



CITY OF BESSEMER

Language Access Plan (LAP) for the City of Bessemer

Introduction and Purpose

The City of Bessemer is committed to complying with all civil rights laws, including Title VI of the Civil Rights Act of 1964 (Title VI), which requires Limited English Proficiency (LEP) persons have meaningful access to housing programs and activities. The term LEP, as defined by the U.S. Department of Housing and Urban Development, refers to individuals who have a limited ability to read, write, or understand English well or at all.

The purpose of this plan is to provide a guide for how the city of Bessemer will ensure LEP individuals have meaningful access to housing programs and other activities. In preparation for writing this plan and in order to identify the specific needs for LEP residents of Bessemer, a needs assessment was conducted using the four-factor analysis provided in the Department of Housing and Urban Development's Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons.

The city of Bessemer is committed to ensuring equal access for all persons to housing and other programs. This document was prepared by the city of Bessemer Department of Economic and Community Development in cooperation with the Office of the Mayor. This document will be available for inspection by visitors to the department, which is located on the Second Floor of Bessemer City Hall, 1700 Third Avenue North, Bessemer, AL, 35020, during normal business hours.

Section I. General Information.

The city of Bessemer is a grantee under the Community Development Block Grant (CDBG) program, administered by the U.S. Department of Housing and Urban Development (HUD). CDBG funds are administered by the city to provide activities that will benefit low-to-moderate income persons, or aid in the prevention or elimination of slum and blight. The Economic and Community Development Department is responsible for administering the grant on behalf of the city.

The LAP is designed to ensure access to programs for all residents of Bessemer and propose ways to ensure access for LEP persons to take part in the city-administered programs.

Section II. Four Factor Analysis

A four-factor analysis was performed by the Department to identify the LEP population within the city limits of Bessemer. Census data taken from the American Communities Survey's most recent tables was examined to determine the LEP population residing within Bessemer.

The four-factor analysis will follow this guideline:

- 1) The number or proportion of LEP persons served or encountered in the eligible service population. (As instructed in the guidance for the purpose of determining those LEP persons "served or encountered", we included those persons who would be served or encountered if the persons received adequate outreach and we provided sufficient language services);
- 2) The frequency with which LEP persons come into contact with each site;
- 3) The nature and importance of the program, activity or service provided by the site; and
- 4) Resources available to assist LEP persons.

The Department also recognizes that based on the four-factor analysis, marketing efforts are designed to provide assistance to LEP persons on a case-by-case basis, inasmuch as the population of LEP persons does not meet HUD Safe Harbor thresholds.

Factor #1. LEP people in the jurisdiction.

The most recent data from the U.S. Census Bureau's *American Community Survey* from 2018 shows the vast majority of residents in Bessemer are English speakers. Further, data in ACS chart S1601 shows that 24,294 persons over the age of 5 speak only English or speak English "very well." The number of individuals who speak English well is about 97 percent of the city's eligible population over the age of 5. About 747 persons, or three percent, reported speaking English "less than very well" based on the data. This population would qualify as the LEP population.

A breakdown of ACS Census chart S1601 showing language characteristics among those ages 5 and older in Bessemer is below:

Language characteristics (over age of 5 years)	Total	Percentage
Total population over age 5	25,041	100%
Speak English only	23,524	93.9%
Speak English only and/or English very well	24,294	97 %
Speak English less than very well	747	3%
Speak a language other than English	1,517	6.1%
Spanish	1,254	5%
Indo-European	213	0.9%
Asian-Pacific	0	0%
Other languages	50	0.2%

Source: American Community Survey Table S1601, 2018

Spanish speakers represent the largest share of Bessemer residents over the age of 5 who speak a language other than English. The number of Spanish-speakers who speak English “very well” is estimated at 46.7%, or 586 persons.

Those who speak an Indo-European language ranked second in the eligible population. Among those who speak an Indo-European language, about 62.6 percent, or 134 persons, speak English “very well.”

Among those who speak other languages, 100 percent are estimated to speak English “very well.” This is illustrated in the following chart of foreign-language speakers.

Foreign-language speakers over age 5	Total	English very well (percent)	English less than very well (percent)	Percent of total eligible population who is LEP
Spanish	1254	586 (47 %)	668 (53.2)	2.6%
Indo-European	213	134 (63)	79 (37%)	.32%
Asian Pacific	0	0	0	0
Other Languages	50	50 (100)	0 (0%)	0

Source: American Community Survey Table S1601, 2018

Census chart B16001 gives a perspective on languages *spoken at home* by the ability to speak English for the population five years of age and older. The most recent data for the chart is based on 2015 ACS estimates. A language analysis is below:

Language spoken at home over age 5 (2015 Census Data)	Total	Speak English very well	Speak English Less than very well	Percentage of language spoken at home who speak English less than very well in total eligible population (25,264)
Spanish	985	594	391	1.5%
French	108	70	38	0.15%
Gujarati	13	0	13	.05%
Chinese	17	17	0	0
Arabic	15	15	0	0
African	24	24	0	0

Source: American Community Survey Table B16001, 2015

Factor #2. Frequency with which LEP persons come into contact with the program.

Since 2007, only one non-English speaking family has contacted the department regarding CDBG programs. However, it is expected with the growth in the foreign-speaking population that persons will attempt to contact the Department regarding services and programs. The growth in the population does increase the odds of an individual coming into contact with the program. The Department provides advertisements of public hearings regarding the development of the CDBG Action Plan. The advertisement is available on the city of Bessemer’s website. The website has translation tools which allow LEP persons to read notices in their native language. In cases where an LEP individual wishes to take part in a public hearing, the Department will place a notice that language services can be provided granted the individual contacts the office at least 48 hours prior to the public hearing to arrange for the providing of translation services.

Factor #3. The nature and importance of the program, activity, or service provided by the program.

All Housing-related CDBG programs administered by the City of Bessemer are designed for low-to-moderate income homeowners. The program is important to qualifying low-to-moderate income homeowners and providing them assistance in maintaining their homes. In addition, the CDBG programs can also be expanded to provide public services, public improvements and improvements to public facilities. In cases where a public service is being provided, the possibility exists of the program coming into contact with LEP individuals.

Factor #4. Resources available and costs to the recipient.

Although there are no LEP groups reaching mandatory thresholds, the city of Bessemer has determined that documents posted on its website at bessemeral.org will be available via the websites multiple language translation tool.

All Department staff will have translation apps available on their city-issued phones in cases of direct contact with LEP persons and a translator is not immediately available. Should further assistance be needed, the Department will seek out a translator to ensure access to LEP individuals. The city will compile and maintain a list of at least translators to assist with communications with LEP persons. LEP individuals who desire to take part in CDBG public hearings should contact the department at least 48 hours prior to the meeting to arrange translation services. The provision of these resources will come at no cost to the LEP recipient.

Section III. Language Assistance Measures

The type of language assistance necessary to provide meaningful access will vary depending on the type of communication staff is having with the LEP person (e.g. phone, in person or written communication) and in some circumstances more than one method will work. Regardless of how the language assistance is provided, the department 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 the LEP applicants access to housing services and programs. The Department understands that the extent of our obligation to provide both oral and written translation is dependent on the four-factor analysis. The Department has chosen to follow the *Safe Harbor rule*, contained in HUD's final guidance, to assist in determining when to provide translation 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.”

Based on the Census data, the department will not translate vital documents. The Department will provide a posted notice in the Economic and Community Development Suite at Bessemer City Hall of the person's right to an oral interpretation. In addition, the city's website is multilingual, meaning it can translate some program documents into the native language of the reader. Should LEP persons require further assistance, translated documents will be provided and a consultation involving

translators will be arranged.

The HUD Safe Harbor Rule isn't applicable to oral communication. Department staff will use translation apps on their city-issued phones to assist in communications with LEP individuals and seek further translation services in cases where additional communication is needed to ensure access to programs.

Oral Language Services

The City of Bessemer's goal is to provide meaningful access to our programs for LEP individuals in a timely manner

The Department does recognize however that under some circumstances it isn't appropriate for staff to serve as interpreters. For example, if an LEP applicant was rejected for housing, it wouldn't be appropriate for a staff person involved in the decision to serve as an interpreter at an appeal.

The City of Bessemer will solicit interpreters for various languages from local universities and other sources, including community volunteers, who are willing to provide oral language assistance.

Where individual rights' depend on precise, complete and accurate interpretation, we will try to use certified interpreters.

Section IV. Informal Interpreters

Applicants and residents who are LEP often choose to bring an informal interpreter with them to assist in communication, including but not limited to the LEP client's family members, friends, legal guardians, service representatives or personal advocates. In such instances, staff must remember the following:

- LEP persons who bring an informal interpreter with them must be reminded that The City of Bessemer is willing to provide free language interpretation. If the LEP person prefers the informal interpreter, he/she will be permitted to do so at his/her own expense.
- Informal interpreters may not be appropriate, depending on the circumstances and subject matter. Simply put, not all informal interpreters are competent to provide quality and accurate interpretations. As a result, such language assistance may not result in an LEP person obtaining meaningful access to our housing. If a LEP client wants an informal interpreter, the Department may choose to also have a formal interpreter to ensure accurate translation of complex, legal material.

Accuracy of Translation

HUD has translated a number of documents that can be utilized. The Department recognizes that the translated document isn't a legal document and that HUD intends to put a disclaimer on it stating that it is "providing the translation to you merely as a convenience to assist in your understanding of your rights and obligations. The English language version of this document is

the official, legal, controlling document. The translated document is not an official document. The City of Bessemer may use a similar disclaimer on its legal documents that are translated.

Staff has also been instructed that LEP persons may not be able to read their native language, and to be ready to provide oral interpretation of written documents.

Section V. Staff Training Regarding LEP Policies and Procedures

All current Economic and Community Development Department staff will maintain training on their obligation to provide meaningful access to information and services for LEP persons. All training is designed to make all employees aware of the following:

- A) Background of the LEP program;
- B) Our obligation to provide meaningful access to individuals with LEP;
- C) LEP policies and procedures; and
- D) Protocol in responding to LEP callers, written communications from LEP persons and in-person contact with LEP persons.

The Director of Economic and Community Development will direct staff on LEP Policies and Procedures.

Providing Notice of Free Language Services to Persons with LEP

We recognize that it is important to put applicants and residents on notice that we provide free language assistance. We have developed a notice in different languages that states this and how to obtain language assistance. We will notify persons through the following methods:

- A) Post signs in the Economic and Community Development Suite of the person's right to oral interpretation;
- B) Place this statement in marketing materials.

LEP Complaints

LEP persons should direct complaints about staff or access to the Director of the Economic and Community Development Department. The complaints can be either oral or written. The director shall keep a record of such complaints and, if needed, work with a translator to resolve the specific complaint.

Continuous Oversight of the LAP – Monitoring and Updates

The City of Bessemer's Department of Economic and Community Development will monitor and update this LAP on an ongoing basis.

- Staff will track the language assistance requested and what was provided- both the type of assistance requested as well as in what language to determine both need and how well the needs of the LEP population are being met.
- The City of Bessemer will review the demographics of our residents at least once every five years to make sure the language assistance needs are adequately met and serviced.

