

# CONSUMER ACTION NEWS

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## Language Access Report

### Meeting the needs of limited English speakers

By Monica Steinisch

There are approximately 26 million people in the U.S. who speak limited English—16 million of them speak Spanish as their first language. While language barriers may not always hinder limited English proficient (LEP) consumers as they carry out the routine tasks of daily life, a lack of English fluency can make navigating the financial services marketplace difficult and even risky.

#### The problem

One in five U.S. residents speak a language other than English at home, yet the financial services market still caters primarily to fluent English speakers.

While many companies market their products and services to LEP consumers in their native languages, subsequent documents and account servicing communications usually are provided only in English. This can pose problems, in particular for homebuyers. Advocates point to cases where homeowners belatedly discovered costly mortgage terms

that put their homes at risk of foreclosure because the borrowers didn't understand they might be eligible for a loan modification. During the recent foreclosure crisis, some LEP borrowers paid thousands to scammers for foreclosure prevention help that never materialized.

Consumer Action, as part of the coalition Americans for Financial Reform (AFR), has called on the Consumer Financial Protection Bureau (CFPB) and other federal agencies to adopt strong language access protection for homeowners and other financial services consumers ([bit.ly/2huhZ3p](http://bit.ly/2huhZ3p)). Consumer Action translated the related press release into five languages.

The coalition's issue brief outlines the drawbacks and dangers of an English-centric financial marketplace. These include making it more difficult for LEP consumers to make well-informed decisions about the products and services marketed to them, and making them more vulnerable to fraud and predatory lending.

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### Advocates work to tear down language barriers

By Ruth Susswein

Getting a mortgage is challenging enough without the language barriers that further disadvantage borrowers with limited English skills. Most borrowers blanch when faced with a variety of loan offerings and reams of closing paperwork, but consumers with limited English proficiency (LEP) may be more easily led into traps by unscrupulous lenders.

Advocates who assist these consumers say that a lack of access to documents and assistance in the language they are most comfortable with has left some borrowers with predatory home loans and blocked from the opportunity to modify loans when they have trouble making payments.

After 10 years of timely payments, Mr. and Mrs. A, Spanish-speaking borrowers from New York, learned that their fixed-rate mortgage was in fact an *interest-only* loan, and despite 10 years of payments, they owed the same amount they had borrowed a decade earlier. To add

insult to injury, their monthly mortgage payment was about to rise from \$1,983 a month to \$3,350. It turned out that their "friend," the Spanish-English interpreter for the mortgage documents, did not act in the couple's best interest.

Unfortunately many homeowners have to rely on friends, family, sometimes even children to interpret important documents when dealing with lenders and servicers. In some cases they have missed out on mortgage modifications—a restructuring of the loan terms to make the monthly payment more affordable for those struggling to save their homes from foreclosure—because they couldn't understand English-only instructions.

Consumer advocates across the country have found that even when LEP consumers request oral or written translation services, most lenders and mortgage servicers do not provide them.

Mr. & Mrs. A's vulnerability might have been avoided had their mortgage documents been available

*"Barriers" continues on page 4*

### Reaching U.S. consumers who don't speak English

By Lauren Hall

Multilingual consumer education distinguishes Consumer Action from most of its peers. The organization serves limited-English-proficient (LEP) communities in at least five languages and via multiple channels: through its trilingual complaint hotline, in-language media, extensive multilingual financial education materials and direct outreach to immigrant communities.

In the 1980s, San Francisco-based Consumer Action began to see an influx of low-income immigrants, changing the face of the average California consumer. Many of these LEP immigrants were unfamiliar with the U.S. financial marketplace, making them easy prey for scammers and predatory lenders. Consumer Action began to provide financially isolated consumers with

free, easy-to-read surveys, guides and fact sheets in Chinese, Spanish, Korean and Vietnamese (as well as English). By the 1990s, its multilingual staff members were able to assist consumers with their complaints in Spanish, Chinese and English via the organization's phone and email hotlines.

"We're filling a very critical need," said Consumer Action's San Francisco office director, Kathy Li, who works closely with Asian-American consumers and organizations. "Despite the increase in LEP populations in the U.S., few government agencies, corporations or community-based non-profits provide language access. They argue that multilingual staff and talented translators can be costly and hard to come by. While it is a challenge, we have been able to fill that information vacuum."

Reaching out to LEP consumers

in the language in which they are most fluent also matters because the fundamentals of sound financial decision-making sometimes vary depending on one's country of origin.

According to Consumer Action's Joe Ridout, who does media and consumer complaint handling in Spanish as well as English, "If you come from a country with a history of hyperinflation, currency devaluations or bank failures, keeping your money out of financial institutions may have been a wise financial decision. Frequently withdrawing your investments in the U.S., however, is often an unwise decision."

One of Consumer Action's goals has been to educate both corporations and government agencies on the value in prioritizing language access materials for underserved populations.

Consumer Action Executive Director Ken McEldowney summed up the organization's strategy: "While our early efforts emphasized to companies that providing such access was the 'right thing to do,' we quickly found more success stating

up front that failure to do so was limiting their customer base." As for government agencies, McEldowney added that language access "should be a requirement."

To foster language access in the public sector, Consumer Action has partnered with a multitude of government agencies to provide cost-effective translations for publications and outreach campaigns: the Consumer Financial Protection Bureau (CFPB) on remittances and mortgages, the Federal Trade Commission on identity theft, the Federal Reserve on home loans, mortgage payments and other financial matters and the U.S. Dept. of Housing and Urban Development (HUD) on homeownership and housing discrimination. Consumer Action also took on Spanish translation services for the Securities Investor Protection Corporation website.

Consumer Action also reaches consumers with limited English proficiency through in-language media and community outreach.

Ridout, who is consumer services

*"Reaching" continues on page 2*

## Consumer Action www.consumer-action.org

Consumer Action has been a champion of underrepresented consumers nationwide since 1971. A non-profit 501(c)(3) organization, Consumer Action focuses on financial education that empowers low- and moderate-income and limited-English-speaking consumers to financially prosper.

By providing financial education materials in multiple languages, a free national hotline and ongoing financial services research, Consumer Action helps consumers assert their rights in the marketplace and make financially savvy choices.

### Advice and referral hotline

Submit consumer complaints to our hotline:

hotline@consumer-action.org  
(415) 777-9635

Chinese, English and Spanish spoken

### San Francisco

1170 Market Street, Suite 500

San Francisco, CA 94102

(415) 777-9648

Email: info@consumer-action.org

#### Ken McEldowney

Executive Director

#### Michael Heffer

Business Manager

#### Kathy Li

Director, San Francisco (SF) Office

#### Nani Susanti Hansen

Associate Director, SF Office

#### Audrey Perrott

Associate Director,  
Outreach & Training

#### Monica Steinisch

Senior Associate, Editorial

#### Jamie Woo

Community Outreach Manager

#### Joseph Ridout

Consumer Services Manager

#### Cui Yan Xie

Project Associate

#### Vickie Tse

Development Coordinator

#### Hazel Kong

Administrative Associate/  
Consumer Advice Counselor

#### Angela Kwan

Web Manager

#### Ricardo Perez

Mail Room Operations

#### Rose Chan

Consumer Advice Coordinator

#### Schelly Gartner, Tasneem

Pitalwala, Ralph Stone

Consumer Advice Counselors

#### Alden Chan, Robert La,

Michelle Liu

Support

### Los Angeles

(213) 624-4631

#### Nelson Santiago

Community Outreach Manager

#### Linda Williams

Community Outreach & Training  
Manager

### Washington, DC

(202) 544-3088

#### Linda Sherry

Director, National Priorities

#### Ruth Susswein

Deputy Director, National Priorities  
(Editor, *Consumer Action News*)

#### Lauren Hall

Associate, National Priorities

#### Alegra Howard

Associate, National Priorities

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# What's in the works?

By Ruth Susswein

An estimated 26 million people in the U.S. speak limited English, and some face serious challenges in managing important financial transactions in English.

To help address the needs of this growing population, federal regulators are beginning to turn their attention to meaningful language access for those with limited English proficiency (LEP).

### Mortgages

Policy makers will consider whether new rules are needed to protect LEP consumers.

Currently, the federal Fair Housing Act protects against intentional and unintentional discrimination against anyone renting, buying or getting financing for housing based on race, color, religion, sex, disability, familial status and national origin (all considered “protected classes”). National origin is generally considered to include protections for those with language barriers.

Advocates argue that it can be

considered discrimination if LEP consumers’ access to housing is restricted based on limited English skills.

The Consumer Financial Protection Bureau (CFPB) is expected to examine companies’ mortgage lending and servicing practices to ensure that discrimination—intended or unintended—is not part of the home-loan process.

The Federal Housing Finance Agency (FHFA) plans to direct mortgage backers Fannie Mae and Freddie Mac to find new ways to help consumers with limited English get access to mortgages. As part of its annual priorities Scorecard, FHFA will ask for public input on how to improve language access in the mortgage market.

Some lenders are seeking to enhance the tools they offer limited English speakers—like Bank of America and Wells Fargo’s mobile apps with Spanish language settings—to help meet the needs of those who are most comfortable managing their finances in another language, and to build customer loyalty outside of their traditional base.

Without providing specifics, the Mortgage Bankers Association (MBA) recently publicly committed its intentions to help identify language access gaps and train mort-

gage industry members to meet LEP borrowers’ needs.

### Debt collection

The CFPB is expected to issue new debt collection rules in 2017. It’s considering whether to mandate that debt collectors provide two required notices—the debt validation notice and the statement of debtors’ rights—automatically in Spanish and English, or in multiple languages upon request or knowledge of the debtor’s language preference. Consumer advocates recommend that the Bureau mandate both options when collectors communicate with limited-English-speaking consumers.

### Signs of progress

Just out is a new report in which the CFPB’s Office of Fair Lending highlights some industry best practices for providing access to credit that meets the needs of LEP customers:

- Collection of customer language preference information;
- Translation of financial documents, such as monthly statements and payment assistance forms; and
- Availability of multilingual customer service agents.

The full report is available online ([bit.ly/2ib6fjd](http://bit.ly/2ib6fjd)). ■

# Reaching

*Continued from page 1*

manager, and Nelson Santiago, community outreach manager, often alert Spanish-speaking consumers to the latest scams and breaking news via Spanish language media. For instance, they recently worked to warn LEP consumers of the Wells Fargo unauthorized bank accounts scandal.

Ridout uses his Spanish fluency to give dozens of in-language media interviews each year, mainly with TV and radio stations that cater to Mexican and Central American audiences. When it comes to providing accurate translations of complex financial information, Ridout says he finds more similarities than differences in regional dialects among native Spanish speakers.

Santiago, a native speaker who translates and trains on Consumer Action’s materials in Spanish, avoids word-for-word translations. “One thing I like to do is include English ‘technical words’ or common terms along with the Spanish terms, because sometimes incorporating the English term can be helpful if it’s a word non-English speakers might encounter again,” Santiago said. “It can also be challenging to make a foreign concept understandable in Spanish, such as ‘IP transition’ [internet protocol transition]. In this case it takes some extra effort to be a bit more descriptive.”

San Francisco Office Director Li echoed this sentiment, particularly when she hires additional local translators, picked from the communities Consumer Action serves. “Our translators are native speakers of the languages they’re translating; they live and serve in the LEP population we’re trying to reach, so they know the ‘language’ of our target audience.”

Of course, it helps to have native

Chinese speakers on staff, like Li and Community Outreach Manager Jamie Woo. Woo is originally from Taiwan and speaks Taiwanese, Mandarin and Cantonese. Woo conducts several interviews each month with Chinese media on consumer issues relevant to those communities.

Woo detailed the challenges of translating from English to Chinese, a language which she said “has evolved to be very complicated because of thousands of years of history and its huge geographical size. While Mandarin and Cantonese are the two main Chinese languages, there are over 100 dialects in use in different regions, such as the 36 provinces of Mainland China, Taiwan, Hong Kong, Macau and South Asia countries like Thailand, Malaysia, Singapore, Indonesia, etc.” Yet she too works diligently to find the most appropriate words to get the information to the LEP communities she seeks to reach.

Despite the challenges, more organizations and media outlets are adopting in-language materials and services. The CFPB runs a consumer complaint phone hotline at 855-411-CFPB (2372) that can assist consumers in over 180 languages. (*For more LEP resources, see page 3.*)

In-language media might become more mainstream as well. Just last year, the *New York Times* ran an investigative piece on the nail salon industry in Korean, Chinese and Spanish. When a reader accessed the story in English online, she was provided with prompts to read it in Chinese or Spanish.

As one communications professor put it in the *Columbia Journalism Review’s* exploration of the future of in-language media, “In a media landscape that is increasingly fragmented and niche, the mainstream media is realizing that there’s no clear mainstream anymore.” ■

## Language access to the courts

As vital as language access is in financial transactions and consumer contracts, it is perhaps even more vital in the justice system, where the stakes can be as high as one’s freedom. Even civil cases—from guardianship disputes to evictions—are critical to the lives of participants. Many limited English litigants appear in court without an attorney or an interpreter, which can have a devastating impact on the outcome of their cases.

California, a state in which roughly 20 percent of residents have English language limitations, is addressing this challenge via a California Judicial Council language access plan that seeks to provide consistency and guidance to court users with limited English skills. Among the plan’s eight top level goals are to provide qualified language access services in all judicial proceedings, high quality multilingual translations/signage, and outreach to communities about court language access services. The plan is in the implementation phase.

Included in the plan are 75 specific ideas to address the needs of LEP court users at all points of contact with the courts. In addition to phasing in language interpretation services for all court matters, it calls for translators to have a “court or legal specialization.” Learn more about the plan online ([bit.ly/2hqq5PB](http://bit.ly/2hqq5PB)). California’s Judicial Branch also maintains a language access webpage ([www.courts.ca.gov/languageaccess.htm](http://www.courts.ca.gov/languageaccess.htm)).

While every state and agency has its own needs and objectives, the goals of the California courts plan can serve as a guide for other entities attempting to meet the needs of LEP communities. ■ — Monica Steinisch

# Access resources for limited English speakers

By Alegra Howard

Language access is needed beyond the point-of-sale, for complaint handling, legal redress and many forms of customer service. From government to non-profit and for-profit services, the number and types of resources available for consumers with limited English proficiency (LEP) are growing. Here's a breakdown of what we've found is available today. Please send us any resources you know of to add to our growing list.

## Government resources

The Consumer Financial Protection Bureau's (CFPB) website is a standout for non-English speakers: There is a Spanish subsite ([www.consumerfinance.gov/es/](http://www.consumerfinance.gov/es/)) that includes topics on building credit, buying a home and paying for college.

Consumer financial materials on a broad range of topics, including credit, taxes, remittances (sending money abroad), money management, mortgages and managing someone else's money (such as an aging parent or disabled relative), can be viewed in Arabic, Chinese, Haitian Creole, Korean, Tagalog, Russian, Vietnamese and English.

If you're buying a home or looking for advice regarding a mortgage, use the CFPB's housing counselor search tool ([www.consumerfinance.gov/find-a-housing-counselor/](http://www.consumerfinance.gov/find-a-housing-counselor/)). Enter your ZIP code for a list of HUD-approved counseling agencies in your area, including the services they specialize in and the languages they speak. Spanish speakers can also call the CFPB to locate a local Spanish-speaking housing counselor: 855-411-CFPB (2372).

To order or access free publications in over 10 languages from the CFPB, visit [bit.ly/2hlcezx](http://bit.ly/2hlcezx).

The Bureau has created a glossary of financial terms translated into Spanish ([bit.ly/2iBoihz](http://bit.ly/2iBoihz)) and Chinese ([bit.ly/2i4pBsm](http://bit.ly/2i4pBsm)). These are valuable tools for LEP consumers and the lenders, realtors and others who do business with them.

The CFPB has handled over a million consumer complaints since 2011. Questions, complaints and comments regarding financial products and services can be submitted to the Bureau in more than 180 languages by calling 855-411-2372.

The federal website LEP.gov ([www.lep.gov](http://www.lep.gov)) aims to be the U.S. government's one-stop-shop for links to resources for limited-English-speaking populations. It's geared to individuals and service providers. LEP.gov points you to translated resources broken down by government agency, such as Medicare's Spanish website ([bit.ly/2hujUVy](http://bit.ly/2hujUVy)), and links to each federal agency's language access plan. It summarizes LEP consumers' legal protections under the Civil Rights Act, and directs users how to file a complaint.

LEP.gov's search function ([bit.ly/2hKVray](http://bit.ly/2hKVray)) also allows users to find multilingual information by subject, such as education, housing, transportation, nutrition, state and local government and immigration.

The site's LEP mapping tools in-

clude static and interactive maps of the LEP population at the national, state and local levels to help users find the concentration of languages spoken by LEP individuals. It also explains the difference between an interpreter and a translator.

HUD, the U.S. Department of Housing and Urban Development ([www.hud.gov/offices/fheo/lep.xml](http://www.hud.gov/offices/fheo/lep.xml)), oversees public housing programs, community development and fair housing complaints. HUD offers publications in 14 languages on disaster relief, housing discrimination, residents' rights, buying a home, multifamily homes, etc. It also offers model lease forms and a renter's fact sheet in various languages.

HUD helps those who receive housing assistance gain access to language interpreters, and it accepts complaints in seven languages (Spanish, Arabic, Chinese, Russian, Vietnamese, Korean and English). You can file a complaint online ([bit.ly/2ibgynn](http://bit.ly/2ibgynn)) or by calling the Housing Discrimination Hotline at 800-669-9777.

The U.S. Department of Agriculture provides materials on the federal food stamp program (SNAP), including information about eligibility for school meals, in 36 languages ([bit.ly/2hukQZR](http://bit.ly/2hukQZR)).

It's critical that all U.S. residents be able to find help if they're a victim of a natural disaster. The Department of Homeland Security has translated its Federal Emergency Management Agency (FEMA) website ([www.fema.gov](http://www.fema.gov)) into 21 languages, including Dutch, Polish and Yiddish. Click on "Languages" on the left side of the homepage for access to recovery resources and safety tips.

The Consumer Product Safety Commission (CPSC) posts consumer product safety guides, recall alerts and videos in Spanish ([bit.ly/2iocy2P](http://bit.ly/2iocy2P)) on topics such as home goods, children's products and common household hazards. The site's "business and manufacturing" section helps businesses that make, import or distribute consumer products comply with government safety regulations, and is available in Spanish, Chinese and Vietnamese.

The CPSC occasionally produces materials in other languages on its safety guide pages ([bit.ly/2iASPjD](http://bit.ly/2iASPjD)). Spanish speakers can report an unsafe product or related injury and learn about product recalls by calling 800-638-2772.

The Equal Employment Opportunity Commission (EEOC) protects workers from discrimination in the workplace based on their race, color, religion or sex. The agency publishes notices describing the laws prohibiting job discrimination in English and seven other languages (Arabic, Chinese, Haitian Creole, Korean, Russian, Spanish and Vietnamese) ([www.eeoc.gov/eeoc/publications/index.cfm](http://www.eeoc.gov/eeoc/publications/index.cfm)). Workers can call 800-669-4000 to file a complaint about their employer in Spanish, or 844-234-5122 to submit complaints via American Sign Language (ASL) videophone for deaf and hard-of-hearing callers.

The Federal Communications Commission (FCC) posts consumer guides and alerts in Spanish ([fcc.gov/guidas-para-el-consumidor](http://fcc.gov/guidas-para-el-consumidor)) on topics such as its Lifeline low-income phone subsidies, consumer privacy and internet scams. Spanish speakers can file a fraud complaint by calling 888-225-5322. American Sign Language users may file at 844-432-2275.

The Federal Trade Commission (FTC) fights fraud and provides consumer protection tips for avoiding scams. FTC publications are available in 13 languages on topics including debt relief, shopping, scams, credit and loans, making money, online safety and security, and mortgage lending. The agency's entire website is available in Spanish ([www.ftc.gov/es](http://www.ftc.gov/es)), including a blog ([www.consumidor.ftc.gov/blog](http://www.consumidor.ftc.gov/blog)) and helpful videos ([www.consumidor.ftc.gov/recursos](http://www.consumidor.ftc.gov/recursos)). Spanish speakers can register their phone numbers on the national "Do Not Call" list ([bit.ly/2iey1h7](http://bit.ly/2iey1h7)) and report complaints or scams ([www.ftccomplaintassistant.gov](http://www.ftccomplaintassistant.gov); click "Español" to change the page to Spanish).

The National Labor Relations Board (NLRB) protects the rights of private-sector employees, with or without a union, to improve their wages and working conditions. Federal protections of employees' rights are available in Spanish at ([www.nlr.gov/espanol](http://www.nlr.gov/espanol)).

The Occupational Safety and Health Administration (OSHA) ensures safe working conditions for employees. Its website is available in Spanish, and Spanish speakers can call OSHA at 800-321-6742 to report unsafe working conditions, safety and health violations or to file a complaint. Several OSHA safety guides, including its *Guide for Nail Salon Workers* and *All About OSHA*, are available in Korean, Vietnamese and other languages ([bit.ly/2iBqO7C](http://bit.ly/2iBqO7C)).

The Federal Citizen Information Center provides its free Consumer Action Handbook ([bit.ly/2ef6prg](http://bit.ly/2ef6prg)) in Spanish. Use the handbook to find contacts at hundreds of companies, trade associations, government agencies and consumer organizations. Publications on a multitude of subjects, including parenting, employment and education, can be found in Spanish ([bit.ly/2ibqoFQ](http://bit.ly/2ibqoFQ)).

## Financial services

### Bank websites

Bank of America ([bit.ly/1T48yjI](http://bit.ly/1T48yjI)) and Wells Fargo ([www.wellsfargo.com/spanish/](http://www.wellsfargo.com/spanish/)) offer their entire websites in Spanish.

Chase ([www.chase.com/espanol](http://www.chase.com/espanol)) and U.S. Bank ([bit.ly/2iARzNn](http://bit.ly/2iARzNn)) have pages on personal checking and savings accounts, credit cards and home mortgages in Spanish.

Citibank ([citi.us/2fvz3Cb](http://citi.us/2fvz3Cb)) provides information on checking and savings accounts, credit cards and personal loans in Spanish. Click on Español to toggle between English and Spanish.

TD Bank ([espanol.tdbank.com/](http://espanol.tdbank.com/)) has checking and savings product information in Spanish.

PNC ([pnc.col/2fvpdA2](http://pnc.col/2fvpdA2)) offers limited information on personal banking and debit cards in Spanish. The bank also has short videos in Spanish ([pnc.col/2gm4UoL](http://pnc.col/2gm4UoL)) on mobile app banking, landline telephone banking and online banking.

### ATMs

Bank of America offers ATM language options in English, Spanish, Chinese, French, Korean, Portuguese and Russian.

Chase offers Chinese, French, German, Greek, Italian, Japanese, Korean, Polish, Portuguese, Russian, Spanish, Tagalog and Vietnamese.

Citi offers Chinese, Greek, Polish, Spanish and Hangul (Korean).

TD Bank offers English, French, Chinese, Italian and Portuguese.

Wells Fargo offers Spanish, Chinese, Korean, Vietnamese, Hmong, Russian and French.

U.S. Bank offers English, Spanish, Chinese and Japanese.

Once you select a language, all of these banks will save your preference for the next time you use an ATM.

### Mobile banking

Bank of America and Wells Fargo allow customers to select Spanish as their preferred language on their mobile app. (Choose "Language preference" under the app's profile settings.)

Chase's Spanish language option requires users to set the language preference on their phone.

### In-language tutorials

Though Key Bank does not offer its website in Spanish, the bank does have interactive, online tutorials ([keybank.everfi.com](http://keybank.everfi.com)) in Spanish that cover topics like cash management and borrowing/credit. Under four general categories, there are tutorials on checking and savings accounts, prepaid cards, credit scores, and car and student loans. (Click the wheel in the upper right corner of the video page to change the language from English to Spanish.) You don't need to be a Key Bank customer to use the free tutorials.

### Mortgage industry

Fannie Mae provides lenders with Spanish translations of a loan application, loan estimate, verification forms, closing disclosures, and a sample adverse action notice ([bit.ly/2hqK7Td](http://bit.ly/2hqK7Td)).

Freddie Mac offers first-time homebuyer videos and guides in Spanish on topics such as saving for a downpayment, as well as budgeting and tax tools ([bit.ly/2hL3UdN](http://bit.ly/2hL3UdN)). Its CreditSmart Español tutorial covers banking, building savings and credit, understanding credit scores and closing on a loan ([bit.ly/2iezwfs](http://bit.ly/2iezwfs)).

The National Association of Hispanic Real Estate Professionals (NAHREP) has a free Spanish-English real estate glossary for those selling or buying homes. Download the free guides ([nahrep.org/glossary/](http://nahrep.org/glossary/)) by entering your name, company and email address.

Wells Fargo ([www.wellsfargo.com/spanish/mortgage/](http://www.wellsfargo.com/spanish/mortgage/)) translates its mortgage services into Spanish and offers a Spanish-language customer service line at 866-551-0950.

Though not advertised on their sites, LendingTree (800-460-8109) and Flagstar Bank (800-968-7700) offer mortgage customers phone assistance in Spanish.

Citi Mortgage (800-248-4638), Nationstar Mortgage (888-824-2432) and U.S. Bank (800-872-2657) say their banks interpret any language upon customer request.

"Resources" continues on page 4



The American Community Survey conducted by the U.S. Census Bureau gathers data on languages other than English that are spoken in U.S. households.

## Meeting needs

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Language barriers can also exclude limited-English-speaking consumers from even the most basic financial services. According to FDIC data ([bit.ly/2i4LL7i](http://bit.ly/2i4LL7i)), about one-third (35 percent) of Spanish language-only households lacked bank accounts, while only 7 percent of other households were unbanked in 2013. For the average family, lack of access to mainstream banking services can cost them hundreds—even thousands—of dollars a year in “fringe” banking fees and higher interest rates on credit. LEP consumers often encounter hurdles getting customer assistance in their first language, as well.

### Growing attention

Real progress has been made in recent years to begin to fill the gaps for LEP consumers. The CFPB has been demonstrating its commitment to improving language access. The Bureau launched its Spanish language website (“CFPB en español”) in 2013, and has proposed a plan to provide LEP consumers with greater access to its programs and services, including translated documents (such as these five sample action letters on how to communicate with a debt collector in Spanish: <http://bit.ly/2iJzRY1>). The Bureau also offers assistance in 180 languages via its complaint hotline.

These activities by the nation’s consumer financial watchdog signal to financial services providers that the time has come to meet the needs of the country’s diverse population or face increased scrutiny. (For more information, see “What’s in the works,” page 2.)

Federal housing agencies and a few mortgage industry leaders have begun to better serve the LEP community. Some key mortgage

documents are being translated to help Spanish-language homebuyers. Rental leases are now available in a dozen languages. Glossaries of financial terms are being created to help lenders and buyers better understand each other across all types of consumer financial transactions. (For a list of language access resources, see page 3.)

### Language access

Despite the absence of a federal law around language access, several states mandate certain practices when offering financial products and services to LEP populations.

California requires that if certain types of credit, fee, rental and homeownership agreements are primarily negotiated in Chinese, Korean, Spanish, Tagalog or Vietnamese, the business has to provide the contract or agreement and subsequent documents in that same language. (Sales slips or monthly billing statements are excluded.) The California Department of Consumer Affairs posts the guide to the state’s foreign language translation requirements on its website ([bit.ly/2iBjDQE](http://bit.ly/2iBjDQE)). A handful of other states, including Arizona, Illinois, Oregon and Texas, have enacted laws to improve access to financial products and services for LEP consumers. For example, Illinois requires retailers to use a signed form if a consumer relies on an interpreter when a transaction is negotiated in another language. (The law does not apply to credit card transactions.)

### Industry concerns

Some companies have begun to demonstrate a commitment to language access but are resistant to the idea of regulation around the issue. While they undoubtedly want to attract and retain LEP customers, many in the financial services industry are concerned about liability and cost.

Some financial services companies

worry about how much language access is sufficient. They are concerned about the cost of having to translate an unlimited number of documents into countless languages, and worry that if, for example, they provide oral translation for one transaction, they might be required to offer all their services in-language, which could be expensive. Companies also worry about the legal liability of providing translations in one foreign language but not another.

Apart from state laws on certain financial transactions, currently companies can choose how much to invest in language access efforts—which programs and products to offer in other languages, which websites, documents and tools to translate, and which populations (languages) to serve.

Expansion of language access in private industry is not a given, but it is likely that companies serving LEP communities will continue to develop tools and programs, both to avoid government scrutiny and to improve their bottom line. ■

## Barriers

Continued from page 1

in their native language. Their story is one of the real-life examples laid out in an issue brief and companion paper drafted by consumer and housing advocates earlier this year seeking to draw more attention to the impact that lack of language access is having on LEP consumers.

Limited English proficiency refers to the limited ability to read, speak, write or understand English. This includes being deaf, hard of hearing, blind or visually impaired.

Multiple groups, including Consumer Action, have been urging government regulators and others to make key financial documents available in at least eight languages: Spanish, Chinese, Vietnamese, Korean, Tagalog, Russian, Arabic and Haitian Creole. These documents might include home loan origination and closing statements, hardship affidavits and loan modification applications.

Advocates have also made the case for improved access to translation (oral and written) and counseling and complaint services on a federal level.

Also important is that there be clear translations of both the language and financial terms being used, especially since certain industry terms, like “escrow,” “lien” and “foreclosure,” are not concepts that exist in some languages. (To find out what in-language resources are currently available, go to page 3.)

When the U.S. Federal Housing Finance Agency (FHFA) recently

conducted a regular 10-year review of its Uniform Residential Loan Application (URLA), the industry’s standard form used by most mortgage lenders, advocates from 126 housing, consumer and civil rights groups urged FHFA to add a question about the mortgage applicant’s preferred language.

The advocates’ goal, beyond a way to collect data about the language needs of mortgage applicants, was to ensure that the borrower’s language preference would be duly noted in loan documents and travel with the loan if it were transferred or sold.

Unfortunately, FHFA did *not* agree to include the question this time around, but has said it is seeking other, so far undefined, ways to assist LEP consumers.

Advocates also are urging the Consumer Financial Protection Bureau (CFPB) and the Department of Housing and Urban Development (HUD) to require lenders and servicers to provide and accept key financial documents in a borrower’s preferred language. Regulators are expected to start looking for signs of unintended discrimination based on “national origin,” which would violate the Fair Housing Act.

Consumer and housing groups are surveying lenders and meeting with mortgage industry leaders to see what language access efforts are already underway. Discussions are centering on which financial documents and services lenders can provide *and* accept to accommodate consumers whose primary language is not English. Advocates say a willingness to work with LEP consumers can help lenders avoid costly problems with bad loans and legal challenges.

The organizations collaborating on the language access policy include Americans for Financial Reform, Consumer Action, Empire Justice Center, MFY Legal Services, Inc., National CAPACD, the National Consumer Law Center (on behalf of its low-income clients), the National Council of La Raza, the National Fair Housing Alliance and the National Housing Resource Center. ■

## Resources

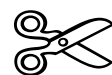
Continued from page 3

### Non-profit resources

Consumer Action helps consumers resolve complaints through its free advice and referral hotline ([bit.ly/CA\\_hotline](http://bit.ly/CA_hotline) or 415-777-9635). Leave a message in Chinese, English or Spanish with a brief description of your problem, and the state you live in, and one of the hotline counselors will return your email or call.

[LawHelp.org](http://LawHelp.org) refers people of low and moderate incomes to free and local legal aid programs and public interest law offices, and answers legal rights questions in Spanish ([espanol.lawhelp.org](http://espanol.lawhelp.org)).

Citizenshipworks ([www.citizenshipworks.org](http://www.citizenshipworks.org)) guides users through citizenship applications. (For Spanish, click “español” on the homepage.) Its support team offers non-legal assistance in English and Spanish, and will connect you to legal help if needed. Its mobile app provides information about naturalization, study tools for required exams, and calculators to help users with the citizenship process. The mobile app is in English, Spanish, Chinese and Korean. ■



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