



# CITY OF NATIONAL CITY

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## Language Access Plan

August 2024

## Executive Summary

As a recipient of federal funds, the City of National City (“City” or “National City”) is required to make reasonable efforts to provide language assistance to ensure meaningful access for Limited English Proficiency (LEP) persons to the City’s projects. “Project” is defined as a program, activity, development, acquisition, capital improvement, plan, and the administration of said project(s). “Meaningful access” is defined as language assistance that results in accurate, timely, and effective communication and is available at no cost to the LEP individual. Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency,” Title VI of the Civil Right Act of 1964, provides the basis for these requirements.

To ensure the appropriate targeting of resources, the City conducted a “Four Factor Analysis” in accordance with U.S. Department of Justice LEP guidance, evaluating:

1. The number or proportion of LEP persons in the population to be served.
2. The frequency with which LEP persons come into contact with the project.
3. The importance of the project.
4. The resources, financial and human, available to the City. The analysis was conducted in the context of “safe harbor” thresholds provided by the U.S. Department of Housing and Urban Development .

After determining the applicable language groups that may require LEP assistance, a review of federally funded projects was conducted, along with the relationship of those projects to the target populations. A final analysis was then conducted to determine available staffing and other resources to meet LEP needs for translation services.

A Language Access Plan was then developed, focused on the provision of translation and interpretation services to LEP individuals who speak the following languages: 1) Spanish, and 2) Tagalog.

Through the Language Access Plan, the City commits to providing language assistance efforts that include, but are not limited to the following:

1. Providing free oral interpretation services at public hearings and at facilities where the City provides federally funded projects;
2. Upon request, ensuring the translation of materials deemed vital for each federally funded project; and
3. Providing notices to LEP persons advising them of the availability of free translation and interpretation services by the City.

## Plan Purpose

As a recipient of federal funds, the City of National City is required to make reasonable efforts to provide language assistance to ensure meaningful access for Limited English Proficiency (LEP) persons to the City's "projects," defined as a plan, program, service, activity, development, acquisition, capital improvement, and the administration of said projects. "Meaningful access" is defined as language assistance that results in accurate, timely, and effective communication and is available at no cost to the LEP individual.

This LEP Plan is established pursuant to and in accordance with:

- Title VI of the Civil Rights Act of 1964 - National Origin Discrimination Against Persons With Limited English Proficiency
- Executive Order 13166: "Improving Access to Services for Persons With Limited English Proficiency"
- U. S. 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
- U. S. Department of Justice (DOJ) Policy Guidance Document: Enforcement of Title VI of the Civil Rights Act of 1964 - National Origin Discrimination Against Persons With Limited English Proficiency
- U.S. Department of Transportation Policy (DOT) Guidance Concerning Recipient's Responsibilities to Limited English Proficient Persons, published Wednesday, December 14, 2005

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 projects provided by the City of National City 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 their national origin, are limited in their English proficiency. National origin discrimination has been interpreted broadly to include the denial of meaningful access to a program because of an individual's, or their ancestors', place of origin. This includes whether that person has the physical, cultural, or linguistic characteristics of a national origin group. To assist agencies in carrying out these responsibilities, the DOJ has issued a Policy Guidance Document.

## City Policy

The City of National City ("City" or "National City") is committed to ensuring that projects 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 for whom the population speaking their primary language constitutes at least 1,000 persons or five percent of the City’s eligible population. For National City those languages include Spanish and Tagalog.

### Needs Assessment: Four-Factor Analysis

As a recipient of federal funding, the City is required to take reasonable steps to ensure meaningful access to their projects by LEP persons. The City conducted a “Four Factor Analysis” in accordance with U.S. Department of Justice LEP Guidance. The following Four-Factor Analysis is the starting point for creating a plan which addresses LEP needs and provides adequate language assistance:

#### Factor 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 U.S. Census Bureau’s 2018-2022 American Community Survey (ACS) 5-Year Estimates, National City has a population of approximately 53,265. Around seventy percent National City’s residents speak a language other than English at home. Of critical concern for the development of this Plan is the language spoken at home by individuals who speak English less than “very well”, which is demonstrated in the table below:

Language Spoken at Home, City of National City		
Population 5 years of age and over	Number	Percent
		53,265
English only	15,532	29.16%
Language other than English	37,733	70.84%
Speaks English less than “very well”	15,226	28.59%
Spanish	29,476	55.34%
Speaks English less than “very well”	11,143	20.92%
Other Indo-European languages	193	0.36%
Speaks English less than “very well”	19	0.04%
Asian and Pacific Islander languages	7,531	14.14%
Speaks English less than “very well”	3,906	7.33%
Other languages	533	1.00%
Speaks English less than “very well”	158	0.30%

Source: U.S. Census Bureau, 2018-2022 American Community Survey 5-Year Estimates (Table S1601)

The U.S. Department of Housing and Urban Development (HUD) has provided “Safe Harbor” guidance to determine when to provide translation of vital documents. The Safe

Harbor rule for written translation of vital documents is based on the number and percentages of the eligible population in a service area, or current LEP beneficiaries and applicants.

Per the Safe Harbor rule, HUD expects translation of vital documents to be provided when the eligible LEP population in the service area or current beneficiaries exceed 1,000 persons, or if it exceeds 5 percent of the eligible population. In cases where more than 5 percent of the eligible population speaks a particular language but fewer than 50 people are affected, there should be a translated written notice of the person’s right to an oral interpretation. The table below shows the recommended language assistance that should be provided based on the size of the language group:

Safe Harbor Guidance: Size of Language Group and Recommended Provision of Language Assistance	
1,000+ of the eligible population in the service area, or among current beneficiaries	Translate vital documents
> 5% of the eligible population or beneficiaries, <u>and</u> 50+ in number	Translate vital documents
> 5% of the eligible population or beneficiaries, <u>and</u> 50 or less in number	Translate written notice of right to receive free oral interpretation of documents
5% or less of the eligible population or beneficiaries, <u>and</u> less than 1,000 in number	No written translation is required

**Analysis**

The relevant data in the “Language Spoken at Home” table, above, are summarized in the following table:

Speak English less than “very well”		
Language Spoken at Home	Population 5 years and over	% of Eligible Population
Spanish	11,143	20.92%
Other Indo-European languages	19	0.04%
Asian and Pacific Islander languages	3,906	7.33%
Other Languages	158	0.30%

Source: Extracted from the “Language Spoken at Home” data

For the purposes of this review, the “eligible population” is defined as the City’s population over the age of five years, which is 53,265 persons according to the 2018-2022 ACS estimates. This standard is applied to facilitate review and interpretation of the available U.S. Census and ACS data, and to provide the most conservative assessment of LEP needs.

The “Language Spoken at Home” table provides data for the four (4) major language classifications employed by the ACS. Both the Spanish and the Asian and Pacific Islander languages groups contain eligible populations exceeding the 1,000 person and 5 percent Safe Harbor thresholds.

### Spanish

The 11,143 Spanish speaking persons indicating they speak English less than “very well”, constitutes 20.92 percent of the eligible population of 53,265 persons. This exceeds the 1,000-person and 5 percent thresholds established under HUD’s Safe Harbor guidance. Based on this determination, the translation of vital documents into Spanish is required.

### Asian and Pacific Islander languages,

Further review is required to determine the specific Asian and Pacific Islander languages which will require LEP translation services. Additional data on the specific languages spoken in the City are unavailable using the 2018-2022 ACS estimates. The most recent data available for “Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over” in the City are from the 2011-2015 ACS 5-year estimates. According to the more detailed dataset, the “eligible population” (i.e. City’s population over the age of five years) is 56,212 persons. The table below shows the more specific data for the City:

Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over (Asian and Pacific Islander languages) City of National City			
Language	Estimate	Margin of Error	% of Eligible Population
Total Population 5 Years and Over:	56,212	±413	100.00%
Chinese:	254	±165	0.45%
Speak English "very well"	146	±128	0.26%
Speak English less than "very well"	108	±89	0.19%
Japanese:	68	±43	0.12%
Speak English "very well"	29	±17	0.05%
Speak English less than "very well"	39	±41	0.07%
Korean:	16	±16	0.03%
Speak English "very well"	3	±6	0.01%
Speak English less than "very well"	13	±15	0.02%
Mon-Khmer, Cambodian:	161	±170	0.29%
Speak English "very well"	103	±121	0.18%

Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over (Asian and Pacific Islander languages) City of National City			
Language	Estimate	Margin of Error	% of Eligible Population
Speak English less than "very well"	58	±62	0.10%
Hmong:	0	±28	0.00%
Speak English "very well"	0	±28	0.00%
Speak English less than "very well"	0	±28	0.00%
Thai:	0	±28	0.00%
Speak English "very well"	0	±28	0.00%
Speak English less than "very well"	0	±28	0.00%
Laotian:	120	±125	0.21%
Speak English "very well"	46	±45	0.08%
Speak English less than "very well"	74	±86	0.13%
Vietnamese:	107	±86	0.19%
Speak English "very well"	49	±68	0.09%
Speak English less than "very well"	58	±56	0.10%
Other Asian languages:	0	±28	0.00%
Speak English "very well"	0	±28	0.00%
Speak English less than "very well"	0	±28	0.00%
Tagalog:	8,662	±849	15.41%
Speak English "very well"	4,760	±719	8.47%
Speak English less than "very well"	3,902	±534	6.94%
Other Pacific Island languages:	212	±92	0.38%
Speak English "very well"	93	±56	0.17%
Speak English less than "very well"	119	±81	0.21%

Source: U.S. Census Bureau, 2011-2015 American Community Survey 5-Year Estimates (Table B16001)

### Tagalog

Based on the 2011-2015 ACS data, shown in the table above, of the various Asian and Pacific Islander languages, only Tagalog exceeds the 1,000-person and/or 5 percent thresholds established under HUD's Safe Harbor guidance. Approximately 3,902 persons (or 6.94 percent of the eligible population) in the City who primarily speak Tagalog indicated they spoke English less than "very well". Based on this determination, the translation of vital documents into Tagalog is required.

The following table summarizes the languages that meet the 1,000-person or 5 percent thresholds established under HUD's Safe Harbor guidance, and for which, as a result, the translation of vital documents into is required.

Language groups with either 1,000 persons or more, or at least 5% of the eligible population, indicating that they speak English less than “very well”		
Language	Estimate	% of Eligible Population
Spanish:	29,476	55.34%
Speak English less than "very well"	15,226	28.59%
Tagalog:	8,662	15.41%
Speak English less than "very well"	3,902	6.94%

Source: Data extracted from the “Language Spoken at Home” table for Spanish, and “Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over” table for Tagalog.

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

Each year, the City conducts a wide variety of projects utilizing federal funding. While programs and their respective funding levels vary from year to year, the general activities funded by HUD and the U.S. Department of Transportation (DOT) have remained relatively consistent. As such, this LAP is designed to be effective for the five-year period between 2025-2026 and 2030-2031. Federal funding from sources other than HUD and DOT has less year-to-year consistency, thus the expected level of interaction with LEP persons will vary and will be considered as appropriate, though not listed in the table below.

**LAP Amendments**

If federally funded projects are initiated that are not adequately considered under this LAP, an amendment to the Plan shall be performed to appropriately address the newly proposed activities. (Also reference the Plan Monitoring and Update Section.)

**Example of LEP Frequency and Level of Interaction**

For example, the following table lists the City’s HUD Community Planning and Development projects as well as transportation projects funded with DOT funds, including pass through funds from the State of California and San Diego Association of Governments (SANDAG). For each project, the table lists the frequency with which LEP persons are likely to come into contact with the City and the methods through which LEP persons are most likely to interact with the City and receive/provide information.

Project	Frequency	Level of Interaction
CDBG and HOME Administration	Annual	Attend public meetings and hearings. Call City offices. Email City staff. Visit City website. Visit City offices.



		Read documents, brochures, posters, and flyers intended for public distribution.
CDBG-Funded Activities	Daily	Call City offices. Email City staff. Visit City website. Visit City offices. Read documents, brochures, posters, and flyers intended for public distribution. Complete program-related paperwork.
HOME Homeowner, Rental, and CHDO Activities	Daily	Call City offices. Email City staff. Visit City website. Visit City offices. Read documents, brochures, posters, and flyers intended for public distribution. Complete program-related paperwork.
Active Transportation Program	Daily	Attend public meetings and hearings. Call City offices. Email City staff. Visit City website. Visit City offices. Read documents, brochures, posters, and flyers intended for public distribution.

**Factor 3: The nature and importance of the activity or service provided by the program to people’s lives.**

The City’s federally funded projects have the potential to positively impact the lives of all the City’s residents. The table below lists the direct benefits to participants for the HUD CPD projects and the DOT-funded projects listed in the table above. As previously mentioned, federal funding from sources other than HUD and DOT has less year-to-year consistency. Therefore, the specific benefits of projects supported with these other funds are not listed in the table below.

Program	Benefits
CDBG and HOME Administration	CDBG and HOME Administration activities provide administrative oversight and, as such, include implementation of the citizen participation process for these federally funded activities. The citizen participation process is a key step in determining how these funds will be deployed annually.

Program	Benefits
CDBG Public Service Activities and Fair Housing Services	Public services, including fair housing services, are made available to primarily benefit low- and moderate-income (LMI) residents whose incomes are at or below 80% of the Area Median Income (AMI). Fair housing services help to prevent and resolve discriminatory acts to ensure equitable access to decent housing.
CDBG Capital Projects (Community Facilities & Infrastructure)	Capital improvement projects, including community facilities and infrastructure, make physical improvements in LMI areas or to exclusively benefit presumed LMI clientele.
HOME Homeowner, Rental, and CHDO Activities	Homeowner, rental, and CHDO activities (including building, buying, and/or rehabilitating affordable housing for rent or homeownership, or providing direct rental assistance to low-income people) create affordable housing for low-income households.
Active Transportation Program	Street and sidewalk improvements, including bicycle infrastructure and pedestrian safety enhancements, improve safety and quality of life for all residents.

#### **Factor 4: The resources available to the grantee/recipient and costs**

The City currently has bilingual staff available for the provision of Spanish and Tagalog interpretation services. Employees who have passed their respective language proficiency examination and provide bilingual staff services are compensated for those services in the form of an employee benefit (i.e. bilingual pay).

## Language Access Plan

Based on the Four-Factor Analysis, the greatest need for LEP resources is in the provision of language translation services for Spanish and Tagalog speakers. To meet these needs, the City will implement the measures listed below.

### Provide Interpretation and Translation Services

1. Upon request, provide free oral interpretation services for Spanish and Tagalog speakers at the various facilities where the City provides federally funded projects. Interpreters will be competent and have knowledge in both languages of the relevant terms or concepts particular to the program or activity and the dialect and terminology used by the LEP individual. City staff providing interpretation services will have passed their respective language proficiency examination.
2. Upon request, provide free oral interpretation services for Spanish and Tagalog speakers at all public hearings.
3. As necessary, the City shall translate materials in Spanish and Tagalog for documents deemed vital for each federally funded program.

Vital documents are defined as 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, 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.

Where forms have been translated and a participant signature is required, the participant shall sign the English version of the form as the legally binding document, with the translation version attached.

Translations which require signature shall carry the disclaimer that:

*“This document is a translation of a [insert funding source or federal agency]-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.”*

### **Provide Notices to LEP Persons**

4. All Public Notices published shall include a statement in Spanish and Tagalog indicating the availability of *free interpretive services upon request*.
5. On all printed outreach materials and public review documents related to federally funded projects shall include a “tag line” in Spanish and Tagalog advising of the availability of *free translation and interpretation services by the City*.
6. Conduct targeted outreach to Spanish- and Tagalog-speaking LEP populations e.g., City email listserv, hard copy distribution, etc.

### **Train Staff on Plan**

7. Direct staff to review this plan and understand its requirements and effective implementation, inclusive of:
  - a. Sensitivity to an LEP person’s needs;
  - b. Internal and external translation and interpretation resources available and the methods of accessing them; and
  - c. Protocols and network (internal staff and external third-party providers) for addressing and processing LEP inquiries (oral [phone or in-person] or written).

### **Plan Monitoring and Update**

This Plan was originally prepared and approved during the City’s 2025-2030 HUD Consolidated Plan cycle. City staff shall review this plan as needed to ensure conformance with all statutory requirements, monitor changes in the language characteristics of its population, evaluate its effectiveness, and make modifications as necessary to accommodate changes to federally funded projects.

### **References**

Federal Register: <https://www.hud.gov/sites/documents/FINALLEP2007.PDF>

Department of Housing and Urban Development (HUD) Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons; Notice

Federal Register: <https://www.govinfo.gov/content/pkg/FR-2005-12-14/html/05-23972.htm>

Department of Transportation (DOT) Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons

Department of Justice (DOJ): <https://www.lep.gov/>

Information, guidance, and technical assistance on the implementation of the LEP initiative.