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## FINAL

### Language Access Plan (LAP) for the City of Rochester's Community Development Program

### Plan d'accès Langue (LAP) pour la ville de programme de développement communautaire de Rochester

### Plan de acceso al idioma (LAP) para el programa de desarrollo comunitario de la ciudad de Rochester

*Remarque: Vous pouvez obtenir ce document en français gratuitement. S'il vous plaît contacter la Division du développement communautaire de la Ville de Rochester pour l'assistance.*

*Aviso: Puede obtener este documento en español de forma gratuita. Comuníquese con la División de Desarrollo Comunitario de la Ciudad de Rochester para obtener ayuda.*

#### **Introduction and Purpose**

The City of Rochester is committed to complying with all civil rights laws, including Title VI of the Civil Rights Act of 1964 (Title VI), which requires governmental entities to ensure that individuals with limited English proficiency (LEP) have meaningful access to federally-funded programs and services. The term LEP doesn't refer to people who are bilingual but rather to individuals who have a limited ability to read, write, or understand English well or at all.

The purpose of this plan is to ensure that the City of Rochester provides LEP individuals with meaningful access to the City's Community Development programs and services. In preparation for writing this plan and in order to identify the specific needs for LEP residents of the City of Rochester, the City's Community Development Coordinator conducted a needs assessment using the four-factor analysis provided in the U.S. Department of Housing and Urban Development (HUD)'s *Final Guidance to Federal Financial Assistance Recipients Regarding Title VI*

*Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons.*

In accordance with this four-factor analysis, the City of Rochester has balanced the following:

- 1) The number or proportion of LEP residents served or encountered in the eligible service population. (As instructed in the guidance for determining those LEP persons “served or encountered”, the City of Rochester’s Community Development program includes those persons who would be served or encountered if the persons received adequate outreach and were provided sufficient language services.)
- 2) The frequency with which LEP persons come into contact with the City of Rochester’s Community Development program.
- 3) The nature and importance of the program, activity or service provided by the City of Rochester’s Community Development program.
- 4) The resources available and costs to the City of Rochester’s Community Development program.

**LEP Populations to be Served or Encountered and the Frequency of Encounters**

The City of Rochester’s Community Development program manages the city’s Community Development Block Grant (CDBG), which provides federal funding through HUD for improving the low- and moderate-income neighborhoods and providing important services to low- and moderate-income residents. The City of Rochester is a city of 31,526, according to 2019 estimates from the U.S. Census Bureau, and these same estimates state that 10.4% of the city’s population is living in poverty.

The most accurate estimate of the service size of the CDBG program and Community Development program is obtained through analysis of census tracts by income. A census tract is considered low- to moderate-income, and therefore eligible for CDBG services based on geographic area, if 51% or more of the residents within the census tract are low- to moderate income by HUD standards ( $\leq 80\%$  of area median income). According to the most recent HUD data, the entire city is 51%+ low- to moderate-income. Therefore, the entire city will be assumed as the service area for purposes of analysis.

Determination of potential and actual LEP populations has been accomplished through a combination of local consultations, such as with the Rochester School Department’s and the Dover Adult Learning Center’s English as a Second Language (ESL) faculty, and reference to HUD-supplied data on national origin and limited English proficiency.

The predominant LEP population identified in the geographic area based on these analysis tools is comprised of residents who speak French, who represent about 1% of the city’s population (or about 315 residents). The second largest LEP population within the city is comprised of residents

who speak Spanish, who represent 0.61% of the city's population (or about 192 residents). At present, a very small percentage of Rochester's population is LEP, well below HUD's 5% "Safe Harbor Rule" threshold that triggers more robust language access requirements. However, consultations indicate that the LEP population within the city is increasing and is likely to continue to do so, and therefore the City of Rochester is addressing language access needs in a proactive manner.

## **Language Assistance Measures**

The type of language assistance necessary to provide meaningful access will vary depending on the type of communication City 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 City of Rochester 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 community development programs and services. City staff understands that the extent of the city's obligation to provide both oral and written translation is dependent on the HUD four-factor analysis. The City of Rochester 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.*

As such, because the City of Rochester's LEP residents is well below the 5% of the eligible population as well as far fewer than 1,000 persons, 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.

## **Oral Interpretation Services**

HUD's safe harbor rule does not apply to oral communication. An obligation to provide oral language assistance exists regardless of the number or percentage of persons who comprise a specific language group. The City of Rochester's Community Development staff will collaborate with Rochester School Department ESL staff to provide competent interpretation services whenever such are necessary for assisting LEP residents. This will include distribution and use

of LanguageLine Solutions' Language Identification Card by city staff likelihood to frequently interact with residents.

Interpreters providing services to the City of Rochester must:

- Be proficient in and able to communicate information accurately in both English and the other applicable language;
- Understand relevant community development terminology;
- Understand and ensure confidentiality; and
- Maintain impartiality and act solely in the role as an interpreter.

Regardless of who is used as an interpreter, city staff will adhere to the following guidelines when using an interpreter:

- Explain to the interpreter the purpose of the communication and provide a description of the information to be conveyed;
- Provide brief explanations of technical terms of art that may come up during the communication, such as eligibility, income limits, etc.;
- Avoid using acronyms, such as HUD, CDBG, LMI, etc.;
- Speak in short sentences;
- Express one idea at a time and allow the information to be interpreted prior to continuing;
- Check in with the interpreter to make sure he/she is understanding what staff is attempting to communicate;
- Enunciate words;
- Avoid contractions; and
- Address the LEP resident and not the interpreter during the conversation.

Residents who have limited English proficiency may choose to bring an informal interpreter with them to assist in communication, including but not limited to the LEP resident's family members, friends, legal guardians, or social services case manager. In such instances, city staff will:

- Inform LEP persons who bring an informal interpreter with them that free language interpretation is available;
- Choose a formal interpreter instead of an informal interpreter, if the circumstances and subject matter of the interaction indicate that formal interpretation is needed to protect the resident's rights and interests; and
- Avoid relying on minors as informal interpreters unless there is an extreme need and no competent interpreters are available.

## **Written Translation Services**

In keeping with HUD's Safe Harbor Rule, the City of Rochester will provide a translated written notice of residents' rights to an oral interpretation of vital Community Development documents. At this time, however, vital documents will not be translated. This written notice will be

provided in French and Spanish, which are the currently-identified languages spoken by a significant number of LEP residents.

Vital Community Development documents include the following:

- Public comments notices;
- Public hearing notices;
- Notices of Intent to Request the Release of Funds;
- Findings of No Significant Impact;
- Drafts and finalized versions of CDBG action plans and annual reports; and
- CDBG grant applications.

The City of Rochester's Community Development staff will collaborate with Rochester School Department ESL staff to provide accurate translation services whenever such are necessary for assisting LEP residents. The City of Rochester will make every effort to use competent and accurate translators. Many of the considerations discussed regarding interpreters apply to translators.

HUD has translated a number of documents that, where appropriate, the City of Rochester will utilize. The City of Rochester recognizes that the translated document is not 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. This translated document is not an official document.”*

The City of Rochester intends to use a similar disclaimer on its legal documents that are translated. City staff will also be ready to provide oral interpretation of written documents for LEP residents who may not be able to read their native language.

### **Staff Training Regarding LEP Policies and Procedures**

All current and future City of Rochester Community Development staff will be trained on their obligation to provide meaningful access to information and services for LEP residents. Training will seek to make staff aware of the following:

- The City of Rochester's obligation to provide meaningful access to LEP residents;
- LEP policies and procedures; and
- Protocol in responding to LEP residents contacting the city via telephone, written communications, and in-person contact.

Community Development staff will also include LEP and other language access training as a component of regular, ongoing training and development to keep informed of the City of Rochester's current and evolving obligations as a CDBG grant recipient. Information and materials received during such training will be distributed to other relevant city staff as appropriate.

## **Providing Notice of Free Language Services to LEP Residents**

The City of Rochester recognizes that it is important to put residents on notice that free language assistance will be provided when needed. The City of Rochester's Community Development staff will notify residents of these services through translated statements (*e.g.*, "Free language assistance is available for accessing all Community Development programs.") to be published in French, Spanish, and any other languages identified in the future as being spoken by a significant number of LEP residents. These translated notices will be included on the following documents:

- Public comments notices;
- Public hearing notices;
- Notices of Intent to Request the Release of Funds;
- Findings of No Significant Impact;
- Drafts and finalized versions of CDBG action plans and annual reports; and
- CDBG grant applications.

## **Continuous Oversight of the LAP – Monitoring and Updates**

The City of Rochester's Community Development program will monitor and update this language access plan on an ongoing basis. If new demographic data is released by the federal or state government, the City of Rochester will review the data and update the language access plan accordingly. In addition, special attention will be made to incorporate this plan into the City of Rochester's Assessment of Fair Housing.