



CITY OF UPLAND

Language Access Plan

April 2024

Executive Summary

As a recipient of federal Community Development Block Grant (CDBG) funds, the City of Upland (“City” or “Upland”) is required to make reasonable efforts to provide language assistance to ensure meaningful access for Limited English Proficiency (LEP) persons to the City’s programs and activities. Meaningful access is defined as language assistance that results in accurate, timely, and effective communication and is available at no cost to the LEP individual. Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency” (LEP), Title VI of the Civil Right Act of 1964, provides the basis for these requirements.

To ensure the appropriate targeting of resources, the City conducted a “Four Factor Analysis” in accordance with U.S. Department of Justice LEP Guidance; evaluating: 1) the number or proportion of LEP persons in the population to be served, 2) the frequency with which LEP persons come into contact with the program activity or service, 3) the importance of the service, information, program, and/or activity, and 4) the resources, financial and human, available to the City. The analysis was conducted in the context of “safe harbor” thresholds provided by the U.S. Department of Housing and Urban Development (HUD).

After determining the applicable language groups that may require LEP assistance, a review of HUD-funded programs and services was conducted, along with the relationship of those programs and services to the target populations. A final analysis was then conducted to determine available staffing and other resources to meet LEP needs for translation services.

A Language Access Plan was then developed, focused on the provision of translation and interpretation services to LEP individuals who speak the following languages:

1. Spanish

Through the Language Access Plan, the City commits to continuing language assistance efforts already being conducted, including the following:

1. Provide Spanish language interpretation services to ensure access by LEP persons in all federally funded activities;
2. Perform written Spanish translations for all documents deemed vital for each program offered;
3. Advise CDBG service providers of the need to provide translation of “vital documents” utilized under their respective programs;
4. Explore access to community-based services to provide translation and interpretation services for non-Spanish speaking LEP persons;
5. Insert “tag lines” on all printed outreach materials indicating the availability of translation and interpretation services;

6. Conduct targeted outreach to LEP populations via community contacts, ethnic and foreign media (as available), or other available means; and
7. Provide annual staff training on the requirements of this plan, and its effective implementation at the staff, program, and project level.

Plan Purpose

As a recipient of federal Community Development Block Grant (CDBG) funds, the City of Upland (“City” or “Upland”) is required to make reasonable efforts to provide language assistance to ensure meaningful access for Limited English Proficiency (LEP) persons to the City’s programs and activities. Meaningful access is defined as language assistance that results in accurate, timely, and effective communication and is available at no cost to the LEP individual.

This 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 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 their national origin, are limited in their English proficiency. National origin discrimination has been interpreted broadly to include the denial of meaningful access to a program because of an individual’s, or their ancestors’, place of origin. This includes whether that person has the physical, cultural, or linguistic characteristics of a national origin group.

City Policy

The City of Upland is committed to ensuring that programs and resources are accessible to LEP persons, without discrimination on the basis of national origin. The City is further committed to providing translation assistance to LEP persons for whom the population speaking their primary language constitutes at least 1,000 persons or five percent of the City’s eligible population.

Needs Assessment: Four-Factor Analysis

As a recipient of federal funding, the City 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 addresses LEP needs and provides adequate language assistance:

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

According to the U.S. Census Bureau’s 2018-2022 American Community Survey (ACS) 5-Year Estimates, Upland has a population of approximately 74,199. Over 30 percent of Upland’s residents speak a language other than English at home. Of critical concern for the development of this Plan is the language spoken at home by individuals who speak English less than “very well”, which is demonstrated in the table below:

| Language Spoken at Home, City of Upland | | |
|---|---------------|----------------|
| Population 5 years of age and over | Number | Percent |
| | 74,199 | 100.00% |
| English only | 50,694 | 68.32% |
| Language other than English | 23,505 | 31.68% |
| Speaks English less than “very well” | 7,751 | 10.45% |
| Spanish | 15,650 | 21.09% |
| Speaks English less than “very well” | 4,775 | 6.44% |
| Other Indo-European languages | 1,793 | 2.42% |
| Speaks English less than “very well” | 560 | 0.75% |
| Asian and Pacific Islander languages | 4,707 | 6.34% |
| Speaks English less than “very well” | 2,057 | 2.77% |
| Other languages | 1,355 | 1.83% |
| Speaks English less than “very well” | 359 | 0.48% |

Source: U.S. Census Bureau, 2018-2022 American Community Survey 5-Year Estimates (Table S1601)

HUD has provided “safe harbor” guidance to determine when to provide translation of vital documents. The Safe Harbor rule for written translation of vital documents is based on the number and percentages of the eligible population in a service area, or current LEP beneficiaries and applicants.

Per the Safe Harbor rule, HUD expects translation of vital documents to be provided when the eligible LEP population in the service area or current beneficiaries exceed 1,000 persons, or if it exceeds 5 percent of the eligible population. In cases where more than 5 percent of the eligible population speaks a particular language but fewer than 50 people are affected, there should be a translated written notice of the person’s right to an oral interpretation. The table below shows the recommended language assistance that should be provided based on the size of the language group:

| Safe Harbor Guidance: Size of Language Group and Recommended Provision of Language Assistance | |
|---|--|
| 1,000+ of the eligible population in the service area, or among current beneficiaries | Translate vital documents |
| > 5% of the eligible population or beneficiaries, <i>and</i> 50+ in number | Translate vital documents |
| > 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

The relevant data in the “Language Spoken at Home” table, above, are summarized in the following table:

| Speak English less than “very well” | | |
|--------------------------------------|-----------------------------|--------------------------|
| Language Spoken at Home | Population 5 years and over | % of Eligible Population |
| Spanish | 4,775 | 6.44% |
| Other Indo-European languages | 560 | 0.75% |
| Asian and Pacific Islander languages | 2,057 | 2.77% |
| Other Languages | 359 | 0.48% |

Source: Extracted from the “Language Spoken at Home” data

For the purposes of this review, the “eligible population” is defined as the City’s population over the age of five years, which is 74,199 persons according to the 2018-2022 ACS estimates. 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.

The “Language Spoken at Home” table provides data for the four (4) major language classifications employed by the ACS. Two (2) of the four (4) major language classifications contain an eligible population exceeding the 1,000-person safe harbor threshold: Spanish (which also exceeds the 5 percent safe harbor threshold) and Asian and Pacific Islander languages.

Spanish

The 4,775 Spanish speaking persons who indicated they speak English less than “very well” constitutes 6.44 percent of the eligible population of 74,199 persons. This exceeds the 1,000-person and 5 percent thresholds established under HUD’s safe harbor guidance. Based on this determination, the translation of vital documents into Spanish is required.

Asian and Pacific Islander languages

Further review is required to determine the specific Asian and Pacific Islander languages which will require LEP translation services. Additional data on the specific languages spoken in the City are unavailable using the 2018-2022 ACS estimates. The most recent data available for “Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over” in the City are from the 2011-2015 ACS 5-year estimates. Using the 2011-2015 dataset changes the “eligible population” (i.e. City’s population over the age of five years) to 70,624 persons. The table below shows these data for the City:

| Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over (Asian and Pacific Islander languages), City of Upland | | | |
|---|-----------------|------------------------|---------------------------------|
| Language | Estimate | Margin of Error | % of Eligible Population |
| Total Population 5 Years and Over: | 70,624 | ±478 | 100.000% |
| Speak only English | 46,038 | ±1,548 | 65.187% |
| Chinese: | 1,350 | ±316 | 1.912% |
| Speak English "very well" | 524 | ±155 | 0.742% |
| Speak English less than "very well" | 826 | ±257 | 1.170% |
| Japanese: | 138 | ±89 | 0.195% |
| Speak English "very well" | 87 | ±76 | 0.123% |
| Speak English less than "very well" | 51 | ±40 | 0.072% |
| Korean: | 878 | ±385 | 1.243% |
| Speak English "very well" | 452 | ±323 | 0.640% |
| Speak English less than "very well" | 426 | ±153 | 0.603% |
| Mon-Khmer, Cambodian: | 0 | ±28 | 0.000% |
| Speak English "very well" | 0 | ±28 | 0.000% |
| Speak English less than "very well" | 0 | ±28 | 0.000% |
| Hmong: | 0 | ±28 | 0.000% |
| Speak English "very well" | 0 | ±28 | 0.000% |
| Speak English less than "very well" | 0 | ±28 | 0.000% |
| Thai: | 119 | ±100 | 0.168% |
| Speak English "very well" | 34 | ±32 | 0.048% |
| Speak English less than "very well" | 85 | ±75 | 0.120% |
| Laotian: | 10 | ±16 | 0.014% |
| Speak English "very well" | 10 | ±16 | 0.014% |
| Speak English less than "very well" | 0 | ±28 | 0.000% |

| Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over (Asian and Pacific Islander languages), City of Upland | | | |
|--|----------|-----------------|--------------------------|
| Language | Estimate | Margin of Error | % of Eligible Population |
| Vietnamese: | 514 | ±281 | 0.728% |
| Speak English "very well" | 211 | ±169 | 0.299% |
| Speak English less than "very well" | 303 | ±129 | 0.429% |
| Other Asian languages: | 189 | ±125 | 0.268% |
| Speak English "very well" | 163 | ±120 | 0.231% |
| Speak English less than "very well" | 26 | ±31 | 0.037% |
| Tagalog: | 1,007 | ±285 | 1.426% |
| Speak English "very well" | 684 | ±205 | 0.969% |
| Speak English less than "very well" | 323 | ±132 | 0.457% |
| Other Pacific Island languages: | 443 | ±280 | 0.627% |
| Speak English "very well" | 208 | ±208 | 0.295% |
| Speak English less than "very well" | 235 | ±225 | 0.333% |

Source: U.S. Census Bureau, 2011-2015 American Community Survey 5-Year Estimates (Table B16001)

Based on the 2011-2015 ACS data, shown in the tables above, no language groups within the Asian and Pacific Islander languages classifications meet the "safe harbor" criteria of containing 1,000 or more persons and/or five percent or more of the eligible population, who speak English less than "very well". Therefore, the translation of vital documents into these languages is not required.

Program data on historic CDBG program inquiries, utilization, and outreach support the findings from the ACS data and confirm Spanish to be the largest language group in need of LEP assistance.

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

Each year, the City conducts a wide variety of programs utilizing HUD funding. While programs and their respective funding levels vary from year to year, the general activities have remained relatively consistent. As such, this LEP Plan is designed to be effective for the five-year period between 2025-2026 and 2030-2031. If HUD-funded projects or programs are initiated that are not adequately considered under this LEP Plan, an amendment to the Plan shall be performed to appropriately address the newly proposed activities.

The following table lists the City's relevant program activities. For each program activity, the table lists the frequency with which LEP persons are likely to come into contact with the City and the methods through which LEP persons are most likely to interact with the City and receive/provide information:

| Program Activity | Frequency | Level of Interaction |
|------------------|-----------|----------------------|
|------------------|-----------|----------------------|

| | | |
|--------------------------------------|--------|--|
| CDBG Administration | Annual | Attend public meetings and hearings. Visit City website. Read documents, brochures, posters, and flyers intended for public distribution. |
| CDBG Fair Housing Services | Daily | Call City offices. Email City staff. Visit City website. Visit City offices. Read documents, brochures, posters, and flyers intended for public distribution. Complete program-related paperwork. |
| CDBG Public Service Activities | Daily | Call City offices. Email City staff. Visit City website. Visit City offices. Read documents, brochures, posters, and flyers intended for public distribution. Complete program-related paperwork. |
| CDBG Economic Development Activities | Weekly | Call City offices. Email City staff. Visit City website. Visit City offices. Read documents, brochures, posters, and flyers intended for public distribution. Complete program-related paperwork. |
| CDBG Affordable Housing Activities | Daily | Call City offices. Email City staff. Visit City website. Visit City offices. Read documents, brochures, posters, and flyers intended for public distribution. Complete program-related paperwork. |
| CDBG Capital Improvement Projects | Weekly | Call City Offices. Email City staff. Visit City offices. Read documents, brochures, posters, and flyers intended for public distribution. Complete program- related paperwork. |

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

The City's CDBG-funded activities have the potential to positively impact the lives of all the City's residents. The table below lists the direct benefits to participants for each program activity.

| Program | Benefits |
|--------------------------------------|--|
| CDBG Administration | The CDBG Administration activities provide administrative oversight and, as such, include implementation of the citizen participation process for these federally funded activities. The citizen participation process is a key step in determining how these funds will be deployed annually. |
| CDBG Fair Housing Services | Fair housing services affirmatively further fair housing choice and ensure equitable access to housing opportunities through the provision of fair housing education, counseling, anti-discrimination, and landlord-tenant mediation services. |
| CDBG Public Service Activities | Public services such as food assistance, homelessness prevention, and others, are made available to primarily benefit low- and moderate-income (LMI) residents whose incomes are at or below 80% of the Area Median Income (AMI). |
| CDBG Economic Development Activities | Economic development activities such as commercial rehabilitation, business assistance, public facility projects, and others are undertaken to create economic opportunities in LMI areas or for LMI clientele. |
| CDBG Affordable Housing Activities | Affordable housing activities such as emergency repair programs are undertaken to preserve affordable housing opportunities for LMI households. |
| CDBG Capital Improvement Projects | Capital improvement projects such as sidewalk improvements, wheelchair ramps, and others, make physical improvements in LMI areas or to exclusively benefit presumed LMI clientele. |

Factor 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. Employees who have passed their respective language proficiency examination and provide bilingual staff services are compensated for those services in the form of an employee benefit (i.e. bilingual pay).

Based on the presence of bilingual staff, in addition to available interpretation (oral) services, translation (written) services are also available for any required documents, with the exception of legal documents and large-scale documents, which may require that external professional translators be employed.

Language Access Plan

Based on the “Needs Assessment: Four-Factor Analysis”, the greatest need for LEP resources is in the provision of language interpretation services and translated materials for Spanish speakers. To meet these needs, the City will implement the following measures:

Provide Interpretation and Translation Services

1. Continue to provide Spanish language interpretation services as necessary to ensure access by LEP persons in all federally funded activities. Interpreters will be competent and have knowledge in both languages of the relevant terms or concepts particular to the program or activity and the dialect and terminology used by the LEP individual. City staff providing interpretation services will have passed their respective language proficiency examination.
2. 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.

3. Advise CDBG service providers regarding the need to provide translation of “vital documents” utilized under their respective programs.
4. Explore access to community-based services which provide needed translation and interpretation services for non-Spanish speaking LEP persons.

Provide Notices to LEP Persons

5. Insert “tag lines” on all printed outreach materials indicating the availability of translation and interpretation services by the City.
6. Conduct targeted outreach to LEP populations via community contacts, ethnic and foreign media (as available), or other available means.

Train Staff on Plan

7. 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.

Plan Monitoring and Update

This plan was originally prepared and approved during the 2025-2030 Consolidated Plan cycle. City staff shall review this plan annually to ensure conformance with all statutory requirements, monitor changes in the language characteristics of its population, evaluate its effectiveness, and make modifications as necessary to accommodate changes to federally funded programs and projects.