

City of Newburgh
Department of Planning and Development
Community Development Block Grant Program

**FOUR-FACTOR ANALYSIS
and
LANGUAGE ACCESS PLAN
FOR LIMITED ENGLISH PROFICIENCY PERSONS**



Effective Date of Plan: 2019

Purpose

In compliance with Executive Order 13166, the City of Newburgh has conducted a Four Factor Analysis (FFA) and developed a Language Access Plan (LAP). The FFA and LAP were developed in order to assist Limited English Proficiency (LEP) persons with meaningful access to information and programs of the City's Community Development Block Grant (CDBG) Program.

History

Title VI of the Civil Rights Act of 1964 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.

The City of Newburgh Four-Factor Analysis

The Four-Factor Analysis will serve as the guide for determining which language assistance measures the City of Newburgh will undertake to guarantee access to the City of Newburgh CDBG information and programs by LEP persons.

LEP individuals are persons who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English. The City of Newburgh will reassess language needs periodically as needed, but at least every two years starting from the effective date of this plan.

1. Determining the LEP population in the City of Newburgh

The City of Newburgh utilized American Community Survey Data Tables # DP-1, DP02, DP05. Based on this data, the City of Newburgh meets the 1,000 or 5% LEP persons threshold for Spanish speakers.

The 2010 U.S. Census identified a population of 13,814 individuals of Hispanic or Latino background in the City of Newburgh, or 47.9% of the population:

HISPANIC OR LATINO AND RACE		
Total population	28,866	100.0
Hispanic or Latino	13,814	47.9

Source: 2010 Census Summary, American FactFinder, U.S. Census Bureau

The 2013-2017 American Community Survey estimates that the population of individuals of Hispanic or Latino background in the City of Newburgh has increased to 14,408, or 50.7% of the population:

HISPANIC OR LATINO AND RACE				
Total population	28,444	28,444	28,444	28,444
Hispanic or Latino (of any race)	14,408	50.7%	14,408	50.7%

Source: 2013-2017 American Community Survey 5 Year Estimates

42.6% of the population speaks Spanish at home. Of that population, 20.6% speak English less than “very well”:

LANGUAGE SPOKEN AT HOME				
Population 5 years and over	25,763	25,763	25,763	25,763
English only	13,997	54.3%	13,997	54.3%
Language other than English	11,766	45.7%	11,766	45.7%
Speak English less than "very well"	5,664	22.0%	5,664	22.0%
Spanish	10,985	42.6%	10,985	42.6%
Speak English less than "very well"	5,319	20.6%	5,319	20.6%

Source: 2013-2017 American Community Survey 5 –Year Estimates

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

The program includes the possibility of housing rehabilitation, small business assistance and public services. In addition, the program requires public participation and input. All citizen participation activities are open to the general public. Therefore, residents are likely to have considerable direct contact with the program and its staff.

Through past experiences, the City of Newburgh determined that on average, there are 2-3 Spanish speaking LEP persons contacting the City of Newburgh on a daily basis for information or assistance. Because of this, the City of Newburgh is committed to maintaining bilingual staff serving in both reception and case

management. The City of Newburgh bilingual management staff in order to resolve higher level concern of Spanish speaking LEP persons. Contacts with LEP persons who speak other languages are infrequent.

3. Importance of Program Services/Activities to the LEP Persons.

The proposed projects may provide direct assistance to project area beneficiaries related to housing rehabilitation assistance, small business assistance and public services projects. The nature of the activity or service is of significant importance to the proposed project area(s) residents. LEP persons come into contact with the CDBG program. All citizen participation activities are open to the general public.

4. The resources available and costs.

City of Newburgh staff have been identified to provide written translation of CDBG program documents and announcements. City of Newburgh staff are available to provide oral translation services at public meetings and during conversations with LEP residents during the implementation of a proposed project. Language interpretation equipment is available to assist during meetings. Translation activities are an eligible CDBG administrative expense. Therefore, LAP measures are reasonable given the resources available to the City of Newburgh.

Certification: Based on the above Four-Factor Analysis, the City of Newburgh is required to develop a LAP. The City of Newburgh will make all reasonable attempts to accommodate language access needs of residents requesting oral translation during citizen participation activities.

The City of Newburgh Language Access Plan (LAP)

The City of Newburgh is committed to providing equal opportunity housing in a non-discriminatory manner, and in complying fully with all Federal, State and local nondiscrimination laws and with the rules and regulations governing Fair Housing and Equal Opportunity in housing and employment. This includes complying with Title IV of the Civil Rights Act of 1964 to ensure meaningful access to programs and activities by LEP persons.

The LAP details how language access services will be provided to LEP persons in the City of Newburgh with meaningful access to CDBG programs and information. Language access services shall include:

- Identifying and translating those documents most commonly distributed to the public that contain or elicit important and necessary information about the CDBG program or programs funded through the CDBG program.
- Providing interpretation services, when requested.
- Posting bilingual signage in certain locations in the City of Newburgh about the availability of free interpretation services, when requested.

Language Access Plan: As a result of the preceding Four-Factor Analysis, the City of Newburgh has identified the following language assistance steps to be provided on an as needed basis by the City of Newburgh throughout the implementation of the CDBG program.

Assistance	Action
Provide documents and notices in language that can be easily understood by the public at large.	Ensure that all documents and notices can be easily understood by the public at large, and that information is accessible to a range of literacy levels.
Oral and written Spanish translation services.	<input type="checkbox"/> Maintain list of City of Newburgh staff who can provide oral and written translation, as necessary. <i>Note: CDBG funds can assist with translation staff.</i>
Assessment of language needs.	<input type="checkbox"/> Provide English/Spanish cards asking if individuals needs language assistance. <input type="checkbox"/> Provide City of Newburgh staff who can provide oral and written translation, as needed.

<p>Publish all CDBG citizen participation documents, project-related resolutions, public notices, and amendments in English and Spanish.</p>	<p><input type="checkbox"/> Post in City of Newburgh public facilities.</p> <p><input type="checkbox"/> Posted on the City of Newburgh website, City of Newburgh Social Media.</p>
<p>Post bilingual (English/Spanish) signage in certain locations in the City of Newburgh about the availability of free interpretation services, when requested.</p>	<p><input type="checkbox"/> Place bilingual (English/Spanish) signage in City of Newburgh Public Buildings.</p>
<p>Inform LEP persons that other program materials are available upon request.</p>	<p><input type="checkbox"/> Include the bilingual (English/Spanish) statement on all CDBG program advertisements: "Other program materials are available in Spanish, upon request."</p>
<p>Provide all CDBG citizen participation documents, project-related resolutions, public notices, and amendments in English and Spanish.</p>	<p>Publish in:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Hudson Valley Press (Weekly) <input type="checkbox"/> Mid-Hudson Times (Weekly) <input type="checkbox"/> Orange County Post (Weekly) <input type="checkbox"/> Times Herald Record (Daily) <input type="checkbox"/> La Voz (Monthly Publication in Spanish)
<p>Inform LEP individuals that translators will be available at public meetings, upon request.</p>	<p><input type="checkbox"/> All citizen participation notices will include a statement that translators will be available at public meetings upon prior request. Request must be made a minimum of 14 days prior to the scheduled meeting.</p> <p><input type="checkbox"/> Provide Spanish translator upon request.</p>
<p>Inform LEP individuals of the availability of free interpretation services.</p>	<p><input type="checkbox"/> Provide notice of interpretation service availability.</p>
<p>Inform LEP individual that the City of Newburgh will provide an independent interpreter in conducting official City of Newburgh business (ex. signing contracts). Inform LEP individual they will not be permitted to use an independent interpreter of his or her choosing when filling out applications or when involved in other legal matters.</p> <p>In general, a LEP individual may not use a family member, friend or minor as an interpreter while conducting official City of Newburgh business.</p> <p><i>Note: The LEP individual may be permitted to use an interpreter of his or choosing, provided</i></p>	<p><input type="checkbox"/> Provide independent interpreter when needed.</p>

<i>he or she completes a written consent form.</i>	
A LEP individual may be permitted to use a family member, friend or minor as an interpreter for routine matters, such as asking for directions, asking for hours of operation or rescheduling an appointment.	<input type="checkbox"/> Inform LEP individual that he/she may be permitted to use a family member, friend or minor as an interpreter for routine matters, such as asking for directions, asking for hours of operation or rescheduling an appointment. <input type="checkbox"/> Prepare English/Spanish card for informing LEP individual of this action, if needed.
Assess LEP population in the City of Newburgh on a regular basis. Update the LAP.	<input type="checkbox"/> Consult with staff, City Officials. <input type="checkbox"/> Conduct formal review of LEP population in the City of Newburgh no less than every 2 years, from adopted date of current plan, to ensure the populations of the various language groups within the jurisdiction and their needs are reflected in the provision of primary-language services. At that point the Plan will be reviewed to determine if the existing LEP services are sufficient to meet the needs of LEP clients.
Provide Language Access Training to City of Newburgh staff. <i>Note: New staff must complete training within 60-days of start date.</i>	Annual Training to include: <input type="checkbox"/> Legal obligations to provide meaningful access to benefits and services to LEP individuals. <input type="checkbox"/> How to assess language assistance needs. <input type="checkbox"/> How to access language assistance services. <input type="checkbox"/> How to work with interpreters. <input type="checkbox"/> Cultural sensitivity. <input type="checkbox"/> Documenting language needs of LEP individuals. <input type="checkbox"/> How to obtain written translation services.

City of Newburgh Language Action Plan Adopted:

Date Adopted: 11/12/19

Resolution: 282-2019