

# **Limited English Proficiency Plan**

HUNTINGTON WOODS  
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A RESOLUTION OF THE  
CITY OF HUNTINGTON WOODS  
ADOPTING THE  
LIMITED ENGLISH PROFICIENCY (LEP) PLAN

**WHEREAS**, in accordance with Title VI non-discrimination laws in regard to providing appropriate access to services and activities provided by federal agencies and recipients of federal assistance, the Limited English Proficiency Plan was drafted to define how HUNTINGTON WOODS will accommodate persons with Limited English Proficiency; and

**WHEREAS**, individuals who do not speak English well and who have a limited ability to read, write, 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; and

**NOW, THEREFORE, BE IT RESOLVED** that the CITY OF HUNTINGTON WOODS City Commissioners approve and adopt the Limited English Proficiency Plan

Adopted the \_\_\_\_ day of

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MAYOR

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*City Clerk*

## Introduction

On August 11, 2000, President William J. Clinton signed an executive order, Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency<sup>i</sup>, to clarify Title VI of the Civil Rights Act of 1964. It had as its purpose, to 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<sup>ii</sup>. These individuals are referred to as being limited English 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 this Executive Order.

The City of Huntington Woods receives funds from the US Department of Transportation via the Federal Highway Administration.

The US Department of Transportation published *Policy Guidance Concerning Recipients' responsibilities to Limited English Proficient Person* in the December 14<sup>th</sup>, 2005 Federal Register.<sup>iii</sup>

The Guidance implies cities as organizations that must follow this guidance:

This guidance applies to all DOT funding recipients, which include state departments of transportation, state motor vehicle administrations, airport operators, metropolitan planning organizations, and regional, state, and local

transit operators, among many others. Coverage extends to a recipient's entire program or activity, i.e., to all parts of a recipient's operations. This is true even if only one part of the recipient receives the Federal assistance, for example, if DOT provides assistance to a state department of transportation to rehabilitate a particular highway on the National Highway System, all of the operations of the entire state department of transportation-not just the particular highway program or project-are covered by the DOT guidance.

### **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 and 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 to available transportation services is the Four-Factor Analysis identified by the USDOT.

These recommended plan elements have been incorporated into this plan.

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

The DOT 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 HUNTINGTON WOODS 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 DOT's guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small organizations and local governments.

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

The DOT guidance is modeled after the Department of Justice's guidance and requires recipients and sub recipients to take steps to ensure meaningful access 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 Huntington Woods 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 Census Bureau has a range of four classifications of how well people speak English. The classifications are *very 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 Census 2010 Data for Huntington Woods, City shows that 1.6% of the population identify themselves as speaking English *less than very well*.

**TABLE #1 HUNTINGTON WOODS 2010 CENSUS DATA**

LANGUAGE SPOKEN AT HOME	# of Individuals	Percentage
Population 5 years and over	5,726	5,726
English only	5,339	93.2%
Language other than English	387	6.8%
Speak English less than "very well"	91	1.6%

Spanish	98	1.7%
Speak English less than "very well"	25	0.4%
Other Indo-European languages	146	2.5%
Speak English less than "very well"	0	0.0%
Asian and Pacific Islander languages	66	1.2%
Speak English less than "very well"	66	1.2%
Other languages	77	1.3%
Speak English less than "very well"	0	0.0%

**Factor 2: Frequency of Contact with LEP Individuals**

The City of Huntington Woods is a full service community. Based upon the percentages presented in the 2010 census we serve very small community of LEP individuals. The City Hall is open to everyone, and we do adhere to a policy where persons whom need assistance may request assistance and be offered reasonable accommodations. The City Commission generally meets on two days per month and is open to the public. Staff recognizes that the Finance Officer is the individual whom is charged with allowing for equal accommodations for all who request assistance. In order to comply with Title VI guidelines, the management will request that information pertaining to contact with LEP individuals by employees while performing their respective daily duties as City employees be forwarded to the Finance Office.

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

The City of Huntington Woods serves individuals throughout the City in a variety of ways including managing roads, water, sewer, police, fire, elections, and other services to citizens of the City and others from outside the City. The nature of the services that the City provides is very important to an individual's day to day life. Denial of services to an LEP individual would have a significant detrimental effect. Although the LEP population is small we will ensure that LEP individuals are not denied access to our services.

**Factor 4: The Resources of the City of Huntington Woods and Overall Cost**

US Department of Transportation Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons published in the Federal Register: December 14, 2005 (Volume 70, Number 239) states:

*Certain DOT recipients, such as those serving very few LEP persons or those with very limited resources, may choose not to develop a written LEP plan.*

While the City of Huntington Woods serves very few persons with limited English proficiency, the city has developed a LEP plan.

**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 noncompliance, 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 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 scope of the Huntington Woods budget and the number of staff employed, 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 Huntington Woods to proceed with oral interpretation options for compliance with LEP regulations upon request.

## Providing Notice to LEP Persons

### **Federal LEP guidance:**

Once an agency has decided, based on the four factors, that it will provide language service, it is important that the recipient notify LEP persons of services available free of charge. Recipients should provide this notice in languages LEP persons would understand.

The guidance provides several examples of notification including:

1. Signage when free language assistance is available with advance notice.
2. Stating in outreach documents that language services are available from the agency.
3. Working with community-based organizations and other stakeholders to inform LEP individuals of the recipient's services, including the availability of language assistance services.

The City of Huntington Woods will provide statements in public information and public notices that persons requiring language assistance or special accommodations will be provided, with reasonable advance notice to the City.

### **Options and Proposed 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.<sup>iv</sup>

Huntington Woods is defining as interpreter as a person who translates spoken language orally, as opposed to a translator, who translates written language and a translator as a person who transfers the meaning of written text from one language into another. The person who translates orally is not a translator, but an interpreter.<sup>v</sup>

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.

#### **Actions:**

- 1) With advance notice of seven (7) calendar days, the City will provide interpreter services at the public meetings. Interpreter to include foreign language, and hearing impaired.
- 2) The City will utilize the *Translators Resource List* as provided by Michigan Department of Transportation when needed.
- 3) Placement of statements in notices and publications in languages that LEP individuals could understand stating that interpreter services are available for these meetings upon request, with seven days advance notice. The City has taken the initiative to have I-Speak cards printed and distributed for use at City Hall and other facilities where we may encounter persons whom desire services and have limited LEP.
- 4) Publications of the city's complaint form will be made available at all public meetings.
- 5) Discussion of these requirements and training of LEP policies and procedures with all staff.
- 6) LEP plan access via the city hall office during normal business hours and/or the city's website [www.ci.huntington-woods.mi.us](http://www.ci.huntington-woods.mi.us)
- 7) Public notice of language assistance measures in languages that LEP individuals could understand.
- 8) Copies of translated documents related to LEP where requested without cost.
- 9) The City's complaint form is available on the city's website and will also be made available upon request from the city hall office.

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<sup>i</sup> The executive order verbatim can be found online at <http://www.usdoj.gov/crt/cor/Pubs/eolep.htm>.

<sup>ii</sup> Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons. Federal Register: December 14, 2005 (Volume 70, Number 239)

<sup>iii</sup> The DOT has also posted an abbreviated version of this guidance on their website at <http://www.dotcr.ost.dot.gov/asp/lep.asp>.

<sup>iv</sup> <http://www.dotcr.ost.dot.gov/asp/lep/asp>

<sup>v</sup> Department of Justice Final LEP Guidelines, Federal Register June 18, 2002-Vol. 67-Number 117.