



LANGUAGE ACCESS PLAN City of Richmond, VA

As adopted November 1, 2016

I. Background

Title VI of the Civil Rights Act of 1964 prohibits recipients of federal financial assistance such as the City of Richmond and certain of its Departments from discriminating based on race, color or national origin in the provision of that federal financial assistance. The Federal Government interprets discrimination based upon national origin to include failure to ensure that persons who have “limited English proficiency” (LEP) can effectively participate in, or benefit from, federally assisted programs. Therefore, persons who, as a result of national origin, do not speak English as their primary language and who have limited ability to speak, read, write, or understand English may be entitled to language assistance under Title VI in order to receive a particular service, benefit, or encounter.

The United States Department of Housing and Urban Development promulgate the following guidance document: “**Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (January 22, 2007)**” (“**HUD’S LEP Guidance**”). Pursuant to that guidance, the City of Richmond has adopted this plan to “ensure meaningful access” to its programs and activities by LEP persons.

II. Statement of Purpose

The City of Richmond is a vibrant, growing and multi-cultural municipality. It has a rich and diverse history and culture. Although, it enjoys strong relationships with its ethnic and racial minority communities, the City remains committed to strengthening those relationships. The City is also dedicated to ensuring that all City residents have equal access to City services and programs.

This Language Access Plan (LAP) is designed to serve several purposes. First, it is structured as a response to concerns raised both by the U.S. Department of Housing and Urban Development and by a coalition of concerned stakeholders working with the Hispanic/Latino community with respect to the City’s efforts to deal

with code enforcement issues at several mobile home parks in the City. Those efforts resulted in litigation in federal court as well as the initiation of several complaints with HUD. Those efforts focused exclusively on City residents who speak either Spanish or Mixteco. This LAP is an integral part of the negotiated resolution of those matters.

Second, this LAP is forward-looking. The City anticipates that over the next several decades the number of persons within the City who have limited English proficiency and speak a primary language other than English will continue to grow. While our current analysis indicates that Richmond has an immediate need mainly for Spanish language services, other language needs will soon become acute as other ethnic communities grow. This LAP contains provisions to empower the City to continually re-assess the needs of its residents and to adapt accordingly. During the course of working with HUD and with legal representatives for Hispanic/Latino residents of the Mobile Home Parks, the City learned about the growing native Mixteco-speaking community that resides within those communities. Mixteco is an indigenous language centralized in a small area of Mexico. Finding interpreters with the necessary background in this language presents a difficult and unique challenge for the City moving forward. The City will work with community members to address ways to service them. This LAP contains procedures for helping assist residents who speak Mixteco or other less common languages, and – as set forth below – provides yardsticks to assist the City in determining when to expand its resources.

Finally, this LAP sets forth a series of bench-marks, both concrete and aspirational, to aid the City in evaluating existing services and planning for needed expansions of service. Although the City will provide Spanish language services immediately, it will continue to measure contacts with all residents in need of interpreting/translation services. At the same time, the City will also gather data on the language needs of the eligible population and beneficiaries on a program specific basis. This second subset of data is paramount to helping the City in its ongoing efforts to make certain that it can meet the needs of the LEP population.

III. Language Needs Assessment

HUD's Guidance sets forth a four-factor analysis to assist an entity in determining the extent of its obligation to provide LEP services. Those four factors are: 1) the number or proportion of LEP persons eligible to be served or likely to be encountered by the City; 2) the frequency with which LEP persons come in contact with the program; 3) the nature and importance of the particular City program, activity, or service provided by the program to people's lives; and 4) the resources available to the City.

Based upon a review of the four factors, it is clear that the City has an immediate and on-going need to provide Spanish language interpreting services and that the City needs to translate all of its vital documents in Spanish. At the same time, it is also apparent that the City does not need to translate vital documents into any other language at this time. As set forth in this Language Access Plan (“LAP”), the City will continue to provide “language line” interpretation services as needed and will review the language needs annually to determine if the City will begin translating vital documents into additional languages.

A. Number of LEP persons within the City

The City has considered data from HUD’s Affirmatively Furthering Fair Housing Data and Mapping Tool. A copy of the data considered is attached to this plan as **Exhibit A**. The City also considered data gathered over the previous calendar year (July 2015 – June 2016) that tracks the usage of the language line by City Departments. That information is attached as **Exhibit B**.

For purposes of this analysis, the City is adopting as a starting point the threshold levels set forth in the “safe harbor” section as outlined in the HUD Guidance to determine languages for which translation of documents is required. Oral translation will be offered (as set forth below) upon request and based upon need.

The data from HUD’s mapping tool indicates that there are 6,537 residents of the City of Richmond who are limited English proficient and who speak Spanish as a primary language. This represents 3.36 percent of the overall population of the City. Based upon these numbers, and applying the safe harbor grid, all vital documents should be translated into Spanish. Additionally, Spanish makes up more than 96 percent of the calls to the language line. Coupled with the City’s long-standing relationship with this community and the documented and known need, it is clear that the City must also continue to provide full-time interpretation services for Spanish speakers.

Based upon this same analysis, no other population meets the threshold for translation of vital documents. In addition, the City has received only sparse requests for translation or interpretation in any language other than Spanish. There exists within the City growing populations of individuals who are limited English proficient and who speak the following languages as a primary language: Korean, African dialects, Chinese and French. The City’s internal data also suggests that the City has had an increasing number of contacts with residents who speak Arabic, as well as Nepali, Portuguese and Vietnamese.

As set forth below, the City will review these numbers at the time of its annual review to determine if a threshold is met for the translation of vital documents. While relying on the “safe harbor” as a measuring stick, the City may decide that a language meets the threshold for vital document translation based upon an overall assessment of the population and the frequency of City contacts with the relevant group.

B. Frequency of Contacts

The City concludes that LEP persons are likely to come into contact with the City’s programs and services, including but not limited to Social Services, the Department of Planning Development and Review, and the Department of Economic and Community Development. Given the nature of the programs, residents are likely to have considerable direct contact with the programs and with the staff. In addition, all citizen participation activities are open to the general public.

This plan calls for the City to keep track of contacts with LEP persons, so as to better enable it to analyze the frequency of its contacts with such persons going forward.

C. Nature and Importance of the particular City program

Some City projects and programs provide direct assistance to beneficiaries, and some do not provide direct assistance to individuals. At the same time, as previously mentioned, all citizen participation activities are open to the general public. Therefore, it is clear that the City’s programs, projects and services are important. The City will update this analysis taking into consideration information and data that is gathered pursuant to the City’s recordkeeping.

D. Resources Available to the City

The City of Richmond has maintained an Office of Multicultural Affairs (“OMA”) for many years. That office has played – and will continue to play – a vital role in serving the language needs of the City’s LEP population. This Office consists of two full time English/Spanish interpreters who are paid City employees. Based upon the analysis conducted, the City does not believe that it needs to hire City employees solely to provide translation or interpreting services as of the effective date of this Plan for any language other than Spanish. That may change, however, as the population of other LEP persons continues to grow. In addition to OMA, the City also employs Spanish-English bilingual staff in social services and would like to hire such staff for code enforcement and in other areas as the need arises or as qualified candidates with the requisite experience present themselves.

As set forth below, the City will translate all vital documents into Spanish. The City has posted “I Speak” posters, as set forth in Section IV.A.5 below. The City will dedicate resources to providing interpreting/translation services for languages other than Spanish as needed upon request through in-person interpreters, when such interpreters are available and meet the level of skill required, or through the language line.

The City maintains a list of staff members outside of the office of Multicultural Affairs who have been identified as maintaining language skills and who may be able to serve as interpreters on a needed basis. Among the long-term goals of this LAP is for the City to implement a program to assess the language skills of these employees and to establish a training program for these employees, as needed to ensure professional and quality interpretation. At the same time, the City will request the Department of Human Resources to keep an eye out for otherwise qualified candidates for staff vacancies who possess language skills, especially in those languages on the list contained in **Exhibit A**.

IV. Language Access

A. Notices and Outreach

1. Since November 1, 2016, the following constitutes the City’s official statement of policy with respect to language services:

All City of Richmond residents will be provided an interpreter at no charge. The City does not require, request, or prefer that residents bring their own interpreter. Residents will not face any penalty or charge for using the City’s interpreter. Interpreters will be provided in a timely manner. The City uses only qualified adults as interpreters. If a resident brings his or her own interpreter in the future, the City will advise the resident that he or she can be provided a qualified interpreter at no cost. The City will not permit children less than 18 years of age to interpret.

Todos los habitantes de la Ciudad de Richmond serán proveídos con un intérprete sin costo alguno. La Ciudad no requiere, pide o prefiere que los habitantes usen su propio intérprete. Ningún habitante será penalizado o recibirá cargos monetarios por usar un intérprete de la Ciudad. Un intérprete será proporcionado con notificación

oportuna. La Ciudad únicamente utiliza intérpretes adultos y calificados. Si un habitante decide traer su propio intérprete en el futuro, se le notificará que la Ciudad le puede proveer un intérprete sin ningún costo. La Ciudad no permitirá el uso de menores de 18 años de edad como intérpretes.

This statement shall be distributed to all City Offices in both English and Spanish. This statement of policy shall include instructions in Spanish for LEP individuals to obtain language access when seeking assistance at City Offices.

2. Effective August 20, 2016, the following sign has been posted in all City offices in English and Spanish:

“Do you need an interpreter? If so, the City of Richmond will provide one at no charge. Please notify a City staff member and an interpreter will be provided.”

[Message in Spanish] ¿Necesita usted un intérprete? En este caso, la Ciudad de Richmond le proveerá uno sin ningún costo. Por favor notifíqueme al empleado de la Ciudad para que se le provea un intérprete.

3. If, at any point during the annual review of this LAP, the City determines that it is necessary to provide complete LAP services to individuals who speak languages other than Spanish, the sign set forth in IV.A.1 shall be revised to include the necessary wording in the new language.
4. The City will provide a copy of the “I Speak” card designed for Spanish speaking residents to all City Departments shown as **Exhibit C**. This will be distributed to LEP customers.

B. Language Access Coordinator

1. The City has appointed a language access coordinator (“LAC”) to oversee language access compliance and to receive complaints. The language access coordinator’s responsibilities shall include, but not be limited to, the following:
 - a. Ensuring compliance with the City’s obligations pursuant to this LAP;
 - b. Assisting City Departments who need to hire bilingual staff with verifying the language skills of those applicants;

- c. Staff training, as needed, including establishing a language proficiency program and certification program, and coordinating the training set forth below in Section B.8;
- d. Recordkeeping;
- e. Providing notice to LEP residents of changes in policies;
- f. Reviewing this LAP at least annually and updating this LAP as needed; and
- g. Developing the outreach plan set forth below.

The City's LAC is Olivier Faye, located under the Office of Multicultural Affairs. Contact information: 804-646-5454 olivier.faye@richmondgov.com.

The LAC has developed an outreach plan template to engage the LEP community, including developing community resources, partnerships, and other relationships to help with the provision of language services and outreach to LEP individuals. A copy of the current version of this template is attached. **Exhibit D.**

- 2. The LAC has developed a language access improvement plan (complaint and grievance), for adoption by the administration; this plan will continue to develop with ongoing feedback from residents. **Exhibit E**
- 3. The LAC shall interface with City Departments to keep track of the number of contacts that each Department has with LEP individuals. To ensure compliance with this portion of the plan, each City Department is required to track contact with LEP individuals as follows:
 - a. Effective November 1, 2016, each City Department shall begin keeping track of each contact that any member of that office has with an individual who is LEP. For purposes of this section, an individual will be determined to be LEP if that individual requests language assistance either directly or by way of the "I Speak" cards OR if the staff person otherwise determines that the individual is LEP based upon interaction with that individual. Each staff member should complete a form to track the interaction utilizing the form attached as **Exhibit F**.
The LAC shall maintain these records on file for two years.

- 4. The City has identified procedures to deal with all one-on-one encounters.
All one-on-one LEP interactions will be handled as details on section C. The LAC has determined that Groups involving 2 to 4 LEP individuals can be handled by City interpreters when the language is Spanish.

Other such meeting involving languages other than Spanish will be handled by outside vendors as needed. For meeting involving 5 or more LEP individuals, the City will procure a closed-circuit headphone system and the LAC has requested budgetary approval. A simultaneous interpreter will be contracted.

5. On or before March 1, 2017, The LAC shall establish a plan for training all bilingual staff that will serve as interpreters, which shall include, but not be limited to:
 - a. testing to ensure staff members are qualified to interpret;
 - b. the role of the interpreter;
 - c. confidentiality and impartiality;
 - d. recordkeeping procedures;
 - e. and all other interpretation protocol.
6. On or before March 1, 2017, the LAC shall develop a plan for annual training of City employees on HUD's LEP Guidance, the LAP, how to determine the need for interpretation, how to access an interpreter, how to respond to urgent requests for interpretation, how to handle interpretation in formal situations, and on recordkeeping procedures. The plan shall include periodic training for new hires and refresher trainings for all staff. In the interim, before this training is developed, a copy of this Plan shall be made available to every City employee, and guidance shall be provided to the Director of each City Department in how to fulfill that Department's obligations with respect to the tracking of LEP contacts, as set forth above.
7. The LAC shall review this LAP annually, in consultation with the City Attorney, the CAO and the Director of the Office of Multicultural Affairs. During that annual review, the LAC shall evaluate data gathered pursuant to this plan (including, but not limited to (i) LEP individuals with whom the City has had contact during the previous year, (ii) the size of the LEP populations as set forth in updated HUD mapping, census data or any other similar information, and (iii) the languages of the LEP populations), as well as any other relevant information, including updated guidance or training. If the LAC determines that changes are needed to this plan, including the addition of primary languages, the LAC shall update this plan and seek formal approval of the update from the CAO, or in such other manner as may be advised by the City Attorney.
8. If at any time the LAC is no longer able to perform the functions of the position, the City will appoint an interim replacement within 7 days.

This person will be responsible for the responsibilities of the position until such time as a permanent replacement is designated or hired.

C. Interpretation Services

1. The City will provide translation and interpretation services for Spanish-speaking residents primarily through the Office of Multicultural Affairs.
2. Interpretation and translation will be provided by qualified interpreters and translators relying upon normally recognized standards, and as set forth by guidelines established by the LAC.
3. Interpretation services will be provided in the following order:
 - a. In-person bilingual staff interpreter;
 - b. In-person contractor interpreter; or
 - c. Telephone interpreter.

In-person interpretation is always preferred over any other method and telephone interpretation (including language-line) services will only be provided when the other listed forms of interpretation are not available. Before relying on telephone interpretation, the City staff member must engage in best efforts to secure interpretation from an in-person interpreter.

Automated internet interpretation services will not be used **even in emergency situations**.

For all non-emergency situations, the City office in contact with an LEP individual shall seek to make an appointment with the LEP person at such a time as the City can provide an in-person interpreter who can be present at the meeting. For the limited purpose of facilitating these appointments, any City office may utilize an interpreter by phone conferencing.

4. Interpreters that are provided for residents at all informal and formal appeals or grievance hearings regarding proposed adverse actions shall be neutral, impartial, qualified, and provided at no cost to the residents. These interpreters shall not ask questions of the residents, but rather be present solely to interpret information between the City and the resident. All notices and documents for hearings and adverse actions

should inform residents of their right to a qualified, impartial, and neutral interpreter at no cost with clear instructions on how to request interpretation. These notices and documents shall be provided in Spanish or the necessary language for LEP individuals;

5. The City has adopted a form written authorization statement for LEP encounters. This statement has been included in **EXHIBIT F**.

The City of Richmond will provide a qualified interpreter to you at no charge. The City of Richmond does not request or prefer that you bring your own interpreter. You will not face any penalty or charge for using the City's interpreter. If you would like for the City to provide you with an interpreter, you will receive an interpreter in a timely manner. We will not permit children less than 18 years of age to interpret.

Todos los habitantes de la Ciudad de Richmond serán proveídos con un intérprete sin costo alguno. La Ciudad no requiere, pide o prefiere que los habitantes usen su propio intérprete. Ningún habitante será penalizado o recibirá cargos monetarios por usar un intérprete de la Ciudad. Si usted requiere la asistencia de un intérprete, éste será proveído oportunamente. Un intérprete será proporcionado con notificación oportuna. La Ciudad no permitirá el uso de menores de 18 años de edad como intérpretes.

The statement shall also include a section that records whether the individual chose to use the City's interpreter or their own interpreter and one that describes the proceeding where interpretation or translation was provided.

These forms shall be provided with respect to every LEP encounter.

The LAC shall maintain these records on file for two years.

D. Translation Services

1. The City of Richmond shall compile a list of vital documents that need to be translated into languages other than English for use by residents who are LEP. As set forth in HUD's LEP Guidance, a "vital document" is a "generic widely used written material." A non-exclusive list of examples of such documents includes:
 - a. Consent and complaint forms;

- b. Intake forms with the potential for important consequences;
 - c. Written notices of rights, denial, loss, or decreases in benefits or services, and other hearings;
 - d. Notices of eviction;
 - e. Notices advising LEP persons of free language assistance;
 - f. Notice of public hearings, especially those that meet Community Planning and Development's citizen participation requirements;
 - g. Leases and tenant rules;
 - h. Notices of Violation
 - i. Statements with respect to rights of appeal, and
 - j. Applications to participate in a program or activity or to receive benefits or services
2. In order to accomplish this task, every City Department shall compile a list of vital documents by December 15, 2016.
 3. Working with OMA and the LAC, each City office shall determine a timeline for translation of all identified vital documents into Spanish.
 4. With the exception of documents that need to be generated through the EnerGov system, the goal of the City is to provide for the translation of all vital documents so that a copy can be provided in Spanish upon request by October 1, 2017.
 5. Because of the significant sunk costs into the existing system and substantial budgetary impact of the incorporation of Spanish into the system, The Department of Planning and Development Review shall construct a timetable for the full incorporation of Spanish into the EnerGov system by October 1, 2018.
 6. Effective December 15, 2016, any individual who requests a copy of any document that is identified as a "vital document" that has not yet been translated into Spanish or any other language, will receive a copy of the following notice [in English and Spanish] along with the document:

"You are entitled to have a copy of this document provided to you in a language you can understand upon request. If you need this document translated into Spanish or read to you (interpreted) into a language you can understand, please notify the person who gave you this form that you want the document translated by returning this form and providing your name and contact information.

If you need assistance completing this form or understanding it, the City will provide you an interpreter but you will need to make an

appointment in order for the City to schedule a time for you to meet with the appropriate City official or employee and for an interpreter to be present.”

“Usted tiene el derecho de solicitar una copia de este documento traducido en el lenguaje de su preferencia con previa solicitud. Si usted necesita este documento traducido en español o si prefiere que le sea leído en español por un intérprete, notifique a la persona que lo atendió. Para recibir el documento traducido, provea su nombre, dirección y número de contacto.

Si usted necesita asistencia para llenar esta forma o para entenderla, la Ciudad le proporcionará un intérprete sin costo, pero tendrá que arreglar una cita para que el intérprete esté presente.”

7. Documents that are translated upon request may be copied and filed for future use.
8. Until the EnterGov system is able to provide all documentation in Spanish, all Notices of Violation issued by the City shall contain an attachment with the following statement in Spanish:

“This document is a notice from the City of Richmond that you have a problem with your home or property that must be corrected quickly. If you need help translating and understanding this document in Spanish, please call Martha Constanza Merlin at 804-646-6583 as soon as possible. You must file an appeal in writing within 14 days of the date of this notice if you believe it is incorrect. Send the appeal to: NOV Appeals, Martha Constanza Merlin, 900 E. Broad Street, Room G12, Richmond, VA 23219. If you do not file your appeal by the 14th day, you will lose your ability to dispute this violation.”

“Este documento es una notificación de la Ciudad de Richmond dejándole saber que usted tiene un problema con su casa o propiedad, que debe ser corregido pronto. Si usted necesita asistencia para traducir o entender este documento en español, por favor llame Martha Constanza Merlin al 804-646-6583 lo más pronto posible. Si cree que hay un error, usted debe llenar una solicitud de apelación por escrito, dentro de los próximos 14 días posteriores a la fecha de esta notificación, Envíe su apelación a: NOV Appeals, Martha Constanza Merlin, 900 E. Broad Street, Room G12, Richmond, VA 23219. Si usted no envía una apelación para el 14avo día, perderá la habilidad de disputar la violación.”

All environmental Notices of Violation shall contain the following statement in Spanish:

“This document is a notice from the City of Richmond that you have a problem with your home or property that must be corrected quickly. If you need help translating and understanding this document in Spanish, please call Martha Constanza Merlin at 804-646-6583 as soon as possible.”

“Este documento es una notificación de la Ciudad de Richmond de que usted tiene un problema con su casa o propiedad y debe corregirlo pronto. Si usted necesita ayuda para traducir o entender este documento en español, por favor llame Martha Constanza Merlin al 804-646-6583 lo antes posible.”

9. By February 15, 2017, the Language Access Coordinator will develop a plan for translating informational materials and notices that detail services and activities provided to residents. These documents are considered a lower priority than vital documents.
10. The list of vital documents is attached here as **EXHIBIT G**. This list is subject to revision.

E. Update to Current City References

1. By April 1, 2017, the LAC shall submit a plan to the CAO to correct and update the City’s website to include webpages for LEP persons that speak Spanish;
2. By March 1, 2017, the LAC shall submit a plan to the CAO to update the City’s interactive voice response systems for all telephone lines with instructions in Spanish;

F. City Participation Plan

The City’s revised Citizen Participation Plan is attached as **EXHIBIT H**.