

**LANGUAGE ACCESS PLAN
FOR LIMITED ENGLISH PROFICIENCY PERSONS**

**HUD CONSOLIDATED FORMULA ALLOCATION PROGRAMS
CDBG, ESG, HOME, HOPWA**

**CITY OF BIRMINGHAM, ALABAMA
DEPARTMENT OF COMMUNITY DEVELOPMENT**

Effective Date: July 1, 2009

**WEBSITE POSTING: www.birminghamal.gov ; Community Development
Department Webpage.**

Purpose: In Compliance with Executive Order 13166, the City of Birmingham’s (hereinafter referred to as “the City”) Community Development Department has developed the following Language Access Plan (LAP) for Limited English Proficiency (LEP) persons.

History: Title VI of the Civil Rights Act of 1964 is the federal law which protects individuals from discrimination on the basis of their race, color, or national origin in programs that receive federal financial assistance. In certain situations, failure to ensure persons who have limited English proficiency can effectively participate in, or benefit from, federally assisted programs may violate Title VI’s prohibition against national origin discrimination.

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 to receive a particular service, benefit, or encounter.

City of Birmingham Community Development Department Four-Factor

Analysis: The following four factor analysis will serve as the guide for determining which language assistance measures the City’s Community Development Department will undertake to guarantee access to HUD’s Consolidated Formula Allocation Programs by LEP persons. They are as follows: Community Development Block Grant (CDBG) Program, HOME Investment Partnership (HOME) Program, Emergency Shelter Grant (ESG) Program, and Housing Opportunities for Persons with AIDS (HOPWA) Programs. Additionally, all other HUD Programs, including Stimulus Programs, will be included as a part of this plan.

1. The threshold for triggering LEP compliance is at least 5% LEP population or more than 1,000 persons. For determining the LEP population in Birmingham, Alabama, the Community Development Department utilized U.S. Census Bureau Characteristics of People by Language Spoken at Home (S1603); Data Set 2006 American Community Survey. Based on this data, the City of Birmingham has persons with imputed language status of 3.1%. Further, the Alabama Department of Economic and Community Affairs provided the following data based on census data posted on www.census.gov showing 1,157 persons who do not speak English well or not at all triggering the requirement.

Birmingham City, Alabama:

Total: 3,252

Speak only English: 808

Speak Spanish: 2,399

Speak English “Very Well”: 717

Speak English “Well”: 525

Speak English “Not Well”: 782

Speak English “Not at all”: 375

Speak other language: 45

Speaks English “Not Well” 782 + Speaks English “Not At All” 375 = 1,157 persons.

2. The frequency with which the LEP Persons come into contact with the program.

Birmingham’s population according to the 2000 Census, numbered approximately 243,000 persons. This census data reflects a drop in population since its peak of 340,887 in 1960. Racially, the Birmingham census data reflects diversity. Based on the most recent census estimates, the following races are present in the population: Caucasians number approximately 50,000; the African American population numbers approximately 179,000; the Asian population, approximately 2,000; the Hispanic population numbers approximately 3,500 and other (Hispanic or Latino of any race) approximately 5,000. The median age for residents of Birmingham of Birmingham is 34 years of age with females accounting for 54% of the population and males accounting for 46% of the population. According to the U.S. Census Bureau for the year 2000, the minority population of Birmingham is 76%.

Based on 2000 census data, the City’s Community Development Department estimates of all citizens that come into contact with its HUD programs less than 3.1 percent are LEP persons. According to an October, 2007 HUD Fair Housing and Equal Opportunity Letter of Findings-Compliance Review, from 2003-2005 Birmingham CDBG Grant Beneficiaries were as follows:

CENSUS DATA 2000:

| <u>RACE</u> | <u>POPULATION</u> |
|------------------|-------------------|
| White | 50,000 / 20.58% |
| African American | 179,000 / 73.66% |
| Native American | 2,000 / 0.82% |
| Asian | 3,500 / 1.44% |
| Hispanic | 5,000 / 2.06% |
| Other | 3,500 / 1.44% |
| Total | 243,000 / |

CDBG GRANT BENEFICIARIES:

| <u>2003</u> | <u>Housing</u> | <u>Non-Housing</u> |
|------------------|----------------|--------------------|
| White | 12.7% | 20.8% |
| African American | 86.8% | 79.0% |
| Native American | 0.0% | 0.0% |
| Asian | 0.2% | 0.0% |
| Hispanic | 0.0% | 0.1% |
| Other | 0.3% | 0.1% |

| <u>2004</u> | <u>Housing</u> | <u>Non-Housing</u> |
|------------------|----------------|--------------------|
| White | 6.8% | 18.7% |
| African American | 91.7% | 81.0% |
| Native American | 0.0% | 0.0% |
| Asian | 0.0% | 0.0% |
| Hispanic | 0.1% | 0.1% |
| Other | 1.3% | 0.2% |

| <u>2005</u> | <u>Housing</u> | <u>Non-Housing</u> |
|------------------|----------------|--------------------|
| White | 6.7% | 18.7% |
| African American | 91.7% | 81.0% |
| Native American | 0.0% | 0.0% |
| Asian | 0.1% | 0.0% |
| Hispanic | 0.1% | 0.1% |
| Other | 1.4% | 0.2% |

As a result, HUD concluded, in the form of a concern, that residents in the Birmingham area **whose race is other than African Americans** are not participating in the City's programs at levels comparable to their representation in the population.

HUD recommended that the City should advertise the housing programs in the local newspapers with general circulations and take other affirmative steps to ensure that citizens of all races and national origins represented in the City's population are informed of programs the City is offering for which they may be eligible to participate. To that end in light of the HUD concern, efforts to further improve communicating program information to all residents in the Birmingham area, particularly LEP persons, are reasonable and is the primary purpose of this plan.

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

The City's Community Development Objectives are to foster neighborhood stability, to utilize CDBG funds for physical improvements and housing rehabilitation, to encourage business development and jobs, and to foster increased housing production and home ownership for families at all income levels.

The projected use of funds stated herein has been developed so as to give maximum feasible priority to activities which will benefit low-and moderate income families or aid in the prevention or elimination of slums and blight. In addition, the projected use of funds is consistent with the City's established strategy of stabilizing the City and reversing negative trends associated with urban decay and blight.

The City's strategy for community development has three basic goals: 1) To encourage neighborhood stability through physical improvements and housing rehabilitation; 2) Improve the economic life of the City by encouraging business development and jobs, and 3) foster increased production and home ownership for families at all income levels. The City intends to continue its efforts to obtain available federal, state, local, and private funding, to provide for community wide improvements in each of the areas outlined above in as many communities and neighborhoods as funding permits.

All HUD programs are geared toward these objectives and outcomes and to that end, these programs and activities are highly important. Additionally, it is important that information relating to these programs is available in a reasonable manner to all citizens, particularly those with Limited English Proficiency.

4. The resources available and costs to the City.

Successful application for HUD funding depends entirely on the coordination of the City's annual HUD Consolidated Planning and Strategic Plan Development submission process as well as the implementation of the City's Annual Action Plan. This responsibility includes the coordination, development, and submission of the City's annual Consolidated Plan to the U.S. Department of Housing and Urban Development (HUD) for the receipt of HUD Consolidated Formula allocation funding and program income receipts. These programs include the Community Development Block Grant Program (CDBG), HOME Investment Partnership Program (HOME), Emergency Shelter Grant Program (ESG), and the Housing Opportunities for Persons with AIDS (HOPWA) Program. The following is a five year summary of HUD Program funding received through the successful completion of all HUD regulatory requirements:

| PY | CDBG | HOMEADDI | HOPWA | ESG | |
|--------|--------------------|--------------------|-------------|------------------|------------------|
| 2005: | \$7,595,149 | \$2,246,287 | \$ 76,541 | \$497,000 | \$293,219 |
| 2006: | \$6,853,637 | \$2,121,412 | \$ 38,193 | \$511,000 | \$292,138 |
| 2007: | \$6,847,776 | \$2,009,252 | \$ 38,193 | \$516,000 | \$295,584 |
| 2008: | \$6,587,112 | \$2,033,367 | \$ 15,432 | \$538,000 | \$295,046 |
| 2009: | <u>\$6,643,279</u> | <u>\$2,271,553</u> | <u>\$ 0</u> | <u>\$554,848</u> | <u>\$293,281</u> |
| | \$34,526,953 | \$10,681,871 | \$168,359 | \$2,616,848 | \$1,469,268 |
| Total: | \$49,463,299 | | | | |

STIMULUS FUNDING:

The City’s Community Development Department has coordinated the following application processes this year to make application for the following stimulus funding programs:

- Neighborhood Stabilization Program (NSP-HUD): \$2,580,214
 - Neighborhood Stabilization Program (NSP-ADECA): \$2,000,000
 - Homeless Prevention and Rapid Re-Housing (HPRP-HUD): \$2,735,730
 - Community Development Block Grant (CDBG-R): \$1,788,754
- \$9,104,698

Currently, the LAP measures outlined herein are reasonable given the HUD resources available to the City’s Community Development Department.

Types of language assistance to be provided by the City’s Community Development Department: The Community Development Department will publish its HUD Action Plans and amendments on the City Website in Spanish. Furthermore, a Spanish translation icon is provided on the City’s website (www.birminghamal.gov) so all Community Development Department program materials and information can be easily translated into Spanish. Additionally, all published citizen participation advertisements will include a statement in Spanish indicating that materials are available in Spanish upon request.

HUD has posted additional information regarding Limited English Proficiency on its website at www.hud.gov/offices/fheo/promotingfh/lep.cfm.

July 1, 2009

James F. Fenstermaker, Director
Community Development Department