



Breaking Barriers: Language Access Programs and the New Landscape for Businesses

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Hoy en día, en los Estados Unidos, el número de personas que habla el español u otro idioma que no sea inglés está creciendo rápidamente. De acuerdo al Censo de los Estados Unidos, unos 68 millones de personas no hablan inglés en sus casas. Aunque este número es el triple de lo que era en los 80s, se estima que este número seguirá creciendo y continuará a transformar la diversidad lingüística de los Estados Unidos. Eso significa que el paisaje de consumidores ha cambiado y los cambios podrían afectar su negocio.

Today, in the United States, the number of people who speak Spanish or a language other than English is growing rapidly. According to the United States Census, about 68 million people do not speak English at home. Although this number is triple what it was in the 1980s, it is estimated that this number will continue to grow and continue to transform the linguistic diversity of the United States. That means the consumer landscape has changed and the changes could affect your business.

This article's opening paragraph may have been difficult for most subscribers to understand, which is why we included the translation. The experience that English-speaking readers have with that paragraph mirrors the experience that many consumers in the United States have every day. However, with a shift in the country's demographics, one of the changes we will likely see is more Spanish (along with other languages, like Chinese, Vietnamese, Korean, and Tagalog), both spoken and written, in circumstances where traditionally we have seen only English. In fact, the number of Latinos in the United States who speak Spanish at home grew from 24.6 million in 2000 to 39.7 million in 2022 (61.38% growth). Over the next 30 years, the United States could become the country with the world's second-highest number of Spanish speakers.

Despite this change in the national (and, as a consequence, consumer) landscape, many governmental institutions and companies have been slow to adapt. But that is starting to change. As Secretary Xavier Becerra of the Department of Health and Human Services recently stated, when announcing HHS's updated language access plan:

“[T]he fact that kids still have the same experience I had of translating complex medical information for my parents is unacceptable. Children, family members, and others should not be held responsible for translating complicated and emotional information in order for their loved one to access needed care.... Language should never be a barrier....”

Like the HHS, other federal agencies have started to release updated language access plans. Relevant to the work of consumer financial services companies across the country, the Consumer

Financial Protection Bureau published its updated language access plan in November. The CFPB's language access plan outlines what the agency is doing to address the diverse language needs of the U.S. population and lists public enforcement actions involving communicating with and handling consumers with limited English proficiency ("LEP"). Of note, the CFPB's plan discusses its offerings, including "tools to educate" and to "empower consumers" to "make well-informed financial decisions." The CFPB's tools to support these communities include access to consumer financial information in a consumer's preferred language, thoughtfulness in addressing technical terms that may not have equivalent non-English terms, and avoiding confusing translations.

The CFPB's heightened focus on LEP programs builds not only on its own prior work to increase access to basic financial services information for LEP consumers but also on numerous and increasingly broad initiatives at the state level that have been in place for quite a while, especially in the vehicle finance space. For example, several states have long required that creditors provide translations of certain disclosures to consumers if they negotiated the transaction in a language other than English. Those more limited requirements gave way to broader translation requirements over the years such that, in a number of states, under certain circumstances, creditors have to provide translations of entire transaction documents if they negotiate in a language other than English. These evolving laws tracked the changes in the demographics of the United States, but they also helped creditors figure out that it was possible to reach underserved communities of LEP consumers with financial services products. In the past decade, increasing numbers of creditors created their own multilingual, multicultural credit programs designed to cater to an increasingly diverse U.S. customer base.

We expect this trend to continue, especially with increased attention to language access programs and fair lending issues among the federal regulators. Given the trends in regulation and the opportunities in the marketplace, businesses should be thinking about and developing the means to reach and interact with the changing consumer landscape. Those efforts could include:

- assessing your business's client base to evaluate the need for translations or services in other languages now and in the future;
- translating legal agreements and other regulated consumer communications;
- hiring customer service representatives who are fluent in languages other than English and having dedicated phone lines for those representatives; and
- developing training programs for employees in Spanish and cultural adaptations.

We expect the pace of regulatory expectations to stay steady or even increase in the coming years, so if your company does not yet provide services and/or documents in languages other than English, it may be time to look into the legal requirements in your state(s). By expanding language access in your company, you can ensure that your products and services reach more consumers and will continue to do so in the years ahead. 