



## ESG Limited English Proficiency Guide

### Purpose

This Limited English Proficiency (LEP) Guide is intended to provide Continua of Care (CoCs) (subrecipients of the ESG-CV program) with resources to understand how LEP requirements apply and provide tools to assist them in meeting those requirements.

LEP persons are those whose proficiency in speaking, reading, writing, or understanding English is such that it would deny or limit their meaningful access to ESG-CV programs and activities provided by the CoC, if language assistance were not provided.

The LEP requirements are established pursuant to [Executive Order 13166](#), "Improving Access to Services for Persons with Limited English Proficiency," Title VI of the Civil Rights Act of 1964, and the Department of Housing and Urban Development's (HUD) [Final Guidance](#) to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, dated January 22, 2007, and effective February 21, 2007.

Executive Order 13166 was adopted to ensure meaningful access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency. National origin means the geographic area in which a person was born or from which their ancestors came. Nearly all LEP persons are LEP because either they or their family members are from non-English speaking geographical area.

Due to the close nexus between LEP and national origin, the distinctions between intent and effects claims involving LEP and national origin are often subtle and may be difficult to discern. It is important to note that U.S. citizenship and LEP should not be used interchangeably. For instance, it is possible for a person to be a citizen *and* LEP, or for a person to be fluent in English but not a U.S. citizen. The LEP regulations apply equally to citizens, residents, and undocumented non-citizens.

### Policy

HCD follows the Safe Harbor rule, contained in HUD's final guidance, to determine when to provide translation of vital documents. The Safe Harbor rule for written translation of vital documents is based on the number and percentages of the eligible population in a service area, or current LEP beneficiaries and applicants.

Per the Safe Harbor rule, HUD expects translation of vital documents to be provided when the eligible LEP population in the service area or current beneficiaries exceed 1,000 persons, or if it exceeds 5 percent of the eligible population. In cases where more than 5 percent of the eligible

population speaks a particular language but fewer than 50 people are affected, there should be a translated written notice of the person's right to an oral interpretation.

To ensure the appropriate targeting of resources, CoCs are responsible for conducting a Four Factor Analysis, developing a Language Access Plan (LAP), and adopting language assistance measures that adequately address the LEP needs of the people in their service area.

**CoC Name**

**Date**

## **Language Access Plan**

### **Introduction**

As a subrecipient of ESG-CV funding, CoC Name is required to take reasonable steps to ensure meaningful access to its programs by Limited English Proficiency (LEP) persons. The following Four Factor Analysis is the starting point for developing a Plan which balances LEP needs and language assistance measures provided.

LEP persons are those whose proficiency in speaking, reading, writing, or understanding English is such that it would deny or limit their meaningful access to ESG-CV programs and activities provided by the CoC, if language assistance were not provided.

The LEP requirements are established pursuant to [Executive Order 13166](#), "Improving Access to Services for Persons with Limited English Proficiency," Title VI of the Civil Rights Act of 1964, and the Department of Housing and Urban Development's (HUD) [Final Guidance](#) to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, dated January 22, 2007, and effective February 21, 2007.

Executive Order 13166 was adopted to ensure meaningful access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency. National origin discrimination has been interpreted broadly to include the denial of meaningful access to a program because of an individual's, or their ancestor's, place of origin. This includes whether that person has the physical, cultural, or linguistic characteristics of a national origin group.

### **Four Factor Analysis**

Factor 1: The number or proportion of LEP persons eligible to be served or likely to be encountered by the programs

*Guidance:* Of critical concern for the development of this Plan is data on the language spoken at home for the geography in the intended service area. This demographic data can be accessed via the Census Bureau's [American Community Survey](#) (ACS) Table S1601: Language Spoken at Home. For further guidance on obtaining demographic data, please review the [LEP Data Resources and Instructions Guide](#).

Utilizing this data, CoC's should populate the "Language Spoken at Home" table below to reflect the total number and percentage for each language group within their service area.

To evaluate the number and proportion of LEP persons eligible to be served or likely to be encountered by the ESG-CV programs, the CoC used the U.S. Census Bureau's American

Community Survey (ACS) to evaluate the language spoken at home within the CoC’s service area.

ACS Data used for this analysis was for the 5-year period of 20xx – 20xx.

<b>Language Spoken at Home</b>		
	<b>Number</b>	<b>Percent</b>
<b>Population 5 years of age and over</b>		
English only		
Language other than English		
Speaks English less than “very well”		
Spanish		
Speaks English less than “very well”		
Other Indo-European languages		
Speaks English less than “very well”		
Asian and Pacific Islander languages		
Speaks English less than “very well”		
Other languages		
Speaks English less than “very well”		

*Guidance:* The “Language Spoken at Home” table above provides data on four (4) major language groups employed by the ACS. Utilizing the “Size of Language Group – Recommended Provision of Language Assistance” table below as a guide, identify whether any of the four (4) major language classifications contain an eligible population exceeding the 1,000 person or 5 percent safe harbor threshold.

If so, further review of said language group is required to determine the specific languages that will require LEP translation services.

**SUMMARIZE FINDINGS OF TABLE ABOVE**

<b>Size of Language Group – Recommended Provision of Language Assistance</b>	
1,000+ of the eligible population in the service area, or among current beneficiaries	Translate vital documents
> 5% of the eligible population or beneficiaries, <i>and</i> 50+ in number	Translate vital documents
> 5% of the eligible population or beneficiaries, <i>and</i> 50 or less in number	Translate written notice of right to receive free oral interpretation of documents

5% or less of the eligible population or beneficiaries, <i>and</i> less than 1,000 in number	No written translation is required
----------------------------------------------------------------------------------------------	------------------------------------

*Guidance:* If further examination is necessary, the demographic data can be accessed via the Census Bureau’s [American Community Survey](#) (ACS) Table B16001: Language Spoken at Home by Ability to Speak English for Population 5 Years and Older.

Utilizing this data, CoC’s should complete the “CoC Service Area Language Detail” table below to identify the specific language needs of the population in the intended service area.

CoC Service Area Language Detail			
Language	Estimate	Margin of Error	% of Eligible Population
Total:			
Speak only English			
Spanish or Spanish Creole:			
Speak English "very well"			
Speak English less than "very well"			
French (incl. Patois, Cajun):			
Speak English "very well"			
Speak English less than "very well"			
Haitian:			
Speak English "very well"			
Speak English less than "very well"			
Italian:			
Speak English "very well"			
Speak English less than "very well"			
Portuguese or Portuguese Creole:			
Speak English "very well"			
Speak English less than "very well"			
German:			
Speak English "very well"			
Speak English less than "very well"			
Yiddish, Pennsylvania Dutch, or other West Germanic languages:			
Speak English "very well"			
Speak English less than "very well"			
Greek:			
Speak English "very well"			
Speak English less than "very well"			
Russian:			

CoC Service Area Language Detail			
Language	Estimate	Margin of Error	% of Eligible Population
Speak English "very well"			
Speak English less than "very well"			
Polish:			
Speak English "very well"			
Speak English less than "very well"			
Serbo-Croatian:			
Speak English "very well"			
Speak English less than "very well"			
Ukrainian or other Slavic languages:			
Speak English "very well"			
Speak English less than "very well"			
Armenian:			
Speak English "very well"			
Speak English less than "very well"			
Persian:			
Speak English "very well"			
Speak English less than "very well"			
Gujarati:			
Speak English "very well"			
Speak English less than "very well"			
Hindi:			
Speak English "very well"			
Speak English less than "very well"			
Urdu:			
Speak English "very well"			
Speak English less than "very well"			
Other Indic languages:			
Speak English "very well"			
Speak English less than "very well"			
Other Indo-European languages:			
Speak English "very well"			
Speak English less than "very well"			
Chinese (includes Mandarin, Cantonese):			
Speak English "very well"			
Speak English less than "very well"			
Japanese:			
Speak English "very well"			
Speak English less than "very well"			
Korean:			

CoC Service Area Language Detail			
Language	Estimate	Margin of Error	% of Eligible Population
Speak English "very well"			
Speak English less than "very well"			
Mon-Khmer, Cambodian:			
Speak English "very well"			
Speak English less than "very well"			
Hmong:			
Speak English "very well"			
Speak English less than "very well"			
Thai:			
Speak English "very well"			
Speak English less than "very well"			
Laotian:			
Speak English "very well"			
Speak English less than "very well"			
Vietnamese:			
Speak English "very well"			
Speak English less than "very well"			
Other Asian languages:			
Speak English "very well"			
Speak English less than "very well"			
Tagalog:			
Speak English "very well"			
Speak English less than "very well"			
Other Pacific Island languages:			
Speak English "very well"			
Speak English less than "very well"			
Navajo:			
Speak English "very well"			
Speak English less than "very well"			
Other Native North American languages:			
Speak English "very well"			
Speak English less than "very well"			
Hungarian:			
Speak English "very well"			
Speak English less than "very well"			
Arabic:			
Speak English "very well"			
Speak English less than "very well"			
Hebrew:			





Language Focus Groups		

**Factor 2: The frequency with which LEP individuals encounter the programs**

*Guidance:* The next exercise is to determine the extent to which the CoC's and service providers engage with or provide services to LEP individuals. Review program participation data and staff experiences to complete the table below. Identify all ESG-CV programs to be implemented that directly serve beneficiaries in the public and the frequency with which they engage with them.

Please note that while the table below has been pre-populated, CoC's are responsible for ensuring the information provided is accurate and applicable to their programs.

The CoC conducts a wide variety of programs utilizing HUD funding resources. While programs and their respective beneficiaries vary from year to year, the general frequency of clientele contact remains relatively consistent as noted in the table below.

Program Component	Direct client assistance	Frequency of public contact
Street Outreach	Yes	Daily
Emergency Shelter	Yes	Daily
Rapid Re-housing/ Homeless Prevention	Yes	Bi-Monthly
HMIS	No	Never
Administration	Yes	Monthly

The above data, staff experiences, and program participation data reveal the greatest need for LEP assistance is within the LIST LANGUAGE FOCUS GROUPS FROM FACTOR 1 speaking communities. As ESG-CV funded activities, LIST ESG-CV PROGRAMS THAT PROVIDE DIRECT CLIENT ASSISTANCE, and Administration activities have the greatest expectation of contact with LEP persons. Consequently, the CoC has an enhanced duty to ensure reasonable access to these programs and services for LEP persons.

**Factor 3: The nature and importance of the service provided by the programs**

*Guidance:* Complete the table below by entering a description of the benefits of each ESG-CV program to be implemented. Then, indicate whether there would be a negative impact to LEP person's ability to meaningfully access the program benefits absent the provision of language assistance measures.

ESG-CV funded activities have the potential to positively impact the lives of all the residents of the service area. More specifically, the following ESG-CV funded activities provide substantial direct benefits to participants:

<b>Program</b>	<b>Benefits</b>	<b>Negative impact absent LEP services?</b>
Street Outreach		
Emergency Shelter		
Rapid Re-housing/ Homeless Prevention		

The ESG-CV Administration activities provide administrative oversight, and as such are responsible for the citizen participation process for these federally funded activities.

Factor 4: The resources available to the subrecipient and costs

*Guidance:* The CoC and service providers are responsible for taking all reasonable steps to ensure meaningful access for LEP persons to ESG-CV programs and activities. First, identify existing staff that speaks any of the identified “Language Focus Groups” that would be available to provide oral interpretation services at the facilities where ESG-CV activities are to occur.

The CoC currently has staff available for the provision of oral interpretation services in the following languages at the facilities where ESG-CV programs are to occur.

<b>Program</b>	<b>Staff Member</b>	<b>Language(s) Spoken</b>
Street Outreach		
Emergency Shelter		
Rapid Re-housing/ Homeless Prevention		
Administration		

**SUMMARIZE LANGUAGE FOCUS GROUPS NOT COVERED BY CURRENT STAFF**

*Guidance:* The next step is to list the vital documents for each ESG-CV program that directly serves LEP individuals.

“Vital documents” are those that are critical for ensuring meaningful access by beneficiaries or potential beneficiaries generally and LEP persons specifically, to ESG-CV activities. Vital documents contain information that is critical for obtaining or maintaining services or benefits to the LEP populations they serve. Such documents may include but are not limited to outreach materials, applications, consent and complaint forms, notices of participant rights and responsibilities, notices of denial, loss, or decreases in benefits or services, disciplinary notices, letters or notices that require a response from the participant or beneficiary, hearing notices, legal notices, notices of public hearings, especially those that meet HUD’s

Community and Planning Development citizen participation requirement, leases and tenant rules, applications to participate in a federally funded program or activity or to receive benefits or services, and notices advising LEP persons of the availability of free language services.

The table below lists the vital documents for each ESG-CV program that directly serves clientele for which the absence of language services may negatively impact LEP person's ability to meaningfully participate and access the benefits of the program.

<b>Program</b>	<b>Vital Documents</b>
Street Outreach	Intake Form; Marketing
Emergency Shelter	Intake Form; Marketing
Rapid Re-housing/ Homeless Prevention	Evaluation Form; Marketing
Administration	Proposed Plan/ Reporting

*Guidance:* If the availability of both financial and human resources is limited, reasonable steps may no longer be reasonable when the costs imposed substantially exceed the benefits. If a CoC wants to make the case that it is not able to address the needs of LEP populations, it must document why providing these services constitutes an undue administrative or financial burden. This documentation may include a comparison of the estimated cost of translation and interpretation services with the organization's operating budget.

If a CoC is unable to meet its obligation to provide services to LEP populations, then it must also document how it is collaborating and partnering with other CoC's to provide necessary language services to its clients.

IF APPLICABLE, SUMMARIZE WHY PROVIDING THESE SERVICES WOULD RESULT IN AN UNDUE ADMINISTRATIVE OR FINANCIAL BURDEN FOLLOWED BY AN EXPLANATION OF EFFORTS TO COLLABORATE WITH OTHER COC'S

### **Language Access Plan**

Based on the "Four Factor Analysis," the greatest need for LEP resources is in the provision of LIST LANGUAGE FOCUS GROUPS language translation services especially for LIST ESG-CV PROGRAMS THAT PROVIDE DIRECT CLIENT ASSISTANCE. To meet these needs, the CoC will implement responsible measures that provide the following:

*Guidance:* Below are some examples of appropriate language assistance services that CoCs may consider providing to their clientele. The CoC should list the language assistance services deemed most relevant and necessary.

1. Identify a CoC LAP Coordinator responsible for ensuring that applicable and relevant LEP services are conducted.

2. Providing free oral interpretation services at the various facilities providing services. A key consideration for this service is the competency of the interpreter such as their age, certification status, and relation to the LEP persons.
3. While interpretation services are generally available, enhanced efforts are generally required in the provision of translation services for vital documents. As necessary, the CoC shall perform written translations for all documents deemed vital for each program offered for all the language needs identified in the Four Factor Analysis. The CoC further commits to encouraging service providers, who anticipate or experience frequent contact with LEP persons, to translate outreach and vital documents so long as sufficient resources are available. Interpretive services and document translation shall be an eligible ESG-CV project delivery cost.

Where larger documents are encountered which contain both vital and non-vital information, and the provision of multiple translations is not deemed to be a responsible available option, the document shall minimally contain translations in the appropriate languages of the contact information directing LEP persons to available interpretation or translation services.

Where HUD or other forms have been translated, and participant signature is required, the participant shall sign the English version of the form as the legally binding document, with the language translation version attached. Translations which require signature shall carry the disclaimer that: "This document is a translation of a HUD-issued and/or required document. This translation is provided to you merely as a convenience to assist in your understanding of your rights and obligations. The English language version of this document is the official, legal, controlling document. This translated document is not an official document."

4. Where feasible, provide a posted sign in intake areas advising of the availability of free LEP language services.
5. To the extent feasible, for LEP impacted populations, provide native language notices in English and/or non-English media of general circulation within the service area, as available.
6. Conduct targeted outreach to the LEP populations via community contacts, ethnic and foreign media (as available), or other available means.
7. As necessary, provide staff training on the requirements of this plan, and its effective implementation at the staff, program, and project level; inclusive of:
  - a. Sensitivity to an LEP person's needs
  - b. Internal and external translation and interpretation resources available and the methods of accessing them

- c. CoC protocols and network (internal staff and external third-party providers) for addressing and processing LEP inquiries (oral [phone or in-person] or written)
8. Insert “tag lines” on all printed outreach materials indicating the availability of free translation and interpretation services.
9. Explore access to community-based services, which provide needed translation and interpretation services for the languages identified in Four Factor Analysis.
10. As necessary, assist the service providers in assessing their potential LEP translation needs, and in developing an appropriate course of action based on that assessment.

### **Monitoring and Update**

The LAP shall be reviewed and updated every two years or more frequently if determined necessary by the State of California or by the CoC to ensure conformance with all statutory requirements, monitor changes in the language characteristics of its population, and evaluate its effectiveness, and modify as necessary to accommodate changes to federally funded programs and projects.

### **Resources**

[DOJ Planning Tool](#)

[HUD LEP Resources](#)