

**City of Allentown
Department of Community and Economic
Development**

Language Access Plan

**Language Line Solutions
Hotline Number: 1-800-523-1786
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Allentown
City without limits.

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I. Introduction

As a recipient of the Department of Housing and Urban Development's (HUD) federal funds, the City of Allentown is required by law to provide opportunities for all citizens to participate in the planning for the use of those funds. This requirement necessarily means that the City must ensure equal access to all its citizens in obtaining information on the programs, participating in planning processes, and providing feedback to their local elected and City officials. As a result, the City and all its sub-recipients of federal funds must ensure that this access is equally granted to persons of Limited English Proficiency (LEP). To do this, federal law provides guidance on determining need and has provided templates for meeting the minimum requirements for ensuring equal access.

This document has the following primary purposes:

- Provide background on language access requirements generally.
- Describe the responsibilities of the City in providing access to its citizens and in supporting its sub-recipients who must comply with the requirements in carrying out their programs in their communities.
- Explain how sub-recipients can determine whether they need to provide language access services.
- Give guidance on how sub-recipients can meet the federal language access requirements.
- Provide a list of the documents that will need to be interpreted and translated.
- Inform sub-recipients on record keeping and reporting requirements and how the City will monitor sub-recipients for compliance with Language Access requirements.

II. Background

Title VI of the Civil Rights Act of 1964 is the federal law which protects individuals from discrimination based on 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 the Title VI's prohibition against national origin discrimination.

Persons who, because of their 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 through interpretation or translation under Title VI so that they may receive a particular service, benefit, or encounter provided by federal funding. (To meet the federal requirements, it is important to understand the difference between interpretation and translation services as they demand different approaches. The definitions section below defines these types of services.)

Depending on the situation — whether public meetings or public documents — recipients of federal funds must provide these services to their constituents with limited English proficiency providing they meet certain thresholds.

HUD has established certain "safe harbor" guidelines for written materials. They are as follows:

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 is required.

III. Definitions

A. Limited English Proficiency

Individuals who do not speak English as their primary language and who have limited ability to read, speak, write, or understand English may have limited English proficiency, or "LEP." These individuals may be entitled to language assistance with respect to certain types of services, benefits, or encounters.

B. Language Access Plan

A Language Access Plan is the guiding document that ensures access to programs is provided to individuals that may have limited English proficiency, and that the resources to do so are available.

C. Four-Factor Analysis

A Four-Factor Analysis is a component of a Language Access Plan. The Analysis sets forth the steps an organization should take to determine how it will provide meaningful access for LEP individuals so that their federally funded programs meet the requirements of the law.

A threshold consideration in a Four Factor Analysis is that the recipient or sub-recipient of federal funds takes "reasonable" steps to ensure "meaningful" access to the planning processes and written materials provided through various federally funded programs. As outlined in official HUD guidance:

"This "reasonableness" standard is intended to be flexible and fact-dependent. It is also intended to balance the need to ensure meaningful access by LEP persons to critical services while not imposing undue financial burdens on small businesses, small local governments, or small nonprofit organizations."

The Four Factor Analysis includes:

1. The number or proportion of LEP persons served or encountered in the eligible service population.
2. The frequency with which LEP persons come into contact with the program.
3. The nature and importance of the program, activity, or service provided by the program; and
4. The resources available and costs to the recipient.

D. Translation

Translation services are a more deliberate process, where written text is translated from the source language, in this case English, to other languages.

E. Interpretation

Language interpretation services provide real time, oral interpretation from one language to another. This is done with an interpreter orally translating a conversation or meeting live, and in-person.

IV. The City's Responsibilities and Approach

A. Responsibilities by Statute or Law

As discussed above, federal law provides protections against discrimination based on race, color, and national origin. The City and its sub-recipients must comply 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, because of national origin, are limited in their English proficiency.

B. Four-Factor Analysis for the Commonwealth

In examining the threshold requirements of the Four-Factor Analysis, the City takes into consideration how it interacts with the City residents through its programs and has

taken steps to provide meaningful access to LEP constituents. That said, much of the interaction with residents comes at the local and non-profit sub-recipient level, and LAP requirements necessarily will apply directly to those agencies and organizations.

The City, however, has completed its Four-Factor Analysis as it relates to assessing the needs of the state generally with respect to citizen participation requirements and its support of its sub-recipients in complying individually with language access requirements. The Analysis follows.

FACTOR 1: IDENTIFY THE NUMBER OR PROPORTION OF LEP PERSONS SERVED OR ENCOUNTERED IN THE ELIGIBLE SERVICE POPULATION.

The 2011-2015 American Community Survey 5-Year Estimates (ACS) state that the population of the City of Allentown is 121,442. Five percent of this population is 6072. Based on the ACS, there is no single language group that meets the five percent requirement. Spanish speakers equal 40% of the population. However, because the City's programs are carried out at the local level by its sub-recipients, the City also analyzed the municipalities individually to assess which languages are present in percentages of five percent or higher in individual communities. It was found that Indo-European is at 1%, Asian/Islander at 3% and other at 3%

FACTOR 2: DETERMINE THE FREQUENCY WITH WHICH LEP PERSONS COME INTO CONTACT WITH THE PROGRAM.

Because the City funds grantees to carry out programs directly with their communities, the City itself does not have direct contact with residents and LEP persons benefiting from its funding. the City, however, has citizen participation requirements and will make notices, the Consolidated Plan and Action Plans, and other required documents available in Spanish given that the Spanish language group is the largest across the Commonwealth.

The City's sub-recipients are primarily responsible for the direct relationships with the residents of the City and so this Language Access Plan includes guidelines for sub-recipients and for the City's enforcement of sub-recipient compliance.

FACTOR 3: CONSIDER THE NATURE AND IMPORTANCE OF THE PROGRAM, ACTIVITY, OR SERVICE PROVIDED BY THE PROGRAM.

Projects proposed by the City's grantees often offer direct assistance to project area beneficiaries related to housing and other services. Therefore, the City will require that the Four-Factor Analyses completed by its sub-recipients consider

the nature of the activity or service that the sub-recipient plans to undertake. This will ensure that programs that come into contact with limited English proficiency individuals include resources that allow these individuals equal access to services.

FACTOR 4: ASSESS THE RESOURCES AVAILABLE AND COSTS TO THE RECIPIENT.

Language assistance entails providing both written translations and oral interpretations as determined by the Four-Factor Analysis. When it is determined that language access is required, specific steps need to be outlined to demonstrate that the access is indeed being provided. The City's plan for itself, and its expectation of its sub-recipients, is that every significant touchpoint with LEPs will have options for translation and interpretation services as required by the guidelines.

The City already ensures that all vital documents are translated into Spanish to assist the residents of the City who may have limited English proficiency. These documents are placed on the City's website at <http://the.City.pa.gov/library/Documentos> en Español. The City website also can translate a document in other languages by opening the document and choosing the flag of the country of the language needed from the top of the webpage. To further aid its sub-recipients in meeting the language access requirements, the City has translated the templates listed in Section VI into the top four languages represented at percentages of five percent or higher across the Commonwealth's municipalities- German/West German (Pennsylvania Dutch), Spanish, Chinese, and Korean. These efforts are designed to ensure that sub-recipients have access to the resources needed for their communities.

The City also provides training and technical assistance support to its sub-recipients who have primary contact with the Commonwealth's residents and carry their own responsibilities for ensuring compliance with language access requirements.

C. The City Compliance Actions

The mission of the Department of Community and Economic Development (the City) is to foster opportunities for businesses to grow and for communities to succeed and thrive in a global economy. As part of its mission, the City works to improve the quality of life for Pennsylvania citizens while assuring transparency and accountability in the expenditure of federal funds.

The Department puts this mission into practice by being responsible stewards of federal funds and complying with all rules and regulations put forth from federal statutes for use of those funds. As such, the City prepares all appropriate documents and follows required procedures to comply with federal rules. This Language Access Plan guidance document is part of the City's commitment to complying with Title VI Limited English Proficiency requirements.

In addition to this Language Action Plan, the City has included in its agreements and contracts with sub-recipients, certain compliance standards discussed more fully below. These compliance standards will be reviewed and enforced through the City's monitoring actions. the City also trains its sub-recipients on language access requirements and offers technical assistance to sub-recipients in need of further guidance in carrying out their own compliance actions.

V. Sub-recipient Responsibilities and Requirements

A. Sub-recipient Responsibilities to the City

To determine whether a sub-recipient is required to develop LAPs, the City provides the most up-to-date data for all boroughs, townships, and cities throughout the Commonwealth. In addition, for each program that the City manages, there are specific steps outlined in each application kit that provide instruction on how a potential sub-recipient is expected to comply with the LEP access requirements. The City's contracts and agreements also include compliance requirements for ensuring that sub-recipients follow the guidelines in this plan.

As discussed below, sub-recipients are required to record and report their fair housing and language Access efforts to the City. The City will monitor sub-recipients for compliance with these requirements.

B. Four-Factor Analysis for Sub-recipients

This section provide sub-recipients will guidance on how to complete the Four-Factor Analysis for their communities to determine which language assistance measures it will undertake to ensure programs funded by the City are accessible to LEP persons.

FACTOR 1: IDENTIFY THE NUMBER OR PROPORTION OF LEP PERSONS SERVED OR ENCOUNTERED IN THE ELIGIBLE SERVICE POPULATION.

Note that the terms "served or encountered" includes those persons who would be served or encountered by the recipient if the persons received adequate education and outreach and the recipient provided sufficient language services.

For the City of Allentown, recent ACS data shows that the languages that are most represented in municipalities at percentages of five percent or higher across the City are Spanish, Syrian, Chinese, and Korean Other languages are represented, and depending on the local population, individual sub-recipients will need to determine the language translation and interpretation needed for their programs in their communities. Sub-recipients should refer to the data sheet on the City Resource Library to determine the percentages of limited English proficiency individuals in their communities.

FACTOR 2: DETERMINE THE FREQUENCY WITH WHICH LEP PERSONS COME INTO CONTACT WITH THE PROGRAM.

Projects proposed by the City's sub-recipients often offer direct assistance to project area beneficiaries related to housing and other services; therefore, the nature of the activity or service may be significant to the proposed project area(s) residents. As a result, LEP persons may frequently encounter programs funded by the City through its grantees. Additionally, all citizen participation activities are open to the public. Sub-recipients must assess the frequency of resident contact based

on their chosen activities.

FACTOR 3: **CONSIDER THE NATURE AND IMPORTANCE OF THE PROGRAM, ACTIVITY, OR SERVICE PROVIDED BY THE PROGRAM.**

Projects funded by the City may include acquisition, relocation, housing rehabilitation, services, and/or infrastructure projects. In some of these programs, residents are likely to have considerable direct contact with sub-recipients and their staff. Further, all citizen participation activities are open to the public and, therefore, LEP persons may be in contact with sub-recipients to provide feedback. Sub-recipients must assess their chosen activities to determine the frequency with which LEP persons may encounter their programs.

FACTOR 4: **ASSESS THE RESOURCES AVAILABLE AND COSTS TO THE RECIPIENT.**

There are many best practices that have been established in making resources available to people with limited English proficiency. Some examples are included below. Sub-recipients will need to assess the types of resources it can offer given the costs. The City has made available to sub-recipient's templates of vital documents translated into the most common languages spoken in the Commonwealth- Spanish, Syrian, Chinese, and Korean. Sub-recipients may use these templates as they apply but may need to create their own translations into other languages based on their community needs.

Some best practices for consideration follow:

- Outreaching effectively to the LEP community.
- Training staff.
- Translating informational materials in identified language(s) that detail services and activities provided to beneficiaries (the City has provided a list of documents at Section VI)
- Providing appropriately translated notices to LEP persons (e.g., eviction notices, security information, emergency plans).
- Providing interpreters for large, medium, small and one-on-one meetings.
- Developing community resources, partnerships, and other relationships to help with the provision of language services; and
- Making provisions for monitoring and updating the LAP, including seeking input from beneficiaries and the community on how it is working and on what other actions should be taken.¹

C. Records and Reports

The Fair Housing and Equal Opportunity Manual describes requirements for recordkeeping and reporting. Please refer to the Manual for guidance.

VI. Translated Templates for Compliance

There are many public documents that are developed throughout the course of an organization's interaction with its constituency. Some of those documents are considered vital documents. The list below is a starting point to determine which documents should be considered vital.

Because recent ACS data shows that the languages that are most represented in municipalities across the City at percentages of five percent or higher are Spanish, Syrian, Chinese, and Korean, the City has translated these documents into these language as a resource for sub-recipients.

Administration of Programs

1. Notice of Free Language Assistance
2. Fair Housing Resolution
3. Notice of Fair Housing Officer
4. Notice of Section 504 and Grievance Procedures
5. Notice of Public Hearing (1 & 2)
6. Notice of Availability of Funds
7. Notice of Intention to Submit Application
8. Request for Release of Funds (ERR)

Intake and Application for Assistance

1. Application for Services
2. Fair Housing Posters
3. Leases
4. Tenant Rules
5. Notice of Denial, Loss or Decrease in Benefits or Services
6. Recertification Documentation
7. Eviction Notices
8. Outreach Materials