

# City of San Marcos Community Development Program Limited English Proficiency (LEP) Plan

## I. Legal Basis and Purpose

This document serves as the plan for the City of San Marcos to provide to persons with limited English proficiency (LEP) services that are in compliance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.; 45 C.F.R. § 80.1 et seq.; and 28 C.F.R. § 42.101–42.112). The purpose of this plan is to provide a framework for the provision of timely and reasonable language assistance to LEP persons who come in contact with the Community Development programs of the City of San Marcos.

This LEP plan was developed to ensure meaningful access to grant programs and services for persons with limited English proficiency.

### Who is a Limited English Proficient Person?

Persons who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be limited English proficient, or “LEP. These individuals may be entitled to language assistance with respect to a particular type of service, benefit, or encounter.

### What is in a Limited English Proficiency Plan?

The [US Department of Justice LEP Guidelines](#), the basis for most Federal Agency LEP Guidelines states:

“Recipients are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. While designed to be a flexible and fact-dependent standard, the starting point is an individualized assessment that balances the following four factors: (1) The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee; (2) the frequency with which LEP individuals come in contact with the program; (3) the nature and importance of the program, activity, or service provided by the program to people's lives; and (4) the resources available to the grantee/recipient and costs. As indicated above, the intent of this guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small business, small local governments, or small nonprofits. After applying the above four-factor analysis, a recipient may conclude that different language assistance measures are sufficient for the different types of programs or activities in which it engages. For instance, some of a recipient's activities will be more important than others and/or have greater impact on or contact with LEP persons, and thus may require more in the way of language assistance. The flexibility that recipients have in addressing the needs of the LEP populations they serve does not diminish, and should not be used to minimize, the obligation that those needs be addressed.”

## II. Needs Assessment – 2015-2019 Consolidated Plan

### The 4 Factors:

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

The City of San Marcos used demographic information from the 2010-2014 American Community Survey, 5-year estimates (ACS) in preparation of this plan as it is the most current information available regarding

English proficiency. These statistics are available on a city-wide basis only; no statistics for smaller areas, such as a census block group, are available. The Census Bureau Table B16001 “Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over” has three categories: Speak Only English, Speak English “very well” or Speak English less than “very well”. For our planning purposes, we are considering people that speak English less than “very well” as Limited English Proficient persons.

The statistics show that 74.7% of the population five and older in San Marcos speaks English only; of the total population, only 5.46% indicate that they speak English less than “very well”.

Population 5 & over by language spoken at home and ability to speak English	Number	Percent
Population 5 & older	48,99	100%
Speak only English	36,62	74.7%
Speak English less than very well - Spanish / Creole Spanish speakers	2,385	4.8%
Speak English less than very well - Chinese	86	.02%
Speak English less than very well - Vietnamese	46	.009%
Speak English less than very well - German	41	.008%

Source: ACS Table B16001

ACS Table S1603 “Characteristics of People by Language Spoken at Home” shows that 25 percent of the total population speaks a language other than English at home. Of those persons, 86% speak Spanish. Therefore, for the purposes of this Plan, Spanish is the predominate language spoken other than English.

The following chart summarizes the demographics outlined above.

Population 5 & over by language spoken at home and ability to	Persons	Percent
Population 5 & older	48,99	100%
Speak only English	36,62	74.7%
Speak a language other than English at	12,36	25.2%
Spanish or Spanish Creole spoken at	10,65	86.2%

Source: ACS Table S1603

## Factor 2 - Frequency with which LEP individuals come in contact with the program.

The City of San Marcos receives an annual allocation of Community Development Block Grant Funds (CDBG) as an entitlement community. This grant is administered by employees of the City’s *Planning & Development Services – Community Initiatives Division*, which is also the division that is primarily responsible for Fair Housing activities.

The City’s CDBG grant allocation is relatively small; it is anticipated that the City will receive approximately \$500,000 per year for the five years included in the 2015-19 Consolidated Plan. Many of the CDBG projects are public facility/infrastructure activities that provide an area benefit with little direct interaction between the City staff and the beneficiaries of the project.

The programs / projects funded with CDBG funds vary from year to year. Based on our funding history, we anticipate that certain programs will continue to receive funding during the 5-years covered under the 2015-19 Consolidated Plan. City-sponsored programs that are expected to provide direct benefit to individuals include (1) the First Time Homebuyer Program; (2) Demolition/Clearance of Substandard structures; and (3) the public service Recreation Fee Scholarship program. Subrecipient sponsored programs that are anticipated to continue to receive CDBG funding include the Southside Community Center’s housing rehab program; and the public services provided by CASA and the Hays County Women’s Center.

The Consolidated plan anticipates that 7 families per year will receive rehab assistance; 4 households per year will receive homebuyer assistance; and 3 property owners per year may request assistance with demolition and clearance of substandard structures.

The public service programs are anticipated to provide benefits each year to approximately: (1) Recreation Scholarships – 125 children; (2) CASA - 76 children; and Hays Caldwell Women's Center's family violence shelter – 162 persons.

The City of San Marcos receives very few Fair Housing complaints – most housing complaint calls involve tenant-landlord issues. A small percentage of calls received are likely to come from LEP individuals.

### **Factor 3 - Nature and importance of the program**

The more important the activity, information, service, or program, or the greater the possible consequences of the contact to the LEP individuals, the more likely language services are needed.

The City frequently uses its community development grants to fund park, sidewalk, and public facility projects. These projects have a positive impact on the areas served and when completed are equally accessible to English speaking and LEP individuals.

The City's housing programs, Fair Housing activities, recreation fee scholarships and substandard structure demolition program have a more direct impact on individuals and ensuring that information on these programs is accessible to LEP individuals is moderately important.

However, denial or delay of access to services or information provided by the City's Community Development programs would not have life threatening implications on a LEP individual. It is also believed that information regarding community development projects would not have serious implications on a LEP individual, especially compared to the services, such as health, water, sewer, fire protection, police protection and other emergency services, provided by the City of San Marcos.

**NOTE: Factor 4 and subsequent areas of this document have not been updated for 2015-19 Consolidated Plan.**

### **Factor 4 - Resources available to the grantee/recipient and costs**

The federal LEP Guidance states *“A recipient's level of resources and the costs imposed may have an impact on the nature of the steps it should take in providing meaningful access for LEP persons. Smaller recipients with more limited budgets are not expected to provide the same level of language services as larger recipients with larger budgets. In addition, “reasonable steps” may cease to be reasonable where the costs imposed substantially exceed the benefits.”*

The City has a number of employees who are able to communicate in Spanish, including two members of the *Development Services-Planning* staff. They are able to assist LEP customers on the phone or in person to answer program questions or to help an applicant complete a form. The Executive Director and receptionist of the City's housing rehab subrecipient are both fluent in both Spanish and English and are able to communicate with Spanish-speaking LEP individuals seeking their services.

Funds available for LEP services would be derived from program administration funds and compete with other operational requirements of the program. Based on the small number of LEP individuals in the service area, and limited financial resources, it is necessary to limit language aid to the most basic and cost-effective services.

## **III. Safe Harbor Stipulation**

Federal law provides a “Safe Harbor” stipulation so that recipients can ensure with greater certainty that they comply with their obligations to provide written translations in languages other than English. A “safe harbor” means that if a recipient provides written translations under certain circumstances, such action will be considered strong evidence of compliance with the recipient’s written translation obligations under Title VI.

Strong evidence of compliance with the recipient’s written-translation obligations under ‘safe harbor’ includes providing written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally. .

Based on the data identified in Factor 1 above, only the City of San Marcos’ Spanish-speaking population would be covered by the Safe-Harbor Stipulation.

#### **IV. Plan to Improve Language Assistance to LEP Individuals**

##### **Translation/Interpretive Services**

1. Compile a list of City employees who are able and willing to assist LEP individuals in person or on the telephone with routine inquiries and those who need assistance to complete a form.
2. Compile a list of translation/interpretation service providers that can be hired when needed.
3. Include a statement that language assistance for community outreach meetings is available with 48 hours notice in meeting invitations and announcements. The notice will be issued in both English and Spanish.

##### **Public Outreach**

4. Ensure that press releases regarding community development programs / services are sent to Spanish language newspapers and radio/television stations that serve the San Marcos area.
5. Publish an annual Fair Housing notice in Spanish and post the notice on the Fair Housing area of the City’s website. Include a Spanish translation of Fair Housing information shown on the City’s cable television channels.
6. Post notices in Spanish to advertise housing application periods and stakeholder workshops.
7. Provide upon request a Spanish-translation of community-wide surveys prepared as part of a Community Development program or Fair Housing activity.
8. Identify and consult with stakeholders to determine what information regarding community development programs and services are most pertinent to those who speak languages other than English. Select priority documents to be translated based on funding availability and feedback from stakeholders.
9. Post the LEP Plan on the Community Development area of the City’s webpage.

##### **Evaluation of LEP Plan**

10. Log and evaluate calls and correspondence received from those with LEP to determine if the City’s LEP plan is adequate to maintain compliance with non-discrimination laws, and to determine if the plan needs to be modified to accommodate increasing contacts from people with LEP.
11. Review the LEP plan periodically to ensure that it effectively meets the needs of the LEP community.

12. Include a summary of the City's language assistance actions during the program year in each CDBG Consolidated Annual Performance Evaluation Report.

## **V. Applicability to FR-5938-N-01**

Revision Notice 07/31/2016: This policy was reviewed and edited for compliance with CDBG-DR requirements for FR-5938-N-01. In instances where the existing City of San Marcos policy exceeded the standards outlined in the Federal Register, the City retained the more stringent existing policy standards.