

Broward County

Appendix B - Four-Factor Analysis for Limited English Proficiency Persons

HUD Entitlement Programs:

CDBG and HOME

Purpose: In compliance with Executive Order 13166, Broward County has developed the following Four-Factor Analysis and Language Action Plan (LAP) for Limited English Proficiency (LEP) persons living in the county.

History: Under Federal law Title VI of the Civil Rights Act of 1964, discrimination was made illegal in programs that received federal financial assistance. For LEP persons, in particular, it protects on the basis of race, color and national origin. In certain situations, failure to ensure that persons with limited English language skills can effectively participate in, or benefit from, federally assisted programs may violate Title VI’s prohibition against race/ethnicity and national origin discrimination.

Persons for whom English is not their primary language and have limited ability to speak/read/write or understand English as a result of their race/ethnicity and national origin, may be entitled to language assistance under Title VI to receive county services, benefits and/or participate in sponsored programs.

Four-Factor Analysis: There is no specific method for ensuring compliance but undertaking a four-factor analysis, adoption of a Language Access Plan (LAP) for vital materials and making necessary translation will be considered “strong evidence” of compliance.

Factor 1: Determine the number or proportion of LEP persons in the eligible service population. HUD provides the following guidance for what documents should be provided and when:

Size of Language Group	Recommended Provision of Written Language Assistance
1,000 or more LEP persons in eligible population	Translate vital documents
>5% of eligible population and more than 50 are LEP persons	Translate vital documents
>5% of eligible population and 50 or less are LEP persons	Translated written notice of right to receive free oral interpretation of documents
5% or less of eligible population and less than 1,000 are LEP persons	No written translation required

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

Factor 3: The nature and importance of the program, activity or service

Factor 4: The resources available and costs to the recipient

Examples of language assistance includes but is not limited to oral interpretation, bilingual staff, telephone service lines interpreter, written translation services, notices to staff and recipients about the availability of LEP services and referrals to community liaisons. When the four-factor analysis is complete, the jurisdiction should produce a Language Access Plan and follow through with the plan.

Factor 1: Size of LEP Population

Overall, Broward County has a significant limited English proficiency population that would benefit from translation services. In 2018, an estimated 289,349 individuals spoke English less than “very well.” The most common primary language spoken by LEP residents is Spanish, not surprising given the large Hispanic population (more than 25 percent). Approximately 187,252 LEP residents speak Spanish, which is 65 percent of the LEP population. Additionally, 81,727 LEP residents primarily speak Indo-European languages, 14,288 speak Asian and Pacific Island Languages and 6,082 speak other languages.

Due to the importance of HUD programs and the universal availability of some programs, the entire jurisdiction was analyzed. Additional four-factor analyses should be conducted on a program basis with a more limited geographic range.

Language	Primary Language Spoken at Home		Limited English-Speaking Households		
	#	%	#	% of Total Households	% of Prim. Home Lang.
Population 5 years and over	1,797,580	--	289,349	16.1%	--
Spanish	467,357	26.0%	187,252	10.4%	40.1%
Other Indo-European	209,000	11.6%	81,727	4.6%	39.1%
Asian and Pacific Island	30,351	1.7%	14,288	0.1%	27.1%
Other	25,261	1.4%	6,082	<0.1%	24.1%

Source: 2014-2018 American Community Survey 5-Year Estimates (S1601)

Factor 2: Frequency of Contact

Housing services require ongoing communication and needs to be available throughout the year. Depending on the program specifics, procedures will vary as detailed in the LAP. Race and Ethnicity beneficiaries are reported in the county’s annual Consolidated Annual Performance Report to HUD. The following table shows the composition of households or individuals assisted in Broward County by entitlement program. Hispanic residents make up more than half of CDBG participants and nearly one-quarter of HOME program participants.

Racial and Ethnic Composition of Households/Individuals Assisted (2018 CAPER)

	CDBG		HOME	
	#	%	#	%
White	968	81.6%	78	31.2%
Black or African American	208	17.5%	170	68.0%
Asian	11	1.0%	2	0.8%
American Indian or American Native	0	0%	0	0.0%
Native Hawaiian or Other Pacific Islander	0	0%	0	0.0%
Total	1,187	--	250	--
Hispanic	602	50.7%	60	24.0%
Not Hispanic	585	49.3%	190	76.0%

Factor 3: Nature and Importance of the Program

Per the “Department of Housing and Urban Development Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons,” HUD programs play a critical role in the community and should rank high on the critical/non-critical continuum. The importance will vary depending on each program, but the housing department as a whole is critical.

Factor 4: Available Resources

Given the limited resources available, it is imperative that a cost/benefit analysis be performed when considering translation efforts for each program. It is difficult to gauge whether a community’s participation (or lack thereof) is due to failed outreach efforts or if they generally do not have a need. However, efforts can be made to show compliance with Title VI.

In general, all documents should be available in Spanish and it would be highly beneficial to have a staff member serve as a point of contact for the Spanish LEP community. The remainder LEP populations should be targeted on a project-by-project basis. The jurisdiction should also reach out to community leaders who may be able to provide translation services. Regardless, speakers of every language listed above should be made aware of their right to a free oral translation of documents upon request.

Conclusion:

To assist in showing strong evidence for compliance with Title VI’s prohibition against discrimination, Broward County shall produce a thorough Language Access Plan. This plan should provide guidance for the creation of translated documents on a program-by-program basis and for the division as a whole. Particular care should be taken to ensure documents are prepared

ahead of time for any disaster relief to minimize delays in service for households harmed by hurricanes or other disasters

Language Access Plan:

As a result of the Four-Factor Analysis, Broward County has determined persons with limited English proficiency who primarily speak Spanish are in need of language assistance. For this purpose, the county has identified the following types of language assistance be provided as needed throughout HUD entitlement programs CDBG and HOME:

- All public notices and published citizen participation advertisements will include a statement that services and program materials are available in Spanish upon request.
- All citizen participation notices will include a statement that translators will be available at public meetings upon prior request.
- If needed, a translator may be retained to provide oral translation at public meetings and hearings and also during the implementation of the project activities (as needed for housing and public services).

Additionally, individual projects shall take into account the LEP populations living in the project area to ensure assistance is provided for LEP residents speaking languages other than Spanish.