



Attachment 4-10

Four-Factor Analysis for Limited English Proficiency

Grantees are required to take reasonable steps to ensure meaningful access to HUD-Funded programs and resources by Limited English Proficient (LEP) persons. This "reasonableness" standard is intended to be flexible and fact-dependent. It is also intended to balance the need to ensure meaningful access by LEP persons to critical services while not imposing undue financial burdens on local governments or small nonprofit organizations. As a starting point, conduct an assessment that considers the following four factors.

FOUR FACTORS

- Factor #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 grantee if the persons received adequate education and outreach and the grantee provided sufficient language services)
- Factor #2: The frequency with which LEP persons come into contact with the program
- Factor #3: The nature and importance of the program, activity, or service provided by the program
- Factor #4: The resources available and costs to the recipient.

FACTOR #1

To conduct the Factor #1 review, you must access Census data:

1. Go to <https://factfinder.census.gov/> scroll down the page to the "What we Provide" section and click on "American Community Survey -Get Data."
2. On the left, choose "Geographies". Then, choose your county and/or municipality for the geographic area your organization serves by clicking on "add to your selections." Close this box by clicking on the "X" when finished in the upper right section of the geographies box.
3. At the top of the main page under "Topic or Table Name", type B16001. Check the box next to the table at the top of the list ("Language Spoken at Home by Ability to Speak English for the Population 5

Years and Over”). Be sure to select the table that has the most recent “5-year estimates” listed under the Dataset heading. Then, click on “View” at the top left.

For any language group with a population that speaks English less than “very well” (considered LEP) that is 5% or more of your jurisdiction’s total population or has 1,000 people, a Language Assistance Plan (LAP) will be required.

If the grantee determines it does meet the lesser of 1,000 people or 5% threshold of LEP, then the grantee will move on to developing the LAP and does not need to go through Factors #2 through #4.

FACTOR #2:

If the project offers direct assistance to beneficiaries related to housing and other services, the nature of the activity or service may be significant to the proposed project area residents. Additionally, all citizen participation activities must be open to the public. Grantees must assess the frequency of resident contact based on their chosen activities.

If the grantee determines that the program or activities provide direct assistance to residents who have LEP, then the residents are likely to have considerable direct contact, and the grantee will move on to developing the LAP and does not need to go through Factors #3 and #4.

FACTOR #3:

Determine whether the project will provide critical improvements such as a new community service center or public facility to serve low- and moderate-income people with a significant number of LEP persons or a primary focus on LEP persons. The benefits of such projects have an important impact on LEP residents. If the project is found to have such importance, the grantee will move on to developing the LAP and does not need to go through Factor #4.

FACTOR #4:

There are many resources available to grantees to assist LEP persons. Those resources include translation websites, translated documents available from HUD and DOL, and the eligible use of administrative funds from the CDBG program. Grantees should be able to provide language access at a reasonable cost. Grantees should not use cost reasons as the only factor to determine the need for language assistance.

If the grantee determines that none of the factors apply to it and its program, then it does not need to develop an LAP. Grantees should still make reasonable attempts to accommodate language access needs of residents requesting oral translation during citizen participation and for other materials.

Grantees can also consider training staff and using HUD’s “I Speak” cards in their office for LEP persons who walk in. HUD’s “I Speak” cards and some translated materials are available at this website: https://www.hud.gov/program_offices/fair_housing_equal_opp/17lep

SAMPLE LANGUAGE ACCESS PLAN

If the grantee must prepare a Language Access Plan (LAP), use the Sample LAP provided in a separate attachment. Additionally, HUD has established certain “safe harbor” guidelines for written materials. That guidance is:

Size of Language Group	Recommended Provision of Written Language Assistance
1,000 or more in the eligible population in the market area or among current beneficiaries	Translate vital documents.
More than 5% of the eligible population or beneficiaries and more than 50 in number	Translate vital documents.
More than 5% of the eligible population or beneficiaries and 50 or less in number	Translate written notice of right to receive free oral interpretation of documents.
5% or less of the eligible population or beneficiaries and less than 1,000 in number	No written translation is required.