

# **CITY OF FORT MYERS**



## **U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT PROGRAMS**

### **LIMITED ENGLISH PROFICIENCY (LEP) PLAN APPENDIX A**

**City of Fort Myers**  
Community Development Department  
Housing and Real Estate Division  
1825 Hendry Street, Suite 101  
Fort Myers, Florida 33901

## BACKGROUND

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**, to clarify Title VI of the Civil Rights Act of 1964. Its purpose was to ensure accessibility to programs and services to 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, 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. It reads in part,

*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.

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

## INTRODUCTION

The US Department of Housing and Urban Development (HUD) published **Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient Person** in the January 22, 2007 Federal Register.

The City of Fort Myers is a HUD entitlement community. The City receives Community Development Block Grant (CDBG) and Neighborhood Stabilization Program (NSP) funding. As a recipient of federal financial assistance, the City has an obligation to reduce language barriers that can preclude meaningful access by LEP persons to important government programs, services, and activities. Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000(d) and its implementing regulations require that recipients take responsible steps to ensure meaningful access by LEP persons.

## PURPOSE

This document serves the City of Fort Myers commitment to provide access to all individuals accessing services and assistance. Limited English Proficiency (LEP) individuals are to be informed of the availability of free interpretation and translation services when it appears that the individual is not able to communicate effectively in English. Such services will be provided during all normal business hours and when an emergency has been determined to exist during non-business hours.

The purpose of this **Limited English Proficiency Plan**:

- (a) Grantee means the City of Fort Myers
- (b) Recipient means the entity designated as a recipient for grant assistance for funding. Subrecipient means any entity which receives funding assistance, directly from the State or from another recipient and includes, but is not limited to, any unit of local government, public housing authority, community housing development organization, public or private nonprofit agency, developer, private agency or institution, mortgagor, limited dividend sponsor, builder, property manager, resident management corporation, resident council, or cooperative association. Recipient also includes any successor, assignee or transferees of any such entity, but does not include any ultimate beneficiary under the HUD program.
- (c) LEP means Limited English Proficiency.
- (d) LAP means language access plan.

**I. Four Factor Analysis**

Recipients of assistance are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. There are four flexible, fact-dependent factors to be considered in developing language materials and a limited English Proficiency Plan.

- 1. The number or portion of LEP persons served or encountered in the eligible service area

*For determining the LEP population, the City of Fort Myers utilized the 2008-2010 American Community Survey 3-Year Estimates, S 1601 table entitled "Language Spoken At Home"*

|                                      | <b>Estimates<br/># of Persons</b> |
|--------------------------------------|-----------------------------------|
| <b>Population 5 years and over</b>   | <b>57,625</b>                     |
| English only                         | 42,009                            |
| Language other than English          | 15,616                            |
| Speak English less than "very well"  | 9,104                             |
| Spanish or Spanish Creole            | 9,939                             |
| Speak English less than "very well"  | 5,924                             |
| Other Indo-European languages        | 4,480                             |
| Speak English less than "very well"  | 2,684                             |
| Asian and Pacific Islander languages | 906                               |
| Speak English less than "very well"  | 325                               |
| Other languages                      | 291                               |
| Speak English less than "very well"  | 173                               |

*Based on this data, the City meets the 1,000 LEP persons threshold for Spanish or Spanish Creole speaking LEP persons and other Indo European language speaking LEP persons.*

- 2. The frequency with which LEP individuals come in contact with the designated grantees.

*The City of Fort Myers provides direct assistance to individuals as well as nonprofits. However, the City of Fort Myers Housing and Real Estate Division staff also provides referrals to agencies and does come into contact with LEP individuals. The frequency of this is typically less than ten (10) times per year. The City of Fort Myers also may come in contact with LEP individuals during Davis Bacon interviewing. The frequency of Davis Bacon interviewing is approximately once every year. The language that is predominantly used is Spanish.*

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

*As stated previously, the City does provide direct assistance to individuals and provides referrals to agencies and does come into contact with LEP individuals. These referrals are primarily related to social services. The City does handle all of the citizen participation documents. These documents guide how the City handles HUD funding therefore the availability of these documents in alternative languages has importance.*

4. The resources available to the recipient and the cost. There are two types of assistance service—oral (interpretation) and written (translation).

*Currently, the LAP measures are reasonable given the resources available to the City of Fort Myers. The City has Spanish speaking staff members that provide oral and written translation upon request at no cost.*

## **II. Types of language assistance to be provided by the City of Fort Myers:**

As stated previously, all citizen participation matters are directed by the City of Fort Myers; therefore, the City will offer Plans and Amendments in Spanish only upon request. Additionally, all published citizen participation advertisements will include a statement in Spanish indicating materials are available in Spanish upon request. If other populations of LEP residents are identified after the 2010 U.S. Census, the City will consider additional measures to serve the language access needs of those persons.

## **III. Evaluation**

All agencies receiving federal funds will report annually as part of the Grantee Performance Report on services provided to LEP persons. Agencies will review their respective plans each year to evaluate their effectiveness and to make any needed changes. The Housing and Real Estate Division will assist agencies in finding appropriate translation resources, and disseminate translated HUD notices, brochures, posters, and other documents.

### **Availability and Access:**

The City's HUD LAP Plan will be available to the public. The information will be made available in a form accessible to persons with disabilities upon request to the Manager, Department of Planning and Development- Housing and Real Estate Division, 1825 Hendry Street, Suite 101, Fort Myers, FL 33901, Tel. (239) 321-7970, Fax (239) 344-5923.

Citizens, public agencies, and other interested parties will have reasonable and timely access to information and records relating to the LAP plan. All records that are public under the state of Florida Statute will be made accessible to interested individuals and groups during normal working hours.

### **Complaints:**

At any time, citizens may submit complaints related to the HUD LAP Plan, and the by writing the Manager, Department of Planning and Development- Housing and Real Estate Division, 1825 Hendry Street, Suite 101, Fort Myers, FL 33901, Tel. (239) 321-7970, Fax (239) 344-5923. The City will provide a written response to every written citizen complaint that relates to the HUD LAP Plan within 15 working days.