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

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 CDBG **in excess of $200,000 are required** to comply with Section 3 requirements. This would be a Section 3 covered project. Therefore, a grantee, a grantee’s contractor, including the contractor’s subcontractors, that needs to fill any construction contracts or jobs as a result of project activities, must make a good faith effort to award contracts to Section 3 business concerns and/or hire Section 3 Workers. Design professional services are excluded from Section 3.
3. Definition of a Section 3 Worker: A low-to-moderate income person residing in the County in which the CDBG funds are expended. The person typically has an annual income of less than $34,500 or resides in public or Indian housing or is a recipient of housing voucher assistance.
4. Definition of a Section 3 Business: A business that has a majority (51%) ownership held by Section 3 Workers or is a business listed on Section 3 Registry for Idaho: [www.hud.gov/Sec3Biz](http://www.hud.gov/Sec3Biz)

Covered grantees and contractors must make a good faith effort to award contracts to Section 3 business concerns and hire Section 3 workers. Good faith efforts will include, but not limited to:

* recruiting through local advertising media or Idaho Department of Labor,
* placing job hiring signs at the project site,
* recruiting by contacting the local housing authority, and/or
* 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 exhibits A. Section 3 – Steps to Comply and B. Section 3 - Summary Report and on pages 100-103 in Chapter VI, Labor, Section 9.

**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. “Super Circular”, 2 CFR Part 200.321, 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: <https://apps.itd.idaho.gov/apps/ocr/index.aspx>

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 2015-19 show that nearly 4% of the population in Idaho identified themselves as someone who speaks English less than “very well”. There are 16 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 recipients’ programs and activities. These requirements filter down through cities / counties to all sub-recipients including contractors and special purpose districts.

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, they must adopt an EEO statement. Further a Grantee should have within its personnel policy, adopted employee grievance procedures

 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 can be downloaded at <https://www.dol.gov/ofccp/regs/compliance/posters/pdf/eeopost.pdf>. Official letterhead, brochures, and publications stating that the grantee is an EEO employer are other ways to notify the public of this policy.

**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).
* Documentation of an EEO Policy Statement and documentation that the EEO posters have been displayed in a public area. Send photo.
* Grantee personnel policies including grievance procedures.
* 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.**

A. Section 3 – Steps to Comply 6

B. Section 3 Registered Businesses…………………………………………………………………….7

C. Section 3 - Summary Report 9

D. Contractor and Subcontractor Activity Report 11

E. Limited English Proficiency (LEP) Four Factor Analysis 13

**Steps to Comply with Section 3**

**This form must be completed by the awarded prime contractor and all of his/her subcontractors prior to issuing the notice to proceed.**

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

 Name of Contractor or Subcontractor 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. This project is partially funded with HUD Community Development Block Grant funding which is subject to the Section 3 requirements. Therefore, the prime contractor and subcontractors are required to show a good faith effort to:

1. Provide employment and training opportunities for ***Section 3 Workers***.
2. Provide opportunities for ***Section 3 Businesses*** for construction contracts.

***Definition of a Section 3 Worker:*** A low-to-moderate income person residing in the County in which the ICDBG funds are expended. The person typically has an annual income of less than $34,500 or resides in public or Indian housing or is a recipient of housing voucher assistance.

***Definition of a Section 3 Business:*** A business that has a majority (51%) ownership held by Section 3 Workers or is a business listed on Section 3 Registry for Idaho: [www.hud.gov/Sec3Biz](http://www.hud.gov/Sec3Biz)

**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 and social media.

( ) Recruit by contacting the local housing authority.

( ) 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 Workers 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 subcontracting 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. Of any of the subcontractors to be awarded are you aware if any are section 3 businesses?

Yes \_\_\_\_ No \_\_\_\_

1. 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 Workers and will obtain services subcontracts from Section 3 Businesses.***

Signature (Prime Contractor or Subcontractor) Date

**Registered Section 3 Businesses (Idaho)**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Business Name** | **Business Address** | **Business Telephone Number** | **Business Email** | **Services Provided** |
| 2M Services, L.L.C. | 12139 Amethyst Dr HAYDEN, ID 83835 | (208) 762-5951 | 2MServices@roadrunner.com | Carpentry, Electrical, General Contractor, HVAC, Janitorial, Landscaping, Maintenance, Painting Dry Wall, Plumbing |
| Adame Construction Inc | 12333 W. Ardyce Drive BOISE, ID 83713 | (208) 573-4501 | adameconstructioninc@gmail.com | Brick Masonry, Carpentry, Demolition, Electrical, General Contractor, HVAC, Lead Hazard Control, Maintenance, Painting Dry Wall, Plumbing, Roofing |
| Brilliant Services, LLC | 200 E 45th St GARDEN CITY, ID 83714 | (208) 321-5550 | info@brilliantboise.com | Brick Masonry, Carpentry, Demolition, Electrical, General Contractor, General Contractor, Remodeler, Handyman, HVAC, Maintenance, Painting Dry Wall, Plumbing, Roofing |
| Cheyenne Corporation, dba: AAA Action Painting | 511 E 46th Street #23 GARDEN CITY, ID 83714 | (208) 861-9502 | aaaactionmgr@yahoo.com | Painting Dry Wall |
| Complete Home Remodel | PO Box 1429 MERIDIAN, ID 83680 | (208) 999-0046 | chrofid@gmail.com | Carpentry, General Contractor, Landscaping, Maintenance, Painting Dry Wall |
| Cp Integrity Construction, LLC | 4812 Navajo POCATELLO, ID 83204 | (435) 363-5048 | pitasoni@gmail.com | Architecture, Brick Masonry, Carpentry, Consulting, Demolition, Electrical, Engineering, General Contractor, HVAC, Janitorial, Landscaping, Maintenance, Painting Dry Wall, Plumbing, Roofing |
| Crosby's Customs & Construction | 776 Challis Creek Road Challis, ID 83226 | (208) 303-7305 | crosbyscustoms@gmail.com | Brick Masonry, Carpentry, Demolition, Electrical, General Contractor, HVAC, Maintenance, Roofing |
| CTE Supply Inc | 3046 E Shadoweagle Dr EAGLE, ID 83616 | (818) 305-7962 | howell514@hotmail.com | Consulting |
| Dalrymple Construction Services Inc. | 4639 Adams St GARDEN CITY, ID 83714 | (208) 473-0895 | kimberly@dcsidaho.net | Carpentry, General Contractor |
| Executive Painting Contractors INC. | 12574 Deerbrush ct NAMPA, ID 83651 | (208) 407-5575 | monte@executivepaintingcontractors.com | Painting Dry Wall |
| HCD INC. | 1012 4th st north NAMPA, ID 83687 | (208) 899-7725 | andrew@hcd-inc.com | Consulting, Demolition, General Contractor, Painting Dry Wall, Roofing |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| J&J Construction | 420 Wilson Ave BLACKFOOT, ID 83221 | (208) 680-3499 | jstuart@cableone.net | Carpentry, Demolition, Excavation and concrete, General Contractor, Landscaping, Painting Dry Wall, Roofing |
| Justin Bundy Construction INC | 24796 Middleton Road MIDDLETON, ID 83644 | (530) 524-8332 | justinbundy@att.net | Demolition, General Contractor, Landscaping, sales and installation of commercial playground equipment, shade structures, Concrete, site prep excavation, climbing walls, Precast concrete rock  |
| LaFever Roofing, Inc | P.O.Box 127 MERIDIAN, ID 83680 | (208) 888-5285 | lafever@spro.net |  Roofing |
| LaFEVER Roofing, Inc | PO BOX 127 MERIDIAN, ID 83680 | (208) 888-5285 | office@lafeverroofing.com | Roofing |
| Lawn Pro of Boise LLC | 4840 Freemont St BOISE, ID 83705 | (208) 412-7116 | ryan.lawnpro@gmail.com | Landscaping, Maintenance |
| M5 Trucking and Construction | 127 W South Slope Rd EMMETT, ID 83617 | (208) 600-7729 | M5truckingandconstruction@gmail.com | Demolition, Sewer, Water, Utility installation, excavation, aggregates |
| Pacific Source Construction | 10508 W. Business Park Lane BOISE, ID 83709 | (208) 908-6560 | scott.henders@pacificsource.net | Carpentry, Demolition, Electrical, General Contractor, Landscaping, Lead Hazard Control, Painting Dry Wall, Security |
| Sierra Works, llc | 217 N 1st W ABERDEEN, ID 83210 | (208) 716-2812 | sierraworksllc@hotmail.com | Carpentry, Demolition, General Contractor, Maintenance, Painting Dry Wall, Roofing |
| Total Construction Solutions | 3046 E Shadoweagle Dr EAGLE, ID 83616 | (986) 200-3079 | howell514@hotmail.com | Carpentry, Demolition, General Contractor, Maintenance, Painting Dry Wall |

|  |
| --- |
| **Section 3 Summary Report – Community Development Block Grant Program**Section 3 as per 24 CFR Part 75 requires to the greatest extent feasible that for projects funded with CDBG funds that contractors shall ensure that new employment opportunities are made available to Section 3 workers and contract opportunities are made available to Section 3 businesses.  |
|  |  |  |

***Definition of a Section 3 Worker:*** A low-to-moderate income person residing in the County in which the ICDBG funds are expended. The person typically has an annual income of less than $34,500 or resides in public or Indian housing or is a recipient of housing voucher assistance.

***Definition of a Section 3 Business:*** A business that has a majority (51%) ownership held by Section 3 Workers or (2) a business listed on Section 3 Registry for Idaho: [www.hud.gov/Sec3Biz](http://www.hud.gov/Sec3Biz)

|  |  |  |
| --- | --- | --- |
| 1. Contractor Name & Address:  | 2. ICDBG Grant #:  | 3. Dollar Amount of Award: |
| 4. Contact Person: | 5. Phone:  |
| 6. Date Report Submitted: | 7. Project Name: |

**Part I: Workers Hired**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| AList of Contractors: | BNumber of New Hires | CNumber of New Hires that are Section 3 Workers | DEstimated Number of Hours Section 3 Workers Worked on Project | EEstimated Number of Total Labor Hours Worked on Project |
| Prime Contractor Name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  |  |  |  |
| Subcontractor Name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  |  |  |  |
| Subcontractor Name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  |  |  |  |
| Subcontractor Name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  |  |  |  |
| Subcontractor Name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  |  |  |  |
| Subcontractor Name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  |  |  |  |
| Subcontractor Name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  |  |  |  |
| Subcontractor Name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  |  |  |  |
| Subcontractor Name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  |  |  |  |
| **Total** |  |  |  |  |

**Part II: Contracts Awarded**

|  |  |
| --- | --- |
| Construction Contracts: |  |
|  A. Dollar amount of Prime Contract | **$** |
|  B. Number of Section 3 businesses receiving subcontracts |  |
|  C. Dollar amount of contracts awarded to Section 3 businesses | **$** |
|  D. Percentage of the total dollar amount that was awarded to Section 3 businesses |  **%** |

**Part III: Good Faith Effort**

1. Efforts made to hire a Section 3 worker ( check effort(s) implemented)

\_\_\_ Utilize the services of local apprenticeship or training programs.

\_\_\_ Utilize the recruiting services provided by the Idaho Department of Labor.

\_\_\_ Recruited by contacting the local housing authority.

\_\_\_ Recruited through local advertising social media.

\_\_\_ Coordinated with Youth Build Programs.

\_\_\_ Other; describe below.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_



1. Efforts made to Sub-Contract a Section 3 business ( check effort(s) implemented)

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

\_\_\_ Recruited by submitting subcontracting bidding opportunities to the Idaho Procurement Technical Assistance Center (PTAC) and the ITD Disadvantage Business Enterprise (DBE) program.

\_\_\_ Job opportunity signs displayed at project site.

\_\_\_ Other; describe below.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Submit a copy of this report to the Idaho Department of Commerce.

**I**

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**

**For the City/County of \_\_\_\_\_\_\_\_\_\_\_\_\_**

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 2015-2019).

|  |
| --- |
| 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.

|  |  |  |
| --- | --- | --- |
| 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.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 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.

|  |
| --- |
| 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: <https://www.lep.gov/language-access-planning>

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

<https://www.hud.gov/program_offices/fair_housing_equal_opp/promotingfh/lep-faq>

**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.

