



Community Development and Housing Agency

San Bernardino County Language Access Plan



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Col. Paul Cook (Ret.), First District Supervisor | Janice Rutherford, Second District Supervisor | Joe Baca, Jr., Fifth District Supervisor |
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LANGUAGE ACCESS PLAN

County of San Bernardino
Community Development and Housing Agency

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TABLE OF CONTENTS

Table of Contents	3
Introduction	4
Definitions.....	4
Four Factor Analysis	6
Factor 1: The Proportion and Number of LEP Persons within the Eligible Service Area	6
Factor 2: Frequency of Contact with LEP Individuals.....	8
Factor 3: The nature and importance of the program provided by the County.....	8
Factor 4: Resources available to the County and overall costs	9
Four Factor Analysis Summary	9
Implementation Plan	12
Tier 1: Comprehensive Language Assistance.....	12
Tier 2: As-Needed Language Assistance.....	12
Tier 3: Limited Language Assistance.....	12
Written Translation	13
Oral Interpretation	13
Translating Vital Documents	13
Competency of Interpreters and Translators	14
Other Communication Methods	14
Notice of Language Assistance Services.....	14
Written Notice of Language Access Rights.....	14
Limited English Proficiency Coordinator	14
Training.....	15
Community Outreach	15
Monitoring.....	15

INTRODUCTION

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

As a recipient of federal funds, specifically including those sources named above, CDH is required to make reasonable efforts to provide language assistance for people with limited English proficiency so that they may meaningfully access CDH's programs and activities [see *Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons* (FR-4878-N-02, published January 22, 2007)]. This document, which contains a "Four Factor Analysis" as specified in federal Limited English Proficiency (LEP) guidance and an implementation plan describing the types of language assistance that will be made available from the foundation of CDH's approach to ensuring language access for LEP residents.

San Bernardino County is committed to providing equal opportunity in all programs and services to ensure full compliance with all civil rights laws, including Title VI of the 1964 Civil Rights Act, which requires nondiscrimination on the basis of national origin. Equal opportunity includes physical and program access for persons with disabilities and program access for persons with limited English language proficiency. . Program and physical access for persons with disabilities is covered in the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973 as amended under Section 504.

It is the policy of CDH to provide language access services to populations of LEP persons who are eligible to be served by our programs. Such services will be focused on providing meaningful access to our programs, services and/or benefits.

DEFINITIONS

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

Title VI of the Civil Rights Act of 1964, and it's implementing regulation at 45 CFR Part 80 – The law that protects individuals from discrimination based on their race, color, or national origin under any program or activity that receives federal financial assistance.

Limited English Proficiency (LEP) – Those customers and potential customers who cannot speak, read, write, or understand the English language at a level that permits them to interact effectively with program service providers.

Language Access Plan (LAP) – A plan documenting the implementation measures a jurisdiction will undertake in order to address identified needs of the LEP populations it serves.

Vital documents – A document, paper or electronic, that contains information that is critical for accessing the provider/Agency services and/or benefits; letters or notices that require a response from the customer; and documents that inform customers of free language assistance. Classification of a document as “vital” depends upon the importance of the program, information, encounter, or service involved, and the consequence to the LEP person if the information in question is not provided accurately or in a timely manner. The determination of what documents are considered “vital” is left to the discretion of individual operational components within CDH.

Major LEP Language Groups – The languages and/or language groups primarily spoken by 1,000 or more LEP residents within the county. Currently, San Bernardino County’s Major LEP Language Groups are Spanish, Chinese (including Mandarin and Cantonese); Vietnamese; Tagalog (including Filipino); Korean; Arabic; Hindi; Ilocano, Samoan, Hawaiian, or other Austronesian languages; Japanese; Thai, Lao, or other Tai-Kadai languages; and Gujarati.

Qualified Interpreters – Qualified interpreters have: demonstrated proficiency in English and the second language; demonstrated knowledge in both languages of relevant specialized terms or concepts; and documentation of completion of training on the skills and ethics of interpretation, and awareness of relevant cultural issues.

Interactive Voice Response – (IVR System) an automated system that enables callers to obtain and provide information over the telephone in English and other languages.

Interpretation – The act of listening to spoken words in one language (the source) and orally translating it into another language (the target).

Translation – The replacement of a written text from one language into an equivalent written text in another language.

FOUR FACTOR ANALYSIS

In order to allow for a flexible, locally determined approach to ensuring language access for LEP persons, HUD provides a four-factor analysis to be used as a guide. Use of the analysis is intended to help HUD's grantees balance the need to ensure meaningful access by LEP persons to critical services with the costs and resources available to the grantee. The fact-dependent analysis relies upon demographic data for the County of San Bernardino to evaluate which languages require document translation services, in addition to interpretation services, and which languages require only interpretation services, because they fall below the HUD threshold. The implementation plan within this document is based on the outcome of the four-factor analysis and describes CDH's language assistance measures.

As specified in HUD's *Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons* (FR-4878-N-02, published January 22, 2007), the four factors analyzed are these:

1. The number or proportion of LEP persons served or encountered in the eligible service population ("served or encountered" includes those persons who would be served or encountered by the recipient if the persons received adequate education and outreach and the recipient provided sufficient language services);
2. The frequency with which LEP persons come into contact with the program;
3. The nature and importance of the program, activity, or service provided by the program; and
4. The resources available and costs to the recipient.

Each of these four factors is individually discussed in the following sections.

FACTOR 1: THE PROPORTION AND NUMBER OF LEP PERSONS WITHIN THE ELIGIBLE SERVICE AREA

The eligible service population area for this analysis is the entirety of the population of the County of San Bernardino (County). As the County is a recipient of CDBG and other HUD funding that may generally benefit any residents of the County, including residents in incorporated and unincorporated areas, the whole County's population is considered. Data from the American Community Survey (2019 1-year estimates) is presented below showing the numbers of LEP residents in the County by language spoken. An estimated 310,059 County of San Bernardino residents (age 5+) have limited proficiency in the English language, speaking English less than "very well". Nearly four out of every five LEP persons in the County speak primarily Spanish at home. These 246,819 Spanish-speaking LEP residents make up over 12% of the County's total population. In addition to Spanish-speakers, there are 33 additional languages used by 50 or more residents who are limited in their English language proficiency. Significant among these 33 additional languages, is Chinese (including Mandarin and Cantonese) which is spoken by more than 22,000 LEP residents, making up just over 1% of the County's population.

Table 1: San Bernardino County LEP Population

Language	Population Who Speak English Less Than Very Well (Population 5 Years of Age and Over)	Percent of Total Population with Limited English Proficiency	Percent of Total County Population 5 Years and Over
Spanish	246,819	79.6%	12.2%
Chinese (incl. Mandarin, Cantonese)	22,767	7.3%	1.1%
Vietnamese	7,065	2.3%	0.3%
Tagalog (incl. Filipino)	5,925	1.9%	0.3%
Korean	5,091	1.6%	0.3%
Arabic	4,462	1.4%	0.2%
Hindi	1,961	0.6%	0.1%
Ilocano, Samoan, Hawaiian, or other Austronesian languages	1,876	0.6%	0.1%
Japanese	1,731	0.6%	0.1%
Thai, Lao, or other Tai-Kadai languages	1,432	0.5%	0.1%
Gujarati	1,023	0.3%	0.1%
Khmer	977	0.3%	0.0%
Hmong	949	0.3%	0.0%
Punjabi	900	0.3%	0.0%
Amharic, Somali, or other Afro-Asiatic languages	891	0.3%	0.0%
Russian	743	0.2%	0.0%
Portuguese	738	0.2%	0.0%
Other languages of Asia	543	0.2%	0.0%
Swahili or other languages of Central, Eastern, and Southern Africa	480	0.2%	0.0%
Persian (incl. Farsi, Dari)	435	0.1%	0.0%
Bengali	430	0.1%	0.0%
Other Indo-European languages	395	0.1%	0.0%
Ukrainian or other Slavic languages	392	0.1%	0.0%
German	325	0.1%	0.0%
French (incl. Cajun)	319	0.1%	0.0%
Armenian	213	0.1%	0.0%
Urdu	209	0.1%	0.0%
Other and unspecified languages	198	0.1%	0.0%
Haitian	177	0.1%	0.0%

Language	Population Who Speak English Less Than Very Well (Population 5 Years of Age and Over)	Percent of Total Population with Limited English Proficiency	Percent of Total County Population 5 Years and Over
Polish	137	0.0%	0.0%
Italian	129	0.0%	0.0%
Yoruba, Twi, Igbo, or other languages of Western Africa	124	0.0%	0.0%
Serbo-Croatian	79	0.0%	0.0%
Tamil	75	0.0%	0.0%
Nepali, Marathi, or other Indic languages	49	0.0%	0.0%
Yiddish, Pennsylvania Dutch or other West Germanic languages	0	0.0%	0.0%
Greek	0	0.0%	0.0%
Telugu	0	0.0%	0.0%
Malayalam, Kannada, or other Dravidian languages	0	0.0%	0.0%
Hebrew	0	0.0%	0.0%
Navajo	0	0.0%	0.0%
Other Native languages of North America	0	0.0%	0.0%
Total	310,059	100%	15.3%

Source: American Community Survey 1-Year Estimates, 2019, Table B16001 and Table DP05

FACTOR 2: FREQUENCY OF CONTACT WITH LEP INDIVIDUALS

An agency has greater duties to ensure reasonable access to its programs and services if contact with LEP persons is daily or more frequent than if it is unpredictable and infrequent. Recipients of federal funds should take into account local and regional conditions, such as the frequency of different types of language contacts, when determining the frequency of contact of the LEP population with the agency's programs and services. Although comprehensive counts have not been conducted, CDH and its subrecipient organizations and agencies do have routine contact with Spanish-speaking individuals and some individuals with LEP. Contacts with LEP residents speaking languages other than Spanish tend to be unpredictable and infrequent.

FACTOR 3: THE NATURE AND IMPORTANCE OF THE PROGRAM PROVIDED BY THE COUNTY

The nature and importance of the program, activity, or service affect the determination of what reasonable steps are required to ensure meaningful access.

The CDBG program operated by San Bernardino County is generally focused on public facilities and infrastructure projects. Administration of these types of projects do not typically place CDH in direct contact with members of the public, however, as a designated Urban County, San Bernardino County does play a role in overseeing the administration of CDBG funding within some of its incorporated municipalities. In these cases, the municipalities often do opt to use their CDBG funding in activities that entail direct interaction with the public and a greater likelihood of communication with LEP residents seeking housing, services, or other forms of public assistance. While the CDBG program is certainly important, a delay of access to services would not generally be life threatening to LEP persons.

Under the ESG Program, CDH's programs and services are primarily directed toward people experiencing homelessness or at imminent risk of becoming homeless. Language barriers that prevent eligible residents from timely access to ESG-funded programs and services could pose significant consequences which could disproportionately affect LEP persons.

Conversely, under the HOME and NSP programs, CDH provides funding to large-scale multifamily affordable housing projects with development timelines that may be months or years long. Because CDH does not interact directly with members of the general public in carrying out these programs, the need for translation or interpretation is low; where a translation or interpretation need does exist, it is highly unlikely to be of an urgent or life-threatening nature.

FACTOR 4: RESOURCES AVAILABLE TO THE COUNTY AND OVERALL COSTS

It is the policy of CDH to provide language access services to populations of LEP persons who are eligible to be served by our programs. Such services will be focused on the most reasonable steps to provide meaningful access to CDH programs, services and/or benefits. Financially, it is not practical to provide full interpretation and written translation services to support all 35 languages spoken by LEP residents of the County, so the County's available resources must be considered in determining the nature of the steps that CDH must take. The implementation plan that follows describes the varied levels of resources and support that CDH will provide to most efficiently ensure language access services for LEP residents.

FOUR FACTOR ANALYSIS SUMMARY

Taking into account the analysis of all four factors, several conclusions may be reached:

- Spanish is, by far, the most significant language spoken by LEP individuals in the County of San Bernardino. Nearly four out of every five LEP persons in the County speaks primarily Spanish at home. These 246,819 Spanish-speaking LEP residents make up over 12% of the County's total population.
- A significant number of the County's LEP residents speak Chinese. Chinese (including Mandarin and Cantonese) is spoken by more than 22,000 LEP residents, making up just over 1% of the County's population.
- CDH and its subrecipient organizations and agencies do have routine contact with Spanish-speaking individuals and some individuals with LEP. Contacts with LEP residents speaking languages other than Spanish tend to be unpredictable and infrequent.

- LEP residents seeking programs or services funded under the ESG program are the most likely to require language assistance on an emergency and/or time-sensitive basis. LEP persons accessing CDBG or HOME/NSP-funded programs or services in the County should generally be able to wait for language assistance arrangements to be made on an as-needed basis.

HUD’s published LEP guidance contains a set of “safe harbor” criteria for written translations. While adoption of the safe harbor criteria is not required, a language access plan that operates within the safe harbor criteria will be considered to have presented strong evidence of compliance with Title VI obligations. The safe harbor criteria, presented below in Table 2, base the provision of written translations on the size of the language groups present within a jurisdiction. The size of the language group is measured in both number and percentage terms for most of the criteria, however the first criterion for providing translated vital documents uses only a numeric threshold of 1,000 persons. In a very diverse and populous county like San Bernardino, this criterion would necessitate proactive document translation for 11 different language groups. Many of these, while exceeding 1,000 persons, constitute less than a tenth (1/10) of a percent of the County’s population.

Table 2: Safe Harbor Criteria

Size of Language Group	Recommended Provision of Written Language Assistance	Languages Affected
1,000 or more in the eligible population in the market area or among current beneficiaries	Translated vital documents	<ul style="list-style-type: none"> • Spanish • Chinese (incl. Mandarin, Cantonese) • Vietnamese • Tagalog (incl. Filipino) • Korean • Arabic • Hindi • Ilocano, Samoan, Hawaiian, or other Austronesian languages • Japanese • Thai, Lao, or other Tai-Kadai languages • Gujarati
More than 5% of the eligible population or beneficiaries and more than 50 in number	Translated vital documents	<ul style="list-style-type: none"> • Spanish
More than 5% of the eligible population or beneficiaries and 50 or less in number	Translated written notice of right to receive free oral interpretation of documents	None
5% or less of the eligible population or beneficiaries and less than 1,000 in number	No written translation is required	All other languages not named elsewhere in this table

Source: Federal Register Docket No. FR-4878-N-02, published January 22, 2007

Accordingly, and as a matter of balancing the need to ensure meaningful access by LEP persons to critical services with the costs and resources available, CDH deviates from strict adherence to the safe harbor criteria while still offering an enhanced level of cost-effective language support for all 11 of the language groups that fall into the category of having 1,000 or more members. These tiered levels of language support are described further in the implementation plan contained in this document.

IMPLEMENTATION PLAN

A person who does not speak English as their primary language and who has a limited ability to read, write, speak or understand English may be a Limited English Proficient person and may be entitled to language assistance with respect to CDH’s programs and activities. Because Spanish is by far the most spoken language behind English, any translation or interpreter services will be targeted into this language. However, if other language interpretation is needed, CDH will make reasonable efforts to provide free language assistance which may include written translations, oral interpretation, or other measures. Based on the prevalence of the languages spoken by the County’s LEP population, language assistance will be offered according to the following tiers:

Tier 1: Comprehensive Language Assistance

Subject Language: Spanish

Written Translation	CDH will ensure all vital documents are translated into Spanish and made available through the same or comparable means and channels as English-language documents. Upon request and to the extent practical, non-vital documents may be translated into Spanish and/or orally interpreted for LEP customers.
Oral Interpretation	Upon request, oral interpreters will be offered to customers in a timely manner, free of charge. The County will provide bilingual staff members, as available, for Spanish speaking LEP customers.

Tier 2: As-Needed Language Assistance

Subject Languages: Chinese (including Mandarin and Cantonese); Vietnamese; Tagalog (including Filipino); Korean; Arabic; Hindi; Ilocano, Samoan, Hawaiian, or other Austronesian languages; Japanese; Thai, Lao, or other Tai-Kadai languages; and Gujarati

Written Translation	Written language access statements, in each of the subject languages, shall be prepared and provided as needed to inform LEP clients of their rights as follows: <ul style="list-style-type: none"> • Their right to qualified interpreter services at no cost to them. • Their right not to be required to rely on their minor children, other relatives, or friends as interpreters. • Their right to file a grievance about the language access services provided them.
Oral Interpretation	Upon request, oral interpreters will be offered to customers in a timely manner, free of charge.

Tier 3: Limited Language Assistance

Subject Languages: All Others

Written Translation	CDH will make available a set of “I Speak” cards to identify the primary language of LEP individuals who do not speak Spanish or one of the other supported languages. Upon determining the language used by the customer, an oral interpreter will be sought, free of charge.
Oral Interpretation	Upon request, oral interpreters will be sought for customers, free of charge.

Written Translation

Written translation of CDH vital documents will be provided for each eligible language group that constitutes 5% or more of the population of persons eligible to be served by our programs. Vital document translations will be prepared as a standard procedure and are not dependent upon a specific request for the translation. Written translations of vital documents will be disseminated, delivered, and/or posted alongside the English versions or otherwise made available in a comparable medium.

Oral Interpretation

Oral interpreters will be offered to customers in a timely manner free of charge. CDH will provide bilingual staff members, as available, for Spanish speaking LEP customers. Services offered to LEP customers will be documented in appropriate records. CDH will establish and maintain a relationship with interpreters in each of the major LEP language groups so that requests for interpretation may be satisfied expeditiously. When a request is made for interpretation in a language other than a major LEP language group, CDH will seek an interpreter but does not maintain specific contacts for this service.

Translating Vital Documents

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

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

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

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

If there are fewer than 1,000 persons in a language group, CDH does not translate vital written materials, but provides written notice in the primary language of the LEP group of their right to oral interpretation of those written materials, free of cost. Where possible, CDH will use HUD (or other) brochures that are currently available in both English and Spanish. These include but are not limited to:

- HUD form 903.1 – Housing Discrimination Information
- HUD – Are you a victim of housing discrimination?

- HUD – Fair Housing Equal Opportunity LEP Plan 2010 - 2015
- Civil Rights Division – Housing Discrimination, What is it? What can I do about it?
- EPA – The Lead-Safe Certified Guide to Renovate Right

HUD Translated Material link: https://www.hud.gov/program_offices/fair_housing_equal_opp/17lep

Competency of Interpreters and Translators

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

Other Communication Methods

Interactive Voice Response Systems, voicemail, web pages, posters, videos, and media used will be made accessible to LEP populations in accordance with CDH's plan to translate vital documents and other materials. Electronic systems and computer-generated notices will be made accessible to LEP populations in accordance with CDH's plan to translate vital documents and other materials.

Notice of Language Assistance Services

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

- Interpretation services notice added to the CDH website, community services, public notices, and other identified communications.
- Notices in local ethnic media.
- "I Speak" cards available for customers and potential customers to self-identify their language.

Written Notice of Language Access Rights

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

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

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

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

Limited English Proficiency Coordinator

A Limited English Proficiency Coordinator (LEPC) is appointed at the management level to oversee the LEP requirements and procedures. LEP planning and services are provided in coordination with provisions of equal opportunity in services and employment. The LEPC is responsible for ensuring

CDH adheres to the LEP plan and procedures to provide community access to CDH's LEP resources. This individual is responsible for the oversight, performance, and implementation of CDH's LEP plan.

The CDH Limited English Proficiency Coordinator is:

Diane Cotto
CDH Economic & Community Development Analyst II
Phone: 909-387-4352
Email: Diane.Cotto@cdh.sbcounty.gov

Training

Training, including refresher training, will be made available to CDH staff and funding recipients. Training will seek to make staff aware of the following:

- CDH's obligation to provide meaningful access to LEP residents;
- LEP policies and procedures, including the process for obtaining translation and interpretation services from outside vendors; and
- Protocol in responding to LEP residents contacting CDH via telephone, written communications, and in-person contact.

Community Outreach

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

CDH will maintain a copy of this plan on its website and will include there notices of the availability of translation and interpretation services. The CDH site carries a language selection tool so that the site can be translated by individual users into over 100 different languages. Public notices and NOFAs published by CDH will contain a link to this plan and staff at Cooperating Cities will be reminded of the LAP at least annually as part of CDH's funding recommendation process. The LAP will be provided to any person or agency requesting a copy.

The LEP Coordinator will maintain a list of all oral interpreters and/or translators used to perform services for CDH and will ensure any interpreter or translator retained by CDH is provided a copy of the LAP prior to performing services.

Monitoring

Regular monitoring of the plan will be conducted in accordance with the CDH monitoring procedures and may be periodically updated as needed. In order to monitor the LAP, CDH will collect and maintain certain data on the frequency of requests for translation and interpretation services which may indicate the need for future updates. Specifically, CDH will:

- Track all requests for interpretation and translation services.
- If the number of interpretation or translation requests for a language other than Spanish exceeds more than 5% of all requests, CDH may consider translating vital county documents into that language as well.

Additionally, CDH will periodically solicit and review user feedback to identify opportunities to improve delivery of translation and interpretation services. Sources of feedback that may be considered include:

- Complaints or suggestions regarding language assistance services
- Feedback from interpreters, translators and community partners
- Exit surveys for following events or activities where interpretation services are offered.
- Input from county staff.

At least once during each Consolidated Plan cycle, the plan will be reviewed in detail and the data updated for reevaluation of language access needs.