

# Limited English Proficiency Four Prong Analysis *and* Language Assistance Plan (LAP)



Monmouth County Division of Planning  
Office of Community Development  
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Limited English Proficiency  
Four Prong Analysis  
*and*  
Language Assistance Plan (LAP)

*for the*

Monmouth County Division of Planning  
Office of Community Development

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### A. INTRODUCTION

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq., and its implementing regulations provide that 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 otherwise subjected to discrimination under any program or activity that receives Federal financial assistance.

This was followed by Presidential Executive Order 13166 (2000), “Improving Access to Services for Persons with Limited English Proficiency,” which directs Federal agencies to examine the services it provides and to develop and implement a system by which Limited English Proficient (LEP) persons can meaningfully access those services. This Executive Order requires Federal agencies to assess and address the needs of eligible persons seeking access to Federal programs that because of their limited English cannot fully and equally participate in or benefit from those programs or activities.

On December 19, 2003, the U. S. Department of Housing and Urban Development (HUD) published guidance designed to assist housing authorities to comply with Title VI of the Civil Rights Act of 1964. On January 22, 2007, HUD published final guidance to Federal financial assistance recipients regarding the Title VI prohibition against national origin discrimination affecting limited English proficient persons.

### B. PURPOSE

The purpose of this *Language Assistance Plan (LAP)* is to identify how the Monmouth County Office of Community Development (MCOCD) will ensure its methods of administration will not have the effect of subjecting LEP persons to discrimination because of their national origin, and to ensure LEP persons have full access to programs services. As a recipient of federal assistance, the MCOCD has drafted this LAP to ensure access to all programs and acknowledges that it has an obligation to reduce language barriers that preclude meaningful access by LEP persons to government services and programs. The *Language Access Plan* shall be implemented subject to the availability of fiscal resources to implement said plan.

### C. WHO IS LEP

LEP persons are defined as persons who do not speak English as their primary language and who have limited ability to read, write, speak or understand English. The Monmouth County Office of Community Development will not identify anyone as LEP; the beneficiaries of the services and activities must identify themselves as LEP (Federal Register Vol. 72, No. 13, January 22, 2007).

### D. FOUR-FACTOR ANALYSIS

In accordance with HUD guidelines, the MCOCD will use a four-factor analysis to assess Limited English Proficiency (LEP) and develop a Language Assistance Plan. Conducting this analysis is intended to help determine a reasonableness standard for ensuring meaningful access by LEP

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persons to critical services while not imposing undue financial burdens on organizations. The analysis, an individualized assessment for MCOCD, includes the following:

### **Factor 1**

***The number or proportion of LEP persons eligible to be served or likely to be encountered by the Monmouth County Office of Community Development.***

MCOCD obtained information from the U.S. Census Bureau’s American Community Survey (2008-2012) website in order to gather data about the jurisdiction’s overall population, as well as the population of LEP persons within the jurisdiction and the primary languages spoken. The results of this analysis is found in Table-1.

<p align="center"><b>Table 1: The Top Two Languages Spoken at Home in Monmouth County by LEP persons who speak English “less than well”</b></p>						
Population 5 years and older	Number of LEP persons	Percentage of LEP persons	Persons who speak Spanish “less than well” (LEP)		Persons who speak Portuguese “less than well” (LEP)	
Total	Total	Percent	Total	Percent of Pop. 5 and up	Total	Percent of Pop. 5 and up
594,904	41,677	7.0	21,275	3.57	3,782	0.64
<p><i>Source: US Census Bureau, ACS-American Community Survey (2008-2012)</i></p>						

The above data demonstrates that only 3.6% of the jurisdiction’s largest LEP population (age 5-years and older) is Spanish speaking while the second largest LEP population, Portuguese, accounts for approximately 0.6%. According to U.S. Census data, the next largest LEP language groups that exceed the 1,000 person threshold are Chinese, 3,767 (0.6%); Italian, 1,864 (0.3%); Russian 1,764 (0.3%), and French Creole, 1,262 (0.2%). No other LEP group exceeds the 1,000 person minimum threshold.

MCOCD follows state and county directives regarding LEP persons and has not received any comments indicating a lack of availability of LEP assistance from any of the 34 foreign language speaking populations in the County.

### **Factor 2**

***The frequency in which LEP individuals come into contact with the Community Development program.***

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As reflected in the small number of eligible and/or potential LEP clients in Monmouth County, MCOCD encounters few LEP persons. Over the past year, CD has assisted approximately three (3) LEP Spanish speaking individuals who required assistance and were provided such service at the time of their request. Also during this time, there were no individuals from other LEP populations that either requested or required assistance.

### **Factor 3**

***The nature and importance of the program, activity or service provided by the Community Development program to people's lives.***

The services provided by MCOCD are important as they relate to a client's need for or continued provisions of affordable housing. MCOCD offers three direct client programs that are of great importance to area clients including the Housing Improvement Program, First Time Homebuyer's Program, and the Emergency Repair Program. In addition, a full-time Fair Housing Officer provides information and referrals to residents seeking information on an array of Fair Housing issues.

All of these programs are designed to provide financial housing assistance of some type to low-and moderate-income households. It is, therefore, important to be able to communicate effectively with all persons making inquiries regarding available assistance.

### **Factor 4**

***The resources available to the grantee/recipient and cost***

MCODC will continue to take all reasonable steps to provide meaningful access for LEP persons to Monmouth County's Community Development programs and activities. In recent years, MCOCD has seen a significant reduction in funding levels for both the Community Development Block Grant Program and the HOME Investment Partnerships Program. This reduction in grant assistance has placed an additional strain on the financial resources used to provide LEP assistance.

In order to save costs, MCOCD uses bi-lingual staff, when necessary, to communicate with clients as well as translate its program information into Spanish, the largest LED population. Should the need arise; any of the legal documents required to participate in the programs will be translated into Spanish. If document translations have been completed and are available through other sources, departments, or agencies, the MCOCD will make use of them as necessary. MCOCD will also utilize any documents provided by HUD in languages other than English and seek to retain a professional interpretation service to provide oral interpretation in languages other than Spanish if so warranted.

## **E. FOUR FACTOR CONCLUSION**

Based on the Four Factor Analysis and with a foreseeable growth in the Spanish speaking population countywide, it is recommended that vital documents be translated into Spanish as

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suggested by HUD guidance. The remaining five (5) LEP populations which exceed the 1,000 person threshold, when combined, comprise approximately 2.1% of the total LEP population. As there have been no requests from any of the remaining LEP groups for assistance, and due to increased financial burdens resulting from decreasing HUD allocations, MCOCD will provide LEP services as outlined in the accompanying LAP until such time that monitoring indicates a need to provide more intensive translation services.

### **F. THE LANGUAGE ACCESS PLAN (LAP)**

#### **1) MCOCD LEP COORDINATOR**

The Director of the Office of Community Development shall act as the LEP Coordinator for the Community Development Section. All questions regarding this LEP should be directed to:

Monmouth County Community Development Director  
Division of Planning  
Office of Community Development  
Hall of Records Annex  
2<sup>nd</sup> Floor  
1 East Main Street  
Freehold, NJ 07728

#### **2) LANGUAGE RESOURCE PROTOCOL**

##### **(a) Oral Interpretation and Bi-lingual Staff**

MCOCD will make every effort to provide oral interpretation for all its clients who have identified themselves as LEP and request services. Monmouth County employs bilingual, Spanish-speaking staff in several positions to ensure there are sufficient personnel available to assist Spanish-speaking LEP persons when needed. While MCOCD currently has no full-time Spanish-speaking staff, as part of the Division of Planning, the Office of Community Development has access to a bi-lingual Spanish speaker. In addition, Monmouth County has over 3,000 employees, a number of which are bilingual, including several Spanish-speaking staff, as well as staff who speak other languages.

“I-Speak” language identification cards will be used by receptionists and staff to help those that request assistance but are unable to communicate in English. Once the appropriate language is identified, staff will inform the LEP Coordinator who will then attempt to obtain an appropriate interpretation service.

In particular, MCOCD actively collaborates with the Monmouth County Public Housing Authority (MCPHA), a unit of the Monmouth County Division of Social Services. Some of the MCPHA staff, as well as some other Monmouth County Division of Social Services bilingual employees, must take and pass a civil service competency test in the other language in order to be designated as a bilingual person. This civil service test requires the bi-lingual worker to translate written documents from English to the foreign language and from the

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foreign language to English. This test is designed and administered by the State of NJ Department of Personnel. MCOCD has access to these staff for translation purposes, if necessary.

### **(b) Interpretation Services Provisions**

In the event that an LEP individual that cannot be accommodated through on-site oral interpretation and translation, MCOCD will seek to provide interpretation through a professional interpreter service. The County's Division of Social Services has a contract to use an oral interpretation service via phone which may be accessed by MCOCD on an as needed basis.

### **(c) Stakeholder Consultation and Community Liaison Referrals**

In the unlikely event that the LEP person's primary language is not widely spoken and a suitable interpreter cannot be located, MCOCD may reach out to one of our many agency partners such as the Monmouth County Human Relations Commission, Interfaith Neighbors, Habitat for Humanity, , Latino Action Network, and the Monmouth County Long Term Recovery Group that service LEP communities. MCOCD may also call upon the language resources provided by the Humanities Department of Brookdale Community College, Monmouth County's Community College, which offers courses in Spanish, Chinese, French, Italian, Japanese, German, and Russian.

### **(d) Independent Interpreters**

MCOCD will generally discourage the use of minors, family members or other informal interpreters, but will allow the use of an adult interpreter of the LEP person's choosing (including family members or a professional interpreter at the LEP person's own expense) when the LEP person rejects the MCOCD's free language assistance services. MCOCD will document the offer and the LEP person's subsequent rejection.

### **(e) Vital Document Translation**

HUD defines a vital document as any document that is critical for ensuring meaningful access to recipients' major activities and programs by beneficiaries generally and LEP persons specifically. Based on the results of the Four Factor Analysis, and due to fiscal limitations, attached is a suggested list of vital documents to be translated into Spanish. (Appendix A.).

### **(f) Outreach**

- i) MCOCD will conduct outreach in a method that is inclusive of LEP persons identified through its analysis. All Public Notices and marketing advertisements, such as notification of the availability of waiting list applications, shall continue to be published in English. However, each notice will include a brief statement that the notice is available in Spanish upon request by contacting the MCOCD office.
- ii) MCOCD will offer the following service to provide language accessibility for a

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majority of the existing LEP population:

(1) Public meeting notices shall contain the following statement in Spanish: "Language Access Services are available for free to Limited-English Proficient individuals. Requests for telephonic interpretation services or other special needs must be communicated to the LEP Coordinator at least five (5) business days prior to the meeting in writing or by telephone. Please contact the Office of Community Development Director, Division of Planning, Hall of Records Annex, 2<sup>nd</sup> Floor, 1 East Main Street, Freehold, NJ 07728".

"Servicios de lenguaje están disponibles de forma gratuita a hispanohablantes. Para recibir servicios telefónicas de interpretación u otras necesidades especiales, entregue una solicitud por escrito o por teléfono al coordinador LEP al menos cinco (5) días hábiles antes de la reunión. Por favor póngase en contacto con: Office of Community Development Director, Division of Planning, Hall of Records Annex, 2nd Floor, 1 East Main Street, Freehold, NJ 07728"

(2) Upon receipt of such a request, the LEP Coordinator will contact the contracted translation and interpreting services vendor to make arrangement for telephonic interpretation services at the public meeting.

(3) Documents will be explained orally to those who are illiterate

(4) Staff will communicate with hearing-impaired and/or deaf residents in writing

(5) Any documents that are received that are non-English shall be forwarded to the LEP Coordinator for processing

iii) Relying on the four-factor analysis, for clients who are LEP but are not Spanish-speaking, the MCOCD will translate a notice into a given language that exceeds the 1,000 person LEP threshold announcing the availability of language assistance. This notice of available language assistance will be posted in the lobby area on the official office bulletin board. Until this is accomplished, the MCOCD will post the notice in English.

iv) MCOCD may also participate in community-sponsored events, and make presentations through community organizations to target LEP persons and ensure they are aware of the availability of LEP assistance.

### 3) STAFF TRAINING

The Office of Community Development will provide a copy of this LAP to all existing staff, and will also provide training as to its contents and what is required of them under its policies. Topics will include identifying individuals that need language access services, types of services available, procedure for providing such services, and reporting/monitoring requirements. New employee will receive this LAP and the same training as part of their orientation.

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### **4) MONITORING AND UPDATING THE LAP**

The Office of Community Development will review/revise this LAP on an as needed basis, but no less than every five (5) years as part of the MCOCD's 5-year Comprehensive Plan to ensure the populations of the various language groups within the jurisdiction and their needs are reflected in the provision of primary-language services. At that point the *Language Access Plan* will be reviewed to determine if the existing LEP services are sufficient to meet the needs of LEP clients.

Events that will be considered indicators of the need for a review of the LAP and will also be utilized to identify the need for LEP assistance in other languages include but are not limited to LEP populations within the jurisdiction encountered or affected; frequency of encounters with LEP population; and continued availability of existing resources and the addition of new resources.

### **5) COMPLAINTS**

MCOCD will display a notice in its official public area indicating the process for filing a complaint with the Department and the Office of Civil Rights when an individual is not satisfied with the quality or availability of the language access services.

A beneficiary may file a complaint in writing to the LEP coordinator who will have the document translated, if necessary, and forward it to County Counsel for review and consultation. A beneficiary may also file a complaint directly with HUD's local office of Fair Housing and Equal Opportunity (FHEO). For contact information of the local HUD office, go to the HUD website or call the housing discrimination toll free hotline at 800-669-9777 (voice) or 800-927-9275 (TTY).

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## APPENDIX A

### Program-specific Documents Requiring Translation

#### First Time Home Buyer Program:

##### To be translated now:

- Program Brochure
- Application for Assistance
- Program Policy Guidelines
- Acknowledgement of Receipt of Policy Guidelines

##### Translated only if needed:

- Individual Client Correspondence
- Mortgage Document
- Mortgage Note Document
- Declaration of Covenants and Deed Restrictions
- Acknowledgement of No Prior Home Ownership

#### Housing Improvement Program:

##### To be translated now:

- Program Brochure (when developed)
- Application for Assistance
- Program Policy Guidelines
- Acknowledgement of Receipt of Policy Guidelines

##### Translated only if needed:

- Individual Client Correspondence
- Homeowner Agreement
- Construction Agreement
- Homeowner's Right of Rescission
- Mortgage Document
- Mortgage Note Document

#### Emergency Repair Program:

##### To be translated now:

- Program Brochure (when developed)
- Application for Assistance
- Program Policy Guidelines
- Acknowledgement of Receipt of Policy Guidelines

##### Translated only if needed:

- Individual Client Correspondence
- Homeowner Agreement
- Construction Agreement