

Section 16 FOUR FACTOR ANALYSIS FOR LIMITED ENGLISH PROFICIENT PERSONS AND LANGUAGE ASSISTANCE PLAN



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CITY OF MODESTO
FOUR FACTOR ANALYSIS FOR LIMITED ENGLISH PROFICIENT PERSONS
AND
LANGUAGE ASSISTANCE PLAN

(October 2017)

1. FOUR FACTOR ANALYSIS FOR LIMITED ENGLISH PROFICIENT PERSONS

1.1. In order to determine the needs of Limited English Proficient (LEP) persons in the jurisdiction of the City of Modesto (the City), the City conducted the following analysis defined by the U.S. Department of Housing and Urban Department (HUD):

2. Factor 1: Number or proportion of LEP persons served or encountered in the eligible service area:

2.1. The City obtained information from the U.S. Census Bureau’s American Factfinder website, as recommended by HUD, to gather data about the City’s overall population, as well as the population of LEP persons within the City and the primary languages spoken. The following results were obtained from the American Factfinder 2011-2015 American Community Survey 5-Year Estimates:

2.2.

Total Population 5 years and Over:	192,811
Total LEP Population 18 Years and Over:	23,121
Spanish Speaking LEP Population 18 Years and Over:	15,347
Asian and Pacific Island Languages 18 Years and Over:	3,488
Other Indo-European Language Speaking LEP Population 18 Years and Over:	2,347
Other LEP Speaking Population 18 Years and Over:	1,939

2.3. The above data demonstrates that approximately 66% (15,347) of the City’s LEP population is Spanish Speaking. This language group is the only one that meets the 1,000 or 5% requirement for written translation services as described in the Language Assistance Plan (LAP).

2.4. The next largest LEP population group is Asian and Pacific Island Languages which constitutes approximately 15% (3,488) of the City's LEP population. The Asian and Pacific Islander group consists of a combination of many different languages including, but not limited to, Chinese, Vietnamese, Hmong, Urdu, Bengali, and Korean. According to the U.S. Department of Education, the 3 most common Asian and Pacific Islander languages in the U.S., for which data was collected and reported, are Chinese, Vietnamese, and Hmong. According to the Statistical Atlas, in 2015 there were 962 Chinese LEP persons, 385 Vietnamese LEP persons, and 164 Hmong LEP persons in the City.

2.5. The next LEP population constitutes 10% (2,347) which consists of Indo-European language speakers. This population includes, but is not limited to, Albanian, Armenian, Baltic, Slavic, Germanic, and Greek.

2.6. It is not known what languages were categorized under the "Other LEP speaking population."

3. Factor 2: Frequency with which LEP persons come into contact with the program:

3.1. A review of the frequency of LEP persons contacting the City for the covered HUD housing programs revealed that approximately 4 out of 10 persons contacting the City were Spanish speaking. There were no records of any other language group contacting the City for the same programs.

3.2. The City's Community Development Division includes staff that speak Spanish and regularly provide oral interpretation services to customers who access the City's housing programs.

4. Factor 3: Nature and importance of the program, activity, or service provided by the program:

4.1. The services provided by the City's Community Development Division provide affordable housing opportunities via homebuyer assistance and owner occupied housing rehabilitation. These programs directly address General Plan/Housing Element goals as well as state and federal housing requirements.

5. Factor 4: Available resources and costs to the City:

5.1. Because the City has Spanish speaking staff, it is cost effective for the City to provide Spanish language translation of vital documents.

5.2. The City will utilize any documents provided by HUD in languages other than English.

5.3. The City will consider professional interpretation services to provide oral interpretation in languages other than Spanish, as needed.

6. LANGUAGE ASSISTANCE PLAN

6.1. Introduction

6.1.1. The City is committed to providing equal opportunity housing in a non-discriminatory manner, and to fully comply with all Federal, State and local nondiscrimination laws as well as with regulations governing Fair Housing and Equal Opportunity in housing and employment. This includes complying with Title VI of the Civil Rights Act of 1964 to ensure meaningful access to programs and activities by Limited English Proficient (LEP) persons.

6.1.2. The purpose of this LAP is to identify how the City will ensure its methods of administration will not have the effect of subjecting LEP persons to discrimination because of their national origin, and to ensure LEP persons have full access to City programs and services.

6.2. Who is LEP?

6.2.1. For purposes of this LAP, anyone whose primary language is not English, and has a limited ability to read, write, speak or understand English may be an LEP person.

6.2.2. The City will not identify anyone as an LEP person; the beneficiaries of the services and activities must identify themselves as an LEP person (Federal Register Vol. 72, No. 13, January 22, 2007).

6.3. Safe Harbor

6.3.1. "Safe Harbor" guidance provided by HUD states that written translations of vital documents should be provided for each eligible LEP language group that constitutes 1,000 or more of the eligible population in the market area or 5% of the eligible population.

6.3.2. It is important to note that the "Safe Harbor" concept only applies to the translation of documents. Failure to provide translation does not mean there is non-compliance. Oral interpretation may be an acceptable way of providing access when the translation of documents becomes so burdensome as to defeat the legitimate objectives of a program. Other considerations will be the importance of the service, benefit or activity, the nature of the information sought, and whether the proportion of the LEP persons served calls for written translations.

6.4. Service Area

6.4.1. The Service Area shall mean the Modesto City limits.

6.4.2. When considering written translations, the "Safe Harbor" evaluation will differ depending on the population the City is considering as follows:

6.4.3. When conducting outreach to the eligible population in the service area, the number and percentage of the eligible LEP population in the service area will be evaluated.

6.4.4. When working with program beneficiaries (i.e. applicants to City's housing programs), the number and percentage of LEP persons accessing the program will be evaluated.

6.5. Identification of Language Needs within the City

6.5.1. It was determined through review of the U.S. Census Bureau's American Fact Finder 2011-2015 American Community Survey 5-Year Estimates data, that the total LEP population 18 years of age and over in the City is 23,121.

6.5.2. Of the total LEP population, the largest LEP population is Spanish speaking with 15,347 (66% of LEP population) Spanish Speaking LEP persons.

6.5.3. A review of the frequency of LEP persons contacting the City for the covered HUD Housing programs revealed that approximately 4 out of 10 persons contacting the City within any given week were Spanish speaking. There were no records of any other language group contacting the City for the same programs.

6.5.4. To comply with the "Safe Harbor" rule, the City has determined that because there are more than 1,000 Spanish-speakers in the City who speak English less than very well, the City will translate vital documents into Spanish.

6.5.5. The next largest LEP population were persons who speak Asian and Pacific Islander languages (which consist of Chinese, Vietnamese, Hmong, Urdu, Bengali, and Korean among others) and identified themselves as speaking English "less than very well." This is a population of 3,488 or 15% of the overall LEP population. According to the U.S. Department of Education, the 3 most common Asian/Pacific Islander languages in the U.S. are Chinese, Vietnamese, and Hmong. According to the Statistical Atlas, in 2015 there were 962 Chinese LEP persons, 385 Vietnamese LEP persons and 164 Hmong LEP persons. The City has determined that because there are less than 1,000 people in each of the major Asian/Pacific Islander languages, the City will not translate vital documents into these languages. However, the City will provide oral interpretation as needed to LEP persons requesting such services.

6.5.6. The remaining LEP population consists of Indo-European language speaking and other LEP speaking populations for which data was not available. Written translation of vital documents into these languages will not be provided. The City will provide oral interpretation, as needed, to LEP persons requesting such services.

6.6. Written Translation

6.6.1. As stated above in Section V, the City has determined that because there are more than 1,000 *Spanish-speakers in the City who speak English less than very well, the City will translate vital documents into Spanish. As of the date of the adoption of this LAP, Spanish is the only language into which vital documents will be translated. This may subject to change upon updates of the LAP.

6.7. Vital Documents

6.7.1. HUD has defined “Vital Documents” to be those documents that are critical for ensuring meaningful access to the City’s major activities and programs by beneficiaries generally and LEP persons specifically.

6.7.2. In general, the City will attempt to translate all letters sent to Spanish speaking program applicants who are identified as LEP. However, the following is a list of documents the City has determined to be Vital Documents and has committed to translating into or providing HUD-approved versions in Spanish:

6.7.3. Public Hearing Notices related to Consolidated Plan, Annual Action Plan, Consolidated Annual Performance Evaluation Report, and Assessment of Fair Housing.

6.7.3.1.

Documents	Translation Turn Around
Consolidated Plan	30 calendar days from the date of request
Annual Action Plan	30 calendar days from the date of request
Consolidated Annual Performance Evaluation Report	30 calendar days from the date of request
Assessment of Fair Housing	30 calendar days from the date of request
Committee Agendas	14 days from the date of request
Committee Minutes	14 days from the date of request

6.7.4. The following Vital documents will be readily available translated into Spanish (and other languages as needed may be identified in the future):

6.7.4.1. Public Hearing Notices related to Consolidated Plan, Annual Action Plan, Consolidated Annual Performance Evaluation Report, and Assessment of Fair Housing.

6.7.4.2. Homebuyer Assistance Program Application

6.7.4.3. Citizen Participation Plan

6.7.4.4. Complaint Procedures

6.7.4.5. Homebuyer Assistance Program Brochure

6.7.4.6. Homeowner Rehabilitation Program Application

6.7.4.7. Homeowner Rehabilitation Program Brochure

6.7.4.8. Annual Monitoring Notices

6.8. Oral Interpretation

6.8.1. The City will make every effort to provide oral interpretation for all its clients who have identified themselves as LEP persons and request services.

6.9. Bilingual Staff

6.9.1. The City's Community Development Division employs bilingual, Spanish-speaking staff in several positions, including program management. Currently, the City's Community Development Division has four full-time Spanish-speaking staff.

6.9.2. In addition, the City has access to other bilingual City employees, including numerous Spanish-speaking staff, as well as staff members who speak: Hindi, Laotian, Hmong, French, Khmer, and Cambodian.

6.9.3. Bilingual employees must pass a competency test in the respective language in order to be designated as a bilingual person. This test consists of an oral question and answer session conducted in an oral panel interview setting by Certified City employees.

6.10. Interpreter Services

6.10.1. When there is not a City staff person who speaks the LEP person's primary language, the City will seek interpretation through a professional interpreter service.

6.10.2. In the event the LEP person's primary language is not widely spoken and the City is unable to locate a suitable interpreter through a professional interpreter service, the City may resort to other methods such as seeking community volunteers.

6.10.3. As a last resort in cases where the City is unable to find an acceptable interpreter within a time frame to effectively assist the client, the City may use an online translation website in order to communicate via an in-office computer.

6.11. Informal Interpreters

6.11.1. The City will generally discourage the use of family members or other informal interpreters, but will allow the use of an interpreter of the LEP person's choosing (including family members or a professional interpreter at the LEP person's own expense) when the LEP person rejects the City's free language assistance services. The City will document the offer and the LEP person's subsequent rejection.

6.12. Outreach

6.12.1. The City will conduct outreach to LEP persons as follows:

6.12.1.1. The City will provide notification to LEP persons of the availability of translation assistance services (both interpretation and translation) through public notices published in conjunction with the Annual Action Plan.

6.12.1.2. The City will provide a link on the City website to HUD translated materials site.

6.12.1.3. The City will provide its subrecipients with technical assistance regarding their responsibilities to provide language assistance services to individuals in their programs and request information from them through program monitoring on how they are providing outreach to LEP persons.

6.13. Staff Training on LEP guidance and the LAP, including specific provisions for training staff that are responsible for monitoring subrecipients.

6.13.1. The City will ensure that staff are given proper LEP training so that they are aware of their obligations to provide access to information and services for LEP

persons. Staff associated with HUD Funded programs will require a more in-depth training, and the City will ensure that such staff persons have been trained on providing language assistance and/or obtaining language assistance for LEP individuals. Training for these individuals will include the following:

- 6.13.1.1. Staff persons will be training on language assistance requirements by being made aware of applicable laws and resources.
- 6.13.1.2. Staff persons will be provided with a copy of the Four Factor Analysis and Language Assistance Plan, and will be informed when such information is updated.
- 6.13.1.3. Staff person will be informed of other staff persons who are proficient in providing language assistance, and receive instructions on actions to take when LEP individuals are encountered, including instructions on the use of the language line.
- 6.13.1.4. Front desk receptionists will be trained on the use Language Line and on use of language identification cards, or “I speak cards”, which invite LEP persons to identify their language needs. I speak cards will be kept at the front desk.
- 6.13.1.5. All staff persons that monitor subrecipient’s will be trained on examining the efforts of subrecipients to comply with LEP requirements. This will include the following: (1) evaluating whether the subrecipient has completed a Four Factor Analysis; (2) determining whether such Four Factor Analysis necessitated the preparation of a Language Assistance Plan; (3) determining whether subrecipient provided language assistance outreach and services as identified in the Language Assistance Plan; and (4) determining whether Vital Documents have been made available in appropriate languages.
- 6.13.1.6. Supervisors and managers will be trained on language assistance requirements so that they can reinforce the importance of compliance and ensure implementation by staff.

6.14. Recipients of HUD Funds From the City

- 6.14.1. The City will monitor that the any recipient

6.15. Monitoring and Updating of This LAP

- 6.15.1. The City will review/revise this LAP on an as needed basis, but no less than every five years to ensure the populations of the various language groups within the jurisdiction and their needs are reflected in the provision of primary-language services.