



# COUNTY OF HUMBOLDT

AGENDA ITEM NO.  
**C-15**

For the meeting of: December 9, 2014

Date: October 23, 2014

To: Board of Supervisors

From: Kevin R. Hamblin, Director, Planning and Building Department *Leto*

Subject: Housing and Urban Development Administrative Updates: Limited English Proficiency Analysis and Plan and Section 504 Self-Evaluation

RECOMMENDATION(S):

That the Board of Supervisors:

1. Approve Limited English Proficiency Analysis and Plan.
2. Approve Section 504 Evaluation.
3. Direct staff to retain documents for appropriate agencies review and approval.

SOURCE OF FUNDING:

United States Housing and Urban Development (HUD) and State of California Housing and Community Development (HCD).

DISCUSSION:

The Planning and Building Department, Housing Division manages funds from HUD and HCD. Those funds have ongoing regulatory requirements when administering grants. Attached are three documents which need Board of Supervisor approval.

Prepared by Paula Mushrush Housing Coordinator      CAO Approval *Amy Olsen*

REVIEW: Auditor \_\_\_\_\_ County Counsel *ck* Human Resources *DJ* Other \_\_\_\_\_

TYPE OF ITEM:

- Consent
- Departmental
- Public Hearing
- Other \_\_\_\_\_

PREVIOUS ACTION/REFERRAL:

Board Order No. \_\_\_\_\_

Meeting of: \_\_\_\_\_

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT**

Upon motion of Supervisor *Sundberg*  
 Seconded by Supervisor *Fennell*

Ayes *Sundberg, Lovelace, Bohn, Fennell, Bass*  
 Nays \_\_\_\_\_  
 Abstain \_\_\_\_\_  
 Absent \_\_\_\_\_

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: *Dec. 16, 2014*

By: *Kathy Hayes*  
 Kathy Hayes, Clerk of the Board

### **Limited English Proficiency Analysis and Plan**

A new requirement of the HCD-Community Development Block Grant (CDBG) program and the HCD-HOME program is that the grant recipients conduct a Limited English Proficiency (LEP) Analysis. In addition to the LEP a jurisdiction must have a written LEP Plan in place if it has more than 5% or 1,000 people who speak English "less than well or not at all". Based on the 2010 US Census, the unincorporated area of the County has 1,830 persons, constituting 2.7% who qualify as LEP residents. Being over 1,000 people the county must have an adopted LEP. The LEP Analysis and Plan are attached. (Attachment A).

### **Section 504 Self-Evaluation**

As part of the ongoing compliance with CDBG and HOME the County must periodically evaluate programs for accessibility to persons with disabilities. The State recommends that this be updated approximately every 5 years. Components include evaluating communication, employment, program accessibility, and consultation and recordkeeping. The last time an evaluation was done by Humboldt County was 2006. Staff has consulted with Tri-County Independent Living Center for further evaluation and recommendations, and has completed the Section 504 self-evaluation. The Self-Evaluation is attached. (Attachment B)

### FINANCIAL IMPACT:

There is no effect on the General Fund. Preparation of Administrative Updates and adherence to the requirements is covered by CDBG and HOME grants funds.

This action keeps the County of Humboldt in procedural compliance and ready to assist vulnerable populations and improve neighborhoods when opportunities arise.

OTHER AGENCY INVOLVEMENT: None at this time.

### ALTERNATIVES TO STAFF RECOMMENDATIONS:

Your Board could request that staff make modifications to any or all of the Administrative Updates, however this is not recommended because these plans and evaluations are required for compliance with CDBG and HOME program regulations.

### ATTACHMENTS:

Attachment 1: Limited English Proficiency Guidelines  
Attachment 2: Section 504 Self-Evaluation

## ATTACHMENT 1

### Limited English Proficiency Assistance Analysis & Plan

The Federal Fair Housing and Employment Office has made findings on Title VI, prohibition against national origin discrimination affecting limited English proficient persons. It states that a jurisdiction receiving Federal Funds must have a Limited English Proficiency (LEP) Analysis, and subsequently a LEP Assistance Plan. The LEP Assistance Plan will ensure that a plan is in place for outreach and day-to-day activities for LEP applicants and participants.

#### LIMITED ENGLISH PROFICIENCY ANALYSIS

##### A. Oral Interpretation

The County will contact an interpreter if there is an applicant or participant who is unable to communicate effectively in English. If there are no local staff or community members who can adequately communicate with applicants or participants, staff will use a telephonic interpreter service.

##### B. Written Translations

In order to determine if the County needs to provide written information in another language the County conducted the federally-recommended four-factor analysis, as listed below.

###### 1. Identify the number/proportion of LEP persons in the area:

In the county as a whole there are 1,830 LEP persons in the unincorporated area; of those Spanish speakers comprised 1,300 in the incorporated area. This means 1.9% of the population in the unincorporated area speak English less than well or not at all. (Source: American Factfinder, DP2. The federal "safe harbor of presumptive compliance" states that if there are over 1,000 LEP persons within the County's jurisdiction this factor would apply. Based upon the above discussion, the County has 1,300 speakers and thus this factor applies.

###### 2. Analyze frequency of contact:

There is infrequent contact with persons who speak Spanish, primarily in one-on-one meetings with applicants or qualified participants. This factor may apply occasionally.

In the past five years there has been one family that spoke Spanish as their first language that applied for a Federal Housing Loan and they spoke English well. During this time the County provided 38 loans. This leads to the conclusion that there is infrequent contact with person who speak Spanish.

###### 3. Analyze the importance of contact:

There is no compulsory participation with this program. This is an optional program. In addition there are no vital documents that if not translated could result in denial of benefits/exclusion from program. This factor does not apply.

###### 4. Weighing of cost of resources versus benefits:

The Federal Fair Housing and Employment Office recommended ways to provide documents for LEP persons. The first method suggested was online resources. Whenever possible these

will be used, subject to availability of such documents. Secondly it was suggested that jurisdictions use materials from other jurisdictions. Since the program is customized to our jurisdiction, this is not possible. The other option would be to hire a translator to translate the documents. Since the program changes over time, information could become stale or actually provide inaccurate information. Housing & Community Development changes the rent, income, maximum purchase price, and maximum subsidy price annually. In addition new directives and requirements come out regularly. In order to provide up to date information all documents associated with the housing loan programs are updated at least once to two times per year. Each time they are rewritten it takes someone 1-5 hours to amend, reprint, and repost on the website. If this was also done in Spanish concurrently it could conceivably double the costs, and add another \$500 - \$1,000/year.

Given the infrequency of contact it seems to make more sense to wait until there is a need. If Spanish speaking persons that speak English less than well or not at all increase within the County's jurisdiction, County staff will re-evaluate the need for written materials in Spanish.

### Language Assistance Plan

While the above analysis shows there does not need to be a formal Language Assistance Plan, the Planning & Building Department Housing Program staff will provide the following:

- An Interpreter or use a telephonic interpreter service for all speakers on an as-needed basis.
- Since the county has over 1,000 Spanish speakers who speak English less than well or not at all, staff has added a statement in Spanish to program marketing materials explaining briefly what the program is, and that more information will be provided upon request.
- Staff will re-evaluate the need for more Spanish documents on a regular basis.

## ATTACHMENT 2

### Section 504 Self-Evaluation

#### Introduction

The County Planning and Building Department, Housing Division, is a recipient of Federal funds and must comply with Section 504 of the Rehabilitation Act of 1973 ("Section 504"), including the Architectural Barriers Act of 1968.

Besides the legal requirement, the County of Humboldt is committed to fair treatment of all and has a broad non-discrimination policy which states that it shall not discriminate against people based on their race, religion or religious creed, color, age (over 40), sex (including gender identity and expression, pregnancy, childbirth and related medical conditions), sexual orientation (including heterosexuality, homosexuality and bisexuality), national origin, ancestry, marital status, medical condition (including cancer and genetic characteristics), mental or physical disability (including HIV status and AIDS), military service, or any other classification protected by federal, state, or local laws and ordinances.

In order to ensure that the County sponsors fair and accessible programs, the Planning and Building Department conducted a Section 504 Audit, including an audit of architectural barriers. This audit was conducted in accordance with Title 24 Code of Federal Regulations, Section 8. The purpose of Section 504 of the Regulations is to provide that no otherwise qualified individual, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Housing and Urban Development (HUD). This study also implements section 109 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5309). Finally it evaluates compliance with requirements for accessibility by people with disabilities imposed under the Architectural Barriers Act of 1968 (42 U.S.C. 4151-4157; 24 CFR part 40).

#### Self-Evaluation

##### 1. Communication

- A. The County has taken steps to ensure effective communication with applicants, beneficiaries and members of the public. The County will give consideration to requests of individuals with disabilities, including auxiliary aids or services and translator services.
- B. The County has procedures to ensure that interested persons can obtain information concerning the existence and location of accessible services, activities and facilities.
- C. The County will ensure to the maximum extent possible, individuals with disabilities receive the benefits and services of the program or activity receiving HUD assistance. Below is a summary of the types of communication that is used:
  - Notices are published in a paper of general circulation and distributed to agencies that provide services to seniors and people with disabilities.
  - Press Releases are published upon the startup of a new housing program.
  - Flyers are utilized on a regular basis.
  - Public Meetings are conducted before the Board of Supervisors.
  - Workshops and public information meetings are conducted by staff to distribute more detail.

- Large print copies of information materials are available, the County website is formatted for screen readers, and there are established protocols for how to communicate with deaf and hard of hearing clients.
- ASL Interpreters are available upon request.
- All notices, written or oral, include an Equal Opportunity Statement Employment.

## 2. Employment

- A. The County makes and has made reasonable accommodations to the known physical or mental limitations of otherwise qualified applicants with disabilities or employees with disabilities.
- B. The County does not use employment tests or other selection criteria that screens out or tends to screen out individuals with disabilities or any class of individuals with disabilities. Pre-employment inquiries will not be made to determine whether the applicant is an individual with disabilities or inquire into the nature or severity of a disability except as directly related to an applicant's ability to perform job-related functions.
- C. The county has Human Resource Policies that address disability and non-discrimination issues.

## 3. Program Accessibility

- A. Accessible means in compliance with the Federal accessibility guidelines and standards. Accessible sites and facilities do not contain barriers limiting their use by people with disabilities.
- B. Programs funded with HUD funds are accessible to individuals with disabilities, including mobility, sensory, and cognitive disabilities. Examples of reasonable accommodations provided to applicants and participants are:
  - County staff member will meet with the participant at the elevator to guide them upstairs or meet with them in a downstairs lobby.
  - County staff member will drive to the qualified individuals home, place of employment, or other place to assist with paperwork.
- C. Construction or alteration of community facilities with HUD funds will be done in accordance with HUD requirements. This includes multi-family construction.
- D. All contractors and subcontractors who receive HUD funds are made aware of Section 504 requirements. In addition all contracts include non-exclusionary language as required by Section 504.
- E. County Staff will conduct on-site evaluations of all Multi-Family Housing Projects, in which the County has a vested interest, for compliance with Section 504, including the Architectural Barriers Act of 1968.

#### 4. Consultation & Recordkeeping

- A. The County has consulted with Tri-County Independent Living Center. The Center was established in 1978 under the name of Humboldt Access Project and has had a long history of working to support people with disabilities in our community. Over the past 30 plus years the organization has demonstrated an ability to assume a leadership role in advocating for disability related issues.
- B. Description of the program recordkeeping and what modifications have been made:
- The County has designated Dan Fulks, Director of Human Resources, to coordinate efforts to comply with Section 504 implementing regulations.
  - The County has a grievance procedure, which provides for resolution of complaints alleging any action prohibited by Section 504 and related implementing regulations. This procedure is available to both employees and members of the public. A log of complaints is kept and is available to interested individuals.
  - The County will continue to let the public know in communications that it does not discriminate on the basis of disability. This includes, but is not limited to:
    - Public Notices for HUD funded programs and projects
    - Poster and Flyers announcing HUD funded programs
    - Letterhead for Planning and Building Department, Housing Programs
    - Applications for HUD funded programs
    - Loan Documents for HUD funded programs
    - Employment solicitation for all county jobs
    - Posting information at agencies providing services with disability