CHAPTER VIII. CIVIL RIGHTS – Equal Access

**Introduction**

Civil rights requirements apply to all Idaho Community Development Block Grant (CDBG) recipients, sub-recipients and their contractors. The civil rights laws are designed to protect individuals from discrimination on the basis of race, national origin, religion, color, gender, age, and disability.

Cities, Counties, and sub-recipients who receive CDBG funds must take measures to ensure non-discriminatory treatment, outreach and access to program resources. This applies to employment and contracting, as well as to marketing and selection of program participants. The following steps and procedures (list below) are required to be implemented in an effort to ensure equal access to all individuals.

A. Section 3

B. Disadvantaged Business Enterprises (DBEs)

C. Limited English Proficiency (LEP)

D. Grantee Equal Employment Opportunities and Grievance Procedures

E. Documenting Civil Rights – Equal Access Efforts

The grantee must document local efforts to comply with the steps and procedures list above.

**A. Section 3**

Section 3 of the Housing and Urban Development Act of 1968is a policy established by Congress to ensure that the employment and other economic opportunities generated by Federal financial assistance (such as CDBG) for housing and community development programs shall, to the greatest extent feasible, be directed toward low-to-moderate income (LMI) persons, particularly those who are recipients of government assistance for housing.

**Applicability**

1. Cities, Counties or Sub-recipients who receive **$200,000 or less** in CDBG funds are **not required** to comply with Section 3 regulations.
2. Cities, Counties, or Sub-recipients who receive a grant **in excess of $200,000 are required** to comply with Section 3 in their own operations. **This would be a Section 3 covered project**. Thus, if a grantee needs to fill any position as a result of project activities, the grantee must follow Section 3 regulations. In addition, contracts (administration, engineering, architectural, construction, supplies, job creation) awarded in excess of $100,000 on a Section 3 covered project are also subject to Section 3 requirements.

|  |  |  |
| --- | --- | --- |
| Amount ofCDBG Grant | Section 3ComplianceRequired | Entities Required to Comply withSection 3 Regulations |
| $0 - $200,000 | No | * None
 |
| $200,001 - $500,000 | Yes | * The Grantee (City or County)
* A sub-recipient if their contract is greater than $200,000
* Contractors (administration, engineering, architectural, construction, supplies) whose contracts are over $100,000
 |

3. For the purposes of training, employment, and contracting, a Section 3 area is the County where the project is located. A Section 3 resident is a LMI person residing in that County or a public or Indian housing resident or recipient of Section 8 housing assistance.

4. Section 3 business concerns are defined as those that meet at least one of the following conditions:

a. Majority ownership is held by Section 3 residents.

b. At least 30 percent of the employees are Section 3 residents or were within the first 3 years of their employment.

c. More than 25 percent of business’ work is subcontracted to businesses that meet either of the first two conditions.

Covered grantees and contractors must make a good faith effort to award contracts to Section 3 business concerns and utilize Section 3 area residents as trainees and employees. Good faith efforts will include evidence of recruiting through local advertising media or Idaho Department of Labor, or placing signs at the project, and identifying Section 3 hiring objective in invitations to bid, pre-bid meeting, and pre-construction conferences.

Covered grantees and contractors must keep records documenting good faith efforts and the results of these efforts. Additional information on Section 3 and all reporting forms can be found in the Exhibits B & C or in Chapter VI, Labor, Section 7 and Chapter VI exhibits.

**B. Disadvantaged Business Enterprises**

This section focuses on procurement and contracting opportunities for minorities and women in the project area. Section 109 of the Housing and Community Development Act of 1974, as amended, requires recipients to ensure nondiscrimination in the solicitation and awarding of contracts generated with ICDBG funds. 24 CFR Part 85.36(e) states that affirmative steps must be taken to ensure that small, minority and female businesses and firms are used, when possible, as sources of supplies, equipment, construction and services.

For a listing of Idaho’s registered Women, Disadvantaged or Minority businesses, contact the Idaho Transportation Department at (208) 334-8567 or visit their Web site: www.itd.idaho.gov.

Grantees, their sub-recipients and contractors must document how minority and women owned businesses are given opportunities under the CDBG program. In addition to including the EEO Statement in all contractual solicitations, the following activities are recommended:

1. Provide all construction plan holders with a list of Idaho’s registered Women, Disadvantaged and Minority businesses.

2. Develop and maintain a list of publications in which bid solicitations and Requests for Proposals will be advertised and include local minority publications. Document that solicitations have been advertised in those publications. Commerce provides assistance via the Procurement Technical Assistance Center (PTAC) to meet this step for construction activities.

3. Procure in a manner that provides maximum full and open competition. Procurement procedures shall not restrict or eliminate competition. Restrictive competition includes, but is not limited to:

a. Placing unreasonable requirements on suppliers to qualify for a job.

b. Unnecessary experience and bonding.

As part of the documentation for this compliance area, **the grantee must complete the Contract/Subcontract Activity Report** located in Exhibit D and submit it to the Commerce Project Manager.

**C. Limited English Proficiency (LEP)**

Limited English Proficiency (LEP) is a term used to describe people who do not speak English as their primary language and who also may have limited ability to read, write, or understand English.

The diversity of Idaho’s population continues to grow and change. Census Bureau statistics for 2007-11 show that nearly 4% of the population in Idaho identified themselves as someone who speaks English less than “very well”. There are 17 Idaho counties with LEP populations at 5% or above. This population statistic is only likely to grow in the future. Therefore, it is critical that cities / counties be innovative and proactive in engaging people from different cultures, backgrounds and businesses in the public involvement aspect of planning and project development and other program areas such as: easement acquisition, utility billings, and other programs or services involving the public.

For a better understanding of terms, *translation* is the process of transferring ideas expressed in writing from one language to another language. *Interpretation* is the process used to orally transfer meaning between languages. In either case, language is not translated or interpreted word for word as there is often not a literal word for word match between languages. Instead, the exchange normally involves the idea or concept that needs to be expressed.

**Authority and Guidance**

Presidential Executive Order (EO) 13166 – *Improving Access to Services for Persons with Limited English Proficiency* is directed at implementing the protections afforded by Title VI of the Civil Rights Act of 1964 and related regulations. Discrimination in providing services to LEP persons is covered in Title VI under national origin discrimination.

The 1987 Civil Rights Restoration Act broadened the coverage of Title VI to include all of a federal fund recipient’s programs and activities, whether they are federally funded or not. These requirements filter down through cities / counties to all sub-recipients including contractors, Metropolitan Planning Organizations, special purpose districts and agents doing business on behalf of cities / counties such as county motor vehicle operations.

EO 13166 states that recipients must provide LEP persons an equal opportunity to benefit from and ensure *meaningful access* to its programs and services that are normally provided in English.

Grantee must complete the LEP four factor analysis, see Exhibit E.

**D. Grantee Equal Employment Opportunities and Grievance Procedures**

This section focuses on local policies and practices as they relate to city or county recruitment, training, and employment.

1. **Equal Employment Opportunity (EEO).** Grantees must provide documentation that they are an EEO employer. This can be accomplished via a statement in an employment handbook or personnel manual. If the grantee does not have written employee policies and procedures with an EEO statement, the sample EEO Policy Statement located in the exhibits must be adopted.

 The grantee must also notify the public that the policy is in place. Methods of notifying the public that the policy is in place include job advertisements or announcements with the EEO statement or the display of EEO posters in public locations. The EEO poster in the exhibits can be used and a poster can be downloaded at http://www.dol.gov/esa/ofccp. Official letterhead, brochures, and publications stating that the grantee is an EEO employer are other ways to notify the public of this policy.

2. **Grievance Procedures.** Identify what grievance procedures are in place for employees and keep a record of any equal opportunity complaints along with their resolutions. Grievance procedures are generally a part of the local government’s personnel policy. The procedures are in place to assist management and employees with an internal, timely, fair and systematic process to resolve problems. The two most important factors in the resolution process are timeliness and confidentiality. Grievable issues may include, but are not limited to, classification, leave, suspension, involuntary transfer, promotion and demotion. Discrimination due to ethnicity, race, national origin, color, gender, age, political or religious affiliation, and mental or physical disability is grievable under a grievance procedure. This does not include an individual who is an alcoholic or drug abuser whose current substance abuse prevents the individual from performing his/her duties on the job, or whose employment would constitute a direct threat to the property or safety of others. The department highly recommends that all employers have grievance procedures.

**Grantee Grievance Procedures**

1. A civil rights complaint consists of two components:

a. The belief the individual(s) has been denied opportunities and benefits and has been treated differently from the general population on the basis of protected status, i.e., race, national origin, religion, color, gender, age or disability.

b. Identification of the problem and the complainant’s protected status as previously described.

2. The complainant or his/her designated representative may file the complaint. A complaint must be in writing and include the name and address of the complainant, the entity or person the complaint is against, a description of the discriminatory acts or omissions, and the corrective action sought.

3. Grantees must designate a responsible employee at the local level to assist in the complaint process. (Reference the Citizen Participation Plan adopted as part of the ICDBG application process.) The designated employee shall hold in confidence the identity of any person submitting a complaint, unless the person submits written authorization waiving confidentiality.

4. Civil rights complaints should be directly referred to the HUD Regional Office of Fair Housing and Equal Opportunity (FHEO) in Seattle or to the Idaho Human Rights Commission.

U.S. Dept. of Housing & Urban Development (HUD)

Office of Fair Housing & Equal Opportunity

Compliance Division

Seattle Office, Region X

909 First Ave., Ste. 200

Seattle, WA 98104-1000

(206) 220-5101

TTY (206) 220-5254

1-877-741-3281

Idaho Human Rights Commission

1109 Main St., Ste.400

PO Box 83720

Boise, ID 83720-0040

(208) 334-2873

TTY (208) 334-4751

1-888-249-7025 (toll free)

**E. Documenting Equal Access**

The following documents must be included in the CDBG project file:

* Completed “Steps to Comply with Section 3” and “Section 3 Summary Report” for covered Grantees and contractors (Exhibits B and C).
* Documentation efforts were made to notify MBEs and WBEs of procurement and contracting opportunities. – PTAC notifications
* Completed Contractor/Subcontractor Activity Report(s) (Exhibit D).
* Limited English Proficiency (LEP) Four Factor Analysis (Exhibit E).
* Grantee personnel policies including Grievance Procedures.
* Documentation of an EEO Policy Statement and documentation that the EEO posters have been displayed in a public area. Send photo.
* The person designated to handle EEO complaints.
* Documentation of beneficiaries by race, ethnicity, gender, disability, income and female head of household. Submitted with closeout reports.

**Documenting Beneficiaries**

Project beneficiaries must be documented for all projects utilizing CDBG funding. A breakdown of beneficiaries by race, income level, disability, age and female head of household is required. Benefits are categorized as direct and indirect.

**Direct benefits** are when the beneficiary can be identified by name and address. Examples of direct beneficiaries include those who receive jobs created through an economic development project or residents who benefit from housing rehabilitation grants. The Business Employment Form, located in the Chapter 9 of application handbook shall be used to document beneficiaries for job creation projects.

**Indirect benefits** are applicable when the benefits are classified as area-wide. Examples include street improvements, water and sewer system improvements, emergency service facilities and downtown revitalization projects. The Community Profile can be used to document beneficiaries for most activities on an area-wide basis. If the area benefiting is not coterminous with census boundaries, the grantee must find another method to document project beneficiaries. The project manager from Idaho Commerce can assist in this determination.

**EXHIBITS**

 **Exhibit Name Page No.**

B. Section 3 – “Steps to Comply” 9

C. Section 3 - Summary Report 11

D. Contractor and Subcontractor Activity Report 15

E. Limited English Proficiency (LEP) Four Factor Analysis 17

**Steps to Comply with Section 3**

**\*This form must be completed by the awarded prime contractor and all of his/her subcontractors with contracted amounts over $100,000 prior to issuing the notice to proceed. (rev 8/2014)**

**From:** **For**:

 Name of Contractor Name of Project

***What is Section 3?***

Under Section 3 of the Housing and Urban Development Act of 1968, whenever HUD financial assistance is given for housing or community development, to the greatest extent feasible, economic opportunities will be given to low income residents and businesses in that area. The project being awarded has Idaho Community Development Block Grant funding which is subject to HUD requirements. **\*Covered prime contractors and subcontractors are required to show a good faith effort to:**

1. Provide employment and training opportunities for ***Section 3 Residents***.
2. Provide opportunities for ***Section 3 Businesses*** for supplies, services, and construction contracts.

***Definition of a Section 3 Resident:*** **(1)** A low to moderate income person residing in the County in which the ICDBG funds are expended. (A low to moderate income person typically has an annual income of less than $29,300 or **(2)** A public or Indian housing resident or recipient of the Section 8 housing assistance.

***Definition of a Section 3 Business:*** A business that meets at least **one** of the following criteria: **(1)** Majority (51%) ownership held by Section 3 Residents or **(2)** at least thirty percent (30%) of the permanent full-time employees are Section 3 Residents or were within the first three years of their employment with the business **or (3**) more than twenty-five percent (25%) of the business’ work is subcontracted to a business that meets either of the first two criteria.

**Part I. Affirmative Action Plan for hiring and training Section 3 Residents:**

1. The total number of new hires I need for this project is \_\_\_\_\_\_\_\_\_.
2. Activities planned to meet Section 3 hiring objectives (check those applicable):

( ) Recruit through local advertising media (include phrase “equal opportunity employer”).

( ) Recruit by contacting the local housing authority or agency.

( ) Utilize the recruiting services provided by the Idaho Department of Labor.

( ) Utilize the services of local apprenticeship or training programs.

1. The total number of my current employees I intend to use on this project is \_\_\_\_\_\_\_. The number of these who would be considered Section 3 Residents is \_\_\_\_\_\_.
2. The total number of *trainees* or *apprentices* I intend to use on this project is \_\_\_\_\_\_\_\_\_. The number of these trainees or apprentices that would be considered lower income project area residents is \_\_\_\_\_\_\_\_\_.

**Part II. Affirmative Action Plan for contracting with Section 3 Businesses:**

1. Activities planned to recruit Section 3 Businesses:

( ) Recruit via Section 3 Business Registry – [www.hud.gov/sec3biz](http://www.hud.gov/sec3biz) “Search for a Business.”

( ) Recruit by submitting sub-contracting bidding opportunities to the Idaho Procurement Technical Assistance Center, the ITD Disadvantage Business Enterprise (DBE) program, and area TERO programs.

1. I will award \_\_\_\_\_\_contracts in connection with these project activities.
2. The total estimated dollar value of these contracts is $\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
3. Of these contracts \_\_\_\_\_ will likely be awarded to Section 3 Businesses.
4. The total estimated dollar value of contracts awarded to Section 3 Businesses is $\_\_\_\_\_\_\_\_\_\_\_\_.

***I certify to the greatest extent possible I will hire and train Section 3 Residents and will obtain services, supplies and construction subcontracts from Section 3 Businesses.***

Signature (Prime Contractor or Subcontractor) Date

|  |  |  |
| --- | --- | --- |
| **Section 3 Summary Report**Economic Opportunities for | **U.S. Department of Housing****and Urban Development**Office of Fair Housing |  |
| Low- and Very Low-Income Persons | and Equal Opportunity |  |

See back of page for Public Reporting Burden statement

|  |  |  |
| --- | --- | --- |
| 1. Recipient Name & Address: (street, city, state, zip) | 2. ICDBG Grant #: (contract/award no.) | 3. Dollar Amount of Award: |
| 4. Contact Person: | 5. Phone: (include area code) |
| 6. Reporting Period: | 7. Date Report Submitted: |
| 8. Program Code:  | 9. Program Name: |

**Part I: Employment and Training** (\*\* Include New Hires in columns E & F.)

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| AJob Category | BNumber of New Hires | CNumber of New Hires that are Sec. 3 Residents | D% of Aggregate Number of Staff Hours of New Hires that are Sec. 3 Residents(Not Mandatory to Report) | E\*\*% of Total Staff Hours for Section 3 Employees & Trainees(Not Mandatory to Report) | F\*\*Number of Section 3 Employees & Trainees |
| Professionals |  |  |  |  |  |
|  Architect |  |  |  |  |  |
|  Architect in Training |  |  |  |  |  |
|  Engineer |  |  |  |  |  |
|  Engineer in Training |  |  |  |  |  |
| Technicians |  |  |  |  |  |
| Grant Administrator |  |  |  |  |  |
| Office / Clerical  |  |  |  |  |  |
| Construction by Trade(List) |  |  |  |  |  |
| Trade |  |  |  |  |  |
| Trade |  |  |  |  |  |
| Trade |  |  |  |  |  |
| Trade |  |  |  |  |  |
| Other (List) |  |  |  |  |  |
| **Total** |  |  |  |  |  |

**Part II: Contracts Awarded**

|  |  |
| --- | --- |
| 1. Construction Contracts: |  |
|  A. Total dollar amount of all contracts awarded on the project | **$** |
|  B. Total dollar amount of contracts awarded to Section 3 businesses | **$** |
|  C. Percentage of the total dollar amount that was awarded to Section 3 businesses |  **%** |
|  D. Total number of Section 3 businesses receiving construction contracts |  |
| 2. Non-Construction Contracts: (i.e. Administration, Engineering, Architectural, etc.) |  |
|  A. Total dollar amount of all non-construction contracts awarded on the project/activity | **$** |
|  B. Total dollar amount of non-construction contracts awarded to Section 3 businesses | **$** |
|  C. Percentage of the total dollar amount that was awarded to Section 3 businesses |  **%** |
|  D. Total number of Section 3 businesses receiving non-construction contracts |  |

**Part III: Summary**

Indicate the efforts made to direct the employment and other economic opportunities generated by HUD financial assistance for housing and community development programs, to the greatest extent feasible, toward low- and very low-income persons, particularly those who are recipients of government assistance for housing. (Check all that apply.)

\_\_\_ Attempted to recruit low-income residents through: local advertising media, signs prominently displayed at the project site, contacts with community organizations and public or private agencies operating within the metropolitan area (or nonmetropolitan county) in which the Section 3 covered program or project is located, or similar methods.

\_\_\_ Participated in a HUD program or other program which promotes the training or employment of Section 3 residents.

\_\_\_ Participated in a HUD program or other program which promotes the award of contracts to business concerns which meet the definition of Section 3 business concerns.

\_\_\_ Coordinated with Youth build Programs administered in the metropolitan area in which the Section 3 covered project is located.

\_\_\_ Other; describe below.

Public reporting burden for this collection of information is estimated to average 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u., mandates that the Department ensure that employment and other economic opportunities generated by its housing and community development assistance programs are directed toward low- and very low income persons, particularly those who are recipients of government assistance for housing. The regulations are found at 24 CFR Part 135. The information will be used by the Department to monitor program recipients’ compliance with Section 3, to assess the results of the Department’s efforts to meet the statutory objectives of Section 3, to prepare reports to Congress, and by recipients as a self-monitoring tool. The data is entered into a data base and will be analyzed and distributed. The collection of information involves recipients receiving Federal financial assistance for housing and community development programs covered by Section 3. The information will be collected annually to assist HUD in meeting its reporting requirements under Section 808(e)(6) of the Fair Housing Act and Section 916 of the HCDA of 1992. An assurance of confidentiality is not applicable to this form.

The Privacy Act of 1974 and OMB Circular A-108 are not applicable. The reporting requirements do not contain sensitive questions. Data is cumulative; personal identifying information is not included.

**Section 3 Summary Report, Economic Opportunities**

**for Low- and Very Low-Income Persons**.

**Instructions:** This form is to be used to report annual accomplishments regarding employment and other economic opportunities provided to low- and very low-income persons under Section 3 of the Housing and Urban Development Act of 1968. The Section 3 regulations apply to any ***public and Indian Housing programs*** that receive: (1) development assistance pursuant to Section 5 of the U.S. Housing Act of 1937; (2) operating assistance pursuant to Section 9 of the U.S. Housing Act of 1937; or (3) modernization grants pursuant to Section 14 of the U.S. Housing Act of 1937 and to ***recipients of housing and community development assistance in excess of $200,000*** expended for: (1) housing rehabilitation (including reduction and abatement of lead-based paint hazards); (2) housing construction; or (3) other public construction projects; and to ***contracts and subcontracts in excess of $100,000*** awarded in connection with the Section-3-covered activity.

This form has three parts which are to be completed for all programs covered by Section 3. Part I relates to ***employment and training***, The recipient has the option to determine numerical employment/ training goals either on the basis of the number of hours worked by new hires (columns B, D, E and F) or the number of new hires utilized on the Section 3 covered project (columns B, C and F). Part II of the form relates to ***contracting***, and Part III summarizes recipients’ ***efforts*** t o comply with Section 3.

Recipients or contractors subject to Section 3 requirements must maintain appropriate documentation to establish that HUD financial assistance for housing and community development programs were directed toward low- and very low-income persons.\* A recipient of Section 3 covered assistance shall submit one copy of this report to Idaho Commerce & Labor. The report is to be submitted between 50% and 75% completion of the project. ***Only ICDBG grantees are required to report to ICL. The report must include accomplishments of all recipients and their Section 3 covered contractors and subcontractors***

1. Recipient: Enter the name and address of the recipient submitting this report.

2. ICDBG Grant #: Enter the number that appears on the award form (with dashes).

3. Dollar Amount of Award: Enter the dollar amount, rounded to the nearest dollar, received by the recipient.

4 & 5. Contact Person/Phone: Enter the name and telephone number of the person with knowledge of the award and the recipient’s implementation of Section 3.

6. Reporting Period: Indicate the time period (months and year) this report covers.

7. Date Report Submitted: Enter the appropriate date.

8. Program Code: Already completed

9. Program Name: Enter the name of the Project assigned by ICL (e.g. Water Improvement Project).

**Part I: Employment and Training Opportunities**

**Column A:** Contains various job categories. Professionals are defined as people who have special knowledge of an occupation (i.e., supervisors, architects, surveyors, planners, and computer programmers). For construction positions, list each trade and provide data in columns B through F for each trade where persons were employed. The category of “Other” includes occupations such as service workers.

**Column B:** Enter the number of new hires for each category of workers identified in **Column A** in connection with this award. New Hire refers to a person who is not on the contractor’s or recipient’s payroll for employment at the time of selection for the Section 3 covered award or at the time of receipt of Section 3 covered assistance.

**Column C:** Enter the number of Section 3 new hires for each category of workers identified in **Column A** in connection with this award. Section 3 new hire refers to a Section 3 resident who is not on the contractor’s or recipient’s payroll for employment at the time of selection for the Section 3 covered award or at the time of receipt of Section 3 covered assistance.

**Column D:** Enter the percentage of all the staff hours of new hires (Section 3 residents) in connection with this award.

**Column E:** Enter the percentage of the total staff hours worked for Section 3 employees and trainees (including new hires) connected with this award. Include staff hours for part-time and full-time positions.

**Column F:** Enter the number of Section 3 residents that were employed and trained in connection with this award.

**Part II: Contract Opportunities**

**Block 1**: Construction Contracts

Item A: Enter the total dollar amount of all contacts awarded on the project/program.

Item B: Enter the total dollar amount of contracts connected with this project/program that were awarded to Section 3 businesses.

Item C: Enter the percentage of the total dollar amount of contracts connected with this project/program awarded to Section 3 businesses.

Item D: Enter the number of Section 3 businesses receiving awards.

**Block 2:** Non-Construction Contracts

Item A: Enter the total dollar amount of all contacts awarded on the project/program.

Item B: Enter the total dollar amount of contracts connected with this project awarded to Section 3 businesses.

Item C: Enter the percentage of the total dollar amount of contracts connected with this project/program awarded to Section 3 businesses.

Item D: Enter the number of Section 3 businesses receiving awards.

**Part III: Summary of Efforts** - Self-explanatory

Submit one (1) copy of this report to the Idaho Department of Commerce & Labor, at the same time the performance report is submitted to the program office. Include only contracts executed during the reporting period specified in item 8.

\*The terms “low-income persons” and “very low-income persons” have the same meanings given the terms in section 3(b)(2) of the United States Housing Act of 1937. ***Low-income persons*** mean families (including single persons) whose incomes do not exceed 80 per centum of the median income for the area, as determined by the Secretary, with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 80 per centum of the median for the area on the basis of the Secretary’s findings such that variations are necessary because of prevailing levels of construction costs or unusually high- or low-income families. ***Very low-income persons*** mean low income families (including single persons) whose incomes do not exceed 50 per centum of the median family income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 50 per centum of the median for the area on the basis of the Secretary’s findings that such variations are necessary because of unusually high or low family incomes

ref 24 CFR 135



**Instructions**

The purpose of this report is to identify contract and subcontract activity based on race and gender characteristics.

1. *Grantee Name.* Enter the name of the unit of government submitting the report.

2. *Contact Person.* Enter the name and phone number of the person responsible for providing contract data.

3. *Grant Number.* Enter the Idaho Community Development Block Grant contract number.

4. *Date Submitted.* Enter the date the report is submitted to IDC and whether the report is an interim or final status report.

5. *Contractor/Subcontractor Name and Address.* Enter the name and address for each contractor.

6. *Contractor/Subcontractor ID Number.* Enter Employer (IRS) Number of Contractors as the unique identifier for the recipients of ICDBG funds.

7. *Amount of Contract.* Enter the dollar amount of the contract or subcontract. Round the figures to the nearest thousand dollars.

8. *Type of Trade.* Enter the numeric code (1 through 3) that best shows the contractor/subcontractor service. If the Subcontractor ID Number is provided, the type of trade code would be for the subcontractor only, not the prime contractor.

9. *Business Racial/Ethnic/Gender Code.* Enter the code (1 through 6) that shows the race/gender of the contractor’s firm.

Exhibit E

**Limited English Proficiency (LEP) Four Factor Analysis**

As a recipient of ICDBG funds, you are required to conduct a Limited English Proficiency (LEP) Four Factor Analysis, and employ a Language Access Plan (LAP) for LEP individuals if it is determined by the assessment of your community. The four factors for consideration when deciding what reasonable steps should be taken to ensure meaningful access for LEP persons are **(1) demographics**, or the number or proportion of LEP persons served or encountered in the eligible service population; **(2)** the **frequency** with which LEP individuals come in contact with your services and programs; **(3) importance**, or the nature of your programs, activities, or services provided; and **(4)** the **resources** available to you and the costs.

Failure to ensure LEP persons can effectively participate in or benefit from federally funded activities and programs may result in National Origin discrimination under Title VI of the Civil Rights Act of 1964.

**Performing the Four Factor Analysis**

**Demographics** – The act of providing language assistance services should include an assessment of the number or proportion of LEP persons from a particular language group served or encountered in the surrounding community area. The greater the number or proportion of a particular group is served or encountered, the more likely prearranged language services are needed. Generally, identifying any community where the LEP population equals five (5) percent or more in a given language automatically triggers providing language assistance services as a mandatory and normal part of your program operation. In Idaho, the largest LEP population is Hispanic.

There are a variety of sources for demographic information. The Census Bureau is only one potential source. Cities/Counties may determine the linguistic characteristics of an LEP population in a service area by reviewing available data from federal, state, and local government agencies, as well as local school districts (see attached table for county-specific data from the ACS 2007-2011).

|  |
| --- |
| 1. What percentage of your city/county speaks English “less than very well”? \_\_\_\_\_\_\_\_\_\_\_\_\_\_2. Does the city/county currently have a language access plan (LAP)? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ If yes, is the plan specific to just certain funding sources (ex: ITD, HUD etc.) or is it inclusive of municipal wide services? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_3. Aside from census data, how does your city/county identify LEP individuals? (Select all that apply.)[ ]  Assume limited English proficiency if communication seems impaired.[ ]  Respond to individual requests for language assistance services.[ ]  Self-identification by the non-English speaker or LEP individual.[ ]  Ask open-ended questions to determine language proficiency on the telephone or in person.[ ]  Use of “I Speak” language identification cards or posters.[ ]  Based on written material submitted to the city/county (e.g., complaints).[ ]  We have not identified non-English speakers or LEP individuals.[ ]  Other (please specify): |

**Frequency of Contact** – The more frequent the contact with a particular language group, the more likely that enhanced services in that language are needed. It is also important to consider the frequency of different types of language contacts. For example, frequent contacts with Spanish-speaking people who are LEP may require bilingual staffing. Less frequent contact with other language groups may suggest a different and less intense approach.

For programs where public outreach or public involvement is central to the mission, staff should consider whether appropriate outreach to LEP persons could increase the frequency of contact with those groups, triggering a higher level of language assistance.

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| --- | --- | --- |
| 1. Specify the top three most frequently encountered non-English languages by your program and how often these encounters occur (e.g., 2-3 times a year, once a month, once a week, daily, constantly). | Language1. \_\_\_\_\_\_\_\_\_\_\_\_\_\_2. \_\_\_\_\_\_\_\_\_\_\_\_\_\_3. \_\_\_\_\_\_\_\_\_\_\_\_\_\_ | Frequency of Encounters1. \_\_\_\_\_\_\_\_\_\_\_\_\_\_2. \_\_\_\_\_\_\_\_\_\_\_\_\_\_3. \_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| 2. Does your city/county, or individuals therein, interact or communicate with LEP individuals? | Yes | \_\_\_ | No | \_\_\_ |
| 3. Please describe the manner in which your city/county interacts with LEP individuals:[ ]  In-Person[ ]  Telephonically[ ]  Electronically (e.g., email or website)[ ]  Via Correspondence[ ]  Prearranged Translation Services[ ]  Other (please specify): |

**Importance of Contact** – Once you have assessed what languages to consider by looking at demography and frequency of contact, look at the nature and importance of your programs, activities and services that you provide to that population. As a general rule, the more important the activity, information, service or program, or the greater the possible consequences of the contact to the LEP individuals, the more likely language services will be needed. If the denial or delay of access to services or information could have serious implications for the LEP individual, procedures should be in place to provide language assistance to LEP persons as part of standard business practices.

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| --- | --- | --- | --- | --- |
| 4. Does your city/county identify and translate vital documents into the non-English languages of the communities in your service area? | Yes | \_\_\_ | No | \_\_\_ |
| 5. Which vital written documents has your city/county translated into non-English languages?[ ]  Consent forms[ ]  Complaint forms[ ]  Intake forms[ ]  Notices of rights[ ]  Notice of denial, loss or decrease in benefits or services[ ]  Notice of Utility Payment [ ]  Utilities shut-off or disrupted[ ]  Applications to participate in programs or activities or to receive benefits or services[ ]  Municipal Signage[ ]  Notice of Public Hearing[ ]  Notice of Council/Planning/Zoning Meetings[ ]  Access to Emergency Services, Police/Fire/EMT[ ]  Maintenance/Construction Notice[ ]  Other (please specify): |

**Resources** – Identify the resources available to ensure that you will be able to provide language assistance to LEP persons participating in your programs or activities. Your own particular demographics, frequency and importance of contacts will dictate the level of language services you should commit to provide. Some language services can be provided at little or no cost, such as using community volunteers or bilingual staff as interpreters. Using a telephone language line is less expensive than hiring an interpreter. You should carefully explore the most cost-effective means of delivering competent and accurate language services before deciding to limit services due to resource concerns.

Smaller municipalities with limited budgets are not expected to have the same resources available as larger municipalities with greater budgets.

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| --- |
| 1. What types of language assistance services does your city/county provide? (Select all that apply.)[ ]  Bilingual staff[ ]  In-house interpreters (oral)[ ]  In-house translators (documents)[ ]  Contracted interpreters[ ]  Contracted translators[ ]  Telephone interpretation services[ ]  Video interpretation services[ ]  Language bank or dedicated pool of interpreters or translators[ ]  Volunteer interpreters or translators[ ]  Interpreters or translators borrowed from another agency (school district, State Health and Welfare, university/college etc.)[ ]  Other (please specify): |
| 2. Does your city/county ask or allow LEP individuals to provide their own interpreters or have family members or friends interpret? | Yes | \_\_\_ | No | \_\_\_ |
| 3. Does your city/county provide staff with a list of available interpreters and the non-English languages they speak, or information on how to access qualified interpreters? | Yes | \_\_\_ | No | \_\_\_ |
| 4. Does your website have content in non-English languages, or allow for language translation? | Yes | \_\_\_ | No | \_\_\_ |
| 5. Who receives staff training on working with LEP individuals? (Select all that apply.)[ ]  Management or senior staff[ ]  New employees[ ]  All employees[ ]  Volunteers[ ]  First responders (Fire Chief, police, EMT, etc.)[ ]  Public works superintendent[ ]  Building inspector[ ]  Commissioners[ ]  Mayor[ ]  Others (please specify): |
| 6. How do you inform members of the public about the availability of language assistance services? (Select all that apply.)[ ]  Frontline and outreach multilingual staff[ ]  Posters in public areas[ ]  “I Speak” language identification cards distributed to frontline staff[ ]  Website[ ]  Social networking website (e.g., Facebook, Twitter)[ ]  Email to individuals or a list service[ ]  Other (please specify): |
| 7. Do your translated program outreach materials inform LEP individuals about the availability of free language assistance services? | Yes | \_\_\_ | No | \_\_\_ |
| 8. Does your city/county regularly advertise on non-English media (television, radio, newspaper, and websites)? | Yes | \_\_\_ | No | \_\_\_ |
| 9. Does the main page of your city/county website include non-English information that would be easily accessible to LEP individuals? | Yes | \_\_\_ | No | \_\_\_ |
| 10. Do you publish citizen participation documents and public notices with a statement that the LEP language identified is available upon request? | Yes | \_\_\_ | No | \_\_\_ |

► Based on the four factor analysis, we have determined that a Language Access Plan (LAP) **is required** for our community. We will follow the creation of a LAP as directed by the Department of Justice website at: <http://www.lep.gov/guidance/guidance_DOJ_Guidance.html>

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Chief Elected Official Date

Additional Resources

* Federal Agency Guidance
	+ - <http://www.lep.gov/guidance/guidance_index.html>
* Planning Guidance
	+ - <http://www.lep.gov/resources/2011_Language_Access_Assessment_and_Planning_Tool.pdf>
* Putting the LAP into Practice
	+ - <http://www.youtube.com/watch?v=qaVKy-2HWIo>
* Access to prearranged translation services
	+ - <http://www.lep.gov/resources/resources.html#MM>
* Public Notices
	+ - <http://www.justice.gov/crt/about/cor/pubs.php>
* HUD Website
	+ - <http://www.hud.gov/offices/fheo/promotingfh/lep.cfm>

**OR**

► Based on the four factor analysis, we have determined that a LAP **is not required** to be developed at this time. However, the community will make all reasonable attempts to accommodate the language access needs of individuals requesting assistance. We will, at a minimum, provide or ensure the following:

* “I Speak” cards for frontline staff
	+ - <http://www.lep.gov/ISpeakCards2004.pdf>
* Awareness of, and access to, available translation services
	+ - <http://www.lep.gov/>
* Staff knowledge of readily available LEP services

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Chief Elected Official Date

Since the demography of your city/county can change, the city/county should conduct a Limited English Proficiency Four Factor Analysis update on an annual basis.

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| --- | --- | --- |
| **Geographic Area** | **Total** | **Population 5 years and over - Percent who speak a language other than English at home** |
| **Percent of Total** | **Speak English less than "very well" Percent** |
| **Idaho** | 1,429,948 | 10.2 | 4.0 |
| **COUNTY** |   |   |   |
| Ada County | 359,794 | 8.9 | 3.1 |
| Adams County | 3,821 | 1.4 | 0.1 |
| Bannock County | 74,883 | 6.3 | 1.6 |
| Bear Lake County | 5,614 | 3.2 | 0.4 |
| Benewah County | 8,717 | 3.4 | 0.2 |
| **Bingham County** | 40,753 | 16.0 | **6.4** |
| **Blaine County** | 19,913 | 18.7 | **10.2** |
| Boise County | 6,789 | 3.6 | 1.2 |
| Bonner County | 38,728 | 3.3 | 0.7 |
| Bonneville County | 92,586 | 9.9 | 3.9 |
| Boundary County | 10,193 | 4.7 | 0.7 |
| Butte County | 2,668 | 4.0 | 2.5 |
| Camas County | 1,164 | 11.7 | 4.3 |
| **Canyon County** | 169,363 | 18.4 | **7.2** |
| Caribou County | 6,327 | 4.2 | 2.5 |
| **Cassia County** | 20,390 | 18.2 | **9.0** |
| **Clark County** | 741 | 40.8 | **28.2** |
| Clearwater County | 8,421 | 4.8 | 1.3 |
| Custer County | 4,084 | 2.3 | 1.2 |
| **Elmore County** | 24,266 | 13.6 | **5.9** |
| Franklin County | 11,456 | 6.4 | 3.1 |
| **Fremont County** | 11,978 | 12.2 | **6.2** |
| Gem County | 15,730 | 8.0 | 3.3 |
| **Gooding County** | 14,049 | 14.8 | **9.1** |
| Idaho County | 15,264 | 2.8 | 0.4 |
| Jefferson County | 22,625 | 9.1 | 3.3 |
| **Jerome County** | 19,706 | 19.7 | **10.4** |
| Kootenai County | 128,376 | 3.6 | 0.9 |
| Latah County | 34,959 | 6.1 | 1.7 |
| Lemhi County | 7,475 | 1.9 | 0.1 |
| Lewis County | 3,579 | 4.1 | 1.8 |
| **Lincoln County** | 4,677 | 20.5 | **9.6** |
| Madison County | 33,541 | 9.9 | 2.1 |
| **Minidoka County** | 18,118 | 25.0 | **10.6** |
| Nez Perce County | 36,868 | 4.6 | 1.0 |
| Oneida County | 3,884 | 3.6 | 0.9 |
| **Owyhee County** | 10,583 | 21.5 | **11.0** |
| Payette County | 20,854 | 9.8 | 4.1 |
| **Power County** | 7,010 | 24.7 | **12.2** |
| Shoshone County | 12,232 | 2.0 | 0.4 |
| **Teton County** | 8,872 | 15.5 | **8.8** |
| **Twin Falls County** | 69,935 | 13.2 | **5.9** |
| Valley County | 9,345 | 3.3 | 1.6 |
| **Washington County** | 9,617 | 15.5 | **7.8** |

**U.S. CENSUS BUREAU STATISTICS – American Community Survey 2007-2011 5 Year Estimate**

**Idaho County LEP Populations**

[http://factfinder2.census.gov](http://factfinder2.census.gov/)