SB 707 "Applicable Languages" Determination Guide and Worksheet (Gov. Code § 54953.4(e)(1))

Disclaimer: This resource is provided for general informational purposes only and does not constitute legal advice. It is not a substitute for review by agency counsel. Agencies should consult their own legal counsel to confirm applicability, interpret statutory requirements, and ensure compliance with SB 707 and related laws.

Purpose

To identify SB 707 "applicable languages" using the most recent ACS language and English proficiency data (Table B16001 or C16001).

Start Here (How to Use This Guide)

1. **Open the worksheet on page 4 now.**
2. Follow Steps 1–6 and **fill out the matching worksheet section (STEP __) as you go.**
3. If you select **"None of the above (no further analysis required)"** in Worksheet Step 1, **stop**—you're done.
4. Keep your downloaded ACS table open while completing Worksheet Steps 2–5.

Note about the population number used: ACS Tables B16001 and C16001 only include people age 5 and older. To maintain consistency in the math, this worksheet uses the B16001 or C16001 total (age 5 +) as the "applicable population." If you instead used the population described in 54953.4(e)(1)(B) (e.g., entire city population, which would include children under 5), the percentages could be slightly lower. ***Agencies should consult with their legal counsel to confirm this approach.***

Step 1: Determine if the Legislative Body is an "Eligible Legislative Body"

If the legislative body meets the definition of an "eligible legislative body," continue to Step 2.

"Eligible legislative body" means any of the following:

A. A **city council of a city** with a population of 30,000 or more.
B. A **county board of supervisors of a county, or city and county**, with a population of 30,000 or more.
C. A **city council of a city located in a county** with a population of 600,000 or more.
D. The **board of directors of a special district** that has an internet website and meets any of the following conditions:
   i. The boundaries of the special district include the entirety of a county with a population of 600,000 or more, and the special district has over 200 full-time equivalent employees.
   ii. The special district has over 1,000 full-time equivalent employees.
   iii. The special district has annual revenues, based on the most recent Financial Transaction Report data published by the California State Controller, that exceed four hundred million dollars ($400,000,000), adjusted annually for inflation commencing January 1, 2027, as measured by the percentage change in the California Consumer Price Index from January 1 of the prior year to January 1 of the current year, and the special district employs over 200 full-time equivalent employees.

If the legislative body is not an "eligible legislative body," it does not qualify, and no further analysis is required.

Step 2: Identify the Legislative Body Type and Select the Area to Use in ACS

Identify what kind of eligible legislative body you are and select the area you will use for the ACS table, consistent with Gov. Code § 54953.4(e)(1)(B).

- **City council** → use the city (place)
- **County board of supervisors** → use the county
- **Special district** → choose *one* of the following (by board discretion):
    a. Use the county with the greatest population within the district boundaries, OR
    b. Use the district's service area (only if the district has reliable service-area language data)

Note: You will enter the "Applicable Population" number in the worksheet using the ACS B16001 or C16001 "Total:" estimate for the area selected above (see Step 4).

Special districts: If the board selects the 'county with the greatest population within district boundaries' option, use ACS B16001 or C16001 in Step 3 for that county as the applicable geography. If the board selects 'service area,' the district must use reliable service-area language data (ACS may not provide service-area boundaries directly).

Step 3: Obtain Language Data

Use language and English-proficiency data from the most recent ACS, typically ACS 5-year estimates:

1. Visit https://data.census.gov/
2. In the search bar, type: "**B16001 [your city/county/area]**" (or, if B16001 isn't available, "**C16001 [your city/county/area]**"). Example: "C16001 Chula Vista, California"

   Note (B16001 vs. C16001): Try B16001 first. If a recent B16001 is not available for your city/county/area, use C16001 instead for the same area and ACS release. C16001 is less detailed and may combine languages into broader categories. If a combined category meets (or is close to) the 20% threshold and you need to identify a specific language, consult additional Census/ACS materials for more detail, consider an alternative data source (with the required finding), and/or consult legal counsel.

3. Click the result that shows the table title: "**Language Spoken at Home…**"
    a. Click the Filters icon (left page column) and ensure the Dataset is the ACS 5-year estimates using the most recent year
    b. Geography: confirm it's your city/county (or add it if needed)
4. Use the Download icon (across the top) to download the data to Excel or CSV

Agencies may use an alternative data source only if they formally determine, based on substantial evidence, that it is equally or more reliable than the ACS for their jurisdiction.

Step 4: Identify Languages Spoken by 20% or More of the Applicable Population

From the ACS B16001 or C16001 data downloaded in Step 3:

1. Click the "Data" tab (it may not open automatically). In the first row labeled "Total:" copy the value under the "Estimate" column and enter it as the Applicable Population in the worksheet.
2. Identify any language(s) spoken by 20% or more of that applicable population.

Languages spoken by fewer than 20% of the applicable population do not qualify and may be excluded from further analysis.

Step 5: Apply the English Proficiency Test

For each language that meets the 20% threshold in Step 4, determine whether 20% or more of people who speak that language speak English less than "very well."

Note: Use the ACS estimate for "less than very well" where provided. If the table provides separate categories, sum "well," "not well," and "not at all" (i.e., all categories other than "very well").

Only languages that meet **both** conditions qualify:
1. ≥ 20% of the applicable population speaks the language, **and**
2. ≥ 20% of that language group speaks English less than "very well."

If either condition fails, the language is excluded.

Step 6: Limit to the Top Three Languages (If Necessary)

- If three or fewer languages meet the criteria → all are "applicable languages."
- If more than three languages meet the criteria → select the three languages spoken by the largest percentage of the applicable population.

Step 7: Document the Determination (Best Practice)

Prepare a short internal memo or staff report that includes:
- Date of analysis
- Eligibility determination (Step 1)
- Type of legislative body and selected geography (Step 2)
- Data source used (ACS vintage and table, or alternative source and the supporting finding)
- Calculations for each qualifying language
- Final list of applicable languages (including top three selection if applicable)

Continue to the worksheet on Page 4.

Applicable Languages Determination Worksheet (SB 707)

Agency: _____

(STEP 1)
Eligible Legislative Body Determination:
(Confirm eligibility criteria against the current codified text of Gov. Code § 54953.4 before finalizing.)

☐ **City council of a city** with a population of 30,000 or more.
☐ **County board of supervisors of a county, or city and county**, with a population of 30,000 or more.
☐ **City council of a city located in a county** with a population of 600,000 or more.
Board of directors of a special district that has an internet website and meets any of the following conditions:
  ☐ The boundaries of the special district include the entirety of a county with a population of 600,000 or more, and the special district has over 200 full-time equivalent employees.
  ☐ The special district has over 1,000 full-time equivalent employees.
  ☐ The special district has annual revenues, based on the most recent Financial Transaction Report data published by the California State Controller, that exceed four hundred million dollars ($400,000,000), adjusted annually for inflation commencing January 1, 2027, as measured by the percentage change in the California Consumer Price Index from January 1 of the prior year to January 1 of the current year, and the special district employs over 200 full-time equivalent employees.

☐ None of the above (no further analysis required)

(STEP 2)
Type of Legislative Body: ☐ City Council   ☐ County Board of Supervisors   ☐ Special District

Special Districts ONLY - Population Used:
☐ Population of the county with the greatest population within the district boundaries
☐ Population of the district's service area (only if the district has reliable language data for that area)

Applicable Population: _____ (From the downloaded ACS B16001 or C16001 table, enter the value in the first row labeled "Total:" under the "Estimate" column.)

To keep the calculations consistent, this worksheet uses the ACS Table B16001 or C16001 total (population age 5 and over) as the "applicable population" denominator, so the language counts and population total come from the same ACS table and geography. Using a larger population total that includes residents under age 5 (who are not included in B16001) could lower the calculated percentages and potentially make a language appear below the 20% threshold when it would otherwise qualify.

(STEP 3)
American Community Survey (ACS) Source Information
    ACS release: _____ *(e.g., "2023 ACS 5-year")*
    ACS table: _____ *(e.g., "B16001" or "C16001")*
    Geography used: _____ *(e.g., "Chula Vista city, California")*
    Download date: _____

(STEPS 4 & 5)
Languages Spoken and Threshold Determination

COLUMN A	COLUMN B	COLUMN C	COLUMN D	COLUMN E	COLUMN F	COLUMN G	COLUMN H
Applicable Population	Language	Estimated Number of Speakers	% of Applicable Population	Speak English Less Than "Very Well"	% of Estimated Number of Speakers	Meets Both Language Thresholds	Included in Top Three (If Needed)
						☐ Yes ☐ No	☐ Yes ☐ No
						☐ Yes ☐ No	☐ Yes ☐ No
						☐ Yes ☐ No	☐ Yes ☐ No
						☐ Yes ☐ No	☐ Yes ☐ No
						☐ Yes ☐ No	☐ Yes ☐ No
						☐ Yes ☐ No	☐ Yes ☐ No

Table Completion Instructions (see example on the following page):

Column A: Enter the Applicable Population from Step 2. (From the downloaded ACS B16001 or C16001 table, enter the value in the first row labeled "Total:" under the "Estimate" column.)

Column B: Enter the language from the ACS data table downloaded in Step 3.

Column C: Enter the estimated number of speakers from the ACS data table column titled "Estimate."

Column D: Calculate the percentage of speakers of that language from the applicable population. Formula: (Column C/Column A)*100.
If the percentage is less than 20%, the language does not qualify and may be excluded from further analysis.

Column E: Enter the number of speakers from the ACS data table who speak English less than "very well." In ACS Table B16001 or C16001, "less than very well" means all categories other than "Speaks English very well." If the table displays separate categories (e.g., "well," "not well," "not at all"), sum those categories to obtain Column E.

Column F: Calculate the percentage of that language's speakers who speak English less than very well. Formula: (Column E/Column C)*100.

Column G: If both Column D *and* Column F are 20% or greater, the language meets both thresholds; check Yes. Otherwise, check No.

Column H: If there are more than three languages that meet both thresholds (i.e., ≥ 20% in <u>both</u> Columns D and F), choose the three languages spoken by the largest percentage of the applicable population (Column D).

(STEP 6)
Applicable Languages: _____   or   ☐ None

_____

_____

Prepared by: _____   Date: _____

EXAMPLE OF COMPLETED TABLE: Languages Spoken and Threshold Determination

COLUMN A	COLUMN B	COLUMN C	COLUMN D	COLUMN E	COLUMN F	COLUMN G	COLUMN H
Applicable Population	Language	Estimated Number of Speakers	% of Applicable Population	Speak English less than "very well"	% of Estimated Number of Speakers	Meets Both Language Thresholds	Included in Top Three (If Needed)
261,003 *(From ACS B16001 or C16001 Table Total: Population 5 years and over, Line 1)*	**Spanish** *(from ACS Data Table)*	**119,622** *(from ACS Data Table)*	*(119,622/ 261,003)* 100=* **45.83%**	**43,898** *(from ACS Data Table)*	*(43,898/ 119,622)* 100=* **36.70%**	☒ Yes ☐ No	☒ Yes ☐ No
	Tagalog	**16,225**	**6.22%**	**N/A**	**N/A**	☐ Yes ☒ No	☐ Yes ☐ No
							☐ Yes ☐ No