

**Township of Brick  
Community Development Block Grant Program**

**Limited English Proficiency (LEP)  
&  
Language Assistance Plan Policy (LAP)**

**Prepared by:** Township of Brick Division of Land Use and Planning

**Date:** September 24, 2018

## **I. Introduction**

The Township of Brick is committed to ensuring equal access to its programs and services by all residents, regardless of primary language spoken. Title VI and Executive Order 13166 require recipients of federal financial assistance to take reasonable steps to ensure meaningful access to their programs and services by Limited English Proficient (LEP) persons. Persons who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English can be considered LEP persons.

On January 22, 2007, the U.S. Department of Housing and Urban Development (HUD) issued Final Guidance to recipients of HUD funding concerning compliance with the Title VI prohibition against national origin discrimination affecting LEP Persons. The Township of Brick utilized the “Language Access Assessment and Planning Tool for Federally conducted and Federally Assisted Programs” published on May 2011 by the Civil Rights Division of the U.S. Department of Justice to create its LEP and LAP documents. In addition this policy was based on HUD’s suggested four prong analysis which examines the 1) number of limited English proficiency persons served; 2) the frequency with which those persons come into contact with the services; 3) the nature and importance of the services provided; and 4) the costs to the Township of Brick. The Township will periodically review and update its LAP plan in order to ensure continued responsiveness to community needs and compliance with Title VI.

## **II. Policy Statement**

It is the policy of the Township of Brick to provide language access services to populations of persons with Limited English Proficiency (LEP) who are eligible to be served or likely to be directly affected by the Community Development Block Grant programs. Such services will be focused on providing meaningful access to programs, services and/or benefits.

Any individual eligible for programs/services at the Township of Brick Division of Land Use and Planning, funded with U.S. Department of Housing and Urban Development

grants, who cannot speak, read, write, or understand the English Language at a level that permits them to interact effectively with Township staff has the following rights:

- A right to qualified interpreter services at no cost to them
- A right not to be required to rely on their minor children, other relatives, or friends as interpreters
- A right to file a grievance about the language access services provided them

Tara Paxton, Acting Director of the Community Development Block Grant Program and Fair Housing Officer is the agency's designated Equal Opportunity/Limited English Proficiency Coordinator. Mrs. Paxton will be available weekdays from 8:30am to 4:30pm to assist with the discrimination complaint resolution process.

### **III. Goals of the Language Assistance Plan**

The goals of Brick's Language Assistance Plan include:

- To ensure meaningful access to Brick's Housing Rehabilitation, Fair Housing officer and public services programs by all eligible individuals regardless of primary language spoken.
- To ensure that all LEP individuals are made aware that Township of Brick will provide free oral interpretation services to facilitate their contacts with and participation in Brick programs
- To provide written translations of vital documents to LEP individuals in accordance with HUD's "safe harbor guidelines".
- To ensure that Township of Brick staff are aware of available language assistance services and how these services need to be used when serving LEP individuals
- To provide for periodic review and updating of language assistance plans and services in accordance with community needs.

## IV. LEP Individuals who need language assistance

Township of Brick is becoming more diverse. According to the U.S. Census Bureau, 2012-2016 American Community Survey 5-Year Estimate approximately 9.9% (7,050) of the Township’s population speaks another language other than English and 3.4% (3,220) of the population speaks English less than “Very Well”. The U.S. Department of Housing and Urban Development states that when a non-English speaking population is 5% of the total population and/or consists of 1000 individuals, then the entitlement must outreach to these populations in their native written languages. The Spanish speaking population in Brick and Other Indo-European Languages are nearing the 5% threshold individually and have individually exceeded the threshold of 1,000 as indicated by the Table provided below. Therefore the Township needs to outreach to Spanish Speaking individuals in their written native language. Such outreach includes the translation of vital documents to the native language. The Other Indo-European Languages is a more complex entity since it consists of various European languages such as French, German, and Italian.

**Table 1: Population Estimates for Languages Spoken at Home**

Language Spoken at Home for Population 5 years and Over		
Language Spoken	Estimate	Percent
English Only	64,383	90.1%
Languages other than English	7,050	9.9%
Speak English less than “Very Well”	2,440	3.4%
Spanish	3,220	4.5%
Speak English less than “Very Well”	1,196	37.1%
Other Indo-European languages	2,973	3.9%
Speak English less than “Very Well”	792	28.4%
Asian and Pacific Islander Languages	912	1.3%
Speak English less than “Very Well”	394	43.26%
Other Languages	125	0.2%
Speak English less than “Very Well”	58	46.4%

Source: U.S. Census Bureau, 2012-2016 5-Year American Community Survey  
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Outreach to the Spanish speaking population has been conducted through the combined efforts of the Ocean County Consortium. The Township has prepared this plan and will continue to reach out to the Spanish speaking population and is closely monitoring those that are Asian and Indo-European decent. The percentage of residents that speak an Indo-European language is not yet above the 5 percent threshold. The problem with the Indo-European languages is that it includes almost every modern language today. There is no way for the Township to gauge which language it should target. The Asian population has not met the 5 percent threshold however the Asian population has grown significantly since the 2000 Census. In addition, the size of the group as a whole that speaks an Asian language is approaching 1,000 (912) individuals. The Township also does not have specifics as to which Asian language or if any Asian language warrants translation due to reaching the 1000 individual threshold.

The Township has not had instances where anyone from the limited English speaking clientele has needed assistance, however; we are preparing to assist this population in the most efficient and effective way possible.

## **V. Types of Assistance needed by LEP persons**

The majority of contacts between Township of Brick and LEP persons may include meetings, written communications (email and formal correspondence) and phone calls. Interactions by applicants with Township of Brick may include contact during the application process for housing rehabilitation services and during the contract time period when work is being processed. Other interaction may involve filing housing complaints.

At this time Township of Brick has not encountered residents requiring Language assistance services while participating in the Township's Community Development Block Grant Program. Some of the Township's Subgrantees have encountered Township residents with limited English speaking skills and provide volunteers and staff members with bilingual skills to assist them.

The Township reviewed the various activities it funds and has concluded that the three vital services are providing public services, housing rehabilitation assistance and Fair Housing Officer

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services. The Township will offer translation and interpretation assistance to any of its non-profit service providers to ensure that housing, food, and other needed assistance is provided to any member of the Township community regardless of the ability to speak English. The Housing Rehabilitation Program and the Fair Housing Officer responsibilities are provided by the Township, and as such the Township has developed the following procedures for vital documents.

Contacts involve the exchange and review of printed materials, some of which may be considered “vital documents”. HUD’s Final Guidance defines vital documents as, “any document that is critical for ensuring meaningful access to the recipient’s major activities and programs by beneficiaries generally and LEP persons specifically.” The list of documents considered vital by Township of Brick includes the following for the Township Housing Rehabilitation Program and Fair Housing Officer Program as applicable:

- Language Identification Form
- Housing Rehabilitation Brochure
- Pre-application and Final application(s) for the Housing Rehabilitation Program
- Appointment Notices
- Contracts/Agreements
- Mortgage
- Note in Disclosure
- Grievance and Conference hearing notices and procedures
- Right of Rescission
- Lead Handouts
- Inspection notices and results
- Affordable Housing Compliant forms (HUD forms)

Township of Brick will periodically review and update this list to reflect those documents which are considered vital to applicants and/or residents. With respect to these vital documents, Township of Brick will maintain these documents in English and Spanish. Spanish has reached the “threshold” language for translation.

## **VI. Language Assistance to be Provided**

In order to promote equal access to Township of Brick programs and services by LEP individuals, Township of Brick will implement the following array of language assistance services. Except where noted, all actions will be implemented immediately.

### **a) Identification of LEP persons and Notices**

#### **1. I Speak Cards**

In order to help identify LEP individuals and determine the appropriate language assistance, Township of Brick will post and make available “I Speak Cards” at the front desk of the Township of Brick Community Development Offices. Applicants can use these cards to indicate their primary language. Township of Brick Community Development Offices will then make appropriate arrangements for interpretation services, generally using a telephone interpretation service (Language Line).

In addition, the Brick Community Development Offices have two clerks who are Spanish/English Bi-lingual and will assist applicants.

#### **2. Telephone Interpretation**

Township of Brick will provide free access to telephone interpretation services for all contacts with LEP individuals. Township of Brick will prominently post multi-lingual notices on the Township of Brick Community Development Office bulletin Board and on its website which indicate that free oral interpretation services are available upon request.

In addition, the Brick Community Development Offices have two clerks who are Spanish/English Bi-lingual and will assist applicants.

#### **3. Language Preferences of Residents and Applicants**

Township of Brick will ask applicants and residents, through the use of its language identification form, to identify their primary language at initial application (for new applicants) and at recertification (for existing

residents/participants), and to identify their language preference for receiving written communications. The language identification form will ask the applicant, resident/participant if translations services are necessary. This information will be included in paper files and in the electronic record. In addition, the Brick Community Development Offices have two clerks who are Spanish/English Bi-lingual and will assist applicants.

## **b) Language Assistance Measures**

- **Oral Interpretation**

- 1. Telephone Interpretation Services:**

Township of Brick will use the services of a professional telephone interpretation service whenever requested by an LEP individual and/or when an LEP person uses an I Speak Card to signify that they speak a non-English language. Township of Brick currently utilizes the services of Language Line a 24/7 language interpretation telephone line that services more than 170 languages.

In addition, the Brick Community Development Offices have two clerks who are Spanish/English Bi-lingual and will assist applicants.

- 2. In Person Assistance:**

In limited instances where telephone interpretation services are determined insufficient to ensure meaningful access and at public hearings, Township of Brick will provide a qualified in-person interpretation service at no cost to the LEP individual through contracts with qualified and trained interpretations services. Due to the considerable expense involved in providing in-person assistance, Township of Brick will generally strive to use telephone assistance.

In addition, the Brick Community Development Offices have two clerks who are Spanish/English Bi-lingual and will assist applicants.

### **3. Other Assistance:**

LEP individuals will be informed that Township of Brick will provide them with free access to oral interpretation services via qualified, trained contractors as needed. If the LEP person does not wish to use the Township of Brick's free interpretation services, the LEP person may provide their own qualified interpreters at their own expense. Use of family members and friends, especially minor children, as interpreters will generally be discouraged. Exceptions may be made where the contact with the LEP person is of a routine nature, one that does not involve confidential matters, or significant/complex matters impacting the applicant or resident's housing status, rent payments, or lease compliance issues and the LEP person signs a release that indicates alternative services were offered and waived. Staff will be advised to be alert to the potential for any conflict of interest or competency issues that may arise from the involvement of family or friends. If staff have questions about the appropriateness of allowing family and friends as interpreters, they will consult with Brick's LEP Coordinator for guidance.

In addition, the Brick Community Development Offices have two clerks who are Spanish/English Bi-lingual and will assist applicants.

- **Written Translation:**

Township of Brick will translate the vital documents listed in the most frequently used non-English Language: Spanish. This process will begin in October 2018 and is scheduled for completion by December 2018, contingent on costs and funding levels.

In addition, the Brick Community Development Offices have two clerks who are Spanish/English Bi-lingual and will assist callers.

- **Communication with LEP Telephone Callers:**

For callers to the Township of Brick Community Development Offices, Township of Brick will attempt to place a three-party (conference) to the oral interpretation telephone service to determine if the service is able to identify the language spoken and provide an interpreter.

In addition, the Brick Community Development Offices have two clerks who are Spanish/English Bi-lingual and will assist callers.

- **Communication with LEP Clients via Email:**

The Township of Brick Community Development Offices shall forward any email sent in non-English form to Language Line for official translation to English. Staff shall respond in English and forward response to Language Line for official translation back into the client's native language. Only after these steps have been complied with can the email response be sent back to the LEP client.

In addition, the Brick Community Development Offices have two clerks who are Spanish/English Bi-lingual and will assist applicants.

### c) **Staff Training and Coordination**

Township of Brick will provide training on LEP awareness and required assistance actions under the Language Assistance Plan for employees. This will include:

- **Mandatory training:** A mandatory training will be scheduled for all employees to review the Language Assistance Plan elements, review new procedures related to the LAP, and to inform staff of their responsibilities relative to LEP persons. On an ongoing basis, periodic refresher training will be provided to staff who regularly interact with Community Development clients.

- **Records:** All Subgrantees and staff members shall maintain a log of LEP clients that were assisted. Such information should include the date, type of service given (translation or type of interpreter) and the language such assistance was provided in. Documentation will be forwarded to Township of Brick by the Subgrantees and maintained by the Township of Brick Community Development CDBG Staff.
- **LEP Coordinator:** Township of Brick will designate a staff member as LEP Coordinator, responsible for ongoing updating of the LEP analysis, addressing staff and public questions and issues related to LEP matters, and providing ongoing LEP training.

### d) **Providing Notice to LEP Persons**

To ensure that LEP persons are aware of the language services available to them, Township of Brick will take the following actions:

- **Post LEP** notices in Township of Brick Community Development Bulletin Board and on Township of Brick website.
- **Partner with community agencies**  
Township of Brick will contact local community agencies who work with LEP persons to:
  - i. Inform them of Township of Brick's policy regarding language services to LEP persons
  - ii. Offer assistance to those agencies that lack bi-lingual staff and/or services
  - iii. Solicit their assistance and cooperation in communicating Township of Brick's policies and providing assistance to LEP persons.

- **Incorporate Spanish** into Township of Brick outreach documents such as public notices. The Township also advertises in Latinos Unidos a monthly publication as well as the Asbury Park Press. Public Notices in the Asbury Park Press are provided in English and Spanish.

### **e) Monitoring and updating the Language Assistance Plan**

Every Three years, as part of Township of Brick's annual plan process, the LAP will be reviewed and updated, if needed. The review will assess:

- Whether there have been any significant changes in the composition or language needs of the LEP population. This need will be based on the three year American Community Languages Spoken at Home compiled data and its analysis.
- A review to determine if additional vital documents require translation.
- A review of any issues or problems related to serving LEP persons which may have emerged during the past year; and
- Identification of any recommended actions to provide more responsible and effective language services
- The review process will facilitate public review and comment.

## Definitions

**Effective Communication** – effective communication occurs when agency staff have taken necessary steps to make sure that a person who is LEP is given adequate information in his/her language to understand the services, benefits or the requirements for services or benefits offered by the Township of Brick Housing Rehabilitation and Fair Housing Officer positions.

**Limited English Proficient (LEP) persons** – persons who, as a result of national origin, do not speak English as their primary language and who have a limited ability to speak, read, write, or understand.

**Title VI** - Title VI of the Civil Rights Act of 1964 is the federal law that protects individuals from discrimination on the basis of their race, color, or national origin in programs that receive federal financial assistance.

**Translation** – The written transfer of a message from one language into another language.

**Interpretation** – The oral or spoken transfer of a message from one language into another language.

**Bilingual** – Individual who can speak more than one language fluently.

**Vital Documents** – forms or documents designed and utilized by Township of Brick that are critical for accessing federally funded services or benefits or are required by law.

**Outreach Documents** – Township of Brick designed documents utilized to provide information to the general public but targeting individuals who are eligible or may be eligible for Township of Brick programs.