



CITY OF UPLAND

Limited English Proficiency Plan

2019-2020 through 2024-2025

October 2019

**CITY OF UPLAND
LIMITED ENGLISH PROFICIENCY PLAN**

A. PLAN PURPOSE

This 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 federally conducted and federally assisted 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 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 whose primary language constitutes 5 percent or more of the City of Upland population.

C. 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 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.

According to the 2017 American Community Survey 5-year Estimates (ACS), Upland had a population of 76,155 in 2017. Approximately 81.4 percent of its residents are native born or born in U.S. Territories or U.S. Island areas, with the remaining 18.6 percent foreign born.

The City of Upland is ethnically diverse, with racial and ethnic minorities representing fast growing segments of the population. Approximately 41 percent of the population is white, which exceeds the 39 percent estimate for the State of California. Hispanics of any race are the largest non-white ethnic group, comprising 41.7 percent of the population, followed by Asians/Pacific Islanders at 8.9 percent, Black or African Americans at 5.3 percent, and “all others” at 3.1 percent.

Of critical concern for the development of this LEP Plan is the language spoken at home, which as reflected in the 2013-2017 ACS is detailed as follows:

CITY OF UPLAND LANGUAGE SPOKEN AT HOME 2013-2017 ACS		
	Number	Percent
Population 5 years of age and over	71,345	100.0
English only	46,954	67.0
Language other than English	24,391	34.2
Speak English less than "very well"	8,602	12.1
Spanish	17,027	23.9
Speak English less than "very well"	5,441	7.6
Other Indo-European languages	1,635	2.3
Speak English less than "very well"	495	0.7
Asian and Pacific Islander languages	4,843	6.8
Speak English less than "very well"	2,434	3.4
Other Languages	886	1.2
Speak English less than "very well"	232	0.3

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 percent of the eligible population or beneficiaries <i>and</i> more than 50 in number.	Translate vital documents.
More than 5 percent 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 percent 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 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 5,441 Spanish speaking persons who speak English less than very well, and the 2,434 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 2013-2017 ACS language table reflects that Spanish is the largest language group which may require the provision of LEP assistance, with 23.9 percent of the City’s population over the age of five indicating the primary use of Spanish at home, and 7.6 percent of the population over the age of five indicating that they speak English “less than very well.” The 5,441 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 7.6 percent of the defined population exceeding the 5 percent 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 4,843, it is important to note that 2,434 persons (50.3 percent of the language group) indicated that they spoke English less than “very well,” or approximately 3.43 percent of the population over the age of five.

Based on the 2013-2017 ACS, the following represents the Asian, Hawaiian, and Pacific Islander race distribution for the City of Upland:

Asian, Hawaiian, and Pacific Islander Race Distribution				
	Number	Percentage of Total Population	Percentage of Asian, Hawaiian and Pacific Islander Race Population	Prorated Distribution of Asian, Hawaiian and Pacific Islander That Speak English Less Than Very Well
Asian, Native Hawaiian and Other Pacific Islander	6,880	9.64	100.00	2,434
Asian-Indian	718	1.01	10.44	254
Chinese	1,909	2.68	27.75	675
Filipino	1,602	2.25	23.28	567
Japanese	259	0.36	3.76	92
Korean	669	0.94	9.72	237
Vietnamese	507	0.71	7.37	179
Other Asian	1,108	1.55	16.10	392
Native Hawaiian	0	0	0.00	0
Guamanian or Chamorro	15	0.02	0.22	5
Samoaan	14	0.02	0.20	5
Other Pacific Islander	79	0.11	1.15	28

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 percent or 1,000 of the eligible population. Based on this analysis, no LEP mandated translation of vital documents into any of the Asian or Pacific Islander languages is required.

Historic CDBG program inquiries, utilization, and outreach have reflected Spanish to be the largest language group in need of LEP assistance.

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 period between 2019-2020 and 2024-2025. 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 \$638,558 in CDBG funds available for FY 2019-2020.

Approved 2019-2020 activities included the following:

Approved 2019-2020 CDBG Program Activity	Budget
CDBG Administration	
CDBG Program Administration	\$ 85,361
Inland Fair Housing and Mediation Board – Fair Housing	\$ 24,200
Inland Fair Housing and Mediation Board – Landlord/Tenant Mediation	\$ 18,150
Sub-Total	\$ 127,711
CDBG Public Service Activities	
City of Upland – Graffiti Removal CDBG Areas	\$ 15,000
City of Upland – Vic’s Place	\$ 20,000
Foothill Family Shelter – Stepping Stone Program	\$ 15,000
St. Joseph’s Church – His Hands Food Program	\$ 21,283
Inland Valley Hope Partners – Food Security Program	\$ 10,000
Inland Valley Drug and Alcohol Recovery: Recovery Books	\$ 7,500
Pacific Lifeline – Women’s Programs	\$ 7,000
Sub-Total	\$ 95,783
CDBG Non-Public Service Activities	
City of Upland – Business Assistance & Attraction Program	\$ 60,000
City of Upland – Downtown Façade Enhancement Program	\$ 100,000
City of Upland – Emergency Repair Program	\$ 155,064
City of Upland Comm. Serv. – Landecena Interior Improvements	\$ 100,000
Sub-Total	\$ 415,064
CDBG TOTAL	\$ 638,558

For CDBG funded activities, CDBG Administration activities, Public Service activities, Business Assistance and Attraction Program, Downtown Façade Enhancement Program, and the Emergency Repair Program has 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.

Consistent with the above analysis and program reviews, historic CDBG 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 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.
City of Upland – Graffiti Removal	Provides for the removal of graffiti within CDBG eligible areas.
City of Upland – 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.
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
St. Joseph’s Church – His Hands Food Pantry	Program provides a two-to-three-day supply of food to low income and homeless families in the Upland area
Inland Valley Hope Partners – Food Security Program	Program supports an emergency food pantry
Inland Valley Drug and Alcohol Recovery: Recovery Books	Provides an array of substance abuse services including detoxification, residential and outpatient treatment, aftercare, education, individual and group counseling, along with primary & secondary prevention services. In addition, we operate licensed, court-approved domestic violence batterer’s treatment alternatives.

Program	Benefits
Pacific Lifeline – Women’s Programs Shelter	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.
City of Upland – Business Assistance and Attraction Program	Provides financial support for the development and expansion of small local businesses to create low- and moderate income jobs
City of Upland – Downtown Façade Enhancement Program	Preserve and strengthen economic opportunities for business through financial assistance in improving the appearance of their building façade
City of Upland – Emergency Repair Program	Assists in the preservation of the quality of existing affordable housing stock for income qualified households
City of Upland Comm. Serv. – Landecena Interior Improvements	Provide interior improvements to the City of Upland Landecena facility (public facility) that provides assistance to primarily low-and moderate-income residents of Upland

The CDBG Administration project provides administrative oversight, and as such is responsible for the citizen participation process for federally funded activities. In this capacity, the Administration project is 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.

Based on the presence of bilingual staff and consultants, 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. Continue to provide Spanish language interpretation services as necessary to ensure access by LEP persons in all federally funded activities.
5. Advise CDBG service providers regarding the need to provide translation of "vital documents" utilized under their respective programs.
6. Explore access to community based services which provide needed translation and interpretation services for non-Spanish speaking LEP persons.
7. Conduct targeted outreach to the LEP populations via community contacts, ethnic media, or other available means.

E. PLAN MONITORING AND UPDATE

For the term of this LEP Plan, it shall be reviewed annually to ensure conformance with the all statutory requirements, monitor changes in the language characteristics of its population, evaluate its effectiveness, and modify as necessary to accommodate changes to federally funded programs and projects.