



CDBG-DR

Language Access Program Policy

**DEPARTMENT OF HOMELAND SECURITY AND
EMERGENCY MANAGEMENT**

This policy is effective as of 3/20/2026 and may be updated periodically to reflect program implementation and evolving guidance from the U.S. Department of Housing and Urban Development (HUD).

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I. PURPOSE AND SCOPE

Purpose: Pursuant to Title VI of the Civil Rights Act of 1964 and the U.S. Housing and Urban Development Department (HUD) Universal Notice (April 3, 2025), the State is responsible for ensuring meaningful access to Community Development Block Grant for Disaster Recovery (CDBG-DR) programs for individuals with limited English proficiency. As part of the Citizen Participation Plan and Action Plan process, the State will identify how the needs of non-English-speaking residents in Most Impacted and Distressed (MID) areas will be met, including through translation of vital documents and the provision of interpretation services at public hearings (both in-person and virtual). For the State of New Mexico, Spanish has been identified as the primary language, in addition to English, requiring translation of vital documents such as program guidelines, forms, applications, and notices necessary for effective participation in CDBG-DR programs. Other languages will be addressed as needs are identified through outreach, program data, and consultation with affected communities.

Scope: The Language Access Plan (LAP) must be adopted and implemented by all subrecipients, contractors, and other administering entities assisting with the implementation of the CDBG-DR Programs that interact with Limited English Proficiency (LEP) individuals. Evidence of compliance with this LAP shall be directly monitored by DHSEM and maintained in program files.

II. BACKGROUND

This Plan is established pursuant to Title VI of the Civil Rights Act of 1964, the HUD Universal Notice (April 3, 2025), and other applicable federal civil rights and fair housing statutes.

Pursuant to Title VI, federal agencies that extend assistance must publish guidance that clarifies recipients' obligations to Limited English Proficient (LEP) individuals and/or deaf/hard of hearing. LEP individuals are defined as people who have limited ability to speak, write, and/or understand the language.

III. POLICY STATEMENT

As the federal oversight agency for CDBG-DR funds, HUD requires New Mexico Department of Homeland Security and Emergency Management (DHSEM), as the grantee, have policies and procedures in place to facilitate the communication between the agency and the public, including but not limited to residents, administering entities, subrecipients, contractors, and/or developers and subcontractors participating in the CDBG-DR programs outlined in the Disaster Recovery Action Plan. The State is further responsible for ensuring that all subrecipients, including contractors and sub-contractors provide services that are accessible to linguistic minorities in the communities where CDBG-DR is being implemented as established by this Plan.

This sets forth policy and guidance for CDBG-DR programs to provide language access services to LEP individuals interested or participating in these federally funded programs. This includes:



- The management and training of DHSEM staff and entities that interact with LEP individuals;
- Ensuring access to information for LEP individuals about the availability of programs and other information vital to program participation; and
- Continuing to evaluate, monitor, and update the implementation of this plan for all disaster recovery programs and activities.

Language for LEP individuals can be an obstacle to obtaining important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding the information provided by federally funded programs and activities.

It is the State policy that LEP individuals have meaningful access to programs, translation services, and activities by providing free language assistance services in a timely manner. This includes training staff and providing timely and effective communication to civilians who are seeking access to CDBG-DR programs, activities, and services; these may include, but are not limited to: oral interpretative services, where appropriate, and educating personnel about language access responsibilities and how to utilize the language access resources. This also includes translation of vital documents, which are defined depending on the importance to the program, information, encounter, or service involved, and the consequence to the LEP individual if the information in question is not provided accurately or in a timely manner. These contain information that is critical for obtaining or maintaining the services or benefits that are supported by CDBG-DR and other 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 individuals of the availability of free language services.

DHSEM is committed to ensuring that programs and resources are accessible to LEP/ individuals, without discrimination on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, status as a veteran, disability, familial status or national origin. The State is further committed to providing written translation of vital documents and/or oral interpretation to LEP individuals whose primary language is determined to be a frequently encountered language as per thresholds discussed in this Plan.

The State and responsible CDBG-DR funded entities will establish and maintain an infrastructure to implement and improve language assistance services.

IV. DEFINITIONS

| Term | Definition |
|-----------------------------------|---|
| Language Access Plan (LAP) | An organizational document outlining strategies and procedures to provide vital services and information to people with Limited English Proficiency (LEP), ensuring language isn't a barrier to fair access, typically by offering interpretation, translation, and |



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|--|---|
| | accessible formats, driven by laws like Title VI of the Civil Rights Act. It details needs assessments, language services offered (oral/written), staff training, and evaluation, ensuring meaningful access for diverse communities. |
| Limited English Proficiency (LEP) Individuals | People who have limited ability to speak, write, and/or understand English. |

V. SCOPE OF WORK AND EVALUATION CRITERIA

A. Four Factor Analysis

The State of New Mexico has elected to utilize a four-factor analysis as a best practice for ensuring meaningful access to CDBG-DR programs and activities for LEP individuals. This State-adopted approach helps balance the needs of LEP populations with the practical capacity of local governments, nonprofit partners, and small businesses involved in program delivery. The analysis is designed to be flexible and fact-dependent, allowing the State to tailor language access measures to identified community needs while maintaining program efficiency.

1. Number of LEP Individuals

The first analysis in determining what language services recipients should provide is the number or proportion of LEP persons from a particular language group served or encountered in the eligible service population. The greater the number or proportion of these LEP persons, the more likely language services are needed.

At the time of this policy creation, Census data is inaccessible, resulting in a lack of accurate figures for language groups deemed by the Census as “other”. Out of an abundance of caution, the Plan will include translation into Spanish, with written notice of right to receive interpretation in Mescalero-Chiricahua. The program will revisit this policy in six months in order to review accurate data and update the Plan accordingly.

While HUD’s prior LEP Guidance (2007) included “safe harbor” thresholds for translated written materials, those federal standards were rescinded with Executive Order 14224. To maintain consistency and ensure meaningful access, the State of New Mexico has elected to adopt similar thresholds as a matter of State policy. Under this approach, language group size remains a key factor in determining whether to translate vital documents, alongside the four-factor analysis described in this Plan. This voluntary adoption provides clear benchmarks for when written translation is expected, while preserving flexibility to respond to changing community needs.



Table 1: Recommended Provision of Written Language Assistance Based Upon Size of Language Group

| 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 five percent (5%) of the eligible population of beneficiaries <i>and</i> more than fifty (50) in number. | Translated vital documents. |
| More than (5%) of the eligible population or beneficiaries <i>and fifty (50) or less</i> in number. | Translated written notice of right to receive free oral interpretation of documents. |
| Five percent (5%) or less of the eligible population or beneficiaries <i>and less than 1,000</i> in number. | No written translation is required. |

Table 2: Languages Spoken in DR-4795-NM and DR-4843-NM Impacted Communities by County

| Languages Spoken | Population | % of County Population |
|--------------------------------------|---------------|------------------------|
| Chaves County | 65,157 | 100% |
| Spanish | 19,273 | 29.6% |
| Other Indo-European languages | 339 | 0.5% |
| Asian and Pacific Islander languages | 577 | 0.9% |
| Other | 168 | 0.3% |
| Lincoln County | 20,269 | 100% |
| Spanish | 3,623 | 17.9% |



| | | |
|--|----------------|-------------|
| Other Indo-European languages | 46 | 0.2% |
| Asian and Pacific Islander languages | 82 | 0.4% |
| Other | 330 | 1.6% |
| Otero County | 67,839 | 100% |
| Spanish | 16,251 | 24.0% |
| Other Indo-European languages | 286 | 0.4% |
| Asian and Pacific Islander languages | 920 | 1.4% |
| Other | 758 | 1.1% |
| Mescalero Apache Reservation | | |
| <i>Data currently unavailable as there is no current ACS language data published for this geography.</i> | | |
| Rio Arriba County | 40,363 | 100% |
| Spanish | 17,276 | 42.8% |
| Other Indo-European languages | 70 | 0.2% |
| Asian and Pacific Islander languages | 253 | 0.6% |
| Other languages | 2,929 | 7.3% |
| San Juan County | 121,661 | 100% |
| Spanish | 11,426 | 9.4% |



| | | |
|--------------------------------------|--------|-------|
| Other Indo-European languages | 801 | 0.7% |
| Asian and Pacific Islander languages | 547 | 0.4% |
| Other languages | 20,361 | 16.7% |

Data Source: American Community Survey

Consistent with the above analysis, historic program inquiries, utilization, and outreach, it is determined that Spanish-speaking persons are the language group which require written translations of all vital documents. This means that DHSEM, sub-grantees, contractors and sub-contractors must ensure that these groups have access to language accessible services, including but not limited to the written translation of vital documents. Oral interpretation of documents will be provided in Mescalero-Chiricahua based upon community or resident requests.

2. Contact Frequency

DHSEM will implement three (3) disaster recovery programs with the CDBG-DR allocation for the federally declared disasters of 2024. These programs will address Housing, Infrastructure, Planning, and Administration. A breakdown of the CDBG-DR programs and allocated budgets are included in the tables that follow.

Table 3: CDBG-DR 2024 Funded Programs and Budget Allocations

| CDBG-DR Program | Budget |
|---|------------------|
| New Mexico Home Recovery Program | \$100,000,000.00 |
| Post-Disaster Infrastructure Investment Program | \$27,319,100.00 |
| Disaster Resilience Planning Program | \$1,000,000.00 |

Given the programs and projects listed above are new and targeted toward disaster recovery, participation rates have yet to be established. Since the CDBG-DR Home Recovery Program provides direct benefits to residents, they are anticipated to entail the largest percentage of participatory contact among the three (3) major program groups. For all CDBG-DR programs, the State will ensure that LEP individuals have meaningful access throughout the process.

3. Program Importance

The CDBG-DR New Mexico Home Recovery Program has the highest potential to interact directly with LEP individuals throughout program activities, either by virtue of direct applicant



participation, rehabilitation activities, as well as communications with current and interested residents.

The CDBG-DR Infrastructure and Planning programs generally will be interacting directly with local governments, construction contractors, and in some cases non-profits. While most of these entities are expected to be made up of primarily English speakers, there will be the need for public meetings at times which must be made accessible to Spanish speakers.

4. Resources

The State currently has bilingual (English/Spanish) staff available for the provision of interpretation services in all facilities where they are the direct provider of federally funded services. As a fair housing services provider, DHSEM also has bilingual (English/Spanish) staff available or interpreters accessible to assist LEP individuals. A database of staff bilingualism will be maintained to ensure that appropriate interpretation services are readily available. In addition to the widespread presence of bilingual staff at the State available for oral interpretation services in their various capacities implementing CDBG-DR Programs, other oral interpretation services may be provided as needed. Evaluation of cost-effective measures for the provision of LEP translation services will be made prior to engaging external service providers.

Each document translated receives a legal review by DHSEM to ensure consistency and accuracy between the English and Spanish versions of these documents.

All program guidelines, policies, reporting forms, and certain other program-supporting documents are available in English and Spanish on the State CDBG-DR website. Additionally, written materials related to the management and notification to Applications are made available in both English and Spanish based on the Applicant's preference established in their initial application.

The State is prepared to respond to any request received for oral interpretation services for a language other than English and Spanish with appropriate interpretation services. Based on the Four Factor Analysis, the State has determined that it is not necessary to provide a translated written notice of right to receive free oral interpretation of documents for any other languages.

B. Language Access Plan

Based on the foregoing "Four Factor Analysis," the greatest need for LEP resources is for the provision of Spanish and English language services. In an effort to meet these needs, the State implements responsible measures that provide the following for CDBG-DR funded activities:

- While interpretation services are widely available at the various venues providing services, enhanced efforts made for the provision of English and Spanish translation services for vital federally funded program documents.
- The State provides documents deemed vital for each CDBG-DR program in both English and Spanish.



- Regarding the CDBG-DR public participation process, the State will provide public hearing notices for its Action Plan and any amendments in both English and Spanish, which will contain an advisory regarding the availability of language services throughout the planning process.
- All drafts and approved Action Plans and Amendments are available in English and Spanish on the CDBG-DR website.
- Public participation surveys will be provided in both English and Spanish.
- Spanish and English interpretation services will be made available at all CDBG-DR related public meetings.
- In an effort to enhance participation in the CDBG-DR planning process by LEP individuals, outreach efforts will be conducted by DHSEM with local community groups, and at public facilities in English and Spanish.
- The State CDBG-DR Program information is available in both Spanish and English.
- The State Citizen Participation Plan is consistent with the requirements of this LAP.
- The State's CDBG-DR Subrecipients Agreements will include requirements for the provision of LEP resources by subrecipients for all public participatory activities, including marketing, outreach, applications, vital document translations, and monitoring requirements. Subrecipient and contractor agreements will incorporate LEP requirements relative to:
 - Providing English and Spanish translations for all outreach, marketing, application materials, and vital documents, and to advise of the availability of language assistance services.
 - Requirements will also be added for subrecipients, contractors, and other administering entities assisting with the implementation of the CDBG-DR Program that interact with LEP individuals to:
 - Develop and maintain operating procedures that address LEP assistance
 - Maintain inquiry and application logs that specify language of choice
 - Submit documentation to the State supporting subrecipient efforts to further LEP access
 - Submit translated documentation to the State for maintenance in the State's project files; and
 - Require periodic monitoring by DHSEM for compliance with LEP requirements.
- Programs conducted by DHSEM which entail public participatory contact will provide all marketing, outreach and marketing/information brochures and publications, applications, and vital documents in both Spanish and English.



- Where programs use initial contact “template” or “form letters”, such letters shall be provided in both English and Spanish and will advise of the availability of language assistance services by the State.
- Provide training for DHSEM staff and subrecipients, contractors, and other administering entities assisting with the implementation of the CDBG-DR Program that interact with LEP individuals on the requirements of this LAP, and its effective implementation at the staff, program, and project level.
- DHSEM and its CDBG-DR subrecipients, contractors, and other administering entities assisting with the implementation of the CDBG-DR Program that interact with LEP individuals will be required to maintain citizen inquiry and application logs that document the language preference of persons seeking to apply or participate in CDBG-DR funded activities and programs. The data derived from these logs will be analyzed to make any necessary adjustments to the LAP.
- Insert “tag lines” on all printed English outreach materials indicating the availability of Spanish translation and interpretation services by DHSEM for its internally conducted activities, and by its CDBG-DR subrecipients. The reverse will be done on all printed Spanish outreach materials which shall indicate the availability of English translation and interpretation services by DHSEM.
- Respond to requests for oral interpretation services for languages other than English and Spanish as necessary to ensure access by LEP individuals in all federally funded activities.
- Explore access to community-based services which provide translation and interpretation services for LEP individuals.
- Conduct an annual survey of DHSEM staff and contractors with public-facing roles to create a language bank of bilingual staff members who can be readily called upon when needed, as well as collect information regarding the incidence of requests for information and services in minority languages.
- Conduct targeted outreach to LEP populations via community contacts, ethnic media, or other available means.
- Continue to provide interpretation services as necessary to ensure access by LEP individuals in all federally funded activities.
- Ensure all in-person, telephone, and web-based application and intake centers include bilingual staff for assistance and support. Each point of contact between the State, subrecipient, or contractor with a community member must establish a meeting address or phone number accessible for LEP individuals.

C. Implementation

Implementation of the above listed measures will be performed in accordance with the following schedule:



- Spanish translations for all vital documents for each public participatory or public contact program offered by DHSEM will continue after the approval of this LAP and continued throughout the duration of the program. This also includes marketing, outreach and marketing/information brochures and publications, applications, and initial contact “template” or “form letters”.
- The provision of public hearing notices regarding the Action Plan in Spanish and English will be performed for each future respective document preparation cycle; with advisories regarding the availability of language services throughout the planning process contained in the English and Spanish language notices.
- Spanish and English interpretation services will be made available at all CDBG-DR related public meetings for each future planning cycle.
- Public participation surveys will be provided in both English and Spanish; and Spanish and English interpretation services will be made available at all CDBG-DR related public meetings for each respective document preparation cycle.
- During all future planning cycles, outreach efforts will be conducted by the State with local community groups, and at public facilities in English and Spanish.
- Future draft and final Action Plans will continue to be translated into Spanish with a notification that specifies that additional translation or interpretation services are available on request. The English and Spanish versions will be posted on DHSEM’s website concurrently.
- Amendment of the State’s CDBG-DR Subrecipient Agreements to include requirements for the provision of LEP resources by subrecipients for all public participatory activities, and to address monitoring responsibilities, will be performed prior to the initiation of the next CDBG-DR planning cycle.
- Provision of trainings regarding this LAP will be provided to staff, subrecipients, and contractors upon hiring or contract execution.
- Existing funded subrecipients and contractors will be advised of the approval of this LAP and of the need to provide English & Spanish translations for all outreach, marketing, application materials, and vital documents, and to advise of the availability of language assistance services.
- As part of the ongoing compliance verification efforts of DHSEM, subrecipients and contractors will be required to submit information on a quarterly basis regarding their interactions with, and efforts to serve LEP individuals. The analysis of the reported data will be performed on a quarterly basis.
- The insertion of “tag lines” on printed outreach materials or program forms indicating the availability of English/Spanish translation and interpretation services by the State and its CDBG-DR subrecipients.



- Spanish and English language interpretation services for all CDBG-DR funded activities entailing participatory contact will be performed on an ongoing basis.
- Access to community-based services which provide needed translation and interpretation services for non-Spanish speaking LEP individuals will be explored on an ongoing basis.
- Targeted outreach to the LEP populations via community contacts, ethnic media, or other available means will be performed on an ongoing basis and be adjusted to meet program demands.

Implementation and coordination of all activities required under the Language Access Plan (LAP) shall be the responsibility of the State CDBG-DR designated employee, who shall be responsible for monitoring the effectiveness of the plan.

D. Language Accessibility

Program accessibility for LEP individuals may be requested:

- By phone: 505-670-4662
- In-person at any public event. Public event details will be posted to DHSEM’s designated CDBG-DR website at www.dhsem.nm.gov/cdbg-dr2025
- By email: DHSEM-DCM@dhsem.nm.gov
- In writing: CDBG-DR, c/o The UPS Store, 115 E. College Boulevard #373, Roswell, NM 88201

VI. ROLES AND RESPONSIBILITIES

| Stakeholder | Roles & Responsibilities |
|--------------|--|
| DHSEM | <ul style="list-style-type: none"> • Ensure that all subrecipients, contractors, and all other administering entities provide services that are accessible to linguistic minorities. • Establish and maintain an infrastructure to implement and improve language assistance services. • Train staff in LAP rules and regulations. • Translate vital documents into languages designated by the LAP. • Monitor subrecipients, contractors, and all other administering entities that interact with LEP individuals for LAP compliance and document compliance in program files. |



| | |
|---|--|
| <p>Subrecipients</p> | <ul style="list-style-type: none"> • Develop and maintain operating procedures that address LEP assistance. • Maintain inquiry and application logs that specify language of choice. • Submit documentation to the State supporting subrecipient efforts to further LEP access. • Submit translated documentation to the State for maintenance in the State’s project files. • Require periodic monitoring by DHSEM for compliance with LEP requirements. |
| <p>Contractors and Consultants</p> | <ul style="list-style-type: none"> • Develop and maintain operating procedures that address LEP assistance. • Maintain inquiry and application logs that specify language of choice. • Submit documentation to the State supporting subrecipient efforts to further LEP access. • Submit translated documentation to the State for maintenance in the State’s project files. • Require periodic monitoring by DHSEM for compliance with LEP requirements. |

VII. COMPLIANCE & ENFORCEMENT

A. Complaints

As part of addressing New Mexico’s long-term recovery needs, citizen complaints on any issues related to the general administration of CDBG-DR are welcome throughout the duration of the grant, including those related to the LAP. DHSEM aims to provide an opportunity to address all complaints received. Addressing these complaints is an essential responsibility for DHSEM, as it establishes the importance of open communication regarding citizens’ concerns about the programs.

It is the State’s responsibility, as grantee, to ensure that all complaints are dealt with promptly and consistently and at a minimum, to provide a timely, substantive written response to every written complaint within fifteen (15) business days, where practicable, as a CDBG grant recipient. See 24 C.F.R. § 91.115(h).

The State aims to provide an opportunity to address all complaints received, either formally or informally. An informal complaint refers to those complaints that are verbally communicated



through CDBG-DR personnel. These are not subject to 24 C.F.R. § 91.115(h), unless the complainant requests for it to be filed as a formal complaint. A formal complaint is a written statement of grievance. All formal complaints will be documented, processed, filed and answered. Complaints with insufficient data or submitted by a third party with no standing in the matter being submitted need not be accepted or reviewed.

The State offers reasonable accommodation to ensure equal opportunity and ensures that the LEP community is served. The CDBG-DR website and tools are available in both, the Spanish and English language. Citizens who wish to submit formal complaints related to the CDBG-DR funded activities, including the LAP, may do so through any of the following means:

- Via email at: ComplaintsOffice02@hud.gov
- In writing at: New York Regional Office of FHEO, U.S. Department of Housing and Urban Development, 26 Federal Plaza, Room 3532 New York, New York 10278-0068
- By calling at: (212) 542-7519; 1(800) 496-4294 or TTY (212) 264-0927
- Online at:
 - English: <https://portalapps.hud.gov/FHEO903/Form903/Form903Start.action>
 - Other: https://www.hud.gov/program_offices/fair_housing_equal_opp/online-complaint

VIII. CONFLICTS OF INTEREST AND MODIFICATIONS

During the term of the DHSEM CDBG-DR Program, this LAP shall be reviewed annually to ensure conformance with all statutory requirements, monitor changes in the language characteristics of its population, monitor program demand by LEP individuals, evaluate its effectiveness, and amended as necessary to accommodate modifications to demographic changes, client needs, regulatory requirements, and revised or new federally funded programs and projects.

IX. DOCUMENTATION & RECORDKEEPING

As part of the ongoing compliance verification efforts of DHSEM, subrecipients and contractors will be required to submit information on a quarterly basis regarding their interactions with, and efforts to serve LEP individuals. The analysis of the reported data will be performed on a quarterly basis.

DHSEM and its CDBG-DR subrecipients, contractors, and other administering entities assisting with the implementation of the CDBG-DR Program that interact with LEP individuals will be required to maintain citizen inquiry and application logs that document the language preference of persons seeking to apply or participate in CDBG-DR funded activities and programs. The data derived from these logs will be analyzed to make any necessary adjustments to the LAP.



Program subrecipients, contractors, and all other administering entities that interact with LEP individuals must submit translated documentation to the State for maintenance in the State’s project files.

X. REFERENCES

| Executive Order, Federal and State Laws and Regulations | Description |
|---|---|
| Title VI of the Civil Rights Act of 1964 | Prohibits discrimination based on race, color, or national origin in any program or activity receiving federal financial assistance, meaning no person can be excluded from benefits or treated unfairly by entities like schools, hospitals, or governments that take federal money |
| 24 C.F.R. § 91.115(h) | Mandates that a State's Citizen Participation Plan must detail procedures for handling written complaints about the Consolidated Plan, its amendments, and performance reports, requiring timely, substantive written responses (within 15 working days if practicable) to all such complaints from residents, ensuring accountability in community development programs. |
| Executive Order 14224 | Designates English as the official language of the U.S.; revokes the prior order (EO 13166) that mandated language access for LEP individuals in federal programs. |

XI. APPENDICES

The appendix contains supplementary material which forms a part of this document but is not essential for its completeness, containing supporting information and will appear in this section.

| Form Name, Process Map Name, OR Document Name | Link to Document |
|--|---|
| HUD – Report Housing Discrimination (English) | https://portalapps.hud.gov/FHEO903/Form903/Form903Start.action |