

THE COUNTY OF **SAN BERNARDINO**

Limited English Proficiency Plan



Department of Community Development and Housing
March 31, 2014

COUNTY OF
SAN BERNARDINO



ECONOMIC DEVELOPMENT AGENCY

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C O U N T Y O F
SAN BERNARDINO
COMMUNITY DEVELOPMENT AND HOUSING

LIMITED ENGLISH PROFICIENCY POLICY

March 31, 2014



VISION STATEMENT

We envision a complete county that capitalizes on the diversity of its people, its geography, and its economy to create a broad range of choices for its residents in how they live, work, and play.

We envision a vibrant economy with a skilled workforce that attracts employers who seize the opportunities presented by the county's unique advantages and provide the jobs that create countywide prosperity.

We envision a sustainable system of high-quality education, community health, public safety, housing, retail, recreation, arts and culture, and infrastructure, in which development complements our natural resources and environment.

We envision a model community which is governed in an open and ethical manner, where great ideas are replicated and brought to scale, and all sectors work collaboratively to reach shared goals.

From our valleys, across our mountains, and into our deserts, we envision a county that is a destination for visitors and a home for anyone seeking a sense of community and the best life has to offer.

Introduction

The County of San Bernardino Department of Community Development and Housing (Agency) administers a wide range of programs. Many of these programs are funded through the U.S. Department of Housing and Urban Development (HUD), Home Investment Partnership Program (HOME), Neighborhood Stabilization Program (NSP) and Community Development Block Grant (CDBG). All these programs support local government and community based organizations through capital-improvement projects, public services, housing, and economic development.

Community Development Division

The Community Development and Housing Division are responsible for the application and implementation of the County's Home Investment Partnership Program (HOME). The County's HOME program includes the consortium cities of Adelanto, Barstow, Big Bear Lake, Colton, Grand Terrace, Highland, Loma Linda, Montclair, Needles, Twenty-nine Palms, Yucaipa, the Town of Yucca Valley, and unincorporated areas of the County.

Housing Development Division

The Housing Development Division manages a variety of affordable housing programs that are funded by Federal, State, and local governments as well as leveraging of private investment.

Our Mission

The Department of Community Development and Housing works to improve the quality of life for residents of the County through identifying, obtaining, and administering local, state, federal, and private funding resources available for community development and housing.

Policy Statement

The County of San Bernardino is committed to:

- Providing equal opportunity in all programs and services to ensure full compliance with all civil rights laws, including Title VI of the 1964 Civil Rights Act, which requires non-discrimination on the basis of national origin. Equal opportunity includes physical and program access for persons with disabilities and program access for persons with Limited English Proficiency (LEP). Program and physical access for persons with disabilities is covered in the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973 as amended, Section 504.

It is the policy of this Agency to provide language access services to populations of persons with Limited English Proficiency (LEP) who are eligible to be served encountered by our programs. Such services will be focused on providing meaningful access to our programs, services and/or benefits.

Definitions

The following definitions and other provisions are applicable to this policy:

- **Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d.et seq. And it's implementing regulation at 45 CFR Part 80** - The law that protects individuals from discrimination based on their race, color, or national origin under any program or activity that receives Federal financial assistance.
- **Limited English Proficiency** - (LEP) Those customers who cannot speak, read, write, or understand the English language at a level that permits them to interact effectively with program service providers.

- **Vital documents** - A document, paper or electronic, that contains information that is critical for accessing the provider/Agency services and/or benefits; letters or notices that require a response from the customer; and documents that inform customers of free language assistance.
- **Safe Harbor** - The threshold that permits programs to decide when a written translation is required in order to comply with Title VI of the Civil Rights Act of 1964. The following are the thresholds:
 - Written translations of Agency vital documents will be provided for each eligible language group that constitutes at least 5% or 1,000 individuals, whichever is less, of the population of persons eligible to be served or encountered by programs in the service area.
 - If there are fewer than 50 persons in a language group, the recipient does not translate vital written materials, but provides written notice in the primary language of the LEP group of their right to oral interpretation of those written materials, free of cost.
- **Major LEP Language Groups** - The populations of persons with Limited English Proficiency (LEP) in California that represent 5% or 1,000 individuals in the area. For California, the **Statewide Major LEP Language Groups** are Spanish and Chinese.
- **Qualified Interpreters** - Qualified interpreters have: demonstrated proficiency in English and the second language; demonstrated knowledge in both languages of relevant specialized terms or concepts; and documentation of completion of training on the skills and ethics of interpretation, and awareness of relevant cultural issues.
- **Interactive Voice Response** - (IVR System) an automated system that enables callers to obtain and provide information over the telephone in English and other languages.

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, or be subjected to discrimination under any program or activity receiving Federal financial assistance”.

The County Agency has developed this LEP Plan to help identify reasonable steps for providing language assistance to persons with limited English proficiency who wish to access services and programs funded by HUD and/or CDBG. 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, 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 County Agency 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 program funding. A factor in determining the reasonableness of an Agency's efforts is the number or proportion of LEP individuals from a particular language group served or encountered in the eligible

service population. Even those agencies that serve very few LEP individuals on an infrequent basis are subject to the requirement to take reasonable steps to provide meaningful access. After balancing these four factors, these agencies must determine whether reasonable steps are possible and have a plan for what to do if an LEP individual seeks programs or services from the Agency. The plan need not be intricate and can be as simple as having access to a commercially available language line.

2. The frequency with which LEP persons come into contact with the programs and services. An Agency has greater duties to ensure reasonable access to its programs and services if contact with LEP persons is daily or frequent than if it is unpredictable and infrequent. An Agency should take into account local and regional conditions, such as the frequency of different types of language contacts, when determining the frequency of contact of the LEP population with its programs and services.
3. The nature and importance of the programs and services to the person's life. The nature and importance of the program, activity, or service affect the determination of what reasonable steps are required to ensure meaningful access. Also, an Agency must assess the importance of the program in the short- and long-term.
4. The resources available to Agency staff and overall costs to provide LEP assistance. The resources available may affect the nature of the steps that the Agency must take. "Reasonable steps" may no longer be reasonable where the costs imposed substantially exceed the benefits

Limited English Proficiency Coordinator

A Limited English Proficiency Coordinator (LEPC) will be appointed at the management level to oversee the LEP requirements and procedures, including as required by funding recipients. LEP planning and services are provided in coordination with provisions of equal opportunity in services and employment. The LEPC is responsible for ensuring the County adheres to the LEP plan and procedures to provide community access to the County's LEP resources. This individual is responsible for the oversight, performance and implementation of the County's LEP plan.

The Agency management level Limited English Proficiency Coordinator is:

Name	Phone Number
Debbie Kamrani, Deputy Director	(909) 387-4327

Assessment and Planning

LEP populations to be served will be assessed on an annual basis and the major language groups identified. Following the assessment, a plan and related procedures and requirements will be developed to meet the needs of eligible or encountered populations and assure compliance with the Agency's LEP policy.

Identification of LEP Communities

Limited English Proficiency (LEP) persons are those who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English¹. When reviewing demographics data to analyze language assistance needs, it is important to focus on the languages spoken by those who are not proficient in English and not simply individuals who speak multiple languages.

A 2012 review of the language proficiency of the residents of San Bernardino County revealed 327,036 individuals in the county who do not "speak English very well²." Of the languages spoken by the residents of San Bernardino County, there are 5 languages that are spoken by the threshold size of 5% or 1,000 persons. Those 5 languages are:

LANGUAGE	NUMER OF INDIVIDUALS IN POPULATION	PERCENTAGE
Spanish or Spanish Creole	277,166	84.5%
Chinese	9,876	3.0%
Tagalog	6,767	2.1%
Vietnamese	6,706	2.0%
Korean	6,264	1.9%

¹ January 22, 2007 HUD Guidance - Who is Limited English Proficient Individual?

² U.S. Census Bureau - 2007-2011 American Community Survey 5-Year Estimates - Languages Spoken at Home by Ability to Speak English for the Populations 5 Years and Over.

The analysis shows that English is the primary language spoken and represents sixty-eight percent (68%) of the County's population over five years old while Spanish is the second most spoken language within the County at thirty-eight percent (38%) of the County's population. Although other languages may meet the minimum safe harbor threshold, the Agency will evaluate the translation of any vital documents on a case by case basis. At this time, the Agency has not seen a need for translation or interpretation services into these other languages; however these needs will be re-evaluated on an annual basis as indicated below under the Monitoring and Updating the LEP Plan section.

Monitoring

Regular monitoring of the plan will be conducted in accordance with the Agency's monitoring procedures.

Written Notice of Language Access Rights

Language access statements shall inform LEP clients of their rights as follows:

- Their right to qualified interpreter services at no cost to them.
- Their right not to be required to rely on their minor children, other relatives, or friends as interpreters.
- Their right to file a grievance about the language access services provided them.

Written language access rights will be distributed in the major LEP languages through the following methods:

- Posting of signs in lobbies and waiting areas
- Customer orientations
- Statements in appeal notices
- Statements in brochures, booklets, outreach, recruitment information and other materials that are routinely disseminated to the public.

Equal Opportunity Policy and Discrimination Complaint Postings

The Equal Opportunity Policy and Discrimination Complaint Process will be posted in plain view in the major languages in every service area or point of customer contact, i.e., reception or customer waiting areas.

INTERPRETATION AND TRANSLATION

Language Assistance Plan

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 person and may be entitled to language assistance with respect to Agency programs and activities. According to the four-factor analysis, the following top five LEP populations are represented in the County of San Bernardino: Spanish (84.5%), Chinese (3%), Tagalog (2.1%), Vietnamese (2%), and Korean (1.9%). 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, the Agency will make reasonable efforts to provide free language assistance which may include one or more of the following measures:

Written Translation

Written translation of Agency vital documents will be provided for each eligible language group that constitutes 5% or 1,000 individuals, whichever is less, of the population of persons eligible to be served encountered by our programs.

Translating Vital Documents

The Agency prioritizes translation of vital documents. Classification of a document as “vital” depends upon the importance of the program, information, encounter, or service involved, and the consequence to the LEP person if the information in question is not provided accurately or in a timely manner. The determination of what documents are considered “vital” is left to the discretion of individual components, which are in the best position to evaluate their circumstances and services within their language access planning materials.

Essentially, there are two distinct types of vital documents – those that are meant for the general public or a broad audience, and those which are specific communications regarding a case or matter between an individual and the Agency. Each component should exercise its discretion in creating a process for identifying and prioritizing vital documents or texts to translate. Components should also ensure that all translations are completed by qualified translators.

Documents that may be considered “vital” may include, but are not limited to, certain:

- Administrative complaints, release, or waiver forms;
- Claim or application forms;
- Public outreach or educational materials (including web-based material);
- Forms or written material related to individual rights;
- Notices of community meetings or other related community outreach;
- Notices regarding the availability of language assistance services provided by the component at no cost to LEP individuals.

If there are fewer than 50 persons in a language group, the recipient does not translate vital written materials, but provides written notice in the primary language of the LEP group of their right to oral interpretation of those written materials, free of cost.

The provision of written translation of Agency documents, including vital documents, will be in accordance with an annual Agency plan that addresses costs and priorities.

Where possible, Agency 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 LEP Plan 2010 - 2015
- Civil Rights Division - Housing Discrimination, What is it? What can I do about it?
- EPA - The Lead-Safe Certified Guide to Renovate Right
HUD Translated Material link:
<http://hud.gov/offices/fheo/promotingfh/leptranslated.cfm>

Oral Interpretation

Oral interpreters will be offered to customers in a timely manner free of charge. The County will provide bilingual staff members, as available, for Spanish speaking LEP customers. Services offered to LEP customers will be documented in appropriate records.

Acquiring Translation and Interpretation Services

Resources and procedures for obtaining oral interpretation and written translation will be made available to program staff.

The County of San Bernardino secured services as follows. The information necessary for piggybacking on those services is attached.

Competency of Interpreters and Translators

Qualified interpreters and translators will be utilized to provide services. Interpreters and translators will be screened for appropriate training and cultural sensitivity, and will be required to comply with Agency confidentiality policies and Code of Ethics when interpreting or translating.

Other Communication Methods

Interactive Voice Response Systems, voicemail, web pages, posters, videos, and media used will be made accessible to LEP populations in accordance with the Agency's plan to translate vital documents and other materials.

Electronic systems and computer-generated notices will be made accessible to LEP populations in accordance with the Agency's plan to translate vital documents and other materials.

Training

Training, including refresher training, will be made available to Agency staff and funding recipients.

Community Outreach

Community outreach to the major LEP groups served by the Agency's programs will be conducted to ensure LEP customers have equal access to services.

Notice of Language Assistance Services

The County of San Bernardino will provide notice of the availability of its LEP services free of charge. The notices include:

- Interpretation services notice added to the County website, community services, public notices, and other identified communications.
- Notices in local ethnic media.
- "I Speak" cards available for clients to self-identify at all offices and in applications mailed to people pulled from the waiting list.

Purpose and Authority

The purpose of this language access Plan is to make reasonable efforts to eliminate or reduce limited English proficiency as a barrier to accessing the County of San Bernardino programs or activities.

This Plan establishes guidelines in accordance with Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, 65 Fed. Reg. 50,121 (Aug. 16, 2000). These guidelines are designed to be consistent with the standards set forth in the Department's initial LEP Guidance, Enforcement of Title VI of the Civil Rights Act of 1964 - National Origin Discrimination Against Persons With Limited English Proficiency, 65 Fed. Reg. 50,123 (Aug. 16, 2000)

It is necessary for the County of San Bernardino staff to make reasonable efforts to provide timely language assistance services to ensure that LEP individuals have substantially equal and meaningfully effective access to programs or services.

Language Access Plan Approval

The Limited Efficiency Policy is approved annually by the Director of the County of San Bernardino, Department of Community Development and Housing.

Dena Fuentes, Director

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S A N B E R N A R D I N O



ECONOMIC DEVELOPMENT AGENCY

Department of Community Development and Housing

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