



Limited English Proficiency
Language Access Plan &
Four-Factor Analysis
2017

Limited English Proficiency

Introduction

Title VI of the Civil Rights Act of 1964 (Title VI) is the federal law which protects individuals from discrimination on the basis of their race, color, or national origin in programs that receive federal financial assistance. In certain situations, failure to ensure that persons who have limited English proficiency can effectively participate in, or benefit from, federally assisted programs may violate Title VI's prohibition against national origin discrimination. Persons who, as a result of national origin, do not speak English as their primary language and who have limited ability to speak, read, write, or understand English may be entitled to language assistance under Title VI in order to receive a particular service, benefit, or encounter. In addition to Title VI, *Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons* was established on January 22, 2007 as required by Executive Order 13166 (EO 13166). EO 13166 requires for Guidance to be published to clarify recipients' obligations to LEP persons.

Upon receiving an allocation of \$149,875,000 in Community Development Block Grant – Disaster Recovery (CDBG-DR) – The West Virginia Development Office (WVDO) conducted the following four-factor analysis to determine which language assistance measures the State of West Virginia will undertake to guarantee access to the CDBG-DR grant program. Additional federal grant programs such as the Community Development Block Grant (CDBG), Community Development Block Grant – Mitigation (CDBG-MIT), Home Investment Partnership (HOME), Housing Trust Fund (HTF), Emergency Shelter Grant (ESG), and Housing Opportunities for Persons with Aids (HOPWA) will provide a four-factor analysis based on their eligible service population and will include identified assistance as Amendments to this plan.

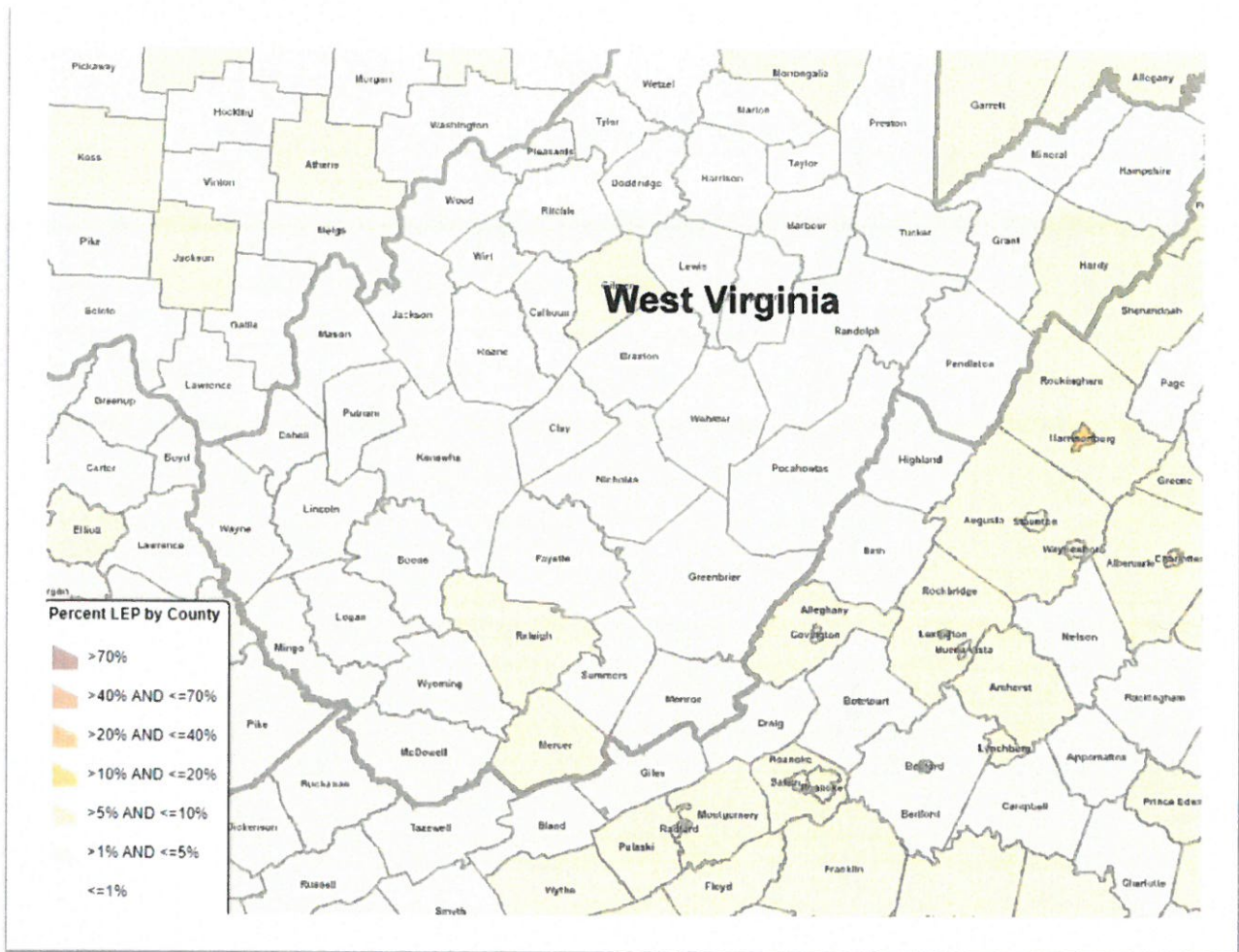
The following analysis and LAP shall provide the basis for which any LEP individuals will be given equal access to the CDBG-DR grant funds in the Presidential declared disaster FEMA 4273 which identified 12 counties in West Virginia with HUD determining four Most Impacted and Distressed counties.

Four-Factor Analysis

1. Total number or proportion of LEP persons eligible to be served or expected to be encountered within the Declared Counties (served or encountered includes those persons who would be served by the recipient if the person received education and outreach and the recipient provided sufficient language assistance).

According to the US Census Bureau 2015 American Community Survey (ACS) 5-Year estimates, the total LEP population for any given language in the 12 disaster declared counties would not exceed 1,000 people or 5% of the population. The ACS data estimates of the population five years or older who speak English "less than very well." The State of West Virginia has less than 1% LEP.

FIGURE 1: 2015 ACS TOTAL PERCENTAGE of LEP POPULATION IN WEST VIRGINIA
Estimates of the population five years or older who speak English “less than very well.”



There are multiple languages that are spoken with Spanish and Chinese being the largest but still less than 1,000 people. Of the 12 counties Kanawha county has the biggest LEP population which account for 940 people, Greenbrier has 171 people while Clay and Nicholas only have 38. Table 1 displays the number and percent of LEP persons by county for the State of West Virginia. For the purpose of the CDBG-DR grant service area, only the 12 counties that received allocation were analyzed.

Federal safe harbor rules suggest written translation of vital documents where the size of a language group is 1,000 or more in number or more than 5 percent of the eligible population. As shown in Table 1, the most spoken languages other than English in West Virginia are Chinese and Spanish. The Spanish language is the most frequent in the combined service area for the 2016 CDBG-DR grant with 678 people. The Chinese language is the second most frequent in the combined service area with 264 people. However, due to the limited size of each language group being less than 1000 people and both languages being less than 5 percent of the county’s total population, West Virginia falls under federal safe harbor and does not meet the requirements for LEP thresholds.

TABLE 1: 2016 CDBG-DR WV SERVICE AREA

West Virginia Declared County	Total Population	Number of LEP Population	Total LEP Percentage	Number of Chinese Speaking	Number of Spanish Speaking
State of West Virginia	1,750,012	13,963	0.798	1308	6787
Clay	8789	2	0.023	0	0
Fayette	43,232	182	0.421	11	109
Greenbrier	33,781	171	0.506	0	118
Jackson	27,327	33	0.121	0	0
Kanawha	181,519	940	0.518	253	227
Lincoln	20,342	109	0.536	0	89
Monroe	12,804	4	0.031	0	0
Nicholas	24,673	36	0.146	0	21
Pocahontas	8329	20	0.240	0	20
Roane	13,985	43	0.307	0	43
Summers	13,181	51	0.387	0	51
Webster	8559	0	0.000	0	0

2015 ACS data estimates of the population five years or older who speak English “less than very well.”

The CDBG-DR grant program service area for West Virginia includes all abovementioned 12 counties. Federal safe harbor rules suggest written translation of vital documents where the size of a language group is 1,000 or more in number or more than 5 percent of the eligible population. As shown in Table 1, the most spoken languages other than English in West Virginia are Chinese and Spanish. The Spanish language is the most frequent in the combined service area for the 2016 CDBG-DR grant with 678 people. The Chinese language is the second most frequent in the combined service area with 264 people. However, due to the limited size of each language group being less than 1000 people and both languages being less than 5 percent of the county’s total population, West Virginia falls under federal safe harbor and does not meet the requirements for LEP thresholds.

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

The frequency with which the LEP persons come into contact with a federal grant program must be considered when providing eligible activities to a defined service area. Many of the CDBG-DR projects and programs will require direct and effective communication between WVDO staff and

beneficiaries, however; given the minute 0.336 percentage of residents within the Declared Counties that speak English “less than very well” as shown above, contact with persons or households who require assistance in another language is expected to be minimal. Due to the direct contact expected by applicants in the WV Housing Restoration Program, the Bridge Home Program, and the Clearance and Demolition Program; the State will translate the CDBG-DR Action Plan in Spanish to make considerations for the largest language group in the service area. Amendments may be translated as needed upon request. Other considerations will include a website that has the ability to be translated into Spanish and Chinese if needed.

3. The nature and importance of the program, activity, or service provided by the program.

The WVDO has outlined several types of projects and programs to provide direct assistance to communities related to housing making the nature of these activities of significant importance to surrounding residents. Specifically, many of the housing programs will necessitate direct communication and contact to area(s) residents, such as:

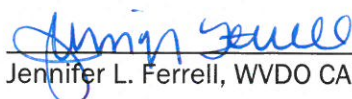
- Single-Family Rehabilitation, Reconstruction, and Replacement Housing (WV Housing Restoration Program)
- Private Home Access (Bridge Home Program)
- Slum and Blight Demolition (Clearance and Demolition Program)

All of the programs listed above will aim to benefit low-and moderate-income individuals. Each program and activity, including those not mentioned above, will allow for citizen participation and be open for public comment. Housing programs that directly serve residents carry high importance, as they ensure access to safe and quality housing. As such, those programs for which residents apply directly and which require a financial or residency commitment by beneficiaries should be translated into the appropriate LEP Spanish language. Due to the nature and importance of the CDBG-DR programs, disaster case management services will have posted “I Speak” posters at all locations to help identify any applicants that may need additional translation assistance.


4. The resources available and costs to the recipient.

The Community Development Block Grant – Disaster Recovery Action Plan will be made available in Spanish on WVDO’s disaster recovery website www.wvfloodrecovery.com. The estimated cost for the first translation of the CDBG-DR Action Plan is estimated to be around \$8000. Due to the unreasonable cost of each translation for a very small percentage of LEP populations, WVDO will make available translated amendments to the Action Plan upon request.

Certification: Based on the above Four-Factor Analysis, the State of West Virginia is not required to develop a LAP. However, the State of West Virginia will make all reasonable attempts to accommodate language access needs for residents requesting written and/or oral translations during the implementation of the CDBG-DR grant.



Jennifer L. Ferrell, WVDO CAD Director



Date

Language Access Plan

As a result of the preceding Four-Factor Analysis, the State of West Virginia is not required to develop a Language Access Plan (LAP). However, the State has identified the following types of language assistance that may be provided on an as needed basis by the State of West Virginia.

- All citizens participation documents, public notices, action plans, and amendments will be published in newspapers of general circulation and on program websites such as the wvfloodrecover.com and wvcad.org websites.
- Additionally, all published citizen participation advertisements will include a statement in Spanish indicating other program materials will be available up request.
- All citizen participation notices will include a statement that translators will be available at public meetings upon prior request.
- Language cards and/or “I Speak” posters will be available at public hearings and locations providing direct services for LEP applicants.
- Due to the nature and importance of the Community Development Block Grant – Disaster Recovery grant, original program Action Plan will be translated in appropriate LEP language and made available at public hearings and on the wvfloodrecovery.com website.
- Maintain a list of staff members proficient in languages other than English that are willing to provide interpretative services.
- For assisting LEP recipients/applicants, staff and subrecipients will use a commercially available telephonic voice interpretation service, such as Language Line, or contact a staff member proficient in the needed language to provide interpretation.
- WVDO will conduct periodic assessments of the LAP to ensure that population changes have not occurred supplying the need for adjustments to language assistance. The Limited English Proficiency, Language Access Plan, and Four-Factor Analysis will be published and made available for citizens to view on the WVFloodRecovery.com and WVCAD.org websites.