

# **Language Access Plan**

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## **Improving Access to Housing Services for Limited English Proficient Persons in the City of San José**



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## 1. EXECUTIVE SUMMARY

This report provides the framework for a Language Access Plan (LAP) for persons of limited English proficiency (LEP) for use by the City of San José Housing Department and by sub-recipients of federal funding. The creation of this LAP responds to a voluntary compliance agreement (VCA) entered between the City of San José and the federal Department of Housing and Urban Development (HUD) on July 1, 2007 to ensure that LEP individuals have meaningful access to housing & community development programs and services.

The LAP contained in this report follows the guidance provided by HUD in the VCA and the Federal Register regarding LEP individuals.<sup>1</sup> This report has six outcomes as follows:

1. **Four factor analysis:** HUD recommends utilizing a “four factor” analysis for determining the LEP population to serve and the level language services to be provided. This pertains to the City of San Jose and all sub-recipients of HUD funding. The following is the outcome for each of the four factors for the City of San Jose.

- a. *Factor 1: The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee.*

This report defines the eligible population or beneficiaries of an LAP to be all citizens within the City of San José jurisdiction. This definition recognizes that the City has extraordinary ethnic diversity in a region where high housing costs make housing services critical for LEP persons. This report also uses the HUD safe harbor provision of “More than 5 percent of the eligible population or beneficiaries and more than 50 in number.”

This report applies the definition of “eligible population” and the 5 percent safe harbor provision as specified above to the 2000 Census data regarding various language groups. The three language groups that meet these provisions are Spanish, Vietnamese, and Chinese speakers. For the LAP, “Chinese” will include both Mandarin and Cantonese dialects.

- b. *Factor 2: The frequency with which LEP persons come in contact with the program.*

Frequency of contact with programs by LEP persons cannot be measured because data does not exist. Anecdotal evidence suggests that the Housing Department’s rehabilitation program is the most frequently accessed by LEP clients. This report recommends that data gathering occur in the future as part of the LAP in order to quantify frequency of contact.

- c. *Factor 3: The nature and importance of the program, activity, or service provided by the program to people’s lives.*

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<sup>1</sup> Federal Register / Vol. 72, No. 13 / Monday, January 22, 2007 / Notices

The nature and importance of Housing Department programs cannot be accurately assessed because data does not exist to measure this. Again, anecdotal evidence suggests that the Housing Department's rehabilitation program is the one most frequently accessed.

*d. Factor 4: The resources available to the grantee/recipient and costs.*

There have been sufficient resources internal to the Housing Department to provide oral translation services, and this report anticipates this to be true in the future. Additional oral translation needs will be met through United Way's 211 hotline, which is funded by the Housing Department.

For written translations, documents regarding services provided directly by the Housing Department and which contain detailed, program specific information will be automatically translated, either in full or in abridged summary form. Other documents that function primarily as marketing/outreach material may or may not receive written translation. That determination will be made using a document assessment matrix.

## **2. Details the procedures for oral and written language services**

All Housing Department will be trained on the procedures to be used for providing language services to LEP clients. These procedures pertain to both oral and written translation services.

## **3. Departmental training**

The Department will provide three tiers of staff training for the LAP: one tier for Department-wide training for telephone communication; another for Department staff who speak another language besides English; and a third for Department managers to assess vital documents. Staff in Tier 1 will only receive first-tier training; those in Tier 2 will receive first- and second-tier training; those in the Tier 3 will receive first- and third-tier training. Certain staff members may fall into more than one tier.

## **4. Marketing and outreach**

Certain language groups may be under-represented as seeking LAP services not because they do not have demand for them but because they do not know that such language services exist. Additional marketing and outreach efforts may uncover latent demand for LAP services, which will be registered by future data gathering efforts.

Marketing efforts may include: placing multilingual signs or posters in common areas within the Housing Department and throughout San José City Hall; including taglines on Housing Department material indicating that translation services in Spanish, Vietnamese, and Chinese (for both Mandarin and Cantonese dialects) are available; placing marketing and translated written documents on the Department web site; placing public meeting announcements involving Housing Department programs and services on non-English media outlets, such as ethnic newspapers or radio and television stations; and promoting United Way's 211 hotline as a one-stop source for translation services, as well as for housing and community development programs.

**5. Working with sub-recipients of federal funding**

Each community-based organization that receives HUD funding via the Housing Department must develop its own LAP based on a four factor analysis. The Housing Department will collaborate with these CBOs throughout calendar year 2008 to help them develop their plan.

**6. Monitoring, plan updating, and performance measures**

The Housing Department's LAP includes provisions to collect data so that demand for housing programs and services by LEP persons can be more accurately assessed. The data will be used to refine the LAP in response to the measured need.

## 2. INTRODUCTION

Many individuals living in the US for whom English is not their primary language may speak English with limited proficiency or, in some cases, not at all. As a result, persons who are limited English proficient (LEP) may not have the same access to important housing services as those who are proficient. LEP individuals may lack the social networks to connect them to housing services and programs; if connected to the programs, they may not understand the details of programs due to linguistic barriers; or they may fail to comply with applicable responsibilities that could qualify them for programs and services. For these and other reasons, LEP individuals may encounter significant barriers to housing programs and services.

Title VI of the Civil Rights Act of 1964 requires organizations whose programs are federally funded to ensure meaningful access to those programs. Failure to ensure that LEP persons have “meaningful access” to federally funded programs may violate Title VI anti-discrimination regulations. In order to promote meaningful access for LEP persons to housing services and programs, the City of San José Housing Department executed a Voluntary Compliance Agreement (VCA) with HUD on July 2007 stating that a Language Access Plan (LAP) will be drafted and sent to HUD by December 30, 2008.

The LAP sets forth a framework of the language services and procedures that the Housing Department will implement in order to meet the needs of LEP persons. The LAP will follow guidelines issued by HUD in order to meet Title VI requirements in order to promote meaningful access to San José’s housing programs and services for LEP persons. In developing the LAP, the Housing Department followed HUD’s recommended four-factor analysis to determine LEP needs and organizational capacity to meet those needs. The Department relied on feedback from an initial round of non-profit focus groups to develop its LAP. These focus groups will continue through 2008 as the Department refines its LAP.

The LAP also outlines a plan to for the Housing Department to work with sub-recipients of federal funding to develop their own LAP’s. Sub-recipients are community-based organizations (CBO) that receive federal assistance via the Housing Department in order to provide housing services in the City of San José. Each CBO must also perform a four-factor analysis in order to determine the agency’s LEP needs and organizational capacity to meet those needs. The Housing Department will work with CBOs throughout calendar year 2008 to develop and implement their LAP’s.

### 3. FOUR FACTOR ANALYSIS FOR THE CITY OF SAN JOSÉ

This section of the report uses the four-factor analysis as recommended by HUD in order to determine the eligible LEP population and the level of language services to be provided to LEP individuals by the City of San José Housing Department. The four-factor analysis is intended to impart flexibility for implementing a program that meets the intent of federal guidelines for an LAP without imposing undue burdens on participating agencies' financial resources or organizational capacity. These factors are: (1) The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee; (2) the frequency with which LEP persons come in contact with the program; (3) the nature and importance of the program, activity, or service provided by the program to people's lives; and (4) the resources available to the grantee/recipient and costs.<sup>2</sup> HUD recognizes the importance of accounting for an organization's resource capacity in order to develop a viable and sustainable LAP.

It should be noted that the Housing Department, having recognized a need of LEP persons for language services, already provides a variety of translated materials for housing programs in Spanish and Vietnamese. The Department also internally employs individuals who have been identified as qualified speakers of a language other than English (see Factor 4 below for list of language skills). These employees have provided important oral translation services to walk-in and telephone clients.

The following is an analysis of each of the four factors as it pertains to the City of San José:

- ***Factor 1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee.***

HUD has provided four "safe harbor" provisions for determining the eligible population of LEP persons to be served by an LAP.<sup>3</sup> (See Appendix 1 for HUD-specified safe harbor provisions). In essence, a safe harbor is a program criteria which, when met, is evidence that the agency implementing the LAP has made a reasonable effort to identify LEP persons who may need language services.

This report defines the eligible population or beneficiaries of an LAP to be all citizens within the City of San José jurisdiction. This definition recognizes that the City has extraordinary ethnic diversity in a region where high housing costs make housing services critical for LEP persons. This report also uses the HUD safe harbor provision of

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<sup>2</sup> Federal Register / Vol. 72, No. 13 / Monday, January 22, 2007 / Notices. p. 2740

<sup>3</sup> "A "safe harbor," in the context of this guidance, means that the recipient has undertaken efforts to comply with respect to the needed translation of vital written materials. If a recipient conducts the four-factor analysis, determines that translated documents are needed by LEP applicants or beneficiaries, adopts an LAP that specifies the translation of vital materials, and makes the necessary translations, then the recipient provides strong evidence, in its records or in reports to the agency providing federal financial assistance, that it has made reasonable efforts to provide written language assistance." <http://www.hud.gov/offices/fheo/promotingfh/lep-faq.cfm#q19>

“More than 5 percent of the eligible population or beneficiaries and more than 50 in number.”

This report applies the definition of “eligible population” and the 5 percent safe harbor provision as specified above to the 2000 Census data regarding various language groups. The three language groups that meet these provisions are Spanish, Vietnamese, and Chinese speakers (See Appendix 1 for detailed analysis). For the LAP, “Chinese” will include both Mandarin and Cantonese dialects.

To corroborate this analysis, Housing Department staff assessed the waitlist for Section 8 vouchers in Santa Clara County. The language groups with the greatest waitlist demand were: Vietnamese speakers (19 percent of total waitlist); Spanish speakers (5 percent); and Chinese speakers (4 percent). While this is County-wide data, it is likely representative of San José itself, as the City is one of the most diverse – if not the most diverse – cities in the County.

- ***Factor 2. The frequency with which LEP persons come into contact with the program.***

The Housing Department is a direct provider of housing services, as well as an indirect provider through its role as a funder of CBOs that offer services throughout the City. The Department does not collect data on LEP persons who seek housing services through the Department because many of these clients are referred to third-party CBOs to fulfill their needs.

Regarding the Department’s direct services, anecdotal evidence from conversations with program managers within the Department suggests that Spanish and Vietnamese speakers have the most contact with departmental services, followed by Chinese speakers. These language groups most frequently accessed the Department’s housing rehabilitation program.

- ***Factor 3. The nature and importance of the program, activity, or service provided by the program to people’s lives.***

This report is unable to quantify the importance of particular departmental programs and services. Again, anecdotal evidence shows that the Department’s housing rehabilitation program appear to be the programs most accessed by LEP persons. The Department will be better equipped to assess the importance of programs once the LAP is fully implemented and data collection occurs. (Data collection procedures are described in Section 8 of this report)



- **Factor 4. The resources available to the grantee/recipient and costs.**

To assess the organizational resources available to the Housing Department, the LAP accounts for both human and fiscal resources for oral and written translation services.

*Oral Translation:* Oral translation services require less organizational resources because it is typically less time intensive than written translation services. Interactions that require oral translation typically occur when an LEP client spontaneously visits the Housing Department, or when a client schedules an appointment. These interactions are usually brief (5-10 minutes), although lengthier interactions may take up to an hour. Finally, these are primarily discrete interactions, where each visit is a complete “case” that is “closed” and the client’s needs are met when the visit ends.

Because oral translation interactions are typically brief and easily resolved, the Housing Department has sufficient resources to meet most translation needs. The Department currently has 13 employees who receive differential pay specifically related to their ability to speak a non-English language. The languages represented among these employees include Spanish, Vietnamese, and Tagalog. Language skills for employees who do not receive differential pay include Chinese (both Mandarin and Cantonese), Cambodian, Serbo-Croatian, Tamil, Hindi, French, and Arabic. To date, these resources have sufficiently met the oral translation needs of clients accessing Housing Department programs.

If the Housing Department cannot meet the language needs of an LEP client, the Department will use United Way’s 211 hotline, which the Department funds. 211 is a free hotline that “provides streamlined access to critical health and human services.”<sup>4</sup> The hotline operates 24 hours a day, 7 days a week, in over 140 languages. By using 211, existing community resources are leveraged, rather than duplicating efforts in-house

The Department may explore utilizing employees outside the Housing Department but within the City organization who are qualified to speak a language besides English. Citywide language capabilities include employees who speak Spanish, Vietnamese, Chinese (both Mandarin and Cantonese), Tagalog, Assyrian, Cambodian, Farsi, Korean, and Russian.

*Written Translation:* The primary cost of the LAP comes from the potential need to provide written translation of documents pertaining to the Housing Department’s programs and services (typically 30 to 40 cents per word plus a setup fee), as well as the cost of printing the translated documents. The Department has historically used an outside vendor to provide written translation services, and will continue to outsource this task for the LAP.

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<sup>4</sup> Santa Clara County 211 <http://www.211scc.org/>

Using anecdotal evidence in light of the absence of quantifiable data, there has been little or no demand for documents from a preliminary list of vital documents by Chinese speakers.<sup>5</sup> Additionally, some documents are rarely or never accessed by any group. Thus, the cost of translating all potentially vital documents is a constraint in light of unsubstantiated need. As such, this LAP recommends that, after the Housing Department receives HUD approval for the LAP plan, Department's program managers will assess which documents will require written translation. At that time, the Department can assess the total cost of printing translated documents.

Sections 4 and 5 present a framework for internally assessing and prioritizing which Housing Department documents should receive written translation for LEP persons. Although the four-factor analysis identifies Spanish, Vietnamese, and Chinese as the primary language subgroups according to HUD's safe harbor provisions, it does not automatically follow that all vital documents will be translated in all three languages. After identifying the eligible population to receive LAP services, the four factor analysis must then assess the organizational capacity to meet actual needs.

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<sup>5</sup> "Vital document" is a HUD-defined word, which will be described in Section 4.

## 4. LANGUAGE ASSISTANCE MEASURES

The Housing Department will provide the appropriate level of oral interpretation and written translation services based on the four-factor analysis in Section III above. The services will be a tiered array of programs to provide oral and written interpretation and translation services for clients. Members of nearly all language groups will at least have the ability to receive oral translation services. However, due to financial constraints and undemonstrated need at this time for certain program documents to receive written translation, the Department will focus its resources on providing written translations for LEP populations with the greatest language needs.

### A. Oral Interpretation Services

The need for oral translation arises in one of two ways: either Housing Department staff receives a telephone call, or a client visits the Department in person. The following describes the processes that the Department will use when receiving LEP clients through telephone communication or in-person visits.

#### Telephone Communication

This section of the LAP describes the procedure that the Housing Department will utilize in order to meet the language needs of telephone LEP clients.

1. All Housing Department staff will receive training on how to field LEP phone calls. Every staff member will have a card that lists individuals within the Department who can speak a non-English language.<sup>6</sup>
2. A staff member who receives a call from an LEP client will assess the primary language needed by the client. If that staff member is listed on the language card and speaks a language relevant to the LEP caller, than the staff member will assist the client him or herself. If communication becomes difficult for any reason, the staff member will transfer the call to another Housing Department employee identified on the language card.
3. If Department staff receives a call from an LEP client and does not speak the language of the caller, the staff member will transfer the call to another member who is listed on the language card with the relevant language skills.
4. If no Housing Department staff speaks the necessary language, the Department will use the 211 hotline, a free multi-lingual telephone service provided by the Santa Clara

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<sup>6</sup> As mentioned in the four-factor analysis, the Department employs staff members who are bilingual or multilingual, making it quite likely that an LEP caller can be matched quickly with an appropriate staff member. Department employees include Cambodian, Mandarin, Spanish, Vietnamese, Serbo-Croatian, Tamil, Hindi, French, Arabic, and Tagalog speakers.

Chapter of United Way. Staff will conference call with the LEP client and *211* to provide the language services necessary to assist the LEP client.

5. The Housing Department may explore human resources external to the Department but within other City Departments to provide oral translation services. The Department maintains a list of City employees who receive differential pay for speaking a non-English language, and can be accessed through the City's call center. These employees may be a valuable resource for providing LAP services. To date, however, current resources internal to the Department have sufficiently met the needs of LEP clients. Should future needs prove otherwise, City-wide resources may be one option to meet those needs.

### In-Person Client Visit

Drop-in LEP clients often visit the Housing Department. These clients may come in for information on any program or service directly or indirectly offered by the Department. However, anecdotal evidence suggests that the preponderance of clients come for information on the Department's housing rehabilitation program.

1. For in-person client visits, front-desk staff is the first point of contact with the client. As such, all front-desk personnel will be trained to receive in-person LEP clients.
2. Front desk personnel will assess the language needs of in-person LEP clients. Staff will be equipped with HUD's "I Speak" language card to facilitate language identification if necessary.<sup>7</sup> After identifying the relevant language, front desk personnel will refer to the Departmental language card to identify staff who may best assist the client.
3. The identified staff member will meet with the LEP client and provide oral translation services on the spot.
4. If no Department staff members can effectively assist an LEP client, then the staff member will utilize United Way's *211* language hotline as mentioned above.
5. For specialized needs that the Department does not provide, staff may connect the client with community based organizations that may have the resources to assist the LEP client.

### **B. Written Translation Services**

This section of the report describes the framework that will be used to assess which program documents qualify for written translation into LEP languages. HUD guidance specifies that "vital" documents be translated for eligible LEP persons. As determined in the four factor analysis in Section 3, these persons include Spanish, Vietnamese, and Chinese speakers. Additionally, HUD guidance characterizes a document as vital depending "upon the importance

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<sup>7</sup> See an example of the "I Speak" card in Appendix H.

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.”<sup>8</sup> However, this does not mean that a “vital” document should automatically receive written translation: under the four factor framework, the frequency of contact with the document and organizational resources must also be considered.

The Housing Department does not currently collect data on which documents and programs are most accessed by which LEP group. As such, it is difficult to assess the frequency with which LEP clients access certain housing programs. Anecdotal evidence through conversations with Department program staff suggest that Spanish and Vietnamese speakers have had the greatest demand for language services, in particular regarding the Department’s rehabilitation program. The LAP specifies a data collection program what will, in the future, allow the Housing Department to more accurately assess LAP program needs. The data will be used to refine the LAP in the future to more effectively serve LEP clients.

As both a direct and indirect provider of housing services, the Housing Department will assess which documents should receive written translation through a two-tiered assessment framework: one tier for documents related to direct services, the second tier for indirect services provided through CBOs. The framework is intended to be cognizant of the Department’s limited resources while creating an LAP that provides meaningful access to housing programs and services for LEP clients.

#### Framework for Determining Vital Documents to be Translated

1. Housing Department staff will determine a list of vital documents related to programs and services that are provided ***directly*** through the Department.
  - A. Documents related to direct programs and services are automatically eligible for written translation into Spanish, Vietnamese, and Chinese if they contain specific programmatic details such as eligibility, application procedures, terms, and applicant responsibilities. Department staff will determine if these documents should be translated in full, or if they should be in condensed, summary form.
  - B. For example, based on anecdotal evidence, the housing rehabilitation program is one directly provided the Housing Department and which is most frequently accessed by LEP groups, most frequently Spanish and Vietnamese speakers. Thus, certain documents related to the Department’s rehabilitation program qualify for written translation in all Spanish, Vietnamese, and Chinese. Additional program documents may also qualify, subject to assessment by Housing Department program managers.
2. Documents related to housing and community services provided ***indirectly*** through third party CBOs, and/or documents that function primarily as marketing/outreach material

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<sup>8</sup> Federal Register / Vol. 72, No. 13 / Monday, January 22, 2007 / Notices. p.2752

will not automatically receive written translation. Further assessment about the particular nature, need, and importance of the document will be determined on a case-by-case basis.

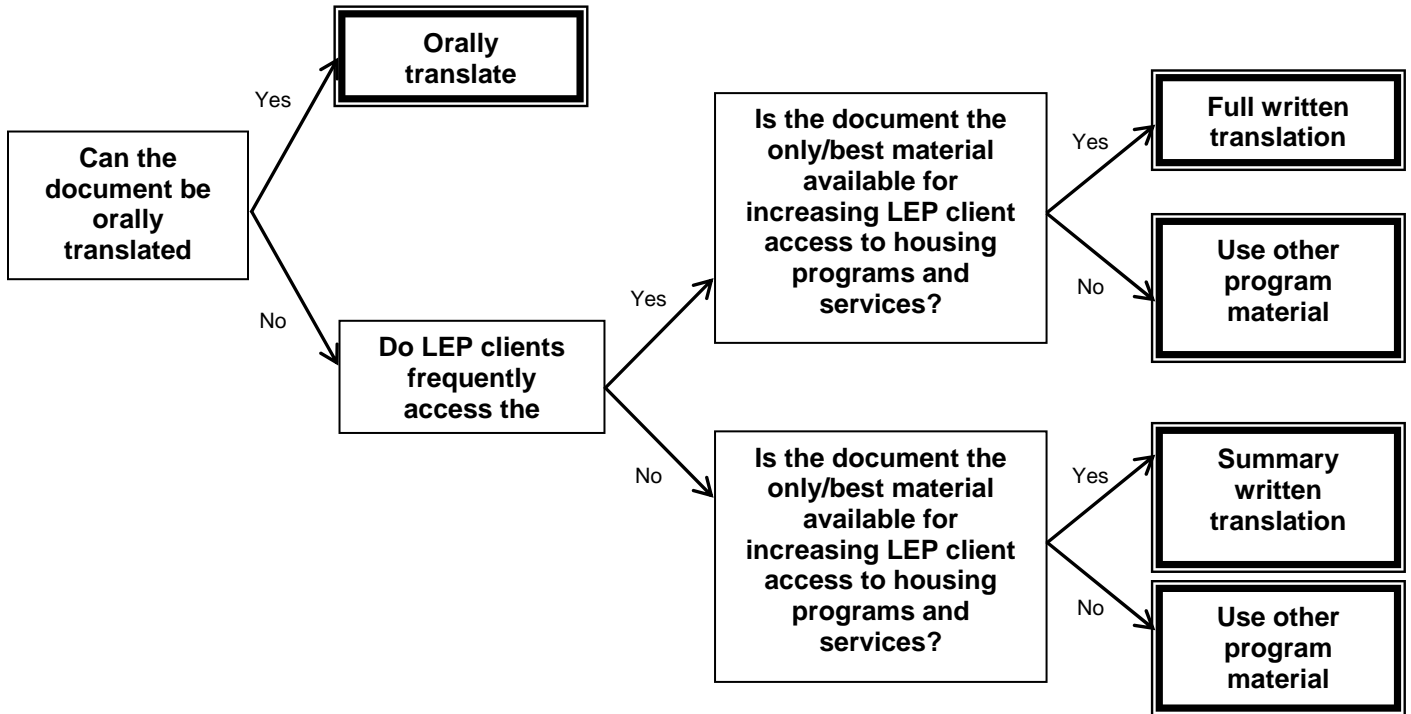
- A. Indirect program documents may include, but are not limited to: electronic documents, Housing Department webpages, program/grant applications, public notices, consent forms, letters containing program information, program eligibility rules, notices advising of the availability of language assistance, outreach and community education materials, or contracts.
- B. Documents that qualify as “vital” must first be assessed according to a scoring matrix before potentially receiving written translation. The scoring matrix will have three criteria:
  1. Can the document be translated orally?
  2. Do LEP clients frequently access the document?
  3. Is the document the only/best material available for increasing LEP client access to housing programs and services?

**Suggested Guideline for the Document Assessment Matrix**

				Can the language needs for the document be met through oral rather than written translation?	Do LEP clients frequently access documents related to the respective Department program?	Is the document the only/the most important material to improve client's knowledge about the program/activity?	
Language	Document	Program	Manager	Yes=Y, No=N	Yes=1, No=0	Yes=1, No=0	Action
				Y	NA	NA	Oral Translation
				N	0	0	Use Other Program Material
				N	1	0	Use Other Program Material
				N	0	1	Summary Written Translation
				N	1	1	Full Written Transaction

The matrix may be used by both the Housing Department and CBOs. Answers to the three matrix questions will lead to four potential outcomes regarding the program document being assessed: orally translate it, provide full written translation, provide a condensed summary written translation, or use other materials to explain the housing program. The outcomes are summarized in the flow chart below and relate to the *Action* field in the document assessment matrix above.

## Document Assessment Flowchart



3. Vital documents that qualify for written translation in condensed summary form must capture the important features of the program effectively and concisely. Appropriate Department staff will summarize the full-length documents.
  
4. Documents requiring written translation for which the Housing Department is responsible will be outsourced to a third-party provider. Providing dedicated translation resources within the Housing Department would strain fiscal resources. Documents requiring written translation for which CBOs are responsible will be completed in a manner that fits within their organizational capacity to do so.
  
5. In developing this LAP, Department staff met with CBOs for input on document translations. The CBOs stressed that written translations should be both factually accurate and culturally sensitive. CBOs or bilingual Department staff may be asked to test the translations for descriptive accuracy and cultural appropriateness. All translations should involve a two-step process of initial translation and independent review.
  
6. All translated documents will be posted on the Housing Department website.

## 5. STAFF TRAINING

It is vital to have a well-trained Housing Department staff in order to effectively provide LAP services to LEP clients. The Department will provide three tiers of staff training for the LAP: one tier for Department-wide training for telephone communication; another for Department staff who speak another language besides English; and a third for Department managers to assess vital documents. Staff in Tier 1 will only receive first-tier training; those in Tier 2 will receive first- and second-tier training; those in the Tier 3 will receive first- and third-tier training. Certain staff members may fall into more than one tier.

Department staff is currently developing training programs for each of the tiers. These training programs will be finalized in 2008 as the Department fully implements the LAP. The following is a preliminary outline of what the training may cover:

### *Tier One Training: Department-wide*

All Department staff members will receive Tier One training, which covers LAP protocol for LEP telephone clients. While not all staff members speak another language besides English, any staff member may have the potential to receive an incoming call from an LEP client. Therefore, each staff member should be aware of the LAP and its procedures in order to best serve LEP clients. All staff members will be given a copy of the Department's LAP and its procedures. Training may include:

- A description of the plan
- How to respond to LEP callers
- How to respond to written communications from LEP clients
- How to respond to LEP clients who contact the Department in-person
- Overview of United Way's 211 hotline (or the *Language Line Service*)
- The location of translated documents
- Keeping track of calls for data collection

### *Tier Two Training: Bilingual or Multi-lingual Staff*

In addition to the Tier One training, bilingual or multi-lingual staff will receive more in-depth training on how to use the 211 hotline (or the *Language Line Service*), how to provide oral translations accurately and with cultural sensitivity, and which CBOs to whom staff may refer clients. Training may also include:

- How to adhere to their role as interpreters without deviating into a role as counselor, legal advisor, or other roles



- Overview of the area of service or programs that LEP clients are applying or participating (if necessary)
- How to be competent and knowledgeable in providing interpretation that preserves confidentiality

*Tier Three Training: Department Managers*

In addition to Tier One, Department managers will also be trained on the scoring matrix for vital documents. An example of the assessment matrix may look like the following table. When the three question fields are filled in, the *Action* field will produce one of four outcomes: *Orally Translate*, *Full Written Translation*, *Summary Written Translation*, or *Use Other Program Material*. (Refer to Section 4b for a flow chart of outcomes and document assessment matrix)

## 6. MARKETING & OUTREACH

Marketing efforts are instrumental to ensuring that LEP clients who seek language assistance for housing programs receive quality language services. Certain language groups may be under-represented as seeking LAP services not because they do not have demand for them but because they do not know that such language services exist. Additional marketing and outreach efforts may uncover latent demand for LAP services, which will be registered by future data gathering efforts.

Marketing efforts may include:

- Placing multilingual signs or posters in common areas within the Housing Department and throughout San José City Hall. These outreach materials will inform the public that the Department provides oral translation services for housing programs and materials. Appendix D of this report has two examples of multilingual posters already used by the Seattle Housing Authority.<sup>9</sup>
- Including taglines on Housing Department material indicating that translation services in Spanish, Vietnamese, and Chinese are available.<sup>10</sup>
- Placing marketing and translated written documents on the Department web site.
- Placing public meeting announcements involving Housing Department programs and services on non-English media outlets, such as ethnic newspapers or radio and television stations.
- Promoting United Way's 211 hotline as a one-stop source for oral translation services, as well as for housing and community development programs.

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<sup>9</sup> A sample of this outreach tool can be found in Appendix D.

<sup>10</sup> A sample of this outreach tool can be found in Appendix D.

## **7. WORKING WITH SUB-RECIPIENTS OF FEDERAL FUNDING**

Per HUD guidance, sub-recipients of HUD funding are subject to LEP guidelines. The Housing Department administers various forms of HUD funding to 46 CBOs and nonprofit organizations, most of whom are within the City of San José and a handful outside City boundaries. The four primary HUD grants are: Community Development Block Grant (CDBG), Emergency Shelter Grant (ESG), Housing Opportunities for Persons with AIDS (HOPWA), and Home Investment Partnerships Program (HOME).

The Department will collaborate with CBOs and nonprofit organizations to ensure that they comply with LEP guidelines. It is important to note that the Housing Department funds a diverse group of CBOs providing a wide range of services with different organizational structures, resources, and goals (See Appendix C for a complete list). Thus, collaboration with these CBOs cannot be a one-size-fits-all approach. Each LAP developed by the CBOs must fit the needs and resource capacity of each organization.

Because of such organization-specific needs, the process of developing LAP's for the CBOs will take place over the 2008 calendar year. The Department will meet with each of these CBOs to develop and implement an LAP. However, to the extent possible, the Department will explore resource sharing, enhanced communications, and heightened collaborative efforts among the constellation of the agencies, either through larger-scale workshops or smaller-scale focus group meetings. The Department may also assist CBOs in translating their vital documents if they have a demonstrated need but lack the resources to perform the written translation.

Each CBO will perform the four-factor analysis recommended by HUD to determine what language services should be provided to ensure that LEP persons have meaningful access to services. The Department anticipates that some CBOs may face significant resource constraints, a factor which should be documented and accounted for in the four-factor analysis. The intent of federal LAP guidelines is to ensure meaningful access to housing programs for LEP persons, while simultaneously doing so within the organization's resource capacity. The Department will work with these organizations on a case-by-case basis to determine reasonable levels of service based on the organizations' four-factor analysis and their resources. The CBOs should use the document assessment matrix to determine the type of document requiring translation and the appropriate level of service (oral translation versus summary translation, for example). Each CBO should develop its own four-factor analysis and LAP by December 2008, and should be incorporated with the annual federal grant application and review process through the Housing Department, beginning with the 2009 grant cycle.

## **8. LAP MONITORING, UPDATING, & PERFORMANCE MEASURES**

To provide effective LAP services for LEP clients, implementing agencies must monitor their plan and adjust them as necessary according to client needs. The Department and CBOs will review its LAP annually to determine its current effectiveness and to analyze any changes in LEP populations or needs.

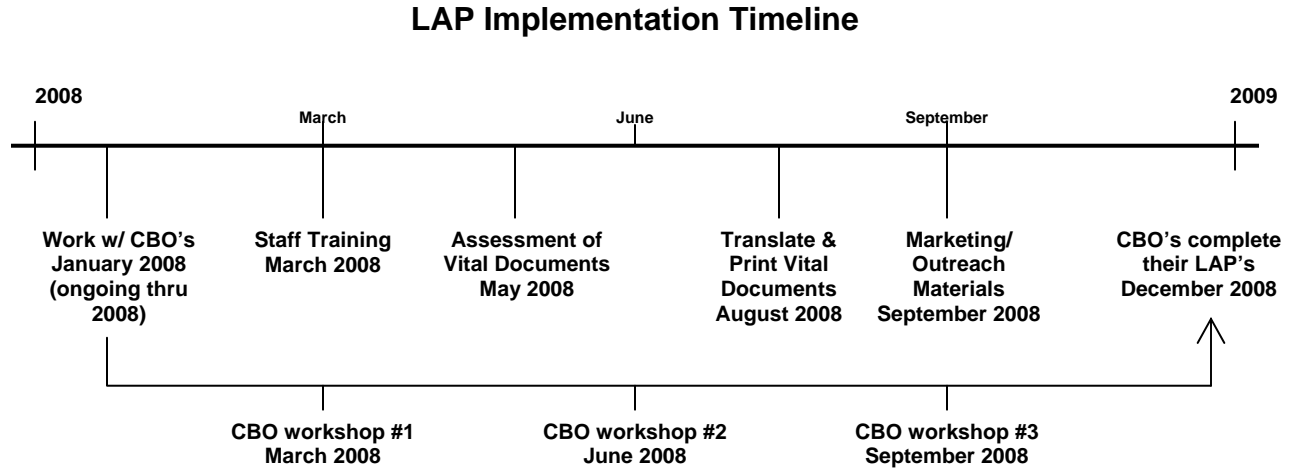
Collecting, analyzing, and maintaining data is one way that the Housing Department and CBOs may assess the efficacy of their LAP's. Without data, it is difficult to assess the true need and demand for LAP services. The LAP's should explore procedures for collecting and maintaining data on each encounter with an LEP. The data may include the following:

1. Method of communication (telephone or in-person)
2. Type of language need (Spanish, Vietnamese, Chinese, etc)
3. Type of language service needed (oral or written translation)
4. The program being accessed (rental rights, homebuyer programs, etc)
5. Outcome (how was the issue resolved and how long did it take)

Until quantifiable data is gathered, anecdotal evidence will form the primary basis upon which an LAP is crafted and implemented. Again, certain language groups may not appear to need language services. However, these groups may in fact be under-represented simply because they are not aware that language services exist and therefore do not seek services, not because they lack demand for such services. An LAP may uncover latent demand, which can be recorded and analyzed through a data collection program.

## 9. IMPLEMENTATION TIMELINE

The Housing Department will implement its LAP throughout calendar year 2008. At the same time, it will assist and collaborate with sub-recipients of HUD funding to develop their own LAP's. Below is a timeline for Departmental implementation and for CBO collaboration by completion date. Items on the timeline are subject to change to meet Departmental and CBO needs and priorities.



## Appendix A. Meeting HUD “Safe Harbor” Standards

The Department will adhere to its policy of providing non-English language groups that constitute over 5% of the population with written translations of vital documents. HUD offers “safe harbor” standards, which, if followed, demonstrate strong compliance with LEP guidelines. The Housing Department’s LAP follows safe harbor provision #2.

### HUD Safe Harbor Standards<sup>11</sup>

Size of Language Group	Recommended Provision of Written Language Assistance
1. 1,000 or more in the eligible population in the market area or among current beneficiaries	Translated vital documents
2. More than 5% of the eligible population or beneficiaries <i>and</i> more than 50 in number	Translated vital documents
3. More than 5% of the eligible population or beneficiaries <i>and</i> 50 or less in number	Translated written notice of right to receive free oral interpretation of documents.
4. 5% or less of the eligible population or beneficiaries and less than 1,000 in number	No written translation is required.

#### Determination of Groups Receiving Written Translation

According to Census data, primary Spanish, Vietnamese, and Chinese speakers each constitute over 5% of the City’s population.<sup>12</sup> It is important to note that people whose primary language is not English are not necessarily LEP. Census questionnaires ask respondents to rate their English proficiency, and people’s ratings of their own English abilities contribute to LEP statistics.

Unfortunately, the available San José Census data regarding numbers of LEP persons is sparse and only gives the number of LEP people who speak “Asian and Pacific Island Languages.” Since the Census data treats LEP Asian language speakers as a monolithic group, this data should not be used to determine the groups eligible to receive translation services.

Due to the incomplete and unspecific LEP data, Census information about the numbers of primary language speakers will be used to determine which groups receive the broadest array of language services. Census data offers the numbers of primary non-English language speakers in virtually every group in the City. While using City and regional LEP information is certainly

<sup>11</sup> Table from HUD’s World Wide Web Site (<http://www.hud.gov/offices/fheo/promotingfh/lep-faq.cfm>).

<sup>12</sup> 2000 Census Data, Table PCT 10.

necessary to bolster the case for the efficacy of Department policy, the specificity of primary speaker data makes it the best base for the Department's determination.

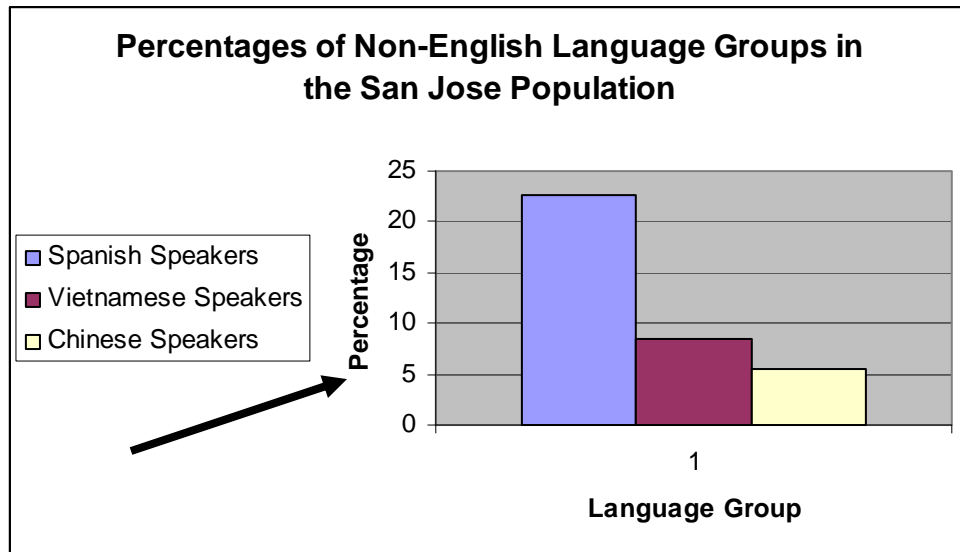
(A) 825,954 people in San José over 5 years of age<sup>13</sup>

$[5/100] \times (A) = (B)$  41,298 is 5% of the population in San José over five years of age

Only three populations of primary non-English language speakers exceed (B), and they are:

1. **Spanish (186,647), 22.6%**
2. **Vietnamese (69,940), 8.5%**
3. **Chinese (44,976), 5.4%**

Thus, these three groups meet the HUD criterion of constituting over 5% of the population eligible to be served or likely to be served.



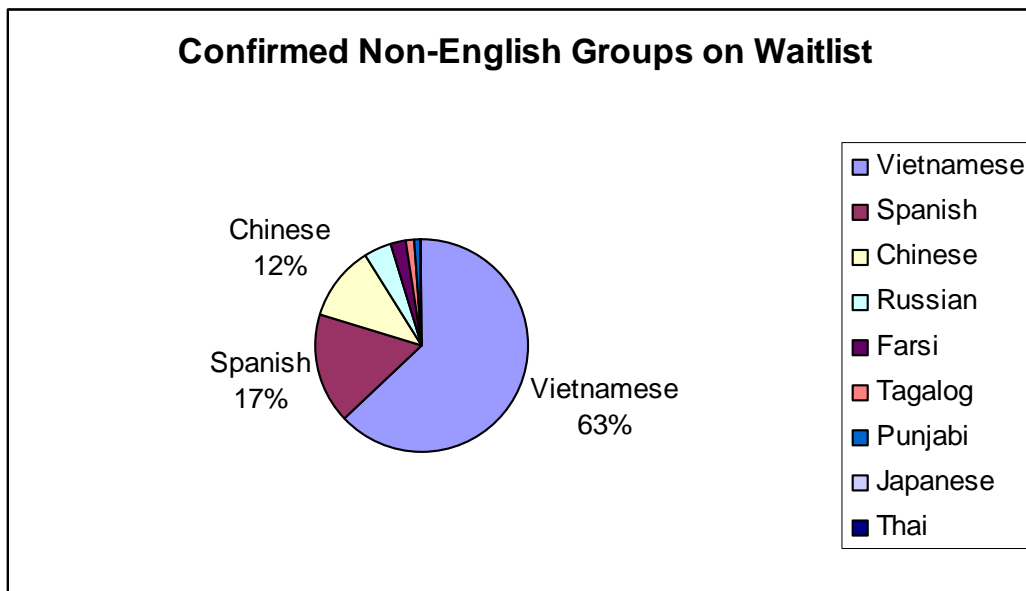
<sup>13</sup> Available Census data regarding language and LEP characteristics is only tabulated for people who are 5 years old and over.

## Appendix B. Section 8 Voucher Waitlist

The following table features Santa Clara County Housing Authority data on the breakdown of language groups on the Section 8 Waiting List as of May 13, 2007.

Section 8 Voucher Waitlist *		
Languages	# of Applicants	% of Total Applicants
English	37209	65%
Vietnamese	10644	19%
Spanish	2803	5%
Chinese (Mandarin and Cantonese)	2009	4%
Unknown	1946	3%
Other[1]	1141	2%
Russian	697	1%
Farsi	402	1%
Tagalog	244	0%
Punjabi	122	0%
Japanese	11	0%
Thai	9	0%
<b>TOTAL</b>	<b>57237</b>	<b>100%</b>

\*As of May 13, 2007





The data show that the three primary non-English speaking groups on the Section 8 voucher waitlist are Spanish, Vietnamese, and Chinese speakers. Although the Section 8 data apply to the County rather than the City of San José, and relates to a specific housing program, it nevertheless provides strong corroborative evidence that the primary LEP groups in San José are indeed the Spanish, Vietnamese, and Chinese groups as identified by the preceding analysis of Census data.

## Appendix C. List of Sub-Recipients of Federal Funding

Agency	Contact	Service(s) Provided
SECOND HARVEST FOOD BANK OF SANTA CLARA AND SAN MATEO COUNTIES	Tami Cardenas	Food Program
SENIOR ADULTS LEGAL ASSISTANCE	Georgia Bacil	Legal Counseling for Elderly/Seniors
RESPIRE, RESEARCH FOR ALZHEIMER'S DISEASE	Cathey Eskandari	Dementia Specific Daycare
SANTA CLARA ASIAN LAW ALLIANCE, INC.	Richard Konda	Legal Counseling
THE MEXICAN AMERICAN COMMUNITY SERVICES AGENCY, INC.	Enrique Arreola	Youth Services
MENTAL HEALTH ADVOCACY PROJECT OF THE LAW FOUNDATIOF SILICON VALLEY	David Carducci, Directing Attorney	Legal Counseling for the Mentally Disabled
NEXT DOOR SOLUTIONS TO DOMESTIC VIOLENCE	Shawnee Smith	Emergency Housing & Support Services
LEGAL AID SOCIETY OF SANTA CLARA COUNTY	Antonio Estremera	Housing Counseling
CATHOLIC CHARITIES OF SAN JOSÉ	Cindy Safe	Ombudsman Program
EMERGENCY HOUSING CONSORTIUM (EHC)	Erin Stanton, Sr. Dev. Offcr.	Housing & Support Services
BILL WILSON MARRIAGE AND FAMILY COUNSELING CENTER	Judy Whittier, Dir. Comm. Resources	Emergency Housing, Food, and Services for Youth
LIVE OAK ADULT DAY SERVICES	Colleen Hudgen	Elderly/Senior Services
SILICON VALLEY INIDPENDENT LIVING CENTER	Martha Bell, Dir. Of Community Svcs.	Special Housing Assistance Needs for the Disabled
INNVISION THE WAY HOME- Cecil White, Commercial Street, Montgomery Street, Julian Street, Georgia Travis Center	Denise Scovel, Deputy Dir. Overall;  Prog Dir for Julian and Montgomery, Anita St. John; Prog Dir for Georgia Travis, Julia Burkhead	Homeless Services
SACRED HEART COMMUNITY SERVICE	Matthew Taylor, Fiscal Manager	Essential Services for Low and Very-Low Income Persons
FAMILY SUPPORTIVE HOUSING, INC..	Patricia Crowder	Homeless Services
ETHIOPIAN COMMUNITY SERVICES, INC.	Birku Melese	Translation and Couseling Services
LOAVES & FISHES FAMILY KITCHEN	Christina Egan	Homeless Services
COMMUNITY TECHNOLOGY ALLIANCE	Betsy Arroyo, Prog. Admin.	Homeless Services
YWCA SILICON VALLEY	Stacy Castle, Dir.	Subsidized Child Care
VIETNAMESE VOLUNTARY FOUNDATION, INC. (VIVO)	My-Linh Pham, Prog. Mgr.	Youth/Elderly/Senior Services

SANTA CLARA UNIVERSITY	Cynthia Mertens Don Dodson, Vice Provost for Academic Affairs	Legal Services
DEAF COUNSELING ADVOCACY AND REFFERAL AGENCY	Jim Brune	Services for the Deaf
PORTUGUESE ORGANZIATION FOR SOCIAL SERVICES AND ECONOMIC OPPORTUNITIES	Mary Jo Rodrigues	Elderly/Senior Services
FRESH LIFELINES FOR YOUTH, INC. (FLY)	Christa Gannon	Juvenile Drug Treatment/Mentoring
CATHOLIC CHARITIES OF SANTA CLARA COUNTY	Marilou Cristina, Dir. Older Adult Svcs. Sally Petersen, CEO	Elderly/Senior Services
NEXT DOOR SOLUTIONS TO DOMESTIC VIOLENCE	Kathleen Krenek	Transitional Housing Services
OUT-REACH & ESCORT, INC.	Paul Tatsuta, Prog. Mgr.	Senior Transportation Program
THE HEALTH TRUST	Patricia Narciso	Food Services for the Disabled
COMMUNITY PARTNERS FOR YOUTH, INC.	G. Jeffrey Bornefeld	Youth Services
PROJECT SENTINEL	Mary Prem, Prog. Mgr. or Melissa Finley, Fiscal Contact	Fair Housing Counseling
LEGAL AID SOCIETY OF SANTA CLARA COUNTY	Antonio Estremera	Fair Housing Counseling
LENDERS FOR COMMUN-ITY DEVELOPMENT	Elizabeth Givens	Business Services
SANTA CLARA COUNTY BLACK CHAMBER OF COMMERCE	Cassandra Nash	Business Services
SAN JOSÉ CONSERVATON CORPS & CHARTER SCHOOL	Neil Kozuma, Asst. to the E.D. E- mail	Neighborhood Revitalization
REBUILDI-NG TOGETHER SILICON VALLEY	Beverly Jackson	Housing Repair & Rehabilitation
ASIAN AMERICANS FOR COMMUNITY INVOLVEMENT	Domestic Violence Program Director, Teresa Yu	Homeless and Domestic Violence Services
CITY TEAM MINISTRY	Program Manager Jeff Davis	Homeless Services
HOMELESS CARE FORCE	Robert Trefry	Food Program
UNITY CARE GROUP	Prog Manager, Monalisa DiAngelo	Youth Homeless Services
CUPERTINO COMMUNITY SERVICES	Program Dir. Kim Ferm	Food and Clothing Services
SAN BENITO HEALTH AND HUMAN SERVICES AGENCY		Housing Services for People with AIDS
HEALTH TRUST AIDS SERVICES	VP Programs, Paul Hepfer; Operations Manager Anna Hemmerle	Housing Services for People with AIDS

NEIGHBORHOOD HOUSING SERVICES SILICON VALLEY		Foreclosure Prevention
CHARITIES HOUSING		Home Building
CURTNER GARDENS		Home Building

## Appendix D: Samples of Outreach and Marketing Tools

The first outreach tool is called the “I Speak” card<sup>14</sup>, which will be used to help an LEP individual identify his or her language to the appropriate Department staff member. A sample of the card is shown below:

**English Message:**

Mark this box if you read or speak English.

**Card Snapshot:**

<b>2004 Census Test</b>	United States <b>Census 2010</b>
<b>LANGUAGE IDENTIFICATION FLASHCARD</b>	
<input type="checkbox"/> ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.	1. Arabic
<input type="checkbox"/> Խնդրում ենք նշում կատարել այս քանակություն, եթե խոսում կամ կարդում եք հայերեն:	2. Armenian
<input type="checkbox"/> যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্স দাগ দিন।	3. Bengali
<input type="checkbox"/> ឈ្មួញកំភ្នំប្រអប់នេះ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។	4. Cambodian

The card contains the request in 38 different languages, allowing virtually all LEP individuals to notify Department staff about what language they speak.

Samples of the next two tools come from the Seattle Housing Authority’s materials. The first tool from the Seattle Housing Authority is a multilingual poster. The poster will have a common message in a number of languages advising LEP clients that free language services are available from the Seattle Housing Authority. The Department will employ this concept to create a poster

<sup>14</sup> The card is available on the Justice Department’s World Wide Web site (<http://www.usdoj.gov/crt/cor/Pubs/ISpeakCards2004.pdf>).



IMPORTANT The enclosed document is official Seattle Housing Authority business. It is important that you understand what it is and what it says. If you need to have it translated into your language, or interpreted, please call the telephone number at the top of this sheet or send a message to the e-mail address above. We will make every effort to have the document translated for you or explained to you by an interpreter.



Admissions Office

telephone 206-239-1737

e-mail housingcounselor@seattlehousing.org

Amharic

አማርኛ

ጥብቅ ጉዳይ አባሪ የሆነው ሰነድ የሲያትል መኖሪያ ቤት ባለሥልጣን የመገንባት ሥራ ጉዳይ ነው። ምን እንደሆነና ምን እንደሚል መረዳትዎ በባዎ አስረገግሳለሁ። ሰነዱ በቋንቋዎ እንዲተረጎምልዎት ወይም የቃል ትርጉም የሚያስፈልገዎት ከሆነ ይገነዘቡ። በደብዳቤ እንዲተረጎምልዎት ወይም በቃል አስተርጓሚ እንዲተረጎሙልዎት ማገኘትዎን ጥረት እናደርጋለን። ከላይ ባለው ስልክ ቁጥር ይደውሉ ወይም በዚህ አገልግሎት ዝግጅት እንዲደረግ ከላይ ስተዳረው አድራሻ የኢ-ሜይል አድራሻ ይላኩ።

Arabic

العربية

هام: الوثيقة المرفقة طيه تتعلق بعمل رسمي لسلطة الإسكان لمدينة سياتل (Seattle Housing Authority). من المهم جداً أن تفهم فحواها ونصها. إن كنت تحتاج إلى ترجمتها الخطية أو الشفهية إلى لغتك، فنرجو منك إعلامنا بهذا. سنبدل قصارى جهدنا لترجمتها خطياً أو أن يقوم مترجم شفهي بشرحها لك شفهاياً. اتصل برقم الهاتف أعلاه أو أرسل بريداً إلكترونياً إلى العنوان الإلكتروني المبين أعلاه لعمل الترتيبات اللازمة لهذه الخدمة.

Cambodian

ខ្មែរ

សំខាន់: ឯកសារភ្ជាប់ទៅនេះ ជាភិក្ខុការផ្លូវការរបស់អាជ្ញាធរផ្ទះរដ្ឋសំប៉ុនស៊ីអាតូល ។ ឯកសារសំខាន់ ដែលលោក-អ្នកត្រូវយល់ទាន់ជាមួយ ហើយនិយាយអំពីផ្ទះ ។ បើលោក-អ្នក ចង់បានឯកសារបកប្រែជាភាសាសាសា-អ្នក សូមប្រាប់យើងឲ្យដឹង ។ យើងនឹងខិតខំព្យាយាមបក អ្នកបកប្រែ ឬក៏ជនដែលចេះនិយាយភាសាសាសា-អ្នក ឲ្យអធិប្បាយរាល់លោក-អ្នកឲ្យយល់ ។ សូមទូរស័ព្ទតាមលេខខាងលើ ឬផ្ញើ e-mail តាមអាសយដ្ឋានខាងលើ ដើម្បីរៀបចំភិក្ខុការបកប្រែនេះ ។

Chinese

(中文)

重要須知 此附件是“西雅圖住房委員會”發佈的官方文件。瞭解此附件的議題和內容十分重要。若閣下需要將此附件翻譯成你的母語，或需要傳譯，請告訴我們。我們會盡一切努力將此附件翻譯成閣下的語言，或由傳譯員為你口頭翻譯。若要安排此項服務，請撥打以上電話或發電郵至以上郵址。

The Housing Department may employ the addition of taglines to documents in order to increase meaningful access to housing programs and services to LEP clients.