

**DEPARTMENT OF FINANCE AND
ADMINISTRATION**

**LIMITED ENGLISH
PROFICIENCY POLICY**



DFA Policy No. 21.0

21.1 PURPOSE

The primary purpose of this policy is to provide equal opportunity in all programs and services to ensure full compliance with all civil rights law. Any individual eligible for programs/services through CDB has a right to qualified interpreter services at no cost, a right to not rely on family as interpreters, and a right to file a grievance about the language access service provided.

21.2 REFERENCES

Title VI of the 1964 Civil Rights Act, Americans with Disabilities Act of 1990, Rehabilitation Act of 1974.

21.3 SCOPE

This policy applies to all DFA employees.

21.4 DEFINITIONS

21.4.1 **“CDB”** means the Community Development Bureau of the Local Government Division of the Department of Finance and Administration.

21.4.2 **“CDBG”** means the federally-funded Community Development Block Grant program administered by the CDB.

21.4.3 **“DFA”** means the New Mexico Department of Finance and Administration.

21.4.4 **“Effective Communication”** means necessary steps to make sure that a person who is LEP is given adequate information in his or her language to understand the services, benefits or requirements for the CDBG program. These necessary steps must allow an individual the opportunity to understand and assist in qualifying for the benefits or services provided by CDBG without unnecessary delay due to the person’s LEP. Effective communication also means that a person who is LEP is able to communicate the relevant circumstances of his or her situation to CDB staff.

21.4.5 **“Interpretation”** means the oral or spoken transfer of a message from one language into another language.

21.4.6 **“Limited English Proficiency” or “LEP”** means a person who is not able to speak, read, write, or understand the English language well enough to allow him or her to have effective communication with CDB staff.

- 21.4.7 **“Meaningful access”** means compliance by DFA with federal LEP requirements as set out in relevant federal laws. To ensure meaningful access for people with LEP, CDB must make available to applicants/ recipients of CDBG funding free language assistance that results in accurate and effective communication that does not result in undue delay or denial of benefits to which the LEP applicant/recipient is eligible.
- 21.4.8 **“Outreach Documents”** means CDB-designed documents utilized to provide information to the general public which target low-to-moderate income individuals who may benefit from CDBG-funded projects.
- 21.4.9 **“Translation”** means the written transfer of a message from one language into another language.
- 21.4.10 **“Vital Documents”** means forms or documents designed and utilized by CDB that are critical for accessing federally funded services or benefits required by law. Vital documents can include, but are not limited to, surveys and applications for CDBG programs, consent forms designed by CDB or letters designed by CDB requesting eligibility documentation.

21.5 BACKGROUND

Equal opportunity includes physical and program access for persons with disabilities and program access for persons who have LEP. This policy is based on the United States Department of Housing and Urban Development’s (HUD) suggested four-pronged analysis, which examines the number of limited English proficiency persons served, the frequency with which those persons come into contact with services, the nature and importance of services provided, and the costs to the CDB and the CDBG program.

This policy is intended to ensure CDB’s compliance with HUD Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency,” and was drafted upon consideration of the services offered, the community served, the resources of CDB, and the costs of various language service options. It is the policy of DFA and CDB to provide language access services to populations of persons with LEP who are eligible to be served or likely to be directly affected by our programs. Such services will be focused on providing meaningful access to our programs, services and/or benefits.

21.6 POLICY

21.6.1 LEP Population, Analysis, and Access Plan:

DFA has determined that the language other than English that is most likely to be encountered by employees of CDB is Spanish (Appendix B). According to 2014 data from the U.S. Census Bureau, 63.18% of households in the State of New Mexico speak only English within the household, and approximately 29.11% of New Mexico’s citizens speak Spanish at home. HUD Executive Order 13166 mandates that if the size of the language group exceeds 5% of the eligible population, all vital documents shall be translated. CDB, therefore, translates all vital documents into Spanish.

Currently, based on U.S. Census Bureau data, no other language meets the 5% eligible population threshold mandating translated documents.

CDB will periodically monitor the LEP population of those served or those who could be served by CDB. If it is determined that other LEP language groups are seeking benefits/services or are potentially eligible to receive benefits/services, CDB will adjust its methods and services to serve the new population accordingly. Any new LEP populations will be reflected in an updated version of this policy.

21.6.2 Interpreter Services:

CDB, at no cost to LEP individuals or families, provides interpreter services to all LEP individuals or families applying for, participating in programs, or receiving services/benefits through CDB. The interpreter services are provided in an efficient and timely manner so as not to delay a determination of eligibility for an individual or family, receipt of eligible services/benefits or participation in an CDB run program beyond that of an English-speaking individual or family. English and Spanish applications and outreach materials are available. Additionally, English and Spanish brochures describing services are available at DFA and at various community events, fairs, and speaking engagements.

CDB addresses phone calls and voicemail by LEP individuals in the following manner: clients indicating they speak Spanish are automatically transferred to Spanish-speaking staff by the receptionist. LGD/CDB addresses walk-ins who are LEP individuals in the same manner (refers to receptionists to point of contact). Spanish-speaking staff is also available for walk-in clients, scheduled appointments and written translation.

CDB does not require, suggest, or encourage LEP individuals or families to use friends, family members, or minor children as interpreters. If an LEP individual or family insists that a friend or family member serve as interpreter, CDB does not refuse. CDB will then, on a case-by-case basis, consider factors such as: competence of the family or friend used as the interpreter; the appropriateness of the use in light of the circumstances and ability to provide quality and accurate information, especially if the interview could result in a negative effect on the individual or family's eligibility for benefits/services; potential or actual conflicts of interest; and confidentiality of the information being interpreted to determine whether the agency should provide its own independent interpreter for itself. In no case does CDB allow a minor child to act as interpreter for an LEP individual or family.

21.6.3 Translation of Documents:

Because 28.36% of New Mexico residents are Spanish speaking, CDB has begun the process of translating all designated vital documents into Spanish. The translation process will be conducted as expeditiously as possible.


21.6.4 Internet Access:

CDB's webpage has a link that can be used to locate CDB resources and other important information in Spanish.

21.7 REVIEW AND APPROVAL

This DEPARTMENT OF FINANCE AND ADMINISTRATION LIMITED ENGLISH PROFICIENCY POLICY is effective upon the signature of the cabinet secretary.

Approved by:



Duffy Rodriguez
Cabinet Secretary



Date

**APPENDIX A
ACKNOWLEDGMENT FORM**

I, _____, acknowledge that I have received a copy of the DEPARTMENT OF FINANCE AND ADMINISTRATION LIMITED ENGLISH PROFICIENCY POLICY, effective upon the signature of the cabinet secretary.

Further, I acknowledge that I have read this Policy and understand its contents, including all of my associated duties and responsibilities. Moreover, I understand potential disciplinary procedure connected to those duties and responsibilities.

By signing this Acknowledgment Form, I affirm that I will abide by my incumbent duties and responsibilities located in the Policy, and I understand that disciplinary action may in fact be taken in the absence of my compliance with this Policy.

Signature

Date

**APPENDIX B
LANGUAGE DATA**

LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER - Universe: Populations 5 Years and Over			
Data Set : 2014 America Community Survey 1-year Estimates, Table B16001			
	Estimate	Margin of Error	Percent of Total Population
Total:	1,950,156	+/-1,401	
Speak only English	1,232,204	+/-13,946	63.18%
Spanish or Spanish Creole:	567,612	+/-12,127	29.11%
French (incl. Patois, Cajun):	4,383	+/-1,280	0.22%
French Creole:	0	+/-190	0.00%
Italian:	2,171	+/-1,224	0.11%
Portuguese or Portuguese Creole:	1,182	+/-700	0.06%
German:	6,595	+/-1,361	0.34%
Yiddish:	25	+/-41	0.00%
Other West Germanic languages:	915	+/-493	0.05%
Scandinavian languages:	203	+/-203	0.01%
Greek:	1,295	+/-728	0.07%
Russian:	1,100	+/-591	0.06%
Polish:	658	+/-499	0.03%
Serbo-Croatian:	103	+/-139	0.01%
Other Slavic languages:	624	+/-543	0.03%
Armenian:	377	+/-373	0.02%
Persian:	1,205	+/-868	0.06%
Gujarati:	523	+/-330	0.03%
Hindi:	949	+/-611	0.05%
Urdu:	700	+/-756	0.04%
Other Indic languages:	778	+/-432	0.04%
Other Indo-European languages:	1,127	+/-999	0.06%
Chinese:	5,496	+/-1,526	0.28%
Japanese:	1,411	+/-559	0.07%
Korean:	2,135	+/-935	0.11%
Mon-Khmer, Cambodian:	243	+/-303	0.01%
Hmong:	236	+/-294	0.01%
Thai:	795	+/-463	0.04%
Laotian:	34	+/-65	0.00%
Vietnamese:	2,298	+/-1,042	0.12%
Other Asian languages:	1,060	+/-626	0.05%
Tagalog:	4,815	+/-1,435	0.25%

Other Pacific Island languages:	409	+/-242	0.02%
Navajo:	63,843	+/-3,689	3.27%
Other Native North American languages:	36,732	+/-3,514	1.88%
Hungarian:	31	+/-52	0.00%
Arabic:	4,219	+/-2,334	0.22%
Hebrew:	411	+/-267	0.02%
African languages:	1,163	+/-603	0.06%
Other and unspecified languages:	96	+/-106	0.00%

