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EQUAL OPPORTUNITY

SECTION 504 AND LANGUAGE ACCESS PLAN

Presenters

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Agenda

Section 504

- Overview and General Requirements
- Applicability to non-housing activities
- Self-Evaluation and Transition Plan
- Reasonable Accommodations
- Employers

Language Access Plan (LAP)

- What is a Language Access Plan?
- LAP and Citizen Participation Plan
- Where does LAP fit into Policies
- LEP responsibilities and best practices

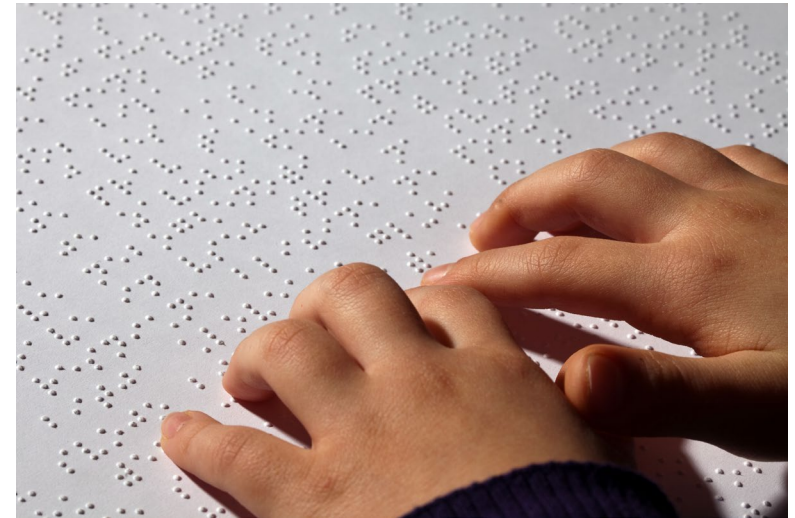




SECTION 504

Section 504 Basics

- Requires that no otherwise qualified individual with disabilities in the United States shall, 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
- Covered disabilities include mobility, sensory, behavioral, and cognitive impairments that substantially limit one or more major life activities
- HUD implementing regulations at 24 CFR Part 8



General Section 504 Requirements

Two Primary Considerations for Beneficiaries and Employees

- Physical accessibility
- Program accessibility



General Section 504 Requirements

Section 504 requires CDBG recipients to:

- Establish effective communication methods
 - Auxiliary aids
 - Information on accessible services, activities, and facilities
- Demonstrate non-discriminatory employment practices
- Conduct a self-evaluation of policies, practices, and programs
- Develop a transition plan for compliance



Section 504 & Non-Housing Activities

- CDBG funded facilities must be able to be approached, entered and used by persons with disabilities
 - Entrances/exits
 - Meeting rooms
 - Restrooms
- Ensure facilities used for public meetings and interaction with public are accessible or make accommodations
- UFAS are applicable accessibility standards



Self-Evaluation

- Convene self-evaluation citizens advisory committee to consult with individuals with disabilities and organizations that represent them
- Evaluate policies and practices to determine if they create any participation barriers
 - Physical building and elements
 - Communication
 - Employment
 - Policies and practices
 - Describe modifications to be completed within any of the above categories



Transition Plan

Guiding document for actions to address physical barriers identified in Self-Evaluation and should include:

- Identification of physical barriers to access
- Description of methods to address barriers
- Development of schedule with detailed steps planned to achieve compliance
- Identification of responsible person for implementation of transition plan components
- Memorialization of the persons and groups involved in the evaluation and plan development



Reasonable Accommodations

- Any adaptation or modification of a facility, program, or services that will foster participation by an individual with disabilities whose equal access rights are protected by Section 504
- Determine whether accommodation request is reasonable on a case-by-case basis
- Undue financial/administrative burden exception
- Fundamental alteration in the nature of operations exception



American Sign
Language
Interpretation



Braille Translation



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Reasonable Accommodations

- Recipients are not required to accept any accommodation requested or implied, but should initiate an interactive dialogue with the individual
- Instructions for requesting reasonable accommodations should be easily accessed by all people (on website, in written documents made available to funding beneficiaries, etc.)
- However, recipients cannot require that reasonable accommodation requests be made in writing, or that the requestor uses the term “reasonable accommodation”



Checkpoint Question #1



Which of the following is NOT an example of a reasonable accommodation that may be required by Section 504?

- a. Providing a standing desk for an employee with a disabling spinal condition that prevents them from sitting comfortably for long periods of time
- b. Hiring an additional employee to share the responsibilities of a single FTE position because an employee with a disability is unable to perform all functions of the job
- c. Changing the location of a regular advisory board meeting to be accessible by public transit so a person with a disability that precludes them from driving can participate as a member of the board



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Employment

Grantees and Recipients must:

- Review employment procedures and marketing materials to ensure EOE language and logos used
- Track and maintain employment data by race, ethnicity & gender categories
- Demonstrate reasonable accommodations are made for employees and applicants with disabilities

Section 504 Additional Requirements for Grantees with 15+ Employees

- Designate Section 504 Coordinator who:
 - Oversees formation of the citizens advisory committee
 - Receives and investigates grievances
 - Organizes training activities
 - Ensures that the recommendations identified in the self-evaluation and transition plan are implemented
 - Serves as single point of contact for individuals with disabilities
 - Keeps abreast of changes in Section 504 and ADA regulations and policies
- Notify participants, beneficiaries & employees of nondiscrimination policy
 - Sample form available in the manual
- Adopt 504 grievance procedures



Section 504 Recordkeeping

As applicable:

- Compliance Schedule
- Section 504 Self-Evaluation
- Transition Plan
- Grievance Procedure (agencies with 15+ employees)
- Reasonable Accommodation Policy & Procedure



Complaints

- Citizens may file complaints regarding discrimination
 - Typically file with FHEO
 - May file in Federal court
- Informal resolution encouraged
- Proactive approach, compliance with requirements helps avoid getting to this point



Checkpoint Question #2



All recipients of HUD funds subject to Section 504 must:

- Provide reasonable accommodations to provide equal access to programs and employment opportunities for people with disabilities
- Designate a Section 504 coordinator
- Establish a grievance procedure

- A. True
- B. False



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LANGUAGE ACCESS PLAN (LAP)

What is a Language Access Plan?

- A language access plan (LAP) serves as a tool to guide and help you communicate effectively with everyone you serve
- Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English may be limited English proficient, or "LEP"
- LEP populations are eligible to receive language assistance, either verbally or in written form



LAP and the Citizen Participation Plan

- The CP Plan must identify how the needs of residents with Limited English Proficiency (LEP) will be met for public hearings and other activities where a significant number of such individuals can be reasonably expected to participate
- As a best practice, all public notices should include the contact information for the LAP coordinator, who can facilitate translation services and assist LEP individuals in gaining access to information
- As a best practice, at least one staff person at Public Hearings/Public Meetings should be able to contact a translation service should an LEP individual attend the meeting and need verbal translation or written to verbal translation on-site



What Does LAP Accomplish?

- Addresses how the needs of LEP residents and beneficiaries will be met
 - Summarizes Four Factor Analysis which determines reasonable outreach and resources to provide for LEP residents
 - Describe steps to address the needs of agency specific LEP populations served
 - Outlines how agency will use different methods (both written and verbal) to serve LEP populations
 - Clarifies agency responsibilities when it comes to serving LEP populations
 - Identifies LAP Contact person or office
 - Provides guidance to staff on how to use services to assist LEP populations



Four Factor Analysis

- Organizations should utilize the four-factor analysis to determine the appropriate language assistance services to ensure that persons with LEP have meaningful access to the HUD programs, services, and activities.
- The four factors include:
 - 1.Number or proportion of LEP persons in the eligible service population
 - 2.Frequency with which LEP individuals encounter the programs
 - 3.Nature and importance of the service provided by the programs
 - 4.Resources available to the recipient and costs



Guidelines for Document Translation

| Size of Language Group | Recommended Provision of Written Language Assistance |
|--|---|
| 1,000 or more in the eligible population in the market area or among current beneficiaries | Translated vital documents |
| More than 5% of the eligible population or beneficiaries <i>and</i> more than 50 in number | Translated vital documents |
| More than 5% of the eligible population or beneficiaries <i>and</i> 50 or less in number | Translated written notice of right to receive free oral interpretation of documents |
| 5% or less of the eligible population or beneficiaries and less than 1,000 in number. | No written translation required. |



Knowing your LEP Community

- www.LEP.gov is a great resource to discover languages spoken within your communities
- The LEP Mapping Tools include static and interactive maps of the LEP population
 - The Civil Rights Division's Language Map App, an interactive mapping tool that helps users find the concentration of and languages spoken by LEP individuals at the state or county level
 - National and state-level LEP population maps (by number and percent)
 - County and judicial district-level LEP population maps (by number and percent)
 - National Spanish Language Maps
 - Asian and Pacific Islander National Language Maps
- HUD consolidated planning agencies also analyze this data and may be helpful to determine whom to serve in your community



LEP Data

<https://data.census.gov/>

Explore Census Data

The Census Bureau is the leading source of quality data about the nation's people and economy.

Find Tables, Maps, and more ...



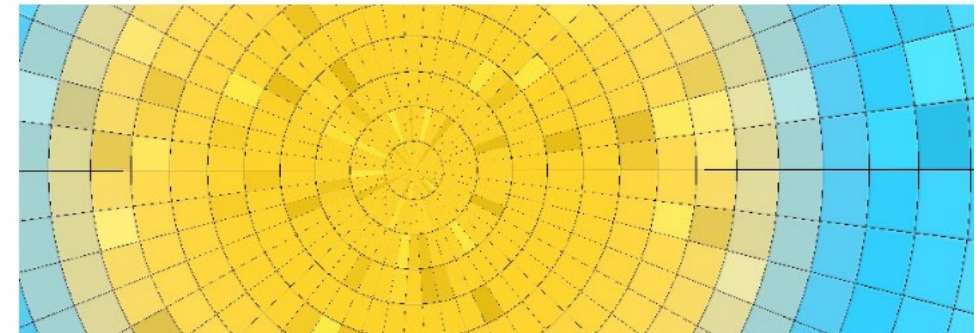
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<https://www.lep.gov/maps>

Data and Language Maps



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Responsibilities Outlined in LAP

- “Interpretation Services Available” posters and other promotional materials are needed in areas where staff are in contact with the public (e.g., lobby)
- Notifications about the availability of language services need to be written in non-English languages to be effective
- Organizations should aid LEP individual with identification of their preferred language by using the “I speak card”
 - <https://www.lep.gov/sites/lep/files/media/document/2020-02/crcl-i-speak-booklet.pdf>

2004 Census Test **2010 Census Test**
LANGUAGE IDENTIFICATION FLASHCARD

☐ ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية. 1. Arabic

☐ Միայնակ կերպով կարող եմ խոսել հայերեն, կամ ինչպես էլ կամ անգլերեն: 2. Armenian

☐ Cocher ici si vous lisez ou parlez le français. 13. French

☐ Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen. 14. German

☐ Տնայնորէստ արտօն ունիւնոս ան ծովագրէի լիւծէրէ ԷԱԼԻՅ 26. Portuguese

☐ Make kazye sa a si ou li oswa ou pale kretyòl zisyen. 27. Romanian

☐ 如果你能读中文或讲中文，请选择此框。 28. Russian

☐ 如果你能讀中文或講中文，請選擇此框。 29. Serbian

☐ Označite ovaj kvadratić ako čitate ili govorite hrvatski je. 30. Slovak

☐ Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky. 31. Spanish

☐ Kruis dit vakje aan als u Nederlands kunt lezen of spreke 32. Tagalog

☐ Mark this box if you read or speak English. 33. Thai

☐ خواندن و نوشتن فارسی بلد هستید، این مربع را علامت بزنید. 34. Tongan

☐ 35. Ukrainian

☐ 36. Urdu

☐ 37. Vietnamese

☐ 38. Yiddish

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Responsibilities Outlined in LAP cont'd

Provide recipients with the following resources:

- Bilingual staff
- Translated Materials
- Staff interpreters
- Contract interpreters
- Telephonic interpretation services
- Formal agreements with community volunteers



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Types of Language Services for the LEP Community



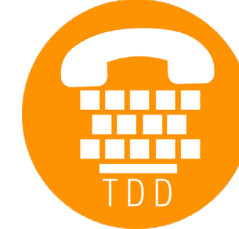
Document Translation



Onsite/Virtual Interpretation



Telephonic Interpretation



FedRelay (Federal TTY)



Checkpoint Question #3



What percentage of the population in your agency's footprint must speak a language for your agency to be recommended to translate written documents?

- A. 1%
- B. 5%
- C. 7%
- D. 10%



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Elements of LAP – Language Interpreting Access

- Interpreting is the transfer of one spoken language to another.
- Interpreters are a conduit
- The role of the interpreter is to only transmit the intended message, meaning they will translate:
 - Accurately, without any distortion of meaning
 - Without omissions
 - Without substitutions
 - Without additions



Methods of Providing Oral Interpretation



- Sharing language assistance services between sites
- Training bilingual staff to act as interpreters
- Telephonic and Video Conferencing interpreter services
- Formal agreements with community volunteers; and
- Centralizing interpreter services



Elements of LAP – Written Translation of Materials

- Standardizing documents to reduce translation needs
- Translating an entire document
- Translating a short description of the document
- Providing a statement in various languages that says “this is an important document. If you do not understand it because your primary language is not English, we will provide you free oral language assistance.”



Elements of LAP – Notice of Language Services to Persons with LEP

- Create outreach documents in different languages
- Notification at application and at recertification
- Working with grassroots and faith-based community organizations
- Inclusion of common languages in a telephone voice mail as well as how to obtain language assistance
- Notices in local newspapers and non-English-speaking radio and television
- Schedule staff who are bi-lingual to speak at community events/Resident meetings where persons with LEP may be
- Ensure info on website is available in common languages, or at minimal how to apply



Elements of LAP – Staff Training

- Your organization should designate an office or a person to be responsible for Language Access. That person or offices name and contact information should be a prominent part of your written Language Access Plan
- All employees should be aware of your language access policies and procedures and should be able to access interpretation or translation services when needed
- Those who interact directly with customers should also receive additional training on how to work with interpreters and how to communicate effectively and respectfully with LEP individuals



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Checkpoint Question #4



Your agency should designate, in the LAP, a person or office to be responsible for Language Access. The name and contact information for that person or office should be clearly identified in the LAP.

- A. True
- B. False



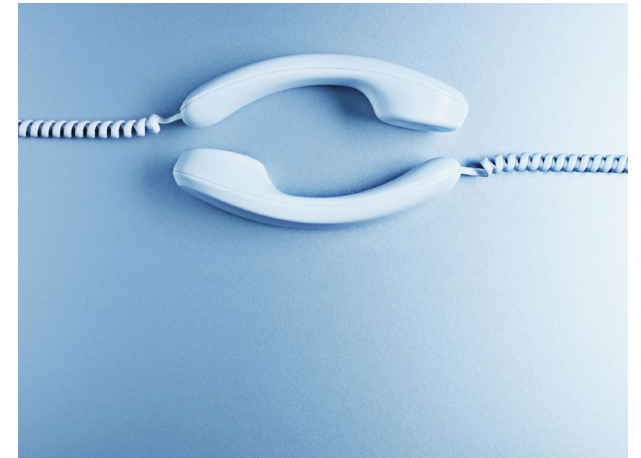
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Elements of LAP – Working With Telephonic Interpreters

- Instructions for how to work with telephonic interpreters should be a part of the LAP
 - Get the interpreter's name and number
 - Describe the situation to the interpreter
 - State the goal of the communication
 - Introduce the client to the interpreter
 - Check client's understanding of the interpreter
 - Remember that the interpreter cannot see you
 - Ask the interpreter to ask the LEP client if the interpretation was successful



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Elements of LAP – Tips for Working With Interpreters

- Instructions and guidance on working with interpreters should be clearly outlined in the LAP
 - Interpret everything that is said
 - Use the same grammatical construction as the speaker
 - Do not omit, edit, or polish what was said
 - You may have to interpret sensitive material that may be embarrassing or difficult to communicate
 - Never answer for the LEP person
 - Keep all information confidential
- When needed, ask interpreter to do any of the following:
 - Pause
 - Repeat
 - Slow down
 - Clarify



Elements in LAP – Tips When Working with Clients

- Explain the role of the interpreter: to be a conduit ONLY
- Speak slowly; only one or two sentences at a time
- Be patient- the interpreter may ask you to slow down or repeat what you just said



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RESOURCES

Resources

Section 504

- **CDBG Implementation Manual Forms**

- <https://www.cdbgsc.com/forms/fair-housing-forms/>

Limited English Proficiency:

- **Housing Counseling LEP Toolkit**

- <https://files.hudexchange.info/resources/documents/Housing-Counseling-Limited-English-Proficiency-Toolkit.pdf>

- **HUD Language Access Plan 2021:**

- https://www.hud.gov/sites/dfiles/FHEO/documents/HUD_Language_Access_Plan.pdf

- **State of South Carolina CDBG Implementation Manual**

- [2019-CDBG-Manual.pdf \(cdbgsc.com\)](#)



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QUESTIONS?
