improved customer service
- Increased compliance in the workplace



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The reality of a Post Covid world

- Short attention spans
- Covid “brain”
- A lot of content viewed on mobile devices
- Most people haven’t had a writing class since high school or college



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Plain Language & Regional AI

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Plain Language + Translation for RAI

Plain Language Reviewed Text	Languages
Flyers	Spanish
Executive Summary	French
RAI Webpage	Amharic
RAI Fact Sheet (DC)	Korean
RAI Goals Summary (DC)	Vietnamese
	Chinese
Visit www.mwcog.org/fairhousingplan .	

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Analysis of Impediments Drafting

Who is drafting and preparing the reports and plans?

- Lawyers
- Social scientists and researchers
- Experts

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RAI—Goals Summary

The regional fair housing goals

DC and nearby counties lost more than 85,000 units with rents under \$1,500 in the last 10 years. To reverse that trend and increase access to affordable housing, we'll work alone and together with our regional partners to:

1. Create more housing for families earning 60% of the MFI or less (see below to learn more)
2. Change building regulations to increase affordable housing
3. Create new policies to protect affordable housing
4. Help more residents protected by fair housing laws buy homes
5. Protect the housing rights of people protected by fair housing laws
6. Remove barriers and give more help to those with disabilities, so they can live in the community they choose
7. Make public transportation easy to access and afford

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Clear communication is critical for DC residents

- **171,000** DC residents are functionally illiterate
- **1 in 4** struggle with basic reading skills (**1 in 3** can't do basic math)
- **1 in 20** in DC are LEP/NEP*
 - **>85% residents** are foreign-born
 - **15%** are born in the US
- **17.4% of DC's residents live in poverty.**

*That's about 94 languages for persons with LEP.

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Language is key to accessing services

For more than **100,000** of DC's adults, low literacy skills are a barrier to just about everything – completing their education, getting and keeping a decent job, and staying out of poverty.

Washington Literacy Center



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DHCD Language Access Project

- **What was done:**
 - **Reviewed/assessed** more than 200 documents and web content
 - **Met** with 10 DHCD and 18 staff from 9 CBOs
 - **Did other research** on DHCD, CBO and partner websites
 - **Trained** staff on Plain Language writing
- **What we learned:**
 - **Too many** industry and legal terms
 - **Print materials** critical for certain residents
 - **Residents** are **confused** about program eligibility and requirements

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DHCD Language Access Partners

- Translation Services
 - Language Line
 - TransPerfect
- Plain Language
 - Clarity a Language Line service
- Language Access Training:
 - One Language
- Interpretation Services
 - Language Line
 - TransPerfect

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Programs for individuals and families (20+)

- Home Purchase Assistance Program (HPAP) KCO
- Homeowner Assistance Fund (HAF)
- Inclusionary Zoning Program (IZ) & Affordable Dwelling Units (ADU)
- Housing counseling and services
- Resident and tenant association building purchase counseling
- Funding to purchase rental housing for tenants (Housing Preservation Fund)
- Single Family Residential Rehabilitation Program (SFRRP)
- Heirs Property Assistance Program
- Residential Accessory Apartment Development Program (RAAP)

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Fair Housing & Equity related reports and plans

1. [Black Homeownership Strikeforce Report](#)
2. [Districtwide Racial Equity Action Plan](#)
3. [Housing Framework for Equity and Growth](#)
4. [2021-2024 Olmstead Community Integration Plan \(Housing Priority\)](#)



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Slide 51

- KCO** What I will add to the notes:
- A line or 2 about each program.
 - EAHP and NEAHP - unless you want them added to the slide.

The point isn't for the presenter to read the list but say a little something about how these programs benefit residents. Same for the next few slides.

Karen Clarke, 2023-05-17T14:50:05.013

- EL(0 0** Remove Section 3, it is a compliance requirement and not a program.

Edmond, Lesley (DHCD), 2023-05-17T20:28:26.173

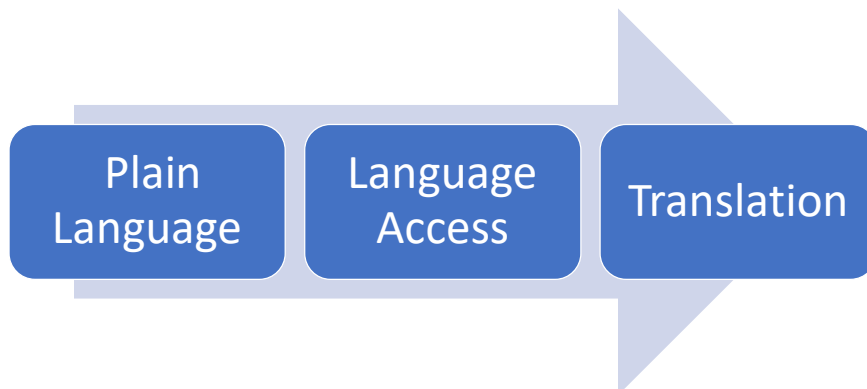
Plain Language Resources

1. [plainlanguage.gov](https://www.plainlanguage.gov)
2. [Digital.gov Plain Language page](#)
3. [Plain Language Network](#)
4. [Center for Plain Language – Make it clear](#)
5. [Clarity \(clarity-international.org\)](https://www.clarity-international.org)



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The solution:



The best way to address past barriers to public services and meets the goals of the Fair Housing Act.

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Audience Q&A Session

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Thank you and stay in touch with me:

Lesley M. Edmond
Housing Compliance Officer
Lesley.Edmond@dc.gov
202-442-7182
Visit: Dhcd.dc.gov





Lesley Edmond
Housing Compliance Officer
DC DHCD

-  +1 202-442-7182
Office
-  +12022790392
Work Cell
-  lesley.edmond@dc.gov
email
-  dhcd.dc.gov

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