



LIMITED ENGLISH PROFICIENCY *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.

Applicants 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 applicants 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. By their nature, **all HOME Program activities** provide a direct benefit to persons. Therefore, if awarded HOME funds, a Language Access Plan will be required of all HOME grantees. The completion of the Four Factor Analysis included in the application will assist the applicant to determine which non-English speaking populations need to be addressed in the Language Access Plan. *DCED will provide additional guidance if necessary.*

DIRECT HUD ENTITLEMENT COMMUNITIES

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

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 applicant 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 applicant **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 Applicant has completed the required Four Factor Analysis and if required, has adopted a Language Access Plan. The Applicant 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.

Signature, Chief Elected Official

Date

Typed Name and Title

PENNSYLVANIA ENTITLEMENT COMMUNITIES

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

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 applicant 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 applicant **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 Applicant has completed the required Four Factor Analysis and if required, has adopted a Language Access Plan. The Applicant 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.

Signature, Chief Elected Official

Date

Typed Name and Title



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 PARTNERSHIPS PROGRAM (HOME)

GENERAL INFORMATION

APPLICANT NAME:

PROGAM:

CONTACT PERSON:

PHONE:

EMAIL:

PURPOSE

In compliance with Section 601 of Title VI the Civil Rights Act of 1964 (LEP Statutory Authority) and Executive Order 13166, _____ (Applicant) 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.

APPLICANT FOUR-FACTOR ANALYSIS

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

FACTOR ONE: METHODOLOGY

The applicant 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 activity if the person received education and outreach and the applicant 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 applicant's methodology.

- The Applicant 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 Applicant (*choose one*) **does** **does not** meet the 1,000 or 5% LEP persons threshold for any language(s) identified.
- The Applicant 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 Applicant (*choose one*) **does** **does not** 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 activity*) located in _____ (*Applicant or service area name*). This (*choose one*) **does** **does not** 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:

Apple Township

Germanic

16%

If any of the blocks above contains a "does" meet the 1,000 or 5% LEP person threshold for any language(s) identified, the applicant 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. Please submit this page, along with the Language Access Plan Certification with your application.

If the applicant, 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 **activity** with the following questions.

FACTOR TWO: THE FREQUENCY WITH WHICH LEP PERSONS COME INTO CONTACT WITH THE ACTIVITY.

- Due to the fact that all HOME activities provide direct benefit to an individual or household and that the applicant 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 activities by giving the applicant information on the potential populations they may avail themselves of the HOME assistance.

FACTOR THREE: THE NATURE AND IMPORTANCE OF THE ACTIVITY OR SERVICE PROVIDED BY THE ACTIVITY.

- The nature and importance of all HOME activities to the LEP population is high. Even if the applicant 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 applicant 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 applicant to be in compliance. HOME applicants 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 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 Applicant. So, applicants may not use this factor as the only factor determining the need for a Language Access Plan.

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