Limited English Proficiency (LEP)

2018 CDBG-DR Problem Solving Clinic
Atlanta, GA | December 12-14, 2018
Welcome & Speakers

• Session Objectives
  • To help grantees understand the limited English proficiency requirements and how to develop a Language Assistance Plan (LAP)

• Speakers
  • Jason Chang, HUD
  • Tzeitel Andino-Caballero, HUD
What is Limited English Proficiency (LEP)?

- Individuals protected from national origin discrimination under Title VI of the Civil Rights Act of 1964
- No person in the United States shall, on the grounds 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
  - 42 U.S.C. § 2000d

- Supreme Court recognized in 1974 the obligation to provide meaningful access to LEP persons.
- The Court found a school district that received federal funds violated Title VI by failing to take reasonable steps to ensure meaningful access to an education for Chinese-speaking students who were LEP.
What is LEP?

• Protected individuals include:
  • Persons with limited English proficiency, who are persons who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English
  • May be citizens or non-citizens
What does Title VI require for LEP persons?

• Title VI requires recipients of federal financial assistance take reasonable steps to ensure that LEP persons have meaningful access to their programs and activities.
# LEP Texas

<table>
<thead>
<tr>
<th></th>
<th>Total</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population 5 years and over</td>
<td>24,985,749</td>
<td>(X)</td>
</tr>
<tr>
<td>Speak only English</td>
<td>16,192,095</td>
<td>64.8%</td>
</tr>
<tr>
<td>Speak a language other than English</td>
<td>8,793,654</td>
<td>35.2%</td>
</tr>
<tr>
<td>Spanish</td>
<td>7,373,797</td>
<td>29.5%</td>
</tr>
<tr>
<td>Other Indo-European languages</td>
<td>528,617</td>
<td>2.1%</td>
</tr>
<tr>
<td>Asian and Pacific Island languages</td>
<td>695,204</td>
<td>2.8%</td>
</tr>
<tr>
<td>Other languages</td>
<td>196,036</td>
<td>0.8%</td>
</tr>
</tbody>
</table>

American FactFinder Table S1601, Language Spoken at Home, 2012-2016 American Community Survey
## LEP US Virgin Islands

<table>
<thead>
<tr>
<th></th>
<th>Total</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Population 5 years and over</strong></td>
<td>98,905</td>
<td>(X)</td>
</tr>
<tr>
<td>Speak only English</td>
<td>70,864</td>
<td>71.6%</td>
</tr>
<tr>
<td><strong>Speak a language other than English</strong></td>
<td>28,041</td>
<td>28.4%</td>
</tr>
<tr>
<td>Spanish</td>
<td>16,994</td>
<td>17.2%</td>
</tr>
<tr>
<td>French</td>
<td>8,541</td>
<td>8.6%</td>
</tr>
<tr>
<td>Other languages</td>
<td>2,506</td>
<td>2.5%</td>
</tr>
</tbody>
</table>

*American FactFinder Table DP-2, Profile of Selected Social Characteristics: 2010 U.S. Virgin Islands Demographic Profile Data*
# LEP Florida

<table>
<thead>
<tr>
<th>FLORIDA</th>
<th>Total</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population 5 years and over</td>
<td>18,840,238</td>
<td>(X)</td>
</tr>
<tr>
<td>Speak only English</td>
<td>13,512,487</td>
<td>71.7%</td>
</tr>
<tr>
<td>Speak a language other than English</td>
<td>5,327,751</td>
<td>28.3%</td>
</tr>
<tr>
<td>Spanish</td>
<td>3,936,129</td>
<td>20.9%</td>
</tr>
<tr>
<td>Other Indo-European languages</td>
<td>965,349</td>
<td>5.1%</td>
</tr>
<tr>
<td>Asian and Pacific Island languages</td>
<td>297,950</td>
<td>1.6%</td>
</tr>
<tr>
<td>Other languages</td>
<td>128,323</td>
<td>0.7%</td>
</tr>
</tbody>
</table>

American FactFinder Table S1601, Language Spoken at Home, 2012-2016 American Community Survey
LEP Puerto Rico (reverse – limited Spanish Proficiency)

<table>
<thead>
<tr>
<th>Puerto Rico</th>
<th>Total</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population 5 years and over</td>
<td>3,345,832</td>
<td>(X)</td>
</tr>
<tr>
<td>Speak a language other than English</td>
<td>3,161,153</td>
<td>94.5%</td>
</tr>
<tr>
<td>Spanish</td>
<td>3,155,521</td>
<td>94.3%</td>
</tr>
<tr>
<td>Speak only English</td>
<td>184,679</td>
<td>5.5%</td>
</tr>
</tbody>
</table>

American FactFinder Table S1601, Language Spoken at Home, 2012-2016 American Community Survey
Who must comply with Title VI LEP obligations?

• All programs and operations of entities that receive federal financial assistance, including but not limited to state agencies, local agencies and for-profit and non-profit entities, must comply with the Title VI requirements.
• Subrecipients must also comply (i.e. when federal funds are passed through a recipient to a sub-recipient)
• Recipients and subrecipients must ensure compliance when activities are carried out through contractual arrangements
Some Covered Activities . . .

• Recipients of CDBG-DR and other HUD assistance engaging in:
  • disaster management and emergency preparedness, response, mitigation & recovery activities
• Recipients must ensure that individuals and communities affected by disasters do not face unlawful discrimination on the basis of national origin (including LEP) in violation of Title VI
Meaningful Opportunities

• Recipients are required to take reasonable steps to ensure meaningful access to their programs and activities
  • Complete a Four Factor Analysis
  • Develop a Language Assistance Plan (LAP)
  • Engage in targeted outreach
Four Factor Analysis

• Number or proportion of LEP persons in the community to be served or likely to be encountered by the program or recipient;
• Frequency with which LEP persons come into contact with the program activity or service;
• Nature and importance of the service, information, program and/or activity; and
• Recipient’s financial and human resources, and the costs of language service options
Language Assistance Plan (LAP)

• Develop and maintain a periodically updated written plan on language assistance and other services for LEP persons

• Visit [www.lep.gov](http://www.lep.gov) for helpful resources in developing an LAP
LAP Best Practices

• Identifying LEP persons needing language assistance and the specific assistance that they need
• Identifying the points and types of contact the agency and staff may have with LEP persons
• Identifying ways in which language assistance will be provided;
• Outreaching effectively to the LEP community
• Training staff
LAP Best Practices (cont.)

• Determining which documents and informational materials are vital & translating these:
  • Program benefits and restrictions
  • Application process
  • Brochures, websites, applications
  • Notification of benefits or denials
  • Marketing materials
  • Appeal rights
  • Model leases in funded housing projects
LAP Best Practices (continued)

• Providing appropriately translated notices to LEP persons (e.g., eviction notices, emergency plans);
• Providing interpreters or interpretation services (do not rely on family members);
• Developing community resources, partnerships and other relationships to help provide language services; and
• Making provisions for monitoring and updating the LAP, including seeking input from LEP beneficiaries and communities on how it is working and on what other actions should be taken.
Why Plan?

- Where a recipient does not implement any language assistance policy but instead leaves individual employees untrained and uninformed to do what they will, the result may be that these employees will often fail to provide appropriate assistance.

Language Assistance Examples

• “I Speak ___?___” cards in minority languages (more on next slide)
• Publicizing language rights in flyers, posters and/or citizen notices
• Volunteers’ database of qualified bilingual or multilingual persons
• Translated vital documents
• Telephone interpreter service
• Agency-wide protocols for tracking citizens’ language needs, and coordinating language services (e.g., interpreters)
“I Speak” Best Practice

• The “I Speak” card in Portuguese, for example, would read in Portuguese as follows: “The language I speak is Portuguese. Please find someone who is fluent so that I may communicate effectively. Thank you.”

• Language-specific cards should inform the reader on the use of the card on one side, while instructing staff (on the other side and in their vernacular language) which procedures to follow to assist the card holder.
Targeted Outreach

- Consistent, robust and direct outreach and engagement with diverse racial, ethnic and linguistic minority populations, community and faith-based organizations, civil legal aid and ethnic media outlets
- Disseminate emergency planning; disaster response, mitigation and recovery; and raise awareness of available disaster assistance and applicable eligibility standards
Outreach Best Practices

• Disseminate information through newspapers and social media serving diverse communities such as ethnic radio and foreign-language media outlets
• Accommodate nontraditional work schedules and transportation needs by holding meetings at various times and locations that are accessible by public transit
• Provide translated materials about emergency services & housing assistance through hotlines
• Provide interpreters at public meetings & forums
• Post information about restoration programs, planned actions, damage studies, data collection efforts & findings on public websites and other venues, including local ethnic markets and businesses.
  • Make this information available in a manner that provides reasonable & timely notice, as well as meaningful opportunity for public comments
Additional Resources

- The Department of Justice’s LEP Information Clearinghouse [www.lep.gov](http://www.lep.gov)
- Checklist for Recipients of Federal Financial Assistance available at [https://www.fema.gov/media-library-data/1471538869769-228244410bbfe57f8f6cd2b0e613e80c/CHECKLIST2.pdf](https://www.fema.gov/media-library-data/1471538869769-228244410bbfe57f8f6cd2b0e613e80c/CHECKLIST2.pdf)
- Tips and Tools for reaching LEP Communities available at [https://www.fema.gov/media-library-data/1471536512732-75b0d31e70b1c8270c0df0b8cf7b4129/TIPsndOOLS.pdf](https://www.fema.gov/media-library-data/1471536512732-75b0d31e70b1c8270c0df0b8cf7b4129/TIPsndOOLS.pdf)
- Guidance to State, Local Governments, Other Federally Assisted Recipients Engaged in Emergency Preparedness available at [https://www.fema.gov/media-library-data/1471536378675-75b0d31e70b1c8270c0df0b8cf7b4129/GUIDANCE.pdf](https://www.fema.gov/media-library-data/1471536378675-75b0d31e70b1c8270c0df0b8cf7b4129/GUIDANCE.pdf)
- HUD’s LEP FAQs at [https://www.hud.gov/program_offices/fair_housing_equal_opp/promotingfh/lep-faq](https://www.hud.gov/program_offices/fair_housing_equal_opp/promotingfh/lep-faq)
Questions

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