

TITLE VI

IMPLEMENTATION PLAN

Department for Local Government
with the
Kentucky Infrastructure Authority and the
Office of Broadband Development

June 2024





Matt Sawyers, Commissioner
100 Airport Road, 3rd Floor
Frankfort, Kentucky 40601
(502) 573-2382
dlg.ky.gov

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I. GLOSSARY OF COMMON TERMS

“Beneficiary or recipient” means the individual or organization for whom federal funds are intended.

“Implementation plan” means the Title VI implementation plan developed and maintained by DLG to ensure compliance with 42 U. S. C. § 2000d et. seq. and KRS 344.015.

“Title VI Compliance Officer” means DLG employee designated by the Responsible Official to coordinate all Title VI activities of DLG.

“Responsible Official” means the person identified in Section IV, *infra*.

II. OVERVIEW

The Department for Local Government (DLG) provides financial help to local governments in the way of grant and loan assistance, and advises local governments in matters of budget, personnel and other items relevant to those entities. As an administrator of federal grant monies, DLG is subject to Title VI of the Civil Rights Act of 1964 (42 U. S. C. § 2000d). Further, DLG has the duty to ensure that all entities receiving federal funds through grant programs administered by DLG are compliant with Title VI.

DLG has adopted a plan to improve access to services for persons with Limited English Proficiency, as required by Executive Order 13166. The provisions of DLG’s LEP plan are incorporated in this plan as though set forth fully herein.

The Kentucky Infrastructure Authority (KIA), and within it, the Office of Broadband Development (OBD), both of which also provide some federal funds to local government entities, are administratively attached to DLG, and hereby adopt DLG’s Title VI plan in its entirety. All references to “DLG” in this plan shall be interpreted to include KIA and OBD.

III. SCOPE OF TITLE VI APPLICABILITY TO PROGRAMS AND ACTIVITIES

DLG affords all individuals the opportunity to benefit from programs it administers.

1. Title VI of the Civil Rights Act of 1964 (42 U. S. C. § 2000d) provides:

No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

2. The Code of Federal Regulations (CRF) 34 § 100.1, 100.2, and 100.3 implement the provisions of the federal statute.
3. KRS 344.015 § 1(2) states:

Each state agency shall:

- A. Develop a Title VI implementation plan by January 1, 1995. If required by Title VI or regulations promulgated thereunder, the implementation plan shall:
 - a. Be developed with the participation of protected beneficiaries; and
 - b. Include Title VI implementation plans of any sub-recipients of federal funds through the state agency;
- B. Submit a copy of the implementation plan to the Auditor of Public Accounts and the Human Rights Commission; and
- C. Submit annual Title VI compliance reports and any implementation plan updates to the Auditor of Public Accounts and the Human Rights Commission by July 1, 1995, and each July 1 thereafter.

The federal statute codified as 42 U. S. C. § 2000d and state statute KRS 344.015 provide the authority for the development of this plan and describe the extent of the authority.

Title VI applies to discriminatory acts based on race, color, or national origin and specifically prohibits the exclusion of individuals or groups from participation in, or enjoying the benefits of, federal programs. Title VI does not provide relief for discrimination based on age, sex, disability, geographic location, or wealth.

IV. RESPONSIBLE OFFICIAL

Matthew Stephens, General Counsel, has overall responsibility for implementation, compliance and reporting with respect to Title VI. Inquiries related to these activities should be directed to:

Matthew Stephens
General Counsel
Department for Local Government
100 Airport Road, 3rd Floor
Frankfort, Kentucky 40601
(502) 573-2382
Matt.Stephens@ky.gov

V. STATEMENT OF ASSURANCES

DLG and its staff, sub-recipients of federal funds under grants administered by DLG, and all other parties involved with such grants are in compliance with all provisions of Title VI of the Civil Rights Act of 1964 (42 U. S. C. § 2000d).

1. Each sub-recipient of federal funds under grants administered by DLG shall have agreed in writing to adopt DLG’s Title VI plan, or
2. If the sub recipient's Title VI plan differs from DLG’s plan, the sub-recipient’s Title VI plan shall be available for review from the Responsible Official.

VI. PROGRAMS OR ACTIVITIES SUBJECT TO TITLE VI

1. List of Federal Programs:

DLG		
ARC	Federal Grant	DLG administers grants to recipients
CDBG	Federal Block Grant (HUD)	DLG administers grants to recipients
DRA	Federal Grant	DLG administers grants to recipients
EDA	Federal Grant (EDA)	DLG administers grants to recipients
Flood	Federal Grant	Pass through
LFRF	Federal Grant (ARPA)	Pass through
LWCF	Federal Grant (DOI)	DLG administers grants to recipients
Forestry	Federal Grant	Pass through
NSP	Federal Grant (HUD)	DLG administers grants to recipients
RTP	Federal Grant (FHWA)	DLG administers grants to recipients
Fund A	Federal Grant	KIA administers loans to recipients
Fund F	Federal Grant	KIA administers loans to recipients
CWP	Federal Grant	KIA administers grants to recipients
BEAD	Federal Grant	OBD administers grants to recipients
RIIP	Federal Grant	OBD administers grants to recipients
BDP	Federal Grant	OBD administers grants to recipients
BDF / CPF	Federal Grant	OBD administers grants to recipients

2. Description of DLG’s Federal Programs: In addition to the information below, more detailed descriptions of and information on grant programs, including eligibility requirements, applications and forms, are available on DLG’s website at: <https://dlg.ky.gov/Pages/index.aspx>.

- A. The Appalachian Regional Commission (ARC) is a federal-state economic development agency which assists in the economic development of Appalachia through a diversity of projects in the areas of public infrastructure (water, sewer, solid waste, housing, and telecommunications), human resource development (education/workforce development, affordable/accessible healthcare, and leadership development) and business/entrepreneurial development.

Potential Beneficiaries Local governments, special districts, and non-profit entities that include Kentucky's 54 most eastern and south-central Counties are eligible to apply for ARC grant dollars. Thirty-eight "distressed" counties also have access to a separate restricted allocation of funds.

- B. U.S. Housing and Urban Development's Community Development Block Grant (CDBG) program. Funds are designated for the following program areas:

- Housing
- Community Projects
- Public Services
- Public Facilities
- Economic Development
- Community Emergency Relief Fund
- Recovery Housing Program
- Disaster Recovery

The U.S. Department of Housing and Urban Development (HUD) funded Community Development Block Grant (CDBG) program for DLG to provide assistance to communities for use in revitalizing neighborhoods, expanding affordable housing and economic opportunities, providing infrastructure and/or improving community facilities and services.

Potential Beneficiaries: All cities and counties are eligible to apply for the funds with the exception of Ashland, Bowling Green, Covington, Elizabethtown, Henderson, Hopkinsville, Lexington-Fayette County, Louisville/Jefferson County Metro Government, and Owensboro. These entitlement communities receive CDBG funds directly from HUD.

- C. The Delta Regional Authority (DRA) is a federal-state economic development program restricted to a 21-county area of western Kentucky.

Delta Regional Authority funds are used to help economically-distressed communities leverage other federal, state and local dollars for community development projects that focus on infrastructure development, business development/entrepreneurship and job training services.

Potential Beneficiaries: Cities, counties, special districts and non-profit entities are eligible. No maximum project amount; no specific match required but priority is given to projects that leverage other funding sources and create jobs.

- D. EDA Partnership Planning Grant: This grant is funded by the Economic Development Administration with a match requirement from the State's Local Matching Fund for Joint Funding Administration. The grant funds will be used to provide planning and development services on a local and regional basis to the 15 Area Development Districts (ADDs), and also provides the opportunity for the ADDs to give technical assistance to local units of government in various areas and assists DLG in the conduct of programs deemed essential to the conduct of the mandate.

Potential Beneficiaries: Commonwealth of Kentucky to Kentucky's 15 ADDs.

- E. The Flood Control Receipts program provides "pass-through" funds to counties. The State Local Finance Officer receives a check annually from the US Army Corps of Engineers. The check is deposited with the KY State Treasurer, authorization for payment to Counties is processed and checks are then prepared to send this money to the Counties in accordance with the statement from the federal government which was enclosed with the check.

Potential Beneficiaries: Counties.

- F. Local Fiscal Recovery Funds (LFRF) was established by the American Rescue Plan Act for local governments to cover lost revenues and COVID-19 pandemic-related expenditures.

Potential Beneficiaries: All Kentucky non-entitlement cities. County governments and entitlement units of local government must request funding directly from the U.S. Department of the Treasury.

- G. The Land and Water Conservation Fund (LWCF) provides federal grant funds to protect parks and natural areas, to acquire land for outdoor recreation and to develop or renovate public outdoor recreation facilities such as campgrounds, picnic areas, sports & playfields, swimming facilities, boating facilities, fishing facilities, trails, natural areas and passive parks.

Potential Beneficiaries: Cities and counties, state and federal agencies are eligible to apply for funding. The maximum grant amount is \$250,000. The minimum amount is \$25,000. There is an 80/20 match requirement.

- H. The National Forest Receipts program provides “pass-through” funds to counties. The State Local Finance Officer receives notice of wire transfer from the US Department of Agriculture Forest Service for funds to be distributed annually to various counties.

Potential Beneficiaries: Counties.

- I. The Neighborhood Stabilization Program was established for the purpose of stabilizing communities that have suffered from foreclosures and abandonment through the purchase and redevelopment. DLG administers these federal funds from the first and third funding rounds, as well as program income through a revolving loan fund for projects meeting federal requirements for NSP projects.

Potential Beneficiaries: Units of local government and nonprofit housing agencies.

- J. The Recreational Trails Program provides grant funds to develop and renovate recreational trails for both motorized and non-motorized use. It does not fund equipment such as mowers and gators.

Potential Beneficiaries: Eligible applicants are city and county governments, state and federal agencies. The maximum grant amount is \$250,000. The minimum amount is \$25,000. There is an 80/20 match requirement.

- 3. Description of KIA’s Federal Programs: In addition to the information below, more detailed descriptions of grant programs, including eligibility requirements and applications forms are available through KIA’s website at <https://kia.ky.gov/Pages/index.aspx>.

- A. Program: Federally Assisted Wastewater Revolving Loan Program

The Federally Assisted Wastewater Revolving Loan Program also known as the State Revolving Fund (“Fund A”) was established in FY88. KIA provides low interest loans for eligible projects that comply with the Clean Water Act. Program funding is provided by annual Federal Capitalization Grants through the U.S. Environmental Protection Agency and the Commonwealth provides state matching monies. Additional program funds are provided through leverage bond proceeds and loan repayments. Supplemental funding was provided through the Infrastructure Investments and Jobs Act (“IIJA”, also known as the Bipartisan Infrastructure Law or “BIL”) with some funding specifically designated for projects that address Emerging Contaminants.

Potential Beneficiaries: Borrowers must be governmental agencies and may include city and county governments, sanitation districts and water/sewer commissions.

B. Program: Federally Assisted Drinking Water Revolving Loan

The Federally Assisted Drinking Water Revolving Loan Program also known as the State Revolving Fund (“Fund F”), was established in FY97. KIA provides low interest loans for eligible projects that comply with the Safe Drinking Water Act. KIA also provides set-aside funds to 15 area development districts/rural water associations for eligible costs related to the administration of Safe Drinking Water Act initiatives. Program funding is provided by annual Federal Capitalization Grants through the U.S. Environmental Protection Agency and the Commonwealth provides state matching monies. Additional program funds are provided through leverage bond proceeds and loan repayments. Supplemental funding was provided through the Infrastructure Investments and Jobs Act (“IIJA”, also known as the Bipartisan Infrastructure Law or “BIL”) with some funding specifically designated for projects that address Emerging Contaminants and Lead Service Line Replacement.

Potential Beneficiaries: Borrowers must be governmental agencies that are also public water system providers and may include city and county governments, sanitation districts, water/sewer commissions, and water associations.

C. Program: Cleaner Water Program Grants

The Cleaner Water Program Grants, funded by the American Rescue Plan Act - State Fiscal Recovery Fund, is a grant program to improve drinking water and wastewater facilities. Funding was provided to each county based on a percentage of total state population. Designated funding was specifically reserved to provide water service to unserved customers, to assist utilities under Consent Decree, and to supplement partially funded projects. Program funds must be obligated by December 31, 2024 and spent by December 31, 2026.

Potential Beneficiaries: Governmental agencies which may include city and county governments, sanitation districts, water/sewer commissions, and water associations.

4. The Office of Broadband Development (OBD), which is administratively attached to KIA, was established in 2022 as the central broadband planning and coordination entity to encourage, foster, develop, and improve broadband within

the Commonwealth. In addition to the information below, there are more detailed descriptions of the various funding programs, including eligibility requirements, application forms on OBD's website: <https://broadband.ky.gov/Pages/index.aspx>.

A. Program: Broadband Equity Access and Deployment

The Broadband Equity Access and Deployment program, under the Bipartisan Infrastructure Law, will expand high-speed internet access by funding broadband planning, infrastructure deployment and adoption programs.

B. Program: Rural Infrastructure Improvement Fund Pole Program

The Rural Infrastructure Improvement Program is funded by the American Rescue Plan Act's State Fiscal Recovery Fund. The purpose of the Rural Infrastructure Improvement Fund is to expedite and facilitate the deployment of broadband service to individuals, businesses, agricultural operations, and community access points in unserved locations by reimbursing a portion of eligible utility pole replacement costs incurred by eligible applicants. The Office of Broadband Development has the authority to award grants to assist with pole replacements costs.

C. Program: Broadband Deployment Fund

The Broadband Deployment Fund, funded by the American Rescue Plan Act under the State and Local Fiscal Recovery Funds, is a competitive grant program designed to provide affordable, reliable broadband service to locations that currently have no internet service, followed by areas that currently lack access to internet at speeds of 25/3 Mbps. The program aims to enable funding to reach rural areas of the Commonwealth that are hardest to serve.

D. Program: Better Internet Program

Kentucky's Better Internet Program Broadband Deployment Grant assists governmental agencies and private sector entities expanding broadband service in unserved areas of the Commonwealth. The broadband deployment projects funded by this program will result in the construction or improvement of broadband infrastructure providing a minimum speed of 100 megabits (Mbps) per second downstream and 100 megabits per second upstream in areas of the Commonwealth that are currently unserved.

VII. COMPLAINT PROCEDURES

1. COMPLAINT PROCEDURES

A. How a complaint shall be filed

Complaints in relation to alleged discrimination under Title VI of the Civil Rights Act of 1964 may be filed using the forms attached in the Appendix. If an individual refuses to submit a written complaint, the compliance officer shall record the information orally from the individual and shall provide a copy to the individual with a request that the information be confirmed by the complainant.

A complaint may be filed by anyone who believes that DLG has discriminated against a participant, beneficiary, or a class of beneficiaries on the basis of race, color, or national origin.

Complaints must be filed within one hundred eighty (180) days of the activity which prompts the filing of the complaint.

B. Where to file a complaint

Complaints in relation to alleged discrimination under Title VI of the Civil Rights Act of 1964 may be filed with DLG's Title VI compliance officer.

Laura Redmon
Title VI Compliance Officer
Department for Local Government
100 Airport Road, 3rd Floor
Frankfort, Kentucky 40601
(502) 573-2382
Laura.Redmon@ky.gov

C. Time frame within which the complaint shall be processed by the agency; and

Upon receipt of a written complaint, the compliance officer shall review the complaint and shall file, within seven (7) days, a concise statement with the Responsible Official regarding the nature of the complaint and the steps to be taken to investigate or resolve the complaint

D. Withdrawal of a complaint;

A complainant may withdraw a complaint at any time before final action by filing with the compliance officer a written statement of his or her desire to withdraw the complaint.

2. INVESTIGATIONS, REPORT OF FINDINGS, HEARINGS AND APPEALS.

A. Investigations

Upon receipt of the complaint by an individual or at the time the compliance officer becomes independently aware of actions which may constitute a violation of Title VI, the compliance officer shall take necessary action within thirty (30) days to investigate and recommend specific actions to resolve the complaint. A report shall be filed by the compliance officer with the Responsible Official within that period.

B. Report of Findings

The complainant shall be notified in writing of the results of the investigation and any actions taken.

DLG shall attempt to maintain the confidentiality of the complaint and the name of the complainant.

The complainant shall be notified in writing, within 30 days of the resolution of a complaint, by the Responsible Official or the Title VI compliance officer of the resolution of a complaint. A statement of corrective action shall include specific statements of actions to be taken or prohibited actions and shall include a timetable for implementation.

C. Hearings and Appeals

A complainant may file a written appeal from the Responsible Official's resolution of the complaint within 30 days of the receipt of the written notice of resolution. Appeals shall be directed to the Chief of Staff of the Department for Local Government and shall be set forth in writing. The complainant shall be notified of the final resolution of the complaint within 60 days of the Chief of Staff's receipt of the appeal.

A complainant filing a written appeal may request an in-person hearing before the Chief of Staff of the Department for Local Government. Such request shall be set forth in writing and shall be submitted contemporaneously with the

written appeal. The complainant shall be notified of the date, time and place of the hearing within 15 days of DLG's receipt of the request.

VIII. NON-COMPLIANCE AND COMPLIANCE REPORTING

1. DLG shall make every effort to regulate, monitor, review, and report on the federal programs to assure compliance.

As part of DLG's process of monitoring local government entities for compliance with their contractual obligations under grant agreements, DLG endeavors to monitor and review each entity's Title VI plan and their efforts to adhere to that plan or DLG's plan, and to review any Title VI complaints filed with the entity.

2. Upon a finding by DLG of noncompliance, the following actions shall be taken:

A. Processing

The compliance officer shall immediately notify the Responsible Official in writing of the violations held to constitute noncompliance with Title VI and of the steps necessary to correct these violations.

B. Reporting

The compliance officer shall notify the sub-recipient or employee found to be in noncompliance, in writing within 30 days of the compliance officer's report of noncompliance, of the violations and corrective measures necessary to remedy the violations.

C. Resolution

DLG shall attempt to secure voluntary compliance with Title VI. In the event that efforts to secure voluntary compliance are not secured within a reasonable period of time, the compliance officer will notify the Responsible Official, in writing, of the recommended corrective action.

D. Enforcement of corrective actions

The Responsible Official shall implement corrective actions within thirty (30) days of receipt and acceptance of the notification of recommended corrective action.

Employees or grant sub-recipients who refuse to voluntarily comply with Title VI or to take corrective actions required by DLG shall face disciplinary action, or in the case of grant sub-recipients, may face termination or suspension of the grant.

E. Monitoring of programs

DLG shall undertake to periodically monitor all programs funded through federal assistance for those sub-recipients who have been found by DLG to be in non-compliance with Title VI. For a period of three years following a finding of non-compliance, those sub-recipients shall be required to submit an annual report detailing the steps taken by the sub-recipient to ensure compliance with Title VI.

IX. TRAINING

The Title VI implementation plan will be disseminated to all DLG employees along with complaint procedures. Sub-recipients of grants will be notified of the Title VI implementation plan and complaint procedures at the time of any grant award.

DLG may periodically hold Title VI training seminars for its employees, particularly for those individuals responsible for monitoring sub-recipients for Title VI compliance. All new employees shall receive a copy of DLG's Title VI plan as part of the orientation process.

X. GOALS AND EVALUATION PROCEDURES

DLG endeavors to reevaluate its Title VI goals on an annual basis, as part of the process of reviewing the agency's Title VI plan. The plan shall, each year, set forth DLG's current goals and the process for evaluating and revising those goals and the agency's progress towards those goals.

1. Goals

- A. Report compliance activities in a timely manner.
- B. Respond to and investigate all complaints within the timeframe and in accordance with the procedures outlined in Section VII.
- C. Obtain information from employees to determine if the plan is adequate to address their needs and the requirements of Title VI.

2. Evaluation of Goals

- A. The Advisory Committee shall, at each meeting, review the agency's goals and its progress towards these goals, and evaluate the effectiveness of the plan's provisions as they relate to these goals.
- B. The Advisory Committee shall, at each meeting, establish a timeline for achievement of goals, and implement a process for monitoring the progress towards these goals.
- C. The Advisory Committee shall, at each meeting, promulgate a written report of the agency's progress towards the identified goals.
- D. The Advisory Committee shall, at each meeting, discuss and evaluate whether any corrective procedures are necessary to bring DLG closer to its goals

XI. PUBLIC NOTIFICATION AND OUTREACH

Three groups of people will receive notification of DLG's Title VI plan, complaint forms, nondiscrimination policy, and programs and services: 1) DLG employees who will receive copies of the implementation plan and the complaint procedures; 2) federal grants applicants and sub-recipients of federal grants who will be notified of Title VI requirements at the time of application and at the time of any grant award; and 3) members of the general public who visit DLG's website or request information via phone, fax, or email.

DLG's Title VI Plan and LEP Policy are available for download on DLG's website, kydlgweb.ky.gov. Title VI application forms and checklists for sub-recipients are also available on the website. DLG distributes information regarding Title VI requirements to applicants and sub-recipients in its published Kentucky CDBG Handbook, which is also available for download at kydlgweb.ky.gov and distributed at various training events.

The contact person responsible for distributing these materials is DLG's compliance officer.

XII. RECORDKEEPING AND REPORTING

1. Complaints

- A. The compliance officer will maintain a log of all complaints filed with DLG.

- B. Grant personnel will certify annually that all sub-recipients have been notified of the Title VI implementation plan and complaint procedures.
- C. The compliance officer will maintain copies of standardized complaint forms and will ensure that they are available to the public for use. Forms will be available on DLG's website. The compliance officer shall maintain data sheets, including, the complaint log and performance reports, and copies of all complaint forms filed. The compliance officer shall maintain such records for five years following the final resolution of a complaint.

2. Reporting

- A. Changes in the Title VI implementation plan will be provided to employees and sub-recipients as changes are made.
- B. Changes in the Title VI implementation plan will be forwarded to the State Auditor as changes are made.
- C. Sections VIII and IX of this plan are incorporated herein as part of DLG's recordkeeping and reporting procedures.
- D. No changes were made to sections VIII or IX in the current update.

3. Participation data:

Because DLG acts as an administrator or a pass-through source for sub-recipients of federal funds, the agency is unable to provide data showing the extent to which members of protected parties are participating in the Title VI programs and activities.

DLG endeavors, through project monitoring and education, to ensure that each sub-recipient of federal funds is in full compliance with Title VI, and that each such entity ensures equal participation in programs funded by federal monies to protected parties. Grant personnel will maintain records of all sub-recipients in order that DLG can determine if eligible parties are participating in the grants.

XIII. MINORITY REPRESENTATION

1. Minority representation on Boards/Committees

BOARD/COMMITTEE	MEMBERS	MINORITIES	%
Appalachian Regional Commission**	13	1	7%
Delta Regional Authority***	8	0	0%
Community Development Block Grant Review	4	0	0%
Land and Water Conservation Fund Board	15	0	0%
Kentucky Infrastructure Authority*	11	0	0%
Recreational Trails Program Board	15	0	0%
Title VI Advisory Board	5	1	20%
*Membership is governed by statute. 6 members appointed by Governor. 5 members are ex-officio.			
**13 Governors and the Federal Co-Chair (appointed by the President and confirmed by Senate)			
***8 Governors, Federal Co-Chair and Alternate (appointed by the President and confirmed by Senate)			

2. Ensuring minority participation:

DLG continues to attempt to identify and employ qualified minority applicants. Where minority representation in particular areas of the agency is low, DLG endeavors to fill vacant positions with qualified minorities. Whenever a planning or advisory body, such as a board or committee is an integral part of DLG's programs, DLG shall take such steps as are necessary to ensure that minorities are notified of the existence of such bodies and are provided equal opportunity to participate as members. Where members of a board or committee are appointed by DLG and where minorities comprise at least 5% of the affected area or the surrounding community, the facility or agency must appoint a minority representative to serve on the board or committee.

DLG has also created a Title VI advisory committee to review and make recommendations regarding this implementation plan and to identify areas where improvement is needed. The advisory committee is currently composed of five (5) people, including one (1) minority as defined by Title VI. The advisory committee shall meet at least once each year.

3. The summary of races and national origins for DLG and KIA includes the following:

RACE/NATIONAL ORIGIN	NUMBER	PERCENTAGE
White Females	28	45.2%
White Males	30	48.4%
Black Females	3	4.8%
Black Males	1	1.6%
Hispanic Females	0	0
Hispanic Males	0	0
American Indian Females	0	0
American Indian Males	0	0
Asian-American/Pacific Island Females	0	0
Asian-American/Pacific Island Males	0	0
Other Females	0	0
Other Males	0	0
Total	62	100%

XIV. APPENDICES

Appendix 1

**COMMONWEALTH OF KENTUCKY
DEPARTMENT FOR LOCAL GOVERNMENT
100 AIRPORT ROAD, 3RD FLOOR
FRANKFORT, KENTUCKY 40601
PHONE: (502) 573-2382**

**Complaint Under Title VI
The Civil Rights Act of 1964**

To Title VI Coordinator:

I, _____, hereby file an official complaint against
Name of Complainant
_____ located at
Name of Persons or Agency

Date of Alleged Discrimination: _____

Complainant's Address: _____

Complainant's Telephone Number(s): _____

Basis of Complaint (use back of sheet if necessary):

Signed: _____ Date: _____

**COMMONWEALTH OF KENTUCKY
DEPARTMENT FOR LOCAL GOVERNMENT
100 AIRPORT ROAD, 3RD FLOOR
FRANKFORT, KENTUCKY 40601
PHONE: (502) 573-2382**

Report of Investigation

I, _____, representing the Department for Local Government, have investigated the complaint filed on _____, 20__, by _____
_____ alleging that discrimination occurred which was in violation of the provisions of Title VI of the Federal Civil Rights Act.

The results of the investigation were as follows:

- _____ A. The agency or person was found to be in violation of Title VI.
- _____ B. The agency or person was not found to be in violation of Title VI.
- _____ C. The complainant withdrew the complaint.

A copy of the investigative report is attached.

Withdrawal of Complaint (if applicable) _____

If the agency or person was found to be in violation of Title VI, a brief description of the remedial action taken to assure future compliance follows:

Signed: _____

Date: _____

LANGUAGE ACCESS PLAN

For Persons with Limited English Proficiency

Department for Local Government
with the
Kentucky Infrastructure Authority and the
Office of Broadband Development

June 2024

TEAM 
KENTUCKY



DEPARTMENT FOR
LOCAL GOVERNMENT

Matt Sawyers, Commissioner
100 Airport Road, 3rd Floor
Frankfort, Kentucky 40601
(502) 573-2382
dlg.ky.gov

The Kentucky Department for Local Government (DLG) has established this policy as means to take reasonable steps in ensuring meaningful access to agency services, programs and activities for persons who have limited English proficiency.

The Kentucky Infrastructure Authority (KIA), along with the Office of Broadband Development (OBD), both of which also provide some federal funds to local government entities, are administratively attached to DLG, and hereby adopt DLG's Language Access Plan in its entirety. All references to "DLG" in this plan shall be interpreted to include KIA, and OBD.

Overview

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000(d) and Executive Order 13166 require that recipients of federal funds take responsible steps to ensure meaningful access by persons with Limited English Proficiency (LEP persons). DLG is a recipient of federal funds through various federal agencies, is obligated to reduce language barriers that can preclude meaningful access by LEP persons to DLG programs.

Definitions

For the purposes of this plan:

- a. *Grantee* means the Commonwealth of Kentucky.
- b. *Recipient* means the entity designated as a recipient of federal funds through DLG's programs. This means any entity that receives any federal assistance, directly from DLG or from another Recipient. This 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 counsel or cooperative association. Recipient also includes any successor, assignee or transferees of any such entity, but does not include any ultimate beneficiary under the respective federal grant program.
- c. *LEP* means Limited English Proficiency. Persons who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English, and may be entitled to language assistance with respect to a particular type of service, benefit or encounter.
- d. *LAP* means Language Access Plan.

Four-Factor Analysis

There are four (4) flexible, fact-dependent factors to be considered in developing language materials and a LEP plan. The following four-factor analysis will serve as the guide for determining which language assistance measures the Commonwealth will undertake to guarantee access to DLG's federally funded programs by LEP persons. Additionally all future recipients of federal assistance are required to use the same four-factor analysis prior to the release of funds.

1. The number or portion of LEP persons eligible to be served or likely encountered through its federally funded programs.
 - a. For determining the LEP population, DLG utilized the U.S. Census Bureau's American Community Survey Language Use data for Language Spoken at Home and English-Speaking Ability by State (See Appendix A).

2. The frequency with which LEP individuals come in contact with the designated federal programs.
 - a. DLG does not provide direct assistance to individuals. All DLG funds are awarded to units of local government or nonprofit agencies. As a result, LEP persons rarely come into contact with the respective federal grant program at the state level. However, during periods of public comment, some citizen participation may be directed to the Commonwealth.

3. The nature and importance of the program, activity or service provided by the federal programs.
 - a. DLG does not provide direct assistance to individuals. All DLG funds are awarded to units of local government or nonprofit agencies. As a result, LEP persons rarely come into contact with the respective federal grant program at the state level. However, during periods of public comment, some citizen participation may be directed to the Commonwealth.

4. The resources available to the recipient and the cost. There are two types of assistance service – oral (interpretation) and written (translation).
 - a. Given the resources currently available to DLG, the LAP measures appear reasonable.

Types of Language Assistance to be Provided by the Commonwealth

As stated previously, although LEP persons rarely come into contact with DLG programs at the state level, some citizen participation matters are directed to the Commonwealth, particularly during periods of public comment. Therefore, DLG has determined it will make available, upon request, translations of its federal grants action plans and amendments. If there is a consistent need for translations, by populations of LEP Kentuckians, DLG will consider additional appropriate measures to serve the language access needs of those persons.

Requirements for Recipients

Recipients of federal funds awarded or drawn through DLG are required to ensure that meaningful access to services is assured for their LEP clients. Recipients must provide language assistance services that result in timely, accurate, and effective communication at no cost to LEP clients and/or their beneficiaries. Such language assistance services are to be provided in accordance with the guidelines set forth in the U.S. Department for Health and Human Services "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons." DLG is available to assist Recipients in identifying and developing appropriate language assistance measures.

If an application is funded, the local government or nonprofit agency will be required to conduct a four-factor analysis, develop a LAP, if necessary, and provide a description of outreach efforts during the Letter of Conditional Commitment stage. Particular attention will be given to plan details for projects including acquisition and/or relocation, housing rehabilitation, and/or water/sewer hookups.

In order to determine if language assistance is required by recipients of federal funds through DLG, all Recipients are required to follow the measures outlined below.

1. Conduct the four-factor analysis prior to advertising for application public hearing.
2. If the four-factor analysis reveals there are 1,000 or more LEP persons, or 5 percent or more LEP persons in the eligible population in the jurisdiction or among current beneficiaries, the applicant will provide appropriate language assistance by:
 - a. Translating all vital documents;
 - b. Posting notices of application public hearings in areas frequented by LEP persons of the threshold population(s) in the language(s) spoken; and

- c. Providing translation services at public hearings, if requested to do so by LEP persons.
3. If the four-factor analysis reveals there are less than 50 LEP persons but 5 percent or more LEP persons in the eligible population in the jurisdiction or among current beneficiaries, the applicant will provide appropriate language assistance by: 1) posting notices of application public hearings in areas frequented by LEP persons of the threshold population(s) in the language(s) spoken; and 3) providing translation services at public hearings, if requested to do so by LEP persons.
4. If the four-factor analysis reveals there are less than 50 LEP persons and less than 5 percent LEP persons in the eligible population in the jurisdiction or among current beneficiaries, the applicant will provide appropriate language assistance by providing translation services at public hearings, if requested to do so by LEP persons.

If a LAP is required, the Recipient's LAP will include certifications that LAP has been developed, adopted, and will be implemented for all CDBG-funded projects. The Recipient's LAP will include an identification of all LEP populations exceeding 1,000 or five percent of total jurisdiction population, whichever is less, the identification of materials to be made available to LEP persons, the means by which the materials will be made available to LEP persons, and the identification of any other translation services which may be necessary. Recipients will be monitored for implementation of their LAPs.

Monitoring, Evaluation and Updating

All agencies receiving federal funds through DLG will report annually on services provided to LEP persons. Agencies will review their respective plans each year to evaluate their effectiveness and to make any needed changes. DLG will assist agencies in finding appropriate translation resources, and disseminate translated federal program notices, brochures, posters and other documents.

DLG will monitor the delivery of any required language assistance on an ongoing basis. It will review the LAP, evaluate the effectiveness of its implementation, and update the LAP, on an annual basis, in order to ensure continued responsiveness to community needs.

The LAP evaluation will consist of:

- Revision of the LAP, as necessary, by monitoring changes in demographics and services provided, updating available resources and tools, modifying methods of implementation and addressing any issues of concerns.

- Analysis of language assistance usage, including the amount of language service requests, surveying the languages most frequently encountered, identifying the primary modes of communication, and costs associated with services rendered.
- Assessment of response to requests by LEP individuals and Recipients regarding the delivery of language assistance services.

Availability and Access

The DLG Language Access Plan is available to the public on our website at <https://dlg.ky.gov/>. This information is available in a form accessible to persons with disabilities, and others, upon written request to: Department for Local Government, 100 Airport Road, 3rd Floor, Frankfort, Kentucky, 40601.

Citizens, public agencies and other interested parties will have reasonable and timely access to information and records relating to the Language Access Plan. All public records under KRS Statute 61.870-884 will be made accessible to anyone interested during normal working hours.

Complaints

At any time, citizens may submit complaints related to the DLG Language Access Plan by writing to the Department for Local Government, 100 Airport Road, 3rd Floor, Frankfort, Kentucky, 40601.

The Commonwealth will provide a written response to every written citizen complaint that relates to the DLG Language Access Plan within fifteen (15) working days.

Appendix A

Kentucky – American Community Survey 2022 Five-Year Estimates (S1601)

Subject	Population	Speaks English Less Than “Very Well”	
		Population	Percentage
Total Population	4,236,382		
Speaks a Language Other Than English		102,685	2.42%
Spanish		50,573	1.19%
Indo-European		21,073	0.50%
Asian/Pacific Island		19,494	0.46%
Other		11,545	0.27%

Appendix B
2024 LEP Data by County

Geography Area Name	Population Ages 5-Older	Spanish		Indo-European		Asian/Pacific Island		Other	
		LEP	%	LEP	%	LEP	%	LEP	%
Kentucky	4,236,382	50,573	1.19%	21,073	0.50%	19,494	0.46%	11,545	0.27%
Adair	17,950	40	0.22%	131	0.73%	5	0.03%	18	0.10%
Allen	19,503	130	0.67%	395	2.03%	28	0.14%	11	0.06%
Anderson	22,450	25	0.11%	0	0.00%	14	0.06%	0	0.00%
Ballard	7,405	19	0.26%	7	0.09%	56	0.76%	12	0.16%
Barren	41,858	538	1.29%	81	0.19%	69	0.16%	0	0.00%
Bath	11,898	7	0.06%	199	1.67%	3	0.03%	0	0.00%
Bell	22,799	13	0.06%	0	0.00%	4	0.02%	0	0.00%
Boone	127,486	1,940	1.52%	1,562	1.23%	892	0.70%	270	0.21%
Bourbon	19,046	451	2.37%	51	0.27%	13	0.07%	0	0.00%
Boyd	45,548	215	0.47%	11	0.02%	64	0.14%	19	0.04%
Boyle	29,152	203	0.70%	45	0.15%	60	0.21%	14	0.05%
Bracken	7,926	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Breathitt	12,804	8	0.06%	0	0.00%	50	0.39%	0	0.00%
Breckinridge	19,372	63	0.33%	327	1.69%	18	0.09%	0	0.00%
Bullitt	78,323	763	0.97%	133	0.17%	145	0.19%	211	0.27%
Butler	11,643	230	1.98%	274	2.35%	38	0.33%	106	0.91%
Caldwell	11,933	0	0.00%	13	0.11%	0	0.00%	0	0.00%
Calloway	35,657	107	0.30%	0	0.00%	266	0.75%	11	0.03%
Campbell	87,932	394	0.45%	322	0.37%	290	0.33%	0	0.00%
Carlisle	4,489	0	0.00%	1	0.02%	0	0.00%	3	0.07%
Carroll	10,115	148	1.46%	116	1.15%	0	0.00%	12	0.12%
Carter	25,125	9	0.04%	13	0.05%	0	0.00%	6	0.02%
Casey	14,898	99	0.66%	171	1.15%	1	0.01%	31	0.21%
Christian	65,857	927	1.41%	824	1.25%	295	0.45%	18	0.03%
Clark	34,784	336	0.97%	43	0.12%	165	0.47%	0	0.00%
Clay	19,084	60	0.31%	0	0.00%	0	0.00%	0	0.00%
Clinton	8,776	102	1.16%	0	0.00%	0	0.00%	0	0.00%
Crittenden	8,508	0	0.00%	169	1.99%	25	0.29%	0	0.00%
Cumberland	5,632	21	0.37%	32	0.57%	0	0.00%	0	0.00%
Daviess	96,279	1,008	1.05%	304	0.32%	1,088	1.13%	13	0.01%
Edmonson	11,650	38	0.33%	26	0.22%	0	0.00%	0	0.00%
Elliott	7,073	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Estill	13,418	98	0.73%	0	0.00%	45	0.34%	0	0.00%
Fayette	302,975	6,975	2.30%	3,143	1.04%	3,221	1.06%	2,809	0.93%
Fleming	14,101	28	0.20%	72	0.51%	7	0.05%	0	0.00%
Floyd	33,749	25	0.07%	56	0.17%	39	0.12%	34	0.10%
Franklin	48,619	842	1.73%	134	0.28%	238	0.49%	88	0.18%
Fulton	6,151	0	0.00%	0	0.00%	0	0.00%	2	0.03%
Gallatin	8,248	62	0.75%	23	0.28%	0	0.00%	0	0.00%
Garrard	16,274	23	0.14%	189	1.16%	17	0.10%	0	0.00%
Grant	23,309	0	0.00%	0	0.00%	22	0.09%	0	0.00%
Graves	34,239	390	1.14%	68	0.20%	21	0.06%	0	0.00%
Grayson	24,782	165	0.67%	20	0.08%	0	0.00%	0	0.00%
Green	10,536	35	0.33%	118	1.12%	18	0.17%	0	0.00%
Greenup	34,058	83	0.24%	29	0.09%	3	0.01%	0	0.00%
Hancock	8,527	0	0.00%	0	0.00%	5	0.06%	0	0.00%
Hardin	103,876	850	0.82%	547	0.53%	594	0.57%	0	0.00%
Harlan	25,021	12	0.05%	31	0.12%	66	0.26%	0	0.00%
Harrison	17,562	14	0.08%	44	0.25%	0	0.00%	0	0.00%
Hart	18,067	17	0.09%	163	0.90%	22	0.12%	0	0.00%
Henderson	42,279	287	0.68%	40	0.09%	55	0.13%	22	0.05%
Henry	14,834	178	1.20%	28	0.19%	0	0.00%	0	0.00%
Hickman	4,292	8	0.19%	5	0.12%	2	0.05%	0	0.00%
Hopkins	42,566	203	0.48%	28	0.07%	0	0.00%	0	0.00%
Jackson	12,208	20	0.16%	49	0.40%	0	0.00%	0	0.00%
Jefferson	731,949	19,069	2.61%	6,182	0.84%	5,533	0.76%	5,063	0.69%
Jessamine	50,227	703	1.40%	341	0.68%	77	0.15%	13	0.03%
Johnson	21,442	62	0.29%	0	0.00%	0	0.00%	17	0.08%
Kenton	158,308	1,786	1.13%	269	0.17%	591	0.37%	829	0.52%

Geography Area Name	Population Ages 5-Older	Spanish		Indo-European		Asian/Pacific Island		Other	
		LEP	%	LEP	%	LEP	%	LEP	%
Knott	13,564	36	0.27%	0	0.00%	0	0.00%	7	0.05%
Knox	28,287	22	0.08%	36	0.13%	0	0.00%	0	0.00%
Larue	14,121	56	0.40%	0	0.00%	0	0.00%	0	0.00%
Laurel	58,703	70	0.12%	102	0.17%	205	0.35%	0	0.00%
Lawrence	15,108	17	0.11%	53	0.35%	0	0.00%	0	0.00%
Lee	6,966	7	0.10%	0	0.00%	0	0.00%	0	0.00%
Leslie	9,923	8	0.08%	0	0.00%	0	0.00%	0	0.00%
Letcher	20,339	44	0.22%	0	0.00%	8	0.04%	0	0.00%
Lewis	12,322	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Lincoln	22,664	83	0.37%	217	0.96%	13	0.06%	0	0.00%
Livingston	8,519	8	0.09%	0	0.00%	0	0.00%	0	0.00%
Logan	25,708	28	0.11%	141	0.55%	64	0.25%	5	0.02%
Lyon	8,433	2	0.02%	19	0.23%	0	0.00%	9	0.11%
McCracken	63,648	212	0.33%	165	0.26%	163	0.26%	0	0.00%
McCreary	15,972	43	0.27%	19	0.12%	0	0.00%	32	0.20%
McLean	8,682	66	0.76%	2	0.02%	0	0.00%	0	0.00%
Madison	87,931	589	0.67%	88	0.10%	203	0.23%	56	0.06%
Magoffin	10,950	24	0.22%	0	0.00%	0	0.00%	0	0.00%
Marion	18,467	128	0.69%	23	0.12%	30	0.16%	0	0.00%
Marshall	30,145	23	0.08%	0	0.00%	59	0.20%	0	0.00%
Martin	10,766	61	0.57%	0	0.00%	0	0.00%	0	0.00%
Mason	16,066	33	0.21%	45	0.28%	58	0.36%	0	0.00%
Meade	28,399	66	0.23%	41	0.14%	17	0.06%	0	0.00%
Menifee	5,701	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Mercer	21,403	311	1.45%	0	0.00%	3	0.01%	55	0.26%
Metcalfe	9,721	99	1.02%	21	0.22%	0	0.00%	2	0.02%
Monroe	10,619	108	1.02%	9	0.08%	0	0.00%	0	0.00%
Montgomery	26,557	76	0.29%	47	0.18%	11	0.04%	0	0.00%
Morgan	13,184	14	0.11%	0	0.00%	8	0.06%	8	0.06%
Muhlenberg	28,992	93	0.32%	0	0.00%	34	0.12%	0	0.00%
Nelson	43,941	329	0.75%	183	0.42%	72	0.16%	0	0.00%
Nicholas	7,173	6	0.08%	75	1.05%	0	0.00%	0	0.00%
Ohio	22,496	498	2.21%	64	0.28%	15	0.07%	0	0.00%
Oldham	64,673	518	0.80%	168	0.26%	208	0.32%	11	0.02%
Owen	10,613	45	0.42%	0	0.00%	0	0.00%	5	0.05%
Owsley	3,827	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Pendleton	13,772	6	0.04%	0	0.00%	2	0.01%	4	0.03%
Perry	26,426	50	0.19%	26	0.10%	110	0.42%	8	0.03%
Pike	55,229	127	0.23%	53	0.10%	28	0.05%	45	0.08%
Powell	12,267	43	0.35%	4	0.03%	0	0.00%	0	0.00%
Pulaski	61,422	457	0.74%	197	0.32%	157	0.26%	0	0.00%
Robertson	2,112	0	0.00%	18	0.85%	0	0.00%	0	0.00%
Rockcastle	15,286	4	0.03%	0	0.00%	0	0.00%	0	0.00%
Rowan	23,220	111	0.48%	0	0.00%	53	0.23%	19	0.08%
Russell	16,973	144	0.85%	44	0.26%	0	0.00%	0	0.00%
Scott	53,733	653	1.22%	31	0.06%	130	0.24%	0	0.00%
Shelby	45,275	1,577	3.48%	7	0.02%	178	0.39%	216	0.48%
Simpson	18,446	8	0.04%	21	0.11%	28	0.15%	0	0.00%
Spencer	18,515	8	0.04%	26	0.14%	23	0.12%	0	0.00%
Taylor	24,579	49	0.20%	168	0.68%	6	0.02%	0	0.00%
Todd	11,437	292	2.55%	284	2.48%	0	0.00%	0	0.00%
Trigg	13,357	121	0.91%	193	1.44%	8	0.06%	4	0.03%
Trimble	8,088	134	1.66%	0	0.00%	0	0.00%	0	0.00%
Union	12,802	21	0.16%	47	0.37%	6	0.05%	0	0.00%
Warren	126,741	2,109	1.66%	1,457	1.15%	3,338	2.63%	1,419	1.12%
Washington	11,304	49	0.43%	91	0.81%	33	0.29%	0	0.00%
Wayne	18,596	207	1.11%	4	0.02%	8	0.04%	0	0.00%
Webster	12,168	253	2.08%	26	0.21%	15	0.12%	0	0.00%
Whitley	34,062	21	0.06%	11	0.03%	23	0.07%	7	0.02%
Wolfe	6,161	0	0.00%	4	0.06%	0	0.00%	0	0.00%
Woodford	25,256	577	2.28%	14	0.06%	12	0.05%	1	0.00%

Appendix C

List of Formal Interpreters (for any language if necessary and cost is not prohibitive):

- Catholic Charities of Louisville
 - Main Office
 - 435 E. Broadway, Louisville
 - (502) 637-9786
 - languages@archlou.org
 - <https://cclou.org/language-services/>

- The International Center of Kentucky
 - Main Office
 - 806 Kenton St., Bowling Green
 - (270) 781-8336
 - <http://icofky.org/>

- Central Kentucky Interpreter Referral
 - Main Office
 - 212 S. Second St., Danville
 - (859) 236-9888
 - (859) 439-0070 (videophone)
 - <http://www.ckira.org/>

- Language Line Solutions
 - (800) 752-6096
 - <http://www.languageline.com/>

Further information on Language Assistance Plans from HUD can be found at:
https://www.hud.gov/program_offices/fair_housing_equal_opp/promotingfh/lep-faq

Appendix D

Examples of Vital Documents:

- Citizen Participation Notices
- Survey Instruments
- Housing-Related Documents
 - Lead-Based Paint Notification
 - Application
 - Lease
 - Note
 - Mortgage
- Drug-Free Certification