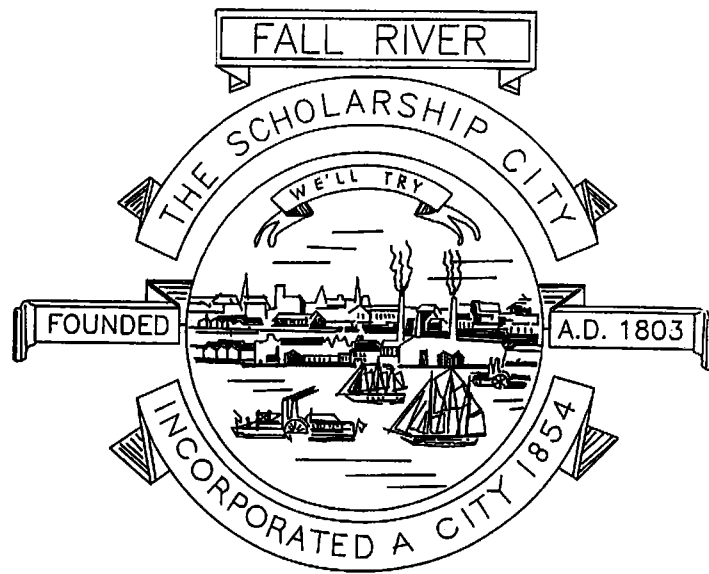


Fall River Community Development Agency

City of Fall River, Massachusetts



Limited English Proficiency (LEP) Plan

December 2015

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Introduction

On August 11, 2000, President William J. Clinton signed an executive order, Executive Order 13166: Improving Access to the Service for Persons with Limited English Proficiency, to clarify Title VI of the Civil Rights Act of 1964. It had as its purpose, the ensure accessibility to programs and services to otherwise eligible persons who are not proficient in the English language.

This executive order stated that individuals who do not speak English well and who have a limited ability to read, write and speak, or understand English are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service, benefit, or encounter. These individuals are referred to as being limited in their ability to speak, read, write, or understand English, hence the designation, "LEP," or Limited English Proficient. The Executive Order States that:

"Each federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency's programs and activities."

Not only do all federal agencies have to develop LEP plans as a condition of receiving federal financial assistance, recipients have to comply with Title VI and LEP guidelines of the federal agency from which funds are provided as well.

Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance. Recipients of federal funds range from state and local agencies, to nonprofits and organizations. Title VI covers a recipient's entire program or activity. This means all parts of a recipient's operations are covered, even if only one part of a recipient's organization receives the federal assistance. Simply put, any organization that receives federal financial assistance is required to follow the Executive Order.

The City of Fall River receives funds from the US Department of Housing & Urban Development.

Elements of an Effective LEP policy

The US Department of Justice, Civil Rights Division has developed a set of elements that may be helpful in designing an LEP policy or plan. These elements include:

1. Identifying LEP persons who need language assistance
2. Identifying ways in which language assistance will be provided
3. Training Staff
4. Providing notice to LEP persons
5. The recommended method of evaluating accessibility is the Four-Factor Analysis.

These recommended plan elements have been incorporated into this plan.

Methodology for Assessing Needs and Reasonable Steps for an Effective LEP Policy

The Fall River Community Development Agency guidance outlines four factors recipients should apply to the various kinds of contacts they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.
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 recipient to the LEP community.
4. The resources available to the Fall River Community Development Agency is and overall cost.

The greater the number or proportion of eligible LEP persons, the greater the frequency with which they have contact with a program, activity, or service and the greater the importance of that program, activity, or service, the more likely enhanced language services will be needed. The intent of Fall River Community Development Agency's guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on subrecipients.

Subrecipients with more limited budgets are typically not expected to provide the same level of language service as larger recipients with larger Budgets.

The Fall River Community Development Agency's guidance is modeled after the Department of Justice's guidance and requires recipients and sub-recipients to take steps to ensure meaningful access to their programs and activities to LEP persons. More information for recipients and sub-recipients can be found at <http://www.lep.gov>.

The Four-Factor Analysis

This plan uses the recommended four-factor analysis of an individualized assessment considering the four factors outlined above. Each of the following factors is examined to determine the level and extent of language assistance measures required to sufficiently ensure meaningful access to Fall River Community Development Agency's services and activities that may affect their quality of life. Recommendations are then based on the results of the analysis.

Factor 1: The Proportion, Numbers and Distribution of LEP Persons

The American Community Survey has a range for four classifications of how well people speak English. The Classifications are: 'very well,' 'well,' 'not well,' and 'not at all.' For our planning purposes, we are considering people that speak English less than 'very well' as Limited English Proficient persons.

As seen in Table # 1, the 2012-2016 American Community Survey 5-Year estimates Data for the city of Fall River shows a small number of the population that speak English less than 'very well.'

TABLE # 1

LANGUAGE SPOKEN AT HOME	# Of Individuals	Percentages
Population 5 years and over	83,261	0%
English only	55,693	66.9%
Language other than English	27,568	33.1%
Speak English less than "very well"	11,091	40.2%
Spanish	2,638	44.5%
Other Indo-European languages	326	80.5%
Asian and Pacific Islander languages	758	52.7%
Other languages	63	11.4%

Factor 2: Frequency of Contact with LEP Individuals

The Fall River Community Development Agency has conducted an informal survey of our employees with regard to whether they have had encounters with LEP individuals in the performance of their job functions and found that they have had encounters with LEP individuals. We have offices accessible to the public and therefore accessible to LEP individuals and we have staff that work in the field that could encounter LEP individuals. Additionally, regular yearly public hearings would potentially bring LEP individuals to these meetings. Given the number of LEP individuals, as displayed in Table #1 (on previous page 6), the probability of our employees to encounter an LEP individual is high.

Factor 3: The Natural and Importance of the Program, Activity, or Service to LEP

The Fall River Community Development Agency serves individuals throughout the City in a variety of ways including managing roads, police, fire, and other public services to residents and other individuals, such as visitors and those traversing the state. The nature of the services that the Fall River Community Development Agency provides is very important to an individual's day-to-day life. Therefore the denial of services to an LEP individual could have a significant detrimental effect. Given the number of LEP individuals in the City, we will ensure accessibility to all of our programs, services and activities.

Factor 4: The Resources Available to the City of Fall River and Overall Cost

The Fall River Community Development Agency serves very few LEP persons and has very limited resources. However, it has decided to include an LEP section in its plans in order to comply with the Executive Order and to ensure access and reasonable accommodations for LEP persons who may be unknown at this time.

Safe Harbor Stipulation

Federal law provides a "Safe Harbor" situation so that recipients can ensure with greater certainty that they comply with their obligation to provide written translations in languages other than English. A "Safe Harbor" means that if a recipient provides written translation in certain circumstances, such action will be considered strong evidence of compliance with the recipient's written-translation obligations under Title VI.

The Failure to provide written translations under the circumstances does not mean there is non-compliance, but rather provides a guide for recipients that would like greater certainty of compliance than can be provided by a fact-intensive, four factor analysis.

For example, even if a Safe Harbor is not used, if written translation of a certain document (s) would be so burdensome as to defeat the legitimate objectives of its program, it is not necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

Strong evidence of compliance with the recipient's written translation obligations under "Safe Harbor" includes providing written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally.

This "Safe Harbor" provision applies to the translation of written documents only. It does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

Given the Small Number of LEP language group members, the City of Fall River's budget and number of staff, it is deemed that written translations of vital documents would be so burdensome as to defeat the legitimate objectives of our programs. It is more appropriate for the City of Fall River to proceed with oral interpretation options for compliance with LEP regulations.

Options And Proposal Actions

Options:

Federal fund recipients have two (2) main ways to provide language services: oral interpretation either in person or via telephone interpretation service and written translation. The correct mix should be based on what is both necessary and reasonable in light of the four factor analysis.

The City of Fall River is defining an interpreter as a person who translates spoken language orally, as opposed to a translator, who translates written language or who transfers the meaning of written text from one language into another. The person who translates orally is not a translator, but an interpreter.

Considering the relatively small size of the City, the small number of LEP individuals in the service area, and limited financial resources, it is necessary to limit language aid to the most basic and cost-effective services. However, when requested appropriate assistance will be provided.

Proposal Actions:

The Fall River Community Development will take the following Actions

- Notify the public that interpreter services are available upon request, with seven day advance notice.
- With advance notice of seven calendar days, the Fall River Community Development Agency will provide interpreter services at public meetings, including language translation and signage for the hearing impaired.
- Once the LEP individual's language has been identified, the Fall River Community Development Agency will be contacted to provide interpretation services
- In the event that a Fall River Community Development Agency employee encounters a LEP individual, they will follow the procedure listed below:

OFFICE ENCOUNTER

1. Once the foreign language is determined, provide information to the Executive Director who will contact an interpreter.
2. If the need is for a document to be translated, the Executive Director will have the document translated and provided to the requestor as soon as possible.

IN WRITING

1. Once a letter has been received it will be immediately forwarded to the Executive Director.
2. The Executive Director will contact a translator to determine the specifics of the letter request information.
3. The Executive Director will work with the selected agency to provide the requested service to the individual in a timely manner.

OVER THE PHONE

1. If someone calls into our office speaking another language every attempt will be made to keep that individual on the line until an interpreter can be conferenced into the line and if possible determine the language spoken of the caller.
2. Once the language spoken by the caller has been identified, we will proceed with providing the requested assistance to the LEP individual

The Fall River Community Development Staff Training

The Fall River Community Development's staff will be provided training on the requirements for providing meaningful access to services for LEP persons.

LEP Plan Access

A copy of the LEP plan documented can be requested at the Fall River Community Development's main office during normal business hours and the City of Fall River will make the plan available on the website at www.fallriverma.org. Any person or agency may also request a copy by contacting:

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