# ADAMS COUNTY COMMUNITY DEVELOPMENT LANGUAGE ASSISTANCE PLAN (LAP)

#### Introduction

This Language Assistance Plan (LAP) has been prepared to address Adams County's responsibilities as a recipient of the Community Development Block Grant (CDBG), Home Investment Partnerships Program (HOME), Neighborhood Stabilization Program (NSP), and the Emergency Solutions Grant (ESG) funds, as it relates to the needs of individuals with limited English language skills. Adams County Community Development (ACCD) is responsible for the administration of the CDBG, HOME, NSP and ESG programs and is committed to providing meaningful access to all individuals needing and/or seeking to participate in any of the grant funded activities. These activities will assist the County in meeting its goal to provide decent housing, a suitable living environment and expand social and community opportunities for low-and moderate-income persons.

### **Development of the Plan**

This plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964 (7 CFR 273 and 42 CFR 435 et seq) which provides that "no person shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits, or be subjected to discrimination under any program or activity receiving Federal financial assistance". The County has developed this LEP Plan to help identify reasonable steps for providing language assistance to persons with Limited English Proficiency (LEP), who wish to access services and programs funded by CDBG, HOME, NSP or ESG. As defined in Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write, and/or understand English.

This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP persons that assistance is available. In order to prepare this document, the City undertook the four-factor LEP analysis which takes into account the following:

- 1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the programs and services provided through CDBG, HOME, NSP or ESG.
- 2. The frequency with which LEP persons come into contact with the CDBG programs and services.
- 3. The nature and importance of the CDBG programs and services to the person's life.
- 4. The resources available to County staff and overall costs to provide LEP assistance.

The analysis shows that English is the primary language spoken (87%) for populations over five years old and Spanish is the second most spoken language (11%). Although other languages may meet the minimal safe harbor threshold, ACCD has not seen a need for translation or interpretation services into these other languages.

#### Language Assistance Plan

A person who does not speak English as their primary language and who has a limited ability to read, write, speak and/or understand English may be a LEP person and may be entitled to language assistance with respect to the CDBG, HOME and ESG programs and activities. According to the four-factor analysis, the following top three LEP populations are represented in Adams County:

Spanish (11%), Vietnamese (4%), and Chinese (2%). Because Spanish is by far the most spoken language behind English, any translation or interpreter services will be targeted into this language. However, if other language interpretation is needed, ACCD will made reasonable efforts to provide free language assistance which may include one or more of the following measures:

## Collaboration with Nonprofits and Housing Agencies

ACCD works with various nonprofits that provide services for people who may fall under the LEP population. Audio Information Network broadcast and provides audio information service for the state's blind, visually impaired and print disabled residents. In addition, many of the subgrantees who receive CDBG, HOME, NSP or ESG funds through ACCD provide services in Spanish. This information is conveyed to residence through their bilingual staff, hosting workshops in Spanish or by having applications and/or forms in Spanish.

# Public Participation and Outreach Efforts

Per the Citizen Participation Plan, ACCD will take reasonable steps to assist non-English speaking residents in order to facilitate their understanding and participation in discussion that take place at public hearings and community meetings. This includes:

- Legal notices for public meetings are published in both English and Spanish
- Residents may also listen to any public hearings by viewing the recorded public hearings via the County website (www.adcogov.org)

For more information on the services available in Spanish and outreach efforts made to potential LEP populations, please see the Annual Action Plans and Consolidated Annual Performance and Evaluation Reports (CAPER) located on the County website.

# **Staff Training**

Training is a critical component of the LAP. It is imperative that staffs understands how to access language services and are comfortable with identifying if a resident falls under the LAP guidelines and how that corresponds to the services that are funded by CDBG, HOME, NSP and ESG. Training for ACCD staff that administers CDBG, HOME, NSP and ESG funded programs and services include:

- Information on the County's Title VI complaint procedures and the LAP
- Description of interpretive services offered to the public
- Documentation of interpretive services requests
- Use of interpretative services
- How to handle a potential Title VI/LEP complaint

#### Monitoring and Updating the LEP Plan

The LAP will be reviewed and updated consecutive with the Consolidated Plan (CON). The County reserves the right to update the LEP, without published notice, as needed. Staff will use American Census Survey (ACS) or Census data, interviews with front counter staff, and on-going discussions with nonprofits which may include one or more of the following factors:

- Changes in the LEP population, service area or population affected or encountered
- Changes in the frequency of encounters with LEP language groups
- Changes in the nature and importance of activities to LEP persons
- Changes in resources from new technologies, programs or services
- Effectiveness of outreach efforts and languages provided

#### Dissemination of the County's LAP Plan

Any person or agency may request a copy of the LAP via telephone, fax, mail or in person and shall be provided a copy of the Plan at no cost. This document has been provided to the Community Planning and Development (CPD) and Fair Housing and Equal Opportunity (FHEO) representatives

at HUD. LEP individuals may request a copy of the LAP in alternative languages which will be provided, if feasible.

Questions or comments regarding the LAP may be submitted to:

Adams County

Attn: Joelle S. Greenland, AICP, Community Development Manager

Adams County Community Development

Community & Economic Development Department

4430 S. Adams County Parkway

Brighton, CO 80601

720-523-6851; jgreenland@adcogov.org

# Language Assistance Plan (LAP) for persons with Limited English Proficiency (LEP)

#### I. PLAN STATEMENT

The Adams County Community Development (ACCD) has adopted this plan to provide meaningful access to its programs and activities by persons with Limited English Proficiency (LEP). In accordance with federal guidelines, ACCD will make reasonable efforts to provide or arrange for free language assistance for its LEP persons, including applicants, beneficiaries, recipients and/or clients eligible for Community Development Block Grant (ACCDBG), Home Investment Partnership Act (HOME), and Emergency Solutions Grant (ESG), Neighborhood Stabilization Program (NSP), and other ACCD Programs.

#### II. MEANINGFUL ACCESS: FOUR-FACTOR ANALYSIS

Meaningful access is free language assistance in accordance with federal guidelines. ACCD will periodically assess and update the previously described four-factor analysis, including but not limited to:

- **1.** The number or proportion of LEP persons eligible to be served or likely to be encountered by ACCD.
- 2. The frequency with which LEP persons using a particular language come into contact with ACCD.
- 3. The nature and importance of ACCD program, activity or service to the persons' life.
- **4.** ACCD's resources and the cost of providing meaningful access. Reasonable steps may cease to be reasonable where the costs imposed substantially exceed the benefits.

#### III. LANGUAGE ASSISTANCE

- 1. A person who does not speak English as their primary language and who has a limited ability to read, write, speak or understand English may be a Limited English Proficient (LEP) person and may be entitled to language assistance with respect to ACCD's programs and activities.
- 2. Language assistance includes <u>interpretation</u>, which means <u>oral or spoken</u> transfer of a message from one language into another language and/or <u>translation</u>, which means the <u>written</u> transfer of a message from one language into another language. ACCD will determine when interpretation and/or translation are needed and are reasonable.
- **3.** ACCD staff will take reasonable steps to provide the opportunity for meaningful access to LEP persons who have difficulty communicating in English. If a person asks for language assistance and ACCD determines that the person is a LEP person and that language assistance is necessary to provide meaningful access, ACCD will make reasonable efforts to provide free language assistance. If reasonably possible, ACCD will provide the language assistance in the LEP person's preferred language.

- children, are not competent to provide quality and accurate interpretations. There may be issues of confidentiality, competency, or conflict of interest.
- 2. A LEP person may use an informal interpreter of his or her own choosing and at their expense, either in place of or as a supplement to the free language assistance offered by ACCD. If possible, ACCD should accommodate an LEP person's request to use an informal interpreter in place of a formal interpreter.
- **3.** If a LEP person prefers an informal interpreter, after ACCD has offered free interpreter services, the informal interpreter may interpret. In these cases, the person and interpreter should sign a waiver of free interpreter services.
- **4.** If a LEP person wants to use his or her own informal interpreter, ACCD reserves the right to also have a formal interpreter present.

## VII. GUIDANCE FOR COMMUNICATIONS WITH LEP PERSONS

ACCD will take appropriate steps to assure that all LEP persons who are eligible for a program are provided with the information and assistance necessary to participate in the program. ACCD will also take appropriate steps to assure that all LEP persons can obtain information concerning the existence and location of ACCD's programs, services, activities and facilities.

ACCD will use Language Identification Cards which allow persons seeking services to identify their language needs to staff. (Appendix A).

The ACCD Division has adopted the following procedures and resources for use in communicating with LEP persons:

#### 1. Initial Point Of Contact

- a. At the initial point of contact, all potential applicants will be informed of ACCD's policy of providing interpreters, at no cost to the person. Depending on the circumstances, notification may be given verbally by staff, posted, and/or printed on forms and brochures.
- b. ACCD will strive to identify the language spoken by LEP persons as soon as possible at or after initial contact. Staff likely to encounter LEP persons will be provided Language Identification Cards which invite LEP persons to identify their language needs to staff (Appendix A).

#### 2. Notice Posted Of Available Free Language Assistance

ACCD will post notice to LEP persons of available free Language Assistance in common areas, offices, and anywhere applications are taken. This notice will be translated into the most common languages encountered as noted in the Four-Factor Analysis:

- 1) Spanish,
- 2) Vietnamese,
- 3) Chinese

# 3. Telephone Communications

- a. If possible, ACCD staff will first determine the caller's language.
- b. If an English-speaking family member or third party initiates the call on behalf of the LEP person, staff must advise the LEP person of ACCD's policy to provide free language assistance. ACCD may not require the LEP person to use an informal

interpreter. If a LEP person prefers an informal interpreter, after ACCD has offered free interpreter services, the informal interpreter may interpret. A LEP person's request to use his/her own interpreter must be noted in the person's file.

c. ACCD may develop a LEP Request Form to document the LEP person's use of ACCD's service, listing the LEP person's name, the language spoken by the LEP person, and the service provided.

#### 4. In-Person Communications

- a. In the instances where a LEP person walks in, staff should first determine the LEP person's language. Staff should use the Language Identification Cards to invite LEP persons to identify their language needs to staff.
- b. If an English-speaking family member or third party offers to provide informal interpretation services on behalf of the LEP person, then ACCD staff member must advise the LEP person of ACCD's policy to provide free interpretation services.
- c. ACCD may not require the LEP person to use an informal interpreter. If a LEP person prefers an informal interpreter, after ACCD has offered free interpreter services, the informal interpreter may interpret. A LEP person's request to use his/her own interpreter must be noted in the person's file.
- d. Once the interpreter comes on the line, staff can use the speaker phone function to include the interpreter in the meeting with the LEP person.
- e. Staff document the LEP person's use of ACCD's service, listing the LEP person's name, the language spoken by the LEP person, and the service provided.

#### **5.**Written Communications - Translation

ACCD serves a very large variety, but small numbers of LEP groups. ACCD will provide oral translations of important documents through interpreters, free of charge to LEP persons through bilingual staff.

#### VIII. MONITORING

ACCD will review and revise this LAP, including the Four Factor Analysis consecutive with the CON. The review will include:

- a. Reports from the Adams County's and ACCD's computer business systems on the number of applicants/beneficiaries/clients who are LEP, to the extent that the software and staff data entry can provide such information. Such reports may be supplemented by staff observations.
- b. A determination as to whether five percent (5%) or 1,000 from the Adams County's person group speak a specific language, which triggers consideration of document translation needs as described above.
- c. Analysis of staff requests for contract interpreters: number of requests, languages requested, and costs, etc.

#### IX. LAP PLAN DISTRIBUTION AND TRAINING

The LAP Plan will be:

- 1. Distributed to all ACCD staff.
- 2. Available at Community Development (CD).

- 3. Posted on ACCD's website.
- **4.** Explained in orientation and training sessions for supervisors and other staff who need to communicate with LEP persons.

#### X. COMPLAINTS AND GRIEVANCES

Complaints should be sent to ACCD. ACCD will follow its previously established complaint process. ACCD will investigate the complaint to determine if a violation of this policy has occurred. Following such investigation, ACCD will make a determination regarding the complaint, and if necessary, take corrective action.

Only applicants, residents, beneficiaries or clients may file a grievance. A grievance is any dispute which an applicant's, residents, beneficiaries or clients may have for ACCD's failure to provide the requested free language assistance. A person, or his or her representative, may present a grievance either verbally or in writing to ACCD within ten (10) business days after receiving the determination of ACCD. The grievance must state: (a) the reasons for the grievance; (b) the action requested; and, (c) the name, address and telephone number of the LEP person. The grievance will be processed in accordance with ACCD's grievance procedures.

#### XI. REVISIONS

ACCD may revise its LAP, in its sole discretion, to effectuate the intent, purpose or interpretation to ensure continued compliance with applicable law, without notice to residents/persons, applicants, or other parties.

#### XII. DISCLAIMER

The policy guidelines described herein do not form a contract between ACCD and any other parties. The guidelines are intended solely to ensure compliance with federal law.

These policy guidelines will be used for assessing the needs of the LEP community and evaluating requests for language assistance by ACCD's applicants and residents/persons. They are not intended to be an exhaustive compilation of rules or policies governing assessment by ACCD of requests for free language assistance. If any conflicts exist or arise between these guidelines and guidance issued by the U.S. Department of Housing and Urban Development ("HUD"), or existing or future statutes, regulations, or other legal requirements, ACCD will follow the legal requirements.

ADOPTED BY

Date: 7/31/15

Joelle Greenland, Community Development Division Manager

# Four-Factor Analysis of persons with Limited English Proficiency (LEP):

# 1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the programs and services provided through CDBG, HOME, NSP or ESG funding.

The number and proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee is based on Adams County ACS 2009-2013 population of 5 years and older totaling 414,400. Based on the eligible population, the following chart reflects the top four non-English language preferences by number and proportion, as well as how that language need is currently addressed and proposed actions.

Table 1. Limited English Proficient Persons in Adams County

			Percent of Limited
	Total Population	Number of Limited English	English Proficient
Location	Over 5 Years Old	Proficient Persons	Persons
Adams County	414,400	54,200	13%

Source: Table 1: American Community Survey (ACS) US Census

Table 2. Population 5 Years or Older by Language

	Spar	nish	Vietr	namese	Chin	iese
Language	44,500	11%	2,300	4%	1,200	2%

Source: Table 2: American Community Survey (ACS) US Census

#### Summary of 2013 Census Data

According to the 2013 Census, the Hispanic or Latino ethnicity represents approximately 11% of the total population or 44,500 residents; Vietnamese ethnicity represents approximately 4% of the total population or 2,300 residents; and Chinese ethnicity represents approximately 2% of the total population or 1,200 residents.

# 2. The nature and importance of the program to people's lives:

The County has seen a steady increase in demand for services for the LEP population. This is based upon several factors. Census numbers indicate there is an increase in not only Spanish-speaking individuals but other populations such as seniors that could be considered part of the LEP population. Second, the number of calls and residents assisted through CDBG funded programs or services are documented through the Outcome Performance Reports provided by sub grantees and staff. These services provide for the basic needs of our residents such as homeless prevention, decent and safe affordable housing and public services continue to increase. Taking someone from homelessness to transitional housing to permanent housing has a direct impact on that individual's life and their family.

ACCD will continue to evaluate what 'vital documents' should be translated into Spanish and will use the safe harbor thresholds as a guideline for outreach efforts to the LEP populations.

ACCD will continue to evaluate what 'vital documents' should be translated into Spanish and will use the safe harbor thresholds as a guideline for outreach efforts to the LEP populations. The

following documents have been identified as vital:

- Notice of public hearings
- Fair housing information
- CDBG, HOME, NSP and ESG funded program or services informational brochures, applications or other outreach materials (most are provided by sub recipients)

Where possible, ACCD will use HUD (or other) brochures that are currently available in both English and Spanish. These include but are not limited to:

- HUD form 903.1 "Housing Discrimination Information"
- HUD "Are you a victim of housing discrimination?"
- HUD "Fair Housing Equal Opportunity"
- Civil Rights Division "Housing Discrimination, What is it? What can I do about it?"
- EPA "The Lead-Safe Certified Guide to Renovate Right"

# 3. The frequency with which LEP persons come into contact with CDBG, HOME and ESG programs and services.

ACCD staff has infrequent direct contact with different language groups. LEP individuals are most likely to come into contact with the sub recipients. ACCD recognizes that LEP individuals need to be aware of public hearings, meetings and notices and how to access programs, applications and workshops. This is accomplished by posting all notices, website information and applicable documentation, into Spanish. ACCD also works with sub recipients to share information on resources, programs and services that are available to the Hispanic community.

Many of the nonprofits and housing agencies that have been funded through CDBG, HOME, NSP or ESG have Spanish speaking staff, teach free workshops in Spanish for first-time homebuyers and those facing foreclosure, and have forms/applications available in Spanish. This includes Access Housing, Adams County Housing Authority, Brighton Housing Authority and Community Reach Center.

#### 4. Resources and Costs:

ACCD has assessed its available resources that could be used for providing LEP assistance including determining how much a professional interpreter and translation services would cost on an as needed basis, which documents should be translated, and taking an inventory of available organizations that the County could partner with for outreach and translation efforts. Many of these efforts are already underway and will continue:

- ACCD Staff Directory list of ACCD employees that can provide direct foreign language assistance during regular business hours. Cost is free.
- HUD and Other Agency Translated Documents see above for examples. Cost is free.
- Sub Grantee Programs and Services many of the CDBG funded Sub Grantee agencies have staff who speak Spanish, they provide workshops in Spanish, and have forms/information available in Spanish. These costs are usually rolled into the agency's overall budget and expenses.

- Nonprofits that Serve Possible LEP Populations ACCD will continue to work with agencies such as Center for People with Disabilities and Audio Information Network to provide LEP populations with information on key services. Cost will be determined based upon each agencies parameters.
- Public Notification the County has determined that the most cost efficient way for publishing legal ads in Spanish is through local newspapers; Denver Post, ViVi (Spanish Speaking), and the Northglenn Sentinel. Each year, the County posts approximately four legal ads. In 2014, publication costs were over \$8,400.00.

# Appendix A

#### **Definitions**

**Interpretation** — Oral language assistance provided by an interpreter either in-person or via telephone. There are no "safe harbors" for oral interpretation services.

**Language Assistance Plan (LAP)** – This plan identifies what types of services are available from direct foreign language communication by fluent bilingual staff member to interpretation or written translation.

Limited English Proficiency (LEP) – LEP persons do not speak English as their primary language and have no ability or are limited in their ability to read, write, speak or understand English. Many LEP persons are in the process of learning English and may read, write, speak and/or understand English, but not proficiently. LEP status may be context-specific. An individual may have sufficient language skills to communicate basic information (name, address) but may not have sufficient skills to communicate detailed information in English.

Safe Harbor – A "safe harbor," in the context of this guidance, means that the recipient has undertaken efforts to comply with respect to the needed translation of vital written materials. If a recipient conducts the four-factor analysis, determines that translated documents are needed by LEP applicants or beneficiaries, adopts an LAP that specifies the translation of vital materials, and makes the necessary translations, then the recipient provides strong evidence, in its records or in reports to the agency providing federal financial assistance, that it has made reasonable efforts to provide written language assistance.

Safe Harbor Thresholds

Suit Huibbi Thresholds			
Safe Harbor Thresholds Size of language group	Recommended provision of written language assistance		
1,000 or more in the eligible population in the market area or among current beneficiaries.	Translated vital documents.		
More than 5% of the eligible population or beneficiaries and more than 50 in number.	Translated vital documents.		
More than 5% of the eligible population or beneficiaries and 50 or less in number.	Translated written notice of right to receive free oral interpretation of documents.		
5% or less of the eligible population or beneficiaries and less than 1,000 in number.	No written translation required.		

	2004 Census Test LANGUAGE IDENTIFICATION FLASHCARD	
	ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.	1. Arabic
	խուդրում ենւք նչում կատարեք այս քառակուսում, եթե խոսում կամ կարդում եք Հայերեն:	2. Armenian
	যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাব্দে দাগ দিন।	3. Bengali
	ឈូមបញ្ជាក់ក្នុងប្រអប់នេះ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។	4. Cambodiar
	Motka i kahhon ya yangin ûntûngnu' manaitai pat ûntûngnu' kumentos Chamorro.	5. Chamorro
	如果你能读中文或讲中文,请选择此框。	6. Simplified Chinese
	如果你能讀中文或講中文,請選擇此框。	7. Traditional Chinese
	Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.	8.Croatian
	Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.	9. Czech
	Kruis dit vakje aan als u Nederlands kunt lezen of spreken.	10. Dutch
	Mark this box if you read or speak English.	11. English
	اگر خواندن و نوشتن فارسي بلد هستيد، اين مربع را علامت بزنيد.	12. Farsi
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	Cocher ici si vous lisez ou parlez le français.	13. French
	Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen.	14. German
	Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά.	15. Greek
	Make kazye sa a si ou li oswa ou pale kreyòl ayisyen.	16. Haitian Creole
	अगर आप हिन्दी बोलते या पढ़ सकते हों तो इस बक्स पर चिह्न लगाएँ।	17. Hindi
	Kos lub voj no yog koj paub twm thiab hais lus Hmoob.	18. Hmong
	Jelölje meg ezt a kockát, ha megérti vagy beszéli a magyar nyelvet.	19. Hungarian
	Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano.	20. Ilocano
	Marchi questa casella se legge o parla italiano.	21. Italian
	日本語を読んだり、話せる場合はここに印を付けてください。	22. Japanese
	한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오.	23. Korean
	ໃຫ້ໝາຍໃສ່ຊ່ອງນີ້ ຖ້າທ່ານອ່ານຫຼືປາກພາສາລາວ.	24. Laotian
	Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim.	25. Polish
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	Assinale este quadrado se você lê ou fala português.	26. Portuguese
	Însemnați această căsuță dacă citiți sau vorbiți românește.	27. Romanian
	Пометьте этот квадратик, если вы читаете или говорите по-русски.	28. Russian
	Обележите овај квадратић уколико читате или говорите српски језик.	29. Serbian
	Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky.	30. Slovak
	Marque esta casilla si lee o habla español.	31. Spanish
	Markahan itong kuwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog.	32. Tagalog
	ให้กาเครื่องหมายลงในช่องถ้าท้านอ่านหรือพูกภาษาไทย.	33. Thai
	Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga.	34. Tongan
	Відмітьте цю клітинку, якщо ви читаєте або говорите українською мовою.	35. Ukranian
	اگرآپاردو پڑھتے مابولتے ہیں تواس خانے میں نشان لگائیں۔	36. Urdu
	Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ.	37. Vietnamese
	באצייכנט דעם קעסטל אויב איר לייענט אדער רעדט אידיש.	38. Yiddish
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