



CITY OF UPLAND

Limited English Proficiency Plan

2014 - 2015 through 2019 - 2020

Adopted October 13, 2014

**CITY OF UPLAND
LIMITED ENGLISH PROFICIENCY PLAN**

A. PLAN PURPOSE

This City of Upland Limited English Proficiency (LEP) Plan is established pursuant to and in accordance with Executive Order 13166, "Improving Access to Services for Persons With Limited English Proficiency," Title VI of the Civil Right Act of 1964, and the Department of Housing and Urban Development's (HUD) Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, dated January 22, 2007, and effective February 21, 2007.

LEP persons are those whose proficiency in speaking, reading, writing, or understanding English is such that it would deny or limit their meaningful access to programs and services provided by the City of Upland if language assistance were not provided.

Executive Order No. 13166 was adopted to ensure meaningful access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency.

B. CITY POLICY

The City of Upland (Upland or City) is committed to ensuring that programs and resources are accessible to LEP persons, without discrimination on the basis of national origin. Upland is further committed to providing translation assistance to LEP persons whose primary language constitutes 5% or more of the City of Upland population.

C. FOUR-FACTOR ANALYSIS

As a recipient of federal funding, Upland is required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. The following four-factor analysis is the starting point for creating a Plan which balances LEP needs and assistance measures provided:

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

At the time of the 2010 U.S. Census, Upland had a population of 73,732. Since not all 2010 census data has been released, the City will incorporate the most recent detailed data available as derived from the U.S. Census Bureau's 2008-2012 American Community Survey 5-Year Estimates (ACS). The ACS estimated Upland population in 2008 was 74,192, with approximately 81.5 percent of its residents native born or born in U.S. Territories or U.S. Island areas, and about 18.5 percent foreign born.

The City of Upland is ethnically diverse, with racial and ethnic minorities representing fast growing segments of the population. Approximately 44 percent of the population is white, which exceeds the 39% estimate for the State of California. Hispanics of any race are the largest non-white ethnic group, comprising 38 percent of the population, followed by Asians/Pacific Islanders at 8 percent, Black or African Americans at 7 percent, and "all others" at 3 percent.

Of critical concern for the development of this Plan is the language spoken at home, which as reflected in the 2008-2012 ACS is detailed as follows:

CITY OF UPLAND LANGUAGE SPOKEN AT HOME 2008-2012 ACS		
	Number	Percent
Population 5 years and over	69,774	100.0
English only	46,734	67.0
Language other than English	23,040	33.0
Speak English less than "very well"	7,798	11.2
Spanish	15,519	22.2
Speak English less than "very well"	5,106	7.3
Other Indo-European languages	1,940	2.8
Speak English less than "very well"	458	0.7
Asian and Pacific Islander languages	4,590	6.6
Speak English less than "very well"	1,988	2.8
Other Languages	991	1.4
Speak English less than "very well"	246	0.4

HUD has provided "safe harbor" guidance which establishes language group size thresholds as the basis for determining the minimum required written materials LEP assistance.

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 <i>and</i> more than 50 in number.	Translate vital documents.
More than 5% of the eligible population or beneficiaries <i>and</i> 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 <i>and</i> less than 1,000 in number.	No written translation is required.

ANALYSIS

For the purposes of this review, the “eligible population” is defined as the City of Upland population over the age of 5 years. This standard is applied to facilitate review and interpretation of the available U.S. Census and ACS data, and to provide the most conservative assessment of LEP needs.

Based on HUD’s “safe harbor” guidance, there are two potential groups within the City of Upland which warrant further review and consideration; the 5,106 Spanish speaking persons who speak English less than very well, and the 1,988 persons within the Asian and Pacific Islander language group who speak English less than very well. All other language groups do not exceed the HUD “safe harbor” thresholds requiring the written translation of documents.

Spanish Language Sub-set

The above 2008-2012 ACS language table reflects that Spanish is the largest language group which may require the provision of LEP assistance, with 22.2% of the City’s population over the age of five indicating the primary use of Spanish at home, and 7.3% of the Spanish speaking population over the age of five indicating that they speak English “less than very well.” The 5,106 persons indicating that they speak English less than “very well” exceeds the 1,000 person threshold established under HUD’s safe harbor guidance, as well as the corresponding 7.3% of the defined population exceeding 5% safe harbor threshold. Based on these findings, the translation of vital documents into the Spanish language is required.

Asian and Pacific Islander Languages Sub-set

“Asian” refers to a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam. The Asian population includes people who indicated their race(s) as “Asian” or reported entries such as “Asian Indian,” “Chinese,” “Filipino,” “Korean,” “Japanese,” and “Vietnamese” or provided other detailed Asian responses. Native Hawaiian and Other Pacific Islander are persons having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands; and includes people who indicate their race as ‘Native Hawaiian’, ‘Guamanian or Chamorro’, ‘Samoan’, and ‘Other Pacific Islander’. Each of the races defined within the Asian and Pacific Islander languages sub-set have multiple languages that are potentially spoken.

While the number of persons speaking Asian and Pacific Islander languages at home totals 4,590, it is important to note that 1,988 persons (43.3% of the language group) indicated that they spoke English less than “very well,” or approximately 2.8% of the population over the age of five.

Further examination of the 2008-2012 ACS reflects that no race data is available that correlates directly with 2008-2012 ACS “Language Spoken at Home” data. The 2010 Census does however provide race data from which inferences regarding the 2008-2012 ACS data can be made. Based on the 2010 Census, the following represents the Asian, Hawaiian, and Pacific Islander race distribution for the City of Upland:

Asian, Hawaiian, and Pacific Islander Race Distribution 2010 Census			
Race	Estimate	Percentage of Total Population	Percentage of Asian/Native Hawaiian and Other Pacific Islander Population
Asian	6,217	8.4	97.51%
Asian Indian	674	0.9	10.57%
Chinese	1,515	2.1	23.76%
Filipino	1,435	1.9	22.50%
Japanese	329	0.4	5.16%
Korean	773	1.0	12.12%
Vietnamese	542	0.7	8.50%
Other Asian	949	1.3	14.88%
Native Hawaiian and Other Pacific Islander	159	0.2	2.49%
Native Hawaiian	39	0.1	0.61%
Guamanian or Chamorro	24	0.0	0.38%
Samoan	26	0.0	0.41%
Other Pacific Islander	70	0.1	1.10%

Applying the above pro-rata distribution percentages to the 1,988 speakers of Asian and Pacific Islander languages who indicated that they spoke English less than very well results in the following approximate distribution of persons within each respective race:

Asian, Hawaiian, and Pacific Islander Race Distribution for Households which indicated that they Speak English Less than Very Well Based on application of Race Pro-Ration			
Race	Percentage of Asian/Native Hawaiian and Other Pacific Islander Population	Estimated Number of Persons who Speak English Less than Very Well	Estimated % of Persons who Speak English Less than Very Well as a % of the eligible population
Asian	97.51%	1,938	2.78%
Asian Indian	10.57%	210	0.30%

Asian, Hawaiian, and Pacific Islander Race Distribution for Households which indicated that they Speak English Less than Very Well Based on application of Race Pro-Ration			
Race	Percentage of Asian/Native Hawaiian and Other Pacific Islander Population	Estimated Number of Persons who Speak English Less than Very Well	Estimated % of Persons who Speak English Less than Very Well as a % of the eligible population
Chinese	23.76%	472	0.68%
Filipino	22.50%	447	0.64%
Japanese	5.16%	103	0.15%
Korean	12.12%	241	0.35%
Vietnamese	8.50%	169	0.24%
Other Asian	14.88%	296	0.42%
Native Hawaiian and Other Pacific Islander	2.49%	50	0.07%
Native Hawaiian	0.61%	12	0.02%
Guamanian or Chamorro	0.38%	8	0.01%
Samoaan	0.41%	8	0.01%
Other Pacific Islander	1.10%	22	0.03%

The above table reflects that none of the races within the Asian and Pacific Islander languages sub-set have a population which exceeds the established HUD safe harbor thresholds of either 5% or 1,000 of the eligible population. Based on this analysis, no translation of vital documents into any of the Asian or Pacific Islander languages is required.

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

The City of Upland annually conducts a wide variety of programs utilizing HUD funding resources. While programs and their respective funding levels vary from year to year, the general range of activities has remained relatively consistent. Based on this historical consistency, this LEP Plan is designed to be effective for the five-year period between 2014-2015 and 2019-2020. In the event that projects or programs are HUD funded, and not adequately considered under this LEP Plan, an amendment to the Plan shall be performed to appropriately consider and address the proposed or approved activities. The City has \$528,846 in CDBG funds and \$700,000 in State HOME Investment Partnerships Program (HOME) funds available for FY 2014-2015. Approved 2014-2015 activities include the following:

Approved 2014-2015 CDBG Program Activity	Budget
CDBG Administration	
CDBG Admin. & Economic Development	\$ 76,881
Inland Fair Housing and Mediation Board – Fair Housing	\$ 14,500
Inland Fair Housing and Mediation Board – Landlord/Tenant Mediation	\$ 12,050
Sub-Total	\$ 103,431
CDBG Public Service Activities	
Upland Community Services – After School/Summer Programs	\$ 9,716
Upland Community Services – Vic’s Place	\$ 5,792
Upland Community Services – Graffiti Removal CDBG Areas	\$ 15,000
Upland Public Library – Literacy Programs	\$ 0
Foothill Family Shelter – Stepping Stone Program	\$ 14,025
Upland Unified School District – Healthy Start	\$ 5,000
Inland Valley Hope Partners – Food Security Program	\$ 5,000
St. Joseph’s Church – His Hands Food Program	\$ 11,000
Inland Valley Drug & Alcohol Recovery – Van Driver for Transportation	\$ 7,183
Pacific Lifeline – Women’s Programs	\$ 4,857
Sub-Total	\$ 77,573
CDBG Non-Public Service Activities	
Upland Development Services – CDBG Code Enforcement–Slum/Blight	\$ 124,000
Upland Development Services – Emergency Repair Program	\$ 25,000
Sub-Total	\$ 149,000
CDBG Capital Improvements	
Upland Public Works – CDBG Concrete Improvement – FY14-15	\$ 198,842
Sub-Total	\$ 198,842
CDBG TOTAL	\$ 528,846

Proposed 2014-2015 HOME Program Activity	Budget
HOME Administration	
HOME Program Administration	\$ 17,500
Sub-Total	\$ 17,500

Proposed 2014-2015 HOME Program Activity	Budget
HOME Activities	
Owner-Occupied Rehabilitation	\$ 341,250
First Time Homebuyer Program	\$ 341,250
Sub-Total	\$ 675,000
HOME TOTAL	\$ 700,000

Of the CDBG funded activities, the capital improvement project, Concrete Improvement – FY14-15, as well as the CDBG Code Enforcement–Slum/Blight, will not entail participatory contact with LEP persons.

As CDBG funded activities, CDBG Administration, both the Inland Fair Housing and Mediation Board – Fair Housing and Landlord/Tenant Mediation activities, and all of the public–service activities have the greatest expectation of contact with LEP persons. Consequently, the City has an enhanced duty to ensure reasonable access to these programs and services for LEP persons.

For HOME funded activities, the HOME Program Administration, and both the Owner Occupied Rehabilitation and the First Time Homebuyer Programs will benefit from the provision of LEP assistance for applicants and participants in HOME funded activities.

Consistent with the above analysis and program reviews, historic CDBG and HOME program inquiries, utilization, and outreach have reflected Spanish to be the largest language group in need of LEP assistance.

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

CDBG and HOME funded activities positively impact the lives of all of the City’s residents. However, as previously discussed, there are a number of federally funded activities which provide substantial direct benefits to participants:

Program	Benefits
Inland Fair Housing and Mediation Board – Fair Housing	Provides fair housing services by promoting equal housing opportunities through education, outreach, and enforcement.
Inland Fair Housing and Mediation Board – Landlord/Tenant Mediation	Provides information and mediation services to landlords and tenants regarding their rights and responsibilities in relation to rental housing in Upland.

Program	Benefits
Upland Community Services – After School/Summer Programs	Provides summer learning day camp sessions at local elementary schools, with an emphasis on literacy and math. Camps are designed to reinforce academics over the summer months.
Upland Community Services – Vic’s Place	Provides youth services at the Diamond Court apartments, such as computer activities, recreation programs, health and safety assistance, homework assistance, and neighborhood improvement projects; to reduce the "at-risk" environment.
Upland Community Services – Graffiti Removal CDBG Areas	Provides for the removal of graffiti within CDBG eligible areas.
Upland Public Library – Literacy Programs	Provide basic literacy training to adults lacking the skills needed to effectively use printed and written information in the course of daily functions.
Foothill Family Shelter – Stepping Stone Program	Provides shelter and support for homeless families with children. The ultimate goal is to help residents obtain permanent housing and provide training and support needed to maintain an independent life. Housing Rent Revenue funds are provided to assist in shelter and program administration
Upland Unified School District – Healthy Start	Program funds case management, assistance with school supplies and basic food and clothing needs, Medi-Cal enrollment, health clinics and health promotion programs to socio-economically-disadvantaged students.
Inland Valley Hope Partners – Food Security Program	Program supports an emergency food pantry
St. Joseph’s Church – His Hands Food Program	Program provides a two-to-three day supply of food to low income and homeless families in the Upland area
Inland Valley Drug & Alcohol Recovery – Van Driver for Transportation	Provides transportation services for recovery program clients to enable them to access public and private facilities (ex. healthcare, legal services, courts, etc.)

Program	Benefits
Pacific Lifeline – Women’s Programs	Provides transitional housing and support services to homeless women and their children, to assist in eliminating the threat of chronic homelessness for women and children. Program includes weekly case management and other resources.
HOME Owner-Occupied Rehabilitation	Provides deferred loans for the repair and rehabilitation of owner-occupied properties with household income not exceeding 80% of AMI.
HOME First Time Homebuyer Program	Provides low-interest down payment assistance loans for first-time homebuyers with incomes not exceeding 80% of AMI to purchase a home in Upland.

The CDBG and HOME Administration projects provide administrative oversight, and as such are responsible for the citizen participation process for federally funded activities. In this capacity, the Administration projects are directly linked to all of the above projects.

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

The City of Upland currently has bilingual (English/Spanish) staff available for the provision of interpretation services in facilities where the City is the direct provider of federally funded services. All federally-funded subrecipients also have bilingual (English/Spanish) staff available or interpreters accessible to assist clientele.

Based on the presence of bilingual staff, in addition to available interpretation (oral) services, translation (written) services are also available for any required documents.

D. PLAN TO INCREASE LEP RESOURCES

Based on the foregoing “Four Factor Analysis,” the greatest need for LEP resources is for the provision of Spanish language services. In an effort to meet these needs, the City will implement responsible measures that provide the following:

1. While interpretation services are widely available at the various venues providing services, enhanced efforts are required in the provision of translation services for vital federally funded program documents.

“Vital documents” are those that contain information that is critical for obtaining or maintaining the services or benefits that are supported by Federal funds, or that are required by law. Such documents may include but are not limited to outreach materials, applications, consent forms, complaint forms, notices of participant rights and responsibilities, disciplinary notices, letters or notices that require a response from the participant or beneficiary, legal notices, and notices advising LEP persons of the availability of free language services.

The City will perform written Spanish translations for all documents deemed vital for each program offered. Where HUD or other forms have been translated, and participant signature is required, the participant shall sign the English version of the form as the legally binding document, with the Spanish language translation attached. Translations which require signature shall carry the disclaimer that: "This document is a translation of a HUD-issued and/or required document. This translation is provided to you merely as a convenience to assist in your understanding of your rights and obligations. The English language version of this document is the official, legal, controlling document. This translated document is not an official document.

2. Provide annual staff training on the requirements of this plan, and its effective implementation at the staff, program, and project level; inclusive of a description of internal resources available and how to access them, sensitivity to LEP persons, response protocols for addressing LEP callers, written communications, and in-person contacts, and availability and access to external referral resources.
3. Insert "tag lines" on all printed outreach materials indicating the availability of translation and interpretation services by the City.
4. Explore the implementation of Spanish speaking telephone options at the point of intake for all project related inquiries.
5. Continue to provide interpretation services as necessary to ensure access by LEP persons in all federally funded activities.
6. Advise CDBG and HOME service providers regarding the need to provide translation of "vital documents" utilized under their respective programs.
7. Explore access to community based services which provide needed translation and interpretation services for non-Spanish speaking LEP persons.
8. Conduct targeted outreach to the LEP populations via community contacts, ethnic media, or other available means.

E. PLAN MONITORING AND UPDATE

During the five (5) year term of this LEP Plan, it shall be reviewed annually by City staff to ensure conformance with the all statutory requirements, evaluate its effectiveness, and amended as necessary to accommodate modifications to regulatory requirements and revised or new federally funded programs and projects.