



NCHFA Guidance for Developing a Four Factor Analysis and LAP

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000(d) and Executive Order 13166 require that recipients of federal funds take responsible steps to ensure meaningful access by persons with limited English proficiency. A Limited English Proficient (LEP) person is a person who does not speak English as their primary language and who has a limited ability to read, speak, write or understand English. To ensure meaningful access to its programs for LEP persons, NCHFA requires that all its recipients receiving federal funds conduct a Four Factor Analysis.

To conduct the first part of the Analysis, you will need to access Census Data.

- Go to <https://data.census.gov/cedsci/> and search for C16001 to access the table “Language Spoken at Home for the Population 5 Years and Over.”
- Click on the Product selector dropdown and select the latest available “ACS 5-Year Estimates Detailed Tables.”
- Select “Filters” and under Geographies select “County,” then select “North Carolina,” then “All Counties within North Carolina.”¹
- Click “Close.”
- Select “Download” from the top menu bar, then select the Excel option to download as an Excel file.

For any LEP group that is at least 1,000 people or is 5% or more of your county’s total population, NCHFA considers that significant size and requires a Language Assistance Plan (LAP). Each project still needs to conduct the Four Factor Analysis even where the LEP population(s) are smaller than 1,000 people or 5% of the county population.

To determine if you reach the 5% or higher threshold, take the total number of people in your county and multiply by 0.05. After you have this number, compare it to the numbers in the columns “Speak English less than very well.” If the number is the same or higher than the 5% number you calculated, the population of this language group is considered to be of significant size and requires a Language Access Plan (LAP) which will be discussed later in this guidance.

To conduct a Four Factor Analysis, you must assess the following:

¹ Alternatively, you can select only those counties in your service area. If your service area is smaller than the county level or these county-level data otherwise do not align “the number or proportion of LEP persons eligible to be served or likely to be encountered,” other reliable data sources may be used.

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient (see above for instructions);
2. The frequency with which LEP individuals come in contact with the program;
3. The nature and importance of the program, activity or service provided by the program to people's lives; and
4. The resources available to the recipient and costs.

If your data show a percentage is 5% or greater or an LEP group with at least 1,000 people, you will need to create a Language Access Plan (LAP). In addition to the information provided for your Four Factor Analysis, your LAP, which should be a concise document often only about 1-2 pages long, should address what language assistance services will be provided if requested or needed. For example, if your organization has bilingual staff or a program website in another language, these would be considered language assistance services. You can also include items such as coordination with translation/interpretation vendors, utilization of language access technologies and/or availability of HUD's "I Speak" cards in your office. Other examples of language assistance services include: contracting with another organization to supply an interpreter when needed; using a telephone service line interpreter; or seeking the assistance of another agency in the same community with bilingual staff to provide oral interpretation. All partners must consider and all LAPs must address how your organization will provide meaningful language access both through written and oral methods.

The LAP should also include the following:

- The data and information used for the Four Factor Analysis as well as the results of the Four Factor Analysis;
- Plan for outreach to LEP communities;
- Plan for training staff members on your LAP and on federal LEP guidance (available at https://www.lep.gov/guidance/guidance_index.html);
- List of vital documents to be translated (if any);
- Plan for translating informational materials that detail services for beneficiaries;
- Plan for providing interpreters for meetings (if needed);
- Plan for developing community resources, partnerships and other relationships to help with the provision of language services; and
- Designation of LEP/LAP contact person and address the process for handling complaints and updating the LAP.

Furthermore, the organization must maintain records regarding their efforts to comply with Title VI LEP obligations, including documents related to the Four Factor Analysis, the LAP and LEP services provided. Such records should be available for State monitoring if needed. The Four Factor Analysis and, as necessary, the Language Access Plan must be updated regularly. These documents should be reviewed and, as necessary, updated at least once every three years.

Additional guidance for four-factor analysis and LAP creation:

"I Speak" cards: <https://www.deq.nc.gov/about/divisions/water-infrastructure/documents/i-speak-cards>
DOJ Guidance: <https://www.federalregister.gov/documents/2000/08/16/00-20867/enforcement-of-title-vi-of-the-civil-rights-act-of-1964-national-origin-discrimination-against>