

# **LANGUAGE ACCESS PLAN**

**For Persons with  
Limited English Proficiency**

Department for Local Government

June 25, 2021

**TEAM**   
**KENTUCKY**



Department for Local Government

Dennis Keene, Commissioner

100 Airport Road, 3<sup>rd</sup> Floor

Frankfort, Kentucky 40601

(502) 573-2382

[kydlgweb.ky.gov](http://kydlgweb.ky.gov)

The Kentucky Department for Local Government (DLG) has established this policy as means to take reasonable steps in ensuring meaningful access to agency services, programs and activities for persons who have limited English proficiency.

The Kentucky Infrastructure Authority (KIA), which also provides some federal funds to local government entities, is administratively attached to DLG, and hereby adopts DLG's Language Access Plan in its entirety. All references to "DLG" in this plan shall be interpreted to include KIA and its staff.

### **Overview**

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 (LEP persons). DLG is a recipient of federal funds through various federal agencies, is obligated to reduce language barriers that can preclude meaningful access by LEP persons to DLG programs.

### **Definitions**

For the purposes of this plan:

- a. *Grantee* means the Commonwealth of Kentucky.
- b. *Recipient* means the entity designated as a recipient of federal funds through DLG's programs. This means any entity that receives any federal assistance, directly from DLG or from another Recipient. This includes, but is not limited to, any unit of local government, public housing authority, community housing development organization, public or private nonprofit agency, developer, private agency or institution, mortgagor, limited dividend sponsor, builder, property manager, resident management corporation, resident counsel or cooperative association. Recipient also includes any successor, assignee or transferees of any such entity, but does not include any ultimate beneficiary under the respective federal grant program.
- c. *LEP* means Limited English Proficiency. Persons who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English, and may be entitled to language assistance with respect to a particular type of service, benefit or encounter.
- d. *LAP* means Language Access Plan.

## **Four-Factor Analysis**

There are four (4) flexible, fact-dependent factors to be considered in developing language materials and a LEP plan. The following four-factor analysis will serve as the guide for determining which language assistance measures the Commonwealth will undertake to guarantee access to DLG's federally funded programs by LEP persons. Additionally all future recipients of federal assistance are required to use the same four-factor analysis prior to the release of funds.

1. The number or portion of LEP persons eligible to be served or likely encountered through its federally funded programs.
  - a. For determining the LEP population, DLG utilized the U.S. Census Bureau's American Community Survey Language Use data for Language Spoken at Home and English-Speaking Ability by State (See Appendix A).
  
2. The frequency with which LEP individuals come in contact with the designated federal programs.
  - a. DLG does not provide direct assistance to individuals. All DLG funds are awarded to units of local government or nonprofit agencies. As a result, LEP persons rarely come into contact with the respective federal grant program at the state level. However, during periods of public comment, some citizen participation may be directed to the Commonwealth.
  
3. The nature and importance of the program, activity or service provided by the federal programs.
  - a. DLG does not provide direct assistance to individuals. All DLG funds are awarded to units of local government or nonprofit agencies. As a result, LEP persons rarely come into contact with the respective federal grant program at the state level. However, during periods of public comment, some citizen participation may be directed to the Commonwealth.
  
4. The resources available to the recipient and the cost. There are two types of assistance service – oral (interpretation) and written (translation).
  - a. Given the resources currently available to DLG, the LAP measures appear reasonable.

## **Types of Language Assistance to be Provided by the Commonwealth**

As stated previously, although LEP persons rarely come into contact with DLG programs at the state level, some citizen participation matters are directed to the Commonwealth, particularly during periods of public comment. Therefore, DLG has determined it will make available, upon request, translations of its federal grants action plans and amendments. If there is a consistent need for translations, by populations of LEP Kentuckians, DLG will consider additional appropriate measures to serve the language access needs of those persons.

## **Requirements for Recipients**

Recipients of federal funds awarded or drawn through DLG are required to ensure that meaningful access to services is assured for their LEP clients. Recipients must provide language assistance services that result in timely, accurate, and effective communication at no cost to LEP clients and/or their beneficiaries. Such language assistance services are to be provided in accordance with the guidelines set forth in the U.S. Department for Health and Human Services "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons." DLG is available to assist Recipients in identifying and developing appropriate language assistance measures.

If an application is funded, the local government or nonprofit agency will be required to conduct a four-factor analysis, develop a LAP, if necessary, and provide a description of outreach efforts during the Letter of Conditional Commitment stage. Particular attention will be given to plan details for projects including acquisition and/or relocation, housing rehabilitation, and/or water/sewer hookups.

In order to determine if language assistance is required by recipients of federal funds through DLG, all Recipients are required to follow the measures outlined below.

1. Conduct the four-factor analysis prior to advertising for application public hearing.
2. If the four-factor analysis reveals there are 1,000 or more LEP persons, or 5 percent or more LEP persons in the eligible population in the jurisdiction or among current beneficiaries, the applicant will provide appropriate language assistance by:
  - a. Translating all vital documents;
  - b. Posting notices of application public hearings in areas frequented by LEP persons of the threshold population(s) in the language(s) spoken; and

- c. Providing translation services at public hearings, if requested to do so by LEP persons.
3. If the four-factor analysis reveals there are less than 50 LEP persons but 5 percent or more LEP persons in the eligible population in the jurisdiction or among current beneficiaries, the applicant will provide appropriate language assistance by: 1) posting notices of application public hearings in areas frequented by LEP persons of the threshold population(s) in the language(s) spoken; and 3) providing translation services at public hearings, if requested to do so by LEP persons.
4. If the four-factor analysis reveals there are less than 50 LEP persons and less than 5 percent LEP persons in the eligible population in the jurisdiction or among current beneficiaries, the applicant will provide appropriate language assistance by providing translation services at public hearings, if requested to do so by LEP persons.

If a LAP is required, the Recipient's LAP will include certifications that LAP has been developed, adopted, and will be implemented for all CDBG-funded projects. The Recipient's LAP will include an identification of all LEP populations exceeding 1,000 or five percent of total jurisdiction population, whichever is less, the identification of materials to be made available to LEP persons, the means by which the materials will be made available to LEP persons, and the identification of any other translation services which may be necessary. Recipients will be monitored for implementation of their LAPs.

### **Monitoring, Evaluation and Updating**

All agencies receiving federal funds through DLG will report annually on services provided to LEP persons. Agencies will review their respective plans each year to evaluate their effectiveness and to make any needed changes. DLG will assist agencies in finding appropriate translation resources, and disseminate translated federal program notices, brochures, posters and other documents.

DLG will monitor the delivery of any required language assistance on an ongoing basis. It will review the LAP, evaluate the effectiveness of its implementation, and update the LAP, on an annual basis, in order to ensure continued responsiveness to community needs.

The LAP evaluation will consist of:

- Revision of the LAP, as necessary, by monitoring changes in demographics and services provided, updating available resources and tools, modifying methods of implementation and addressing any issues of concerns.

- Analysis of language assistance usage, including the amount of language service requests, surveying the languages most frequently encountered, identifying the primary modes of communication, and costs associated with services rendered.
- Assessment of response to requests by LEP individuals and Recipients regarding the delivery of language assistance services.

### **Availability and Access**

The DLG Language Access Plan is available to the public on our website at [www.kydlgweb.ky.gov](http://www.kydlgweb.ky.gov). This information is available in a form accessible to persons with disabilities, and others, upon written request to: Department for Local Government, 100 Airport Road, 3<sup>rd</sup> Floor, Frankfort, Kentucky, 40601.

Citizens, public agencies and other interested parties will have reasonable and timely access to information and records relating to the Language Access Plan. All public records under KRS Statute 61.870-884 will be made accessible to anyone interested during normal working hours.

### **Complaints**

At any time, citizens may submit complaints related to the DLG Language Access Plan by writing to the Department for Local Government, 100 Airport Road, 3<sup>rd</sup> Floor, Frankfort, Kentucky, 40601.

The Commonwealth will provide a written response to every written citizen complaint that relates to the DLG Language Access Plan within fifteen (15) working days.

## **Appendix C**

List of Formal Interpreters (for any language if necessary and cost is not prohibitive):

- Catholic Charities of Louisville
  - Main Office
    - 2911 S Fourth St., Louisville
    - (502) 637-9786
  - Migration and Refugee Services
    - 2220 W. Market St., Louisville
    - (502) 636-9263
  - Sister Visitor Center
    - 2235 W. Market St., Louisville
    - (502) 776-0155
  - [languages@archlou.org](mailto:languages@archlou.org)
  - <https://cclou.org/language-services/>
  
- The International Center of Kentucky
  - Bowling Green – (270) 781-8336
  - Owensboro – (270) 683-3423
  - <http://icofky.org/>
  
- Central Kentucky Interpreter Referral
  - Lexington, Richmond, and Eastern Counties – (859) 236-9248
  - Danville, and All Other Counties – (859) 236-9888
  - <http://www.ckira.org/>
  
- Language Line Solutions
  - (800) 752-6096
  - <http://www.languageline.com/>

Further information on Language Assistance Plans from HUD can be found at:  
[https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/promotingfh/lep-faq](https://www.hud.gov/program_offices/fair_housing_equal_opp/promotingfh/lep-faq)

## **Appendix D**

Examples of Vital Documents:

- Citizen Participation Notices
- Survey Instruments
- Housing-Related Documents
  - Lead-Based Paint Notification
  - Application
  - Lease
  - Note
  - Mortgage
- Drug-Free Certification