



## LANGUAGE ACCESS POLICY AND PLAN FOR CDBG-I GRANTEES

### PURPOSE

The purpose of this Policy and Plan is to ensure compliance with Title VI of the Civil Rights Act of 1964, Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency,” and other applicable federal and state laws and their implementing regulations with respect to persons with limited English proficiency (LEP). Title VI of the Civil Rights Act of 1964, and clarified in Executive Order 13166, requires units of general local government (UGLG) to ensure individuals with limited English proficiency (LEP) have meaningful access to federally funded programs and services. These individuals are protected from the national origin discrimination under Title VI. All recipients are federally funded assistance are expected to make reasonable efforts to provide this language assistance.

### MEANINGFUL OPPORTUNITIES

All CDBG recipients are required to take reasonable steps to ensure meaningful access to their programs and activities. The methodology recommended by HUD is properly prepare a Limited English Proficiency Plan is as follows:

1. Conduct a four factor analysis;
2. Develop a Language Access Plan (LAP); and
3. Provide appropriate language assistance.

### DEFINITIONS

#### **Limited English Proficient (LEP) Individual.**

Any prospective, potential, or actual **beneficiary** of services from the local unit of government whose primary language is not English and who has a limited ability to speak, read, write, or understand English are entitled to language assistance with respect to a particular service, benefit, or encounter. May be citizens or non-citizens.

#### **Meaningful Access.**

The ability to access programs and participate in services or activities.

#### **Title VI Compliance Officer.**

The person or persons responsible for administering compliance with the Title VI LEP policies.

### ADDITIONAL INFORMATION AND RESOURCES

Additional LEP resources can be found at these websites:

- <https://www.lep.gov/>
- [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/fair\\_housing\\_equal\\_opp/promotingfh/lep-faq](http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/promotingfh/lep-faq)



## POLICY AND PLAN FOR PROVIDING MEANINGFUL COMMUNICATION WITH PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)

In order to comply with Title VI of the Civil Rights Act of 1964 and Executive Order 13166, the Town of Hobgood will take reasonable steps to ensure that persons with Limited English Proficiency (LEP) have meaningful access and an equal opportunity to participate in benefits and services for which such persons qualify. This Policy defines the responsibilities the unit of general local government (UGLG) has to ensure LEP individuals can communicate effectively.

### 1. IDENTIFYING LEP PERSONS AND THEIR LANGUAGE(S)

#### FOUR FACTOR ANALYSIS

CDBG recipients must first assess and evaluate four factors when determining how to best serve eligible LEP persons. These factors include:

1. The number or proportion of LEP persons eligible to be served/encountered in an eligible service population (town/city/or county level);
2. The frequency with which LEP individuals come in contact with the CDBG program;
3. The nature and importance of the program, activity, or service provided by the CDBG program to people's lives; and
4. The (financial and human) resources available to the grantee/recipient and costs of language service options.

#### **Factor 1. The number or proportion of LEP persons eligible to be served/encountered in an eligible service population.**

To determine the number of proportions of LEP persons served in Town, use the most recent American Community Survey data and complete the below table. *Attach maps and/or relevant data to this LAP. All data or maps provided must be accurately sourced.*

Grantee Population (5 years and older)	356
LEP Population (speaking English "not well" or "not well at all"):	None Known
<u>Languages Spoken:</u>	
1. More than 5% of the eligible population or beneficiaries and has more than 50 in number; or	No
2. More than 5% of the eligible population or beneficiaries but has less than 50 or less in number; or	No
3. More than 1,000 individuals in the eligible population in the market area or among current beneficiaries.	No





## **Factor 2. The frequency with which LEP persons come into contact with the CDBG program.**

This frequency with which a program engages with the public can vary depending upon the type of assistance. For CDBG grants, grantees must engage with the public at these critical steps:

- When notifying the public about a grant award application and its proposed activities
- When notifying the public about the grant award and its funded activities
- When seeking applicants to participate in the program (i.e., seeking new connections/ hookups for water/sewer services)
- When seeking qualified contractors to bid on projects
- When working with homeowners selected for assistance
- When notifying the public on their civil rights and complaint procedures
- When notifying the public about the grant closeout and its accommodations

*Provide below a description of how your community engages with the public and how frequently does this occur.*

The Town, at its Board Meeting, accepts a report as to the status of the funded CDBG projects. Construction Project signs are erected in the Project Area during the construction process. Legal and non-legal ads are placed for compliance and construction purposes, depending on the nature of the application grant, income and need surveys are solicited and obtained. NCWorks is notified of the funded CDBG-I projects.

## **Factor 3. The nature and importance of the programs, activities, or services to people's lives**

The more important the activity, information, service, or program, or the greater the possible consequences of the contact to the LEP persons, the more likely the need for language services. The obligations to communicate rights to a person who is being evicted differ, for example, from those to provide recreational programming. A CDBG recipient needs to determine whether denial or delay of access to services or information could have serious or even life-threatening implications for the LEP individual.

*Provide below answers to the following questions: 1) What is the nature of the program? e.g. Providing improved water and sewer services, 2) What is the importance of the program? 3) Would denial or delay of access to services or information could serious or even life-threatening implications for the LEP individual?*

- 1) The program will rehabilitate portions of the Town's 8" sewer collection lines on enumerated streets using cured in-place relining and reconnecting the existing homes. 2) The program will eliminate intermittent I&I on the enumerated streets, lessen utility costs and manpower hours, improve the environment and the health of the residents. 3) yes

**Note:** In the case where the overall jurisdiction numbers fall below the threshold to provide translated written documents but existing or planned target areas exist, the recipient must evaluate whether there are LEP households within the target areas that may need notification or other LAP services. The recipient's evaluation should use local knowledge or data or other relevant data in conducting its evaluation and should indicate its conclusions regarding the steps necessary to reach out to these households in the language they speak to ensure that adequate notification is achieved. This evaluation will be particularly important for grants with limited rehabilitation activities (new connections/hookups) where eligible applicants for assistance may need application or other documents translated to take advantage of available services.





#### Factor 4. Resources available to grantee/recipient and costs.

**Town** takes all reasonable steps to ensure meaningful access for LEP persons to CDBG programs and activities. The availability of resources, however, may limit the provision of language assistance services in some instances. “Reasonable steps” may cease to be reasonable when the costs imposed substantially exceed the benefits. **Town’s** LAP balances the needs of the LEP community with the funding resources available. If resources limit the provision of services already laid out in this document, **Town** will keep record of both the service requested and financial reasoning for the limitation.

Language assistance measures that **Town** might provide to LEP persons are outlined in Section 2 below.

## 2. LANGUAGE ASSISTANCE MEASURES

The type of language assistance necessary to provide meaningful access will vary depending on the type of communication **Town** staff is having with the LEP person (i.e., phone, in-person, or written communication) and in some circumstances more than one method will work. Regardless of how the language assistance is provided, **Town** recognizes the importance of providing such services in a timely manner and in an appropriate place. Failure to do so may effectively delay or deny LEP residents access to CDBG programs and services. **Town** staff understands that the extent of the **Town** obligation is to provide both oral and written translations is dependent on the four-factor analysis conducted by the community.

### “I SPEAK” CARDS

Language-specific cards should inform the reader on the use of the card on one side, while instructing staff (on the other side and in their vernacular language) which procedures to follow to assist the card holder. The “I Speak” card in Spanish, for example, would read in Spanish as follows: “The language I speak is Spanish. Please find someone who is fluent so that I may communicate effectively. Thank you.”

The **Town** will promptly identify the language and communication needs of the LEP person. Staff will use a language identification card (or “I speak cards,” <http://www.lep.gov/resources>) and LEP posters to determine the language. In addition, when records are kept of past interactions with individuals or family members, the language used to communicate with the LEP person will be included as part of the record.

### OBTAINING A QUALIFIED INTERPRETER

List the current name, office telephone number, office address and email address of the local Title VI compliance officer(s):

Thomas Ellis, Town Administrator  
207 W. Commerce Street  
Hobgood, NC 27843  
[townofhobgood@embarqmail.com](mailto:townofhobgood@embarqmail.com)  
252-826-4573

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Note: The Unit of General Local Government (UGLG) must notify the Division of Water Infrastructure (DWI) CDBG-I Compliance Specialist immediately of changes in name or contact information for the local Title VI compliance officer.

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Check all methods that will be used.



- ☐ Maintaining an accurate and current list showing the language, phone number and hours of availability of bilingual staff (*provide the list*): insert information here
- ☒ Contacting the appropriate bilingual staff member to interpret, in the event that an interpreter is needed, if an employee who speaks the needed language is available and is qualified to interpret;
- ☒ Obtaining an outside interpreter if a bilingual staff or staff interpreter is not available or does not speak the needed language. Identify the organization (s) name(s) with whom you have contracted or made arrangements. **insert information here**
- ☐ Have/has agreed to provide qualified interpreter services. The organization's (or organizations') telephone number(s) is/are insert number here and the hours of availability are insert hours here.
- ☐ Other (*describe*):Describe here

### UGLG Staff.

All staff will be provided notice of this policy and procedure, and staff that may have direct contact with LEP individuals will be trained in effective communication techniques, including the effective use of an interpreter.

### Family Member or Friend as an Interpreter.

Some LEP persons may prefer or request to use a family member or friend as an interpreter. However, family members or friends of the LEP person will not be used as interpreters unless specifically requested by that individual and **after** the LEP person has understood that an offer of an interpreter at no charge to the person has been made by the facility. Such an offer and the response will be documented in the person's file.

If the LEP person chooses to use a family member or friend as an interpreter, issues of competency of interpretation, confidentiality, privacy, and conflict of interest should be considered. If the family member or friend is not competent or appropriate for any of these reasons, competent interpreter services will be provided to the LEP person.

Children and other residents will **not** be used to interpret, in order to ensure confidentiality of information and accurate communication.

### WRITTEN TRANSLATIONS

The **Town** has chosen to follow the Safe Harbor rule, contained in HUD's final guidance, to assist in determining when to provide translations of vital documents. The Safe Harbor rule for written translation of vital documents is based on the number and percentages of the market area-eligible population or current beneficiaries and applicants that are LEP. According to the Safe Harbor Rule:

*HUD would expect translation of vital documents to be provided when the eligible LEP population in the market area or current beneficiaries exceeds 1,000 persons or if it exceeds 5% of the eligible population or beneficiaries along with more than 50 people. In*





*cases where more than 5% of the eligible population speaks a specific language, but fewer than 50 persons are affected, there should be a translated written notice of the person's right to an oral interpretation.*

As such, the **Town** 's eligible LEP population or current beneficiaries is:

- ☐ Exceeds 1,000 persons. Therefore, vital documents will be translated.
- ☐ More than 5% of the eligible LEP population or current beneficiaries and more than 50 in number. Therefore, vital documents will be translated.
- ☐ More than 5% of the eligible population or current beneficiaries and 50 or less in number. Therefore, there will be a translated written notice of the person's right to an oral interpretation of vital documents.
- ☒ 5% or less of the eligible population or current beneficiaries and less than 1,000 in number. Therefore, vital documents will not be translated at this time but, rather, a translated written notice of the person's right to an oral interpretation will be provided.

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**Note:** In the case where the overall jurisdiction numbers fall below the threshold to provide translated written documents but existing or planned target areas exist, the recipient must evaluate whether there are LEP households within the target areas that may need notification or other LAP services. The recipient's evaluation should use local knowledge or data or other relevant data in conducting its evaluation and should indicate its conclusions regarding the steps necessary to reach out to these households in the language they speak to ensure that adequate notification is achieved. This evaluation will be particularly important for grants with limited rehabilitation activities (new connections/hookups) where eligible applicants for assistance may need application or other documents translated to take advantage of available services.

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When translation of vital documents is needed, the **Town** will submit documents for translation into frequently encountered languages. Ensure records are kept of those documents that apply to your local unit of government.

Facilities will provide translation of other written materials, if needed, as well as written notice of the availability of translation, free of charge, for LEP individuals.

### VITAL DOCUMENTS

The **Town** has chosen to follow the Safe Harbor rule, contained in HUD's final guidance, in determining vital documents. **Town's** has identified those vital documents for each federally funded program that directly faces LEP individuals and for which a delay in service provision might significantly, negatively impact the wellness of any individual that program serves.

**Town's** has prioritized those documents for which either the following statements are true, according to direct program contacts:

- 1) Without this document, an individual could not access the program;
- 2) This document allows access to a major activity within the program.

These vital documents include:

- Public Notices – public meetings and public hearings;
- Notices of Intent to Request the Release of Funds;
- Findings of No Significant Impact;



- Bid Documents and Notices;
- Fair Housing Information;
- Civil Rights Notices;
- Applications for Assistance;
- Income Surveys; and
- Complaint Procedures.

### NOTICE TO LEP PERSONS

The **Town** will inform LEP persons of the availability of language assistance, free of charge, by providing written notice in languages LEP persons will understand. For example, the notification will include, in the primary language of the applicant/recipient, the following language:

*“Important: If you need help reading this, ask the **Town** for an interpreter for assistance. An interpreter is available free of charge.”*

### **Minimum Required Phases.**

The **Town** shall include at minimum the following phrases in English and Spanish in any document requesting public comments, or notifying the community of any modifications/amendments to the CDBG program during the life of the grant, including but not limited to, public hearing notifications, citizen participation documents, fair housing notices and documentation, Environmental Review notifications, among other documents:

*“This information is available in Spanish or any other language upon request. Please contact Renee Ellis, Town Clerk at 252-826-4573 or at 207 W. Commerce St. Hobgood, NC 27843 for accommodations for this request.”*

*“Esta información está disponible en español o en cualquier otro idioma bajo petición. Por favor, póngase en contacto con Renee Ellis, Town Clerk al 252-826-4573 o en W. Commerce St. Hobgood, NC 27843 de alojamiento para esta solicitud.” \**

All interpreters, translators and other aids needed to comply with this policy shall be provided without cost to the person being served, and individuals and their families will be informed of the availability of such assistance free of charge.

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\*Note: The address and name itself in the Spanish sentence above should not be translated (e.g. “Charlie” should not be translated to “Carlos”; “Main Street” should not be translated to “Calle Principal”)

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### MINIMUM REQUIRED NOTICES AND SIGNS

At a minimum, notices and signs will be posted and provided in intake areas and other points of entry, including but not limited, to the main lobbies, waiting rooms, etc.

Include those areas that apply to your local unit of government here

Notification will also be provided through one or more of the following: outreach documents, telephone voice mail menus, local newspapers, radio and television stations, and/or community-based organizations





The Rocky Mount Telegram  
Hobgood Police Department

### 3. MONITORING LANGUAGE NEEDS AND IMPLEMENTATION

On an ongoing basis, the **Town** will assess changes in demographics, types of services or other needs that may require reevaluation of this policy and its procedures. In addition, the **Town** will regularly assess the efficacy of these procedures, including but not limited to mechanisms for securing interpreter services, complaints filed by LEP persons, feedback from residents and community organizations, etc.

#### COMPLIANCE PROCEDURES, REPORTING AND MONITORING

1. Reporting:  
The **Town** will complete an annual compliance report and send this report to DWI. The form can be found at on the Division of Water Infrastructure website under CDBG-I Reports.
2. Monitoring:  
The **Town** complete a self-monitoring report on a semi-annual basis, using a standardized reporting system proposed by the local government. These reports will be maintained and stored by the Title VI Compliance Officer and will be provided to the Division of Water Infrastructure upon request. The **Town** will cooperate, when requested, with special reviews by the Division of Water Infrastructure.

#### APPLICANT/RECIPIENT COMPLAINTS OF DISCRIMINATORY TREATMENT


1. Complaints:  
The **Town** will provide assistance to LEP individuals who do not speak or write in English if they indicate that they would like to file a complaint.
  - a. A complaint will be filed in writing, contain the name and address of the person filing it or his/her designee and briefly describe the alleged violation of this policy.
  - b. The form can be found on the Division of Water Infrastructure website under CDBG-I Compliance and Reporting Information.
  - c. The **Town** will maintain records of any complaints filed, the date of filing, actions taken and resolution.
  - d. The **Town** will notify the appropriate section within Division of Water Infrastructure of complaints filed, the date of filing, actions taken and resolution. This information will be provided within 30 days of resolution.
2. Resolution of Matter:  
If the matter cannot be resolved by informal means, then the individual will be informed of his or her right to appeal further to the Department of Justice (DOJ). This notice will be provided in the primary language of the individual with Limited English Proficiency. If not resolved by Division of Water Infrastructure, then complaint will be forwarded to U.S. Department of Justice (DOJ) and U.S. Department of Housing and Urban Development (HUD) Field Office.





SUBMITTED AND ADOPTED BY:

Dannie Flanary, Mayor  
Chief Elected Official's Name Printed

  
Signature of Chief Elected Official

October 14, 2020  
Date