

LIMITED ENGLISH PROFICIENCY GUIDANCE
FOR HOME APPLICANTS

In Compliance with:

- Section 601 of Title VI the Civil Rights Act of 1964 (LEP Statutory Authority) “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.”

And

- Executive Order 13166 (Issued in the Federal Register 65 FR 50121 on August 16, 2000) Mandates improved access to federally assisted programs and activities for individuals who, as a result of national origin, are limited in their English proficiency.

Grantees are required to make reasonable efforts to provide language assistance to ensure meaningful access for LEP persons to the contractor’s programs and activities that has any federal financial assistance.

DCED is providing this guide to its grantees of federal financial assistance to aid in the analysis of determining if the beneficiaries of the proposed projects have limited English proficiency. Please use the following template to document your analysis of your program or activity and to determine if the certification can be signed by the grantee as not having an affected population or if a Language Access Plan is required. *DCED will provide additional guidance if necessary.*

For Direct HUD Entitlement Communities under the Community Development Block Grant Program applying for Pennsylvania funding under the HOME Grant:

If your county or municipality is a direct recipient of federal CDBG funding from HUD (**Not** Pennsylvania), then they must be in compliance with the Limited English Proficiency Regulations. DCED is not requiring you, the grantee for the HOME program, to complete a second set of documents for your application. In order to not have to complete the following LEP compliance exercise for your application, **you must submit** the Four Factor Analysis and/or Language Access Plan currently in place for the LEP requirement in your county/municipality along with the following certificate signed by the Chief Elected Official. If the grantee **does not** have these documents, then they must complete and submit the attached guidance with their application;

Certification: As a Direct Entitlement for HUD federal financial assistance for the CDBG program, the Grantee has completed the required Four Factor Analysis and if required, has adopted a Language Access Plan. The Grantee is in compliance with the LEP regulations and makes all reasonable attempts to accommodate language access needs of residents during citizen participation, income surveys and/or direct assistance intake activities including but not inclusive of public hearings, public notices, advertisements, income surveys and direct assistance intake documents.

Chief Elected Official (signature and printed)

Date

Attest

Grantee Name and Program

For Pennsylvania Entitlement Communities under the Community Development Block Grant Program applying for funding under the HOME Grant:

If your county or municipality is a recipient of federal CDBG funding from Pennsylvania, then they must be in compliance with the Limited English Proficiency Regulations. DCED is not requiring you, the grantee for the HOME program, to complete a second set of documents for your application. In order to not have to complete the following LEP compliance exercise for your application, **you must submit** the Four Factor Analysis and/or Language Access Plan currently in place for the LEP requirement in your county/municipality along with the following certificate signed by the Chief Elected Official. If the grantee **does not** have these documents, then they must complete and submit the attached guidance with their application;

Certification: As a Pennsylvania CDBG Entitlement for federal financial assistance for the CDBG program, the Grantee has completed the required Four Factor Analysis and if required, has adopted a Language Access Plan. The Grantee is in compliance with the LEP regulations and makes all reasonable attempts to accommodate language access needs of residents during citizen participation, income surveys and/or direct assistance intake activities including but not inclusive of public hearings, public notices, advertisements, income surveys and direct assistance intake documents.

Chief Elected Official (signature and printed)

Date

Attest

Grantee Name and Program

**CERTIFICATION OF COMPLETION OF A
FOUR-FACTOR ANALYSIS
FOR LIMITED ENGLISH PROFICIENCY PERSONS**

and

**CERTIFICATION OF THE ACTIVITIES TO BE INCLUDED IN THE
LANGUAGE ACCESS PLAN**

HOME INVESTMENT PARTNERSHIP PROGRAM (HOME)

For:

GRANTEE NAME: _____

PROGRAM and CONTRACT # (HOME/C0000045678) _____

CONTACT PERSON (Name, Telephone Number & E-mail) _____

Purpose:

In compliance with Section 601 of Title VI the Civil Rights Act of 1964 (LEP Statutory Authority) and Executive Order 13166, _____ (*Grantee*) has conducted the following Four Factor Analysis for Limited English Proficiency (LEP) persons for the federally funded program listed above.

History:

Title VI of the Civil Rights Act of 1964, is the federal law which protects individuals from discrimination on the basis of their race, color, or national origin in programs that receive federal financial assistance. In certain situations, failure to ensure that persons who have limited English proficiency can effectively participate in, or benefit from, federally assisted programs may violate Title VI's prohibition against national origin discrimination. Persons who, as a result of national origin, do not speak English as their primary language and who have limited ability to speak, read, write, or understand English may be entitled to language assistance under Title VI in order to receive a particular service, benefit, or encounter.

Executive Order 13166 (Issued in the Federal Register 65 FR 50121 on August 16, 2000) mandates improved access to federally assisted programs and activities for individuals who, as a result of national origin, are limited in their English proficiency. The order also requires a Language Access Plan for the program or activity if a qualifying population is determined. To determine if there is an affected population of beneficiaries having limited English proficiency, all grantees receiving federal financial assistance must conduct the four-factor analysis as outlined below.

Grantee Four-Factor Analysis

The following Four-Factor Analysis serves as the guide for determining which language assistance measures the Grantee will be required to undertake to guarantee access to Grantee's HOME Investment Partnership (HOME) programs by LEP persons.

Factor one - Methodology: The grantee must analyze the number or proportion of LEP persons served or encountered in the eligible service area population (served or encountered includes those persons who would be served by the program or activity if the person received education and outreach and the grantee provided sufficient language services).

Select the paragraph(s) below that best describes your methodology for the analysis by placing a check mark in the box beside the description. Also please fill in the blanks or circle the correct statement were indicated. These paragraphs may be modified or replaced with narrative that more accurately reflects the grantee’s methodology.

- . The Grantee utilized the PA Census tabulation for persons that speak English “Less than Well” provided by DCED to determine the **county’s** LEP population(s). Based on this data, the Grantee **does/does not** (*chose one*) meet the 1,000 or 5% LEP persons threshold for any language(s) identified.
- . The Grantee utilized the PA Census tabulation for persons that speak English “Less than Well” provided by DCED to determine its **municipalities’** LEP population(s). Based on this data, the Grantee **does/does not** (*chose one*) have any municipalities within its borders that meet the 1,000 or 5% LEP persons threshold for any language(s) identified.
- . Local elected officials, clergy, medical personnel, and school administrators were polled by telephone/questionnaire to request input regarding their knowledge of LEP persons within the community and/or proposed project area(s). Based on the results of the telephone poll/questionnaires, there are an _____ (estimated number) LEP persons out of _____ (total persons benefitting from the program or activity) located in _____ (*Grantee or service area name*). This **does/does not** (*chose one*) meet the 1,000 or 5% LEP persons of total service area threshold for any language(s) identified.

Please list below all municipalities and/ or service areas under this program that qualify as meeting the threshold of 1,000 or 5% LEP person’s threshold for any language(s) identified as indicated by the methodology used above. Include the name of the municipality/service area, the language(s) identified, and the number or percentage of persons. For example:

<i>Apple Township</i>	<i>Germanic</i>	<i>16%</i>
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If any of the blocks above contains a “does” meet the 1,000 or 5% LEP person threshold for any language(s) identified, the grantee must complete a Language Access Plan for that municipality and may stop further completion of this Four Factor Analysis. Please proceed to the Language Access Plan Certification on page 6 of this guidance. Please submit this page, along with the Language Access Plan Certification with your application.

If the grantee, after completing this section of the analysis, has **all** blocks above marked with “does not” meet the 1,000 or 5% LEP persons threshold for any languages identified, they must continue analyzing their **program or activity** with the following questions.

Additional Questions to be Answered:

Factor two - The frequency with which LEP persons come into contact with the program or activity.

Due to the fact that all HOME programs or activities provide direct benefit to an individual or household and that the grantee does not know who may apply for HOME assistance, **all** HOME applicants are required to complete a Language Access Plan Certification and Plan. The methodology portion of this analysis may serve as a basis for the required Affirmative Marketing Plan for HOME programs by giving the grantee information on the potential populations they may avail themselves of the HOME assistance.

Factor three - The nature and importance of the program, activity, or service provided by the program or activity.

The nature and importance of all HOME programs and activities to the LEP population is high. Even if the grantee does not have a LEP population identified in the first section of this analysis, persons having limited English proficiency may find themselves in need of the assistance provided with the HOME funds. As the grantee has no prior knowledge of the needs of persons presenting themselves for housing assistance, there is no way to calculate how important these funds are to a specific population. Therefore, LEP measures are necessary to be available by the grantee to be in compliance. HOME grantees must complete a Language Access Plan Certification and Plan and should not continue this Four Factor Analysis.

Factor four - The resources available and costs to the recipient.

Currently, internet sites can be utilized to translate some written materials. Additionally, local volunteers have been identified to provide oral translation services at public meetings and during conversations with LEP residents during the implementation of the proposed project. Furthermore, many of the common forms used in the implementation of a HOME program or activity are available in multiple languages on the HUD and DOL websites. Additionally, translation activities are an eligible HOME administrative or delivery expense. Therefore, limited LEP measures are reasonable given the resources available to Grantee. So grantees may not use this factor as the only factor determining the need for a Language Access Plan.

As all HOME programs and activities meet the LEP Factor of contact with the programs or activities, all applicants must complete the following Language Access Plan Certificate and have a Language Access Plan in their Program Master Files.

Language Access Plan Certification

For

_____ (*Grantee, Program or Activity*)

As a result of the preceding Four-Factor Analysis, _____ (*Grantee*) has identified the following types of language assistance to be provided on an as needed basis by the Grantee throughout the implementation of its HOME program:

Below are the minimum requirements to meet the needs of your identified Limited English Proficiency Populations. All items are mandatory of all HOME grantees having any LEP populations in any municipality within their program service area. Additional activities may be added to meet the needs of the grantees' LEP population(s).

All HOME citizen participation materials, public notices, and project-related resolutions, will be published/posted in the LEP language(s) identified, in community newsletters, on bulletin boards at the offices and meeting location of the grantee, on the grantee website and in public places throughout the proposed project area(s) and/or the community, especially those areas with high concentration of the affected population.

Additionally, all published/posted citizen participation notices will include a statement in the identified LEP language(s) indicating that other “program materials are available in the LEP language(s) upon request”. This statement must be in as many languages as has been identified during the grantee’s analysis.

All citizen participation notices will include a statement that “translators will be available at public meetings upon at least 72 hours’ notice”. This will be in the identified LEP language(s) in the English notification and also in the complete LEP language(s)’ notification.

All direct assistance program application documents and outreach materials will be provided in the LEP language(s) identified.

For all direct assistance intakes, if needed, a translator will be retained to provide oral translation at the site of the intake to assist in filling out the intake documents and explaining the program. The grantee may not require the LEP applicant to provide their own translator, though the applicant may bring someone if they choose.

If other populations of LEP persons are identified in the future, Grantee will provide additional measures to serve the language access needs of those persons.

The Grantee will complete a Language Access Plan which delineates how these activities will be carried out, by whom, and who will monitor the effectiveness of the activities for possible revision. This Plan once adopted by the grantee must be retain in the grantees’ master file and utilized throughout the program.

Adopted:

Chief Elected Official (signature and printed name)

Attest (Name and Title)

Grantee and Program

Date