



HAYWOOD COUNTY BOARD OF COMMISSIONERS

AGENDA REQUEST

***Must be presented to the County Manager's Office
NO LATER THAN 5 P.M. FRIDAY THE WEEK BEFORE THE MEETING***

DATE OF REQUEST: November 6, 2015

FROM: Julie Davis, Finance Director

MEETING DATE REQUESTED: November 16, 2015

SUBJECT: Final close-out documents for the CDBG (Community Development Block Grant) program.

REQUEST: To approve and certify certain grant documents that are necessary to close out the grant.

BACKGROUND: In 2012 the county applied for, and received, a \$400,000 grant from the U. S. Department of Housing and Urban Development: passed through the N. C. Department of Commerce, CDBG program. Mountain Projects handled the housing rehabilitation and new construction and all projects have been completed. The state audit for this program has been completed and there are some final close-out/clean-up forms that need to be approved by the BOCC, as follows:

1. Residential Anti-Displacement and Relocation Assistance Plan
2. Local Economic Benefit..... Section 3 Plan
3. Citizens Participation Plan
4. Language Access Plan

IMPLEMENTATION PLAN: Once the documents (attached), are approved and signed, they will be submitted to the state for enclosing in the files.

FINANCIAL IMPACT STATEMENT: There is no financial impact of this request.

SUPPORTING ATTACHMENTS: YES NO HOW MANY?

PERSON MAKING PRESENTATION AT MEETING:

Julie Davis, Finance Director

Cheryl Wilkins, Housing Director, Mountain Projects

**HAYWOOD COUNTY RESIDENTIAL ANTI-DISPLACEMENT
AND RELOCATION ASSISTANCE PLAN**

The County of Haywood will replace all occupied and vacant occupiable low/moderate income dwelling units demolished or converted to a use other than as low/moderate income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24CFR570.606(b)(1).

All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion. Before obligating or spending funds that will directly result in such demolition or conversion, the County of Haywood will make public the following information:

1. A description of the proposed assisted activity;
2. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate income dwelling units as a direct result of the assisted activity;
3. A time schedule for the commencement and completion of demolition or conversion;
4. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement units;
5. The source of funding and a time schedule for the provision of replacement dwelling units; and
6. The basis for concluding that each replacement dwelling unit will remain a low/moderate income dwell unit for at least ten (10) years from the date of initial occupancy.

The County of Haywood will provide relocation assistance, as described in 570.606(b)(2), to each low/moderate income household displaced by the demolition of housing or by the conversion of a low/moderate income dwelling to another use as a direct result of assisted activities.

Adopted this _____ day of _____, 2015 .

Mark S. Swanger, Chairman, Board of Commissioners

ATTEST: _____

Ira Dove, Clerk to the Board

**Haywood County
November 2012 – January 2016**

**Local Economic Benefit for Low- and Very Low-Income Persons Plan
Section 3 Plan**

To ensure that, to the greatest extent possible, contracts for work are awarded to business concerns located or owned in substantial part by persons residing in the Section 3 covered area, as required by Section 3 of the Housing and Urban Development Act of 1968, the County of Haywood has developed and hereby adopts the following Plan:

This Section 3 Plan shall apply to services needed in connection with the grant including but not limited to, businesses in the fields of planning, consulting, design, building construction/renovation, maintenance and repair, etc.

This Section 3 covered project area for the purposes of this grant program shall include the County of Haywood and portions of the immediately adjacent area.

When in need of a service, the County of Haywood will identify suppliers, contractors or subcontractors located in the Section 3 area. Resources for this identification shall include the Minority Business Directory published through the State Department of Commerce, local directories and local economic development offices. Word of mouth recommendation shall also be used as a source.

The County of Haywood will include this Section 3 clause in all contracts executed under this CDBG Program. Where necessary, listings from any agency noted above deemed shall be included as well as sources of subcontractors and suppliers.

The prime contractor selected for major public works facility or public construction work will be required to submit a Section 3 Plan which will outline his/her work needs in connection with the projects. Should a need exist to hire any additional personnel, the Haywood County Employment Security Commission shall be notified and referred to the contractor.

Each contract for housing rehabilitation under the program, as applicable, for jobs having contracts in excess of \$100,000 shall be required to submit a Section 3 Plan. The Plan will be maintained on file in the grant office and shall be updated from time to time or as the grant staff may deem necessary.

Early in our project, prior to any contracting, major purchases or hiring, we will develop a listing of jobs, supplies and contracts likely to be utilized during the projects. We will then advertise in our local newspaper an advertisement, prominently located as a display advertisement, the pertinent information regarding the project including all Section3 required information.

Adopted this 16th day of November, 2015

Mark S. Swanger, Chairman, Board of Commissioners

ATTEST: _____
Ira Dove, Clerk to the Board

**Haywood County
Citizens Participation Plan
CDBG Scattered Site Housing Program**

Haywood County will have documentation on file of compliance with citizen participations requirements in the application process 4NCAC29L. 1002(b). Publisher's affidavits of notices and minutes signed by the county clerk will be maintained for all required public hearings.

Two public hearings will be held prior to the submittal of the application. The first one will be to inform the community of the plans to submit an application and ask for input. The second one will be when the application is completed. The community will be informed about what is planned and ask for input.

All municipalities in the county will be asked to participate in determining the needs in their communities.

Once all of the work is completed a third public hearing will be held to let the public know what has been accomplished with the CDBG Scattered Site Housing Grant.

This plan was adopted the 16th day of November, 2015.

Mark Swanger, Chairman, Board of Commissioners

ATTEST: _____

Ira Dove, Clerk to the Board

Language Access Plan

4-1

*(Haywood County Government)
(2012-15)*

The purpose of this Policy and Plan is to ensure compliance with Title VI of the Civil Rights Act of 1964, and other applicable federal and state laws and their implementing regulations with respect to persons with limited English proficiency (LEP). Title VI of the Civil Rights Act of 1964 prohibits discrimination based on the ground of race, color or national origin by any entity receiving federal financial assistance. Administrative methods or procedures, which have the effect of subjecting individuals to discrimination or defeating the objectives of these regulations, are prohibited.

In order to avoid discrimination on the grounds of national origin, all programs or activities administered by the **Haywood County Scattered Site Housing Program** must take adequate steps to ensure that their policies and procedures do not deny or have the effect of denying LEP individuals with equal access to benefits and services for which such persons qualify. This Policy defines the responsibilities the agency has to ensure LEP individuals can communicate effectively.

This policy and plan is effective May 07, 2012

I. Scope of Policy

These requirements will apply to **Haywood County (herein referred to as “the agency”)** including subcontractors, vendors, and sub-recipients.

The agency will ensure that LEP individuals are provided meaningful access to benefits and services provided through contractors or service providers receiving sub-grants from the agency.

II. Definitions

- A. CI: Community Investment and Assistance, North Carolina Department of Commerce
- B. Limited English Proficient (LEP) individual – Any prospective, potential, or actual recipient of benefits or services from the agency who cannot speak, read, write or understand the English language at a level that permits them to interact effectively with health care providers and social service agencies.
- C. Vital Documents – These forms include, but are not limited to, applications, consent forms, all compliance plans, bid documents, fair housing information,

citizen participation plan, letters containing important information regarding participation in a program; notices pertaining to the reduction, denial, or termination of services or benefits, including the right to appeal such actions, or that require a response from beneficiary notices advising LEP persons of the availability of free language assistance, LEP outreach materials, and any other documents determined by agency to be vital documents.

- D. Title VI Compliance Officer: The person or persons responsible for compliance with the Title VI LEP policies.
- E. Substantial number of LEP: 5% or 1,000 people, whichever is smaller, are potential applicants or recipients of the agency and speak a primary language other than English and have limited English proficiency.

III. Providing Notice to LEP Individuals

The agency will take appropriate steps to inform all applicants, recipients, community organizations, and other interested persons, including those whose primary language is other than English, of the provisions of this policy. Such notification will also identify the name, office telephone number, and office address of the Title VI compliance officer(s).

List the current name, office telephone number and office address of the Title VI compliance officers:

Donna Lupton
Social Work Division Director
157 Paragon Parkway
Clyde NC 28721
828 356-2349 dlupton@haywoodnc.net March 2014-current

Ira Dove
Haywood County Director of Social Services
157 Paragon Parkway, Suite 300
Clyde, NC 28721
828.452.6620 current for application May 2012-Feb 2014

(Note: The agency must notify the CI compliance office immediately of changes in name or contact information for the Title VI compliance officer.)

The agency will post and maintain signs in regularly encountered languages other than English in waiting rooms, reception areas and other initial points of contact. These signs will inform applicants and beneficiaries of their right to free language assistance services and invite them to identify themselves as persons needing such services.

Identify areas within the agency where these signs will be posted (*Please, Identify more than one location*):

- Bulletin Boards in the Haywood County Dept. of Social Services and Health Department
- Mountain Projects Inc., a community action agency
- Haywood County community organizations

- A. The agency will include statements of the right to free language assistance in Spanish and other significant languages in all outreach material that is routinely disseminated to the public (including electronic text).

Describe how the agency will also disseminate information in the following manner:

Dissemination of printed material to community organizations, community grocery stores.

Semi-annual presentations to targeted community organizations

Newspaper articles twice a year

Public Service Announcements on County Government Access Channel

(Describe how information will be disseminated. This may include, but not be limited to: dissemination of pamphlets explaining the rights in this policy).

IV. Provision of Services to LEP Applicants/Recipients

- A. Assessing Linguistic Needs of Potential Applicants and Recipients

1. The agency will assess the language needs of the population to be served, by identifying:

- a. The language needs of each LEP applicant/recipient
- b. The points of contact where language assistance is needed; and
- c. The resources needed to provide effective language assistance including location, availability and arrangements necessary for timely use.
- d. Other (*describe*):

2. Determining the Language Needs of the Population to be Served

The agency is responsible for assessing the needs of the population to be served. Such assessment will include, but not be limited to the following:

- a. The non-English languages that are likely to be encountered in its program will be identified.

- b. An estimate of the number of people in the community for whom English is not the primary language used for communication will be completed and updated annually. To identify the languages and number of LEP individuals local entities should review:
 - i. census data
 - ii. school system data
 - iii. reports from federal, state, and local governments
 - iv. community agencies' information, and
 - v. data from client files
 - vi. Other (*specify*):
- c. The points of contact in the program or activity where language assistance is likely to be needed will be identified.

3. Determining the Language Needs of Each Applicant/Recipient

The agency will determine the language needs of each applicant/recipient. Such assessment will include, but not be limited to the following:

- a. At the first point of contact, each applicant/recipient will be assessed to determine the individual's primary language.

Check all methods that will be used:

- multi-language identification cards, a poster-size language list, or the use of "I speak" peel-off language identification cards for indicating preferred languages

X English proficiency assessment tools, provided they can be administered in a manner that is sensitive to and respectful of individual dignity and privacy

- Other (*describe*): County contract with Language Line Services Telephone Interpreter

- b. If the LEP person does not speak or read any of these languages, the agency will use a telephone interpreting service to identify the client's primary language.
- c. Staff will not solely rely on their own assessment of the applicant or recipient's English proficiency in determining the need for an interpreter. If an individual requests an interpreter, an interpreter will be provided free of charge. A declaration of the client will be used to establish the client's primary language.

- d. When staff place or receive a telephone call and cannot determine what language the other person on the line is speaking, a telephone interpreting service will be utilized in making the determination.
- e. If any applicant/recipient is assessed as LEP, they will be informed of the availability of free language interpretative services. When there is a direct (face-to-face) contact with a person assessed as LEP and whose primary language is one of the ones identified in Section IV.C. below, a written notice of the availability of free language interpretative services will be provided.

B. Provision of Bilingual/Interpretive Services

- 1. The agency will ensure that effective bilingual/interpretive services are provided to serve the needs of the non-English speaking population. The provision of bilingual/interpretive services will be prompt without undue delays. In most circumstances, this requires language services to be available during all operating hours.

This requirement will be met by:

- 2. **We have a bilingual employees on staff with the county for Health and Social Services And these employees can be contacted for any need within the county offices.**

(Describe whether the agency has bilingual staff, and if so, how many and in what Sections/Programs/ Divisions, whether the agency uses contractual services to meet this requirement, whether the agency relies on telephone interpreter services, etc.)

- 2. The agency will provide language assistance at all level of interaction with LEP individuals, including telephone interactions.

Describe how this requirement will be met: County contract with Language Line Services Telephone Interpreter

(Note: The agency may use paid interpreters, qualified bilingual employees, and qualified employees of other agencies or community resources. Telephone interpreter services should only be utilized as a back-up system or where other language assistance options are unavailable.)

- 3. Interpreter Standards

- a. Those providing bilingual/interpretive services will meet the linguistic and cultural competency standards set forth below. The agency will ensure that interpreters and self-identified bilingual staff, have first been screened to ensure that the following standards are met before being used for interpreter services:
 - i. Can fluently and effectively communicate in both English and the primary language of the LEP individual
 - ii. Can accurately and impartially interpret to and from such languages and English
 - iii. Has a basic knowledge of specialized terms and concepts used frequently in the provision of the agency's services
 - iv. Demonstrates cultural competency
 - v. Understands the obligation to maintain confidentiality
 - vi. Understands the roles of interpreters and the ethics associated with being an interpreter

Describe how the agency ensures the competency of bilingual staff and interpreters: These are employees that have went through the application hiring process for the county

- b. When staff members have reason to believe that an interpreter is not qualified or properly trained to serve as an interpreter, the staff member will request another interpreter.

4. Using Family Members or Friends as Interpreters

- a. The agency will first inform an LEP person, in the primary language of the LEP person, of the right to free interpreter services and the potential problems for ineffective communication. If the LEP person declines such services and requests the use of a family member or friend, the agency may utilize the family member or friend to interpret only if the use of such person would not compromise the effectiveness of services or violate the LEP person's confidentiality. The agency will monitor these interactions and again offer interpreter services, if it appears there are problems with this arrangement.
- b. The agency will indicate in the LEP individual's file that an offer of interpreter services was made and rejected; that the individual was informed of potential problems associated with using friends or family members and the name of the person serving as an interpreter at the LEP individual's request.
- c. Only under extenuating circumstances shall the agency allow a minor (under the age of 18 years) to temporarily act as an

interpreter. The agency will keep a written record of when it has used a minor as an interpreter, and this information will be shared with the CI upon request.

5. The agency will *not* require the applicant/recipient to pay for bilingual/interpretive services.

C. Provision of Written Translations

1. The agency must provide written materials in languages other than English where a substantial number or percentage of the population eligible to be served or likely to be directly affected by the program needs services or information in a language other than English to communicate effectively.
2. Translation of Vital Documents
 - a. The agency will ensure that vital documents for locally designed programs are translated at minimum into Spanish.
 - b. When CI forms and other written material contain spaces in which the local entity is to insert information, this inserted information will also be in the individual's primary language. When such forms are completed by applicants/recipients in their primary language, the information must be accepted.
 - c. If, as a result of the local language assessment, it appears there are a substantial number of potential applicants or recipients of the agency (defined as 5% or 1,000 people whichever is less) who are LEP and speak a language other than Spanish, the agency will translate and provide vital documents in the appropriate language.
 - d. The agency will keep a record of all vital documents translated, and will submit this information to *CI at their request*.
3. If the primary language of an LEP applicant or recipient is a language other than Spanish and the language does not meet the threshold for translation as defined in the preceding paragraph, the LEP individual who requests a translation will be informed in their own language of the right to oral translation of written notices. The notification will include, in the primary language of the applicant/recipient, the following language:

IMPORTANT: IF YOU NEED HELP IN READING THIS, ASK THE AGENCY FOR AN INTERPRETER TO HELP. AN INTERPRETER IS AVAILABLE FREE OF CHARGE.

D. Documentation of Applicant/Recipient Case Records

1. The agency will maintain case record documentation in sufficient detail to permit a reviewer to determine the agency's compliance with this policy.
2. The agency will ensure that case record documentation, including computerized records if appropriate, identifies the applicants/recipient's ethnic origin and primary language. In those cases where the applicant/recipient is non-English speaking, the agency will:
 - a. Document the individual's acceptance or refusal of forms or other written materials offered in the individual's primary language.
 - b. Document the method used to provide bilingual services, e.g., assigned worker is bilingual, other bilingual employee acted as interpreter, volunteer interpreter was used, or client provided interpreter. When a minor is used as interpreter, the agency will document the circumstances requiring temporary use of a minor and will provide this information to CI upon request.
3. Consent for the release of information will be obtained from applicants/recipients when individuals other than agency employees are used as interpreters and the case record will be so documented.

E. Staff Development and Training

1. The agency will provide staff training at new employee orientation and continuing training programs. The training will include, but not be limited to:
 - a. Language assistance policies and procedures, resources available to support such procedures, methods of effective use of interpreters, and familiarization with the discrimination complaint process.
 - b. Cultural awareness information, including specific cultural characteristics of the groups served by the agency to provide a better understanding of, and sensitivity to, the various cultural groups to ensure equal delivery of services.
2. The agency will provide or ensure training is provided for bilingual staff and interpreters employed or utilized by the agency. This includes the

ethics of interpreting, including confidentiality; methods of interpreting; orientation to the organization; specialized terminology used by the agency; and cultural competency.

3. The agency will ensure that applicable grantees, contractors, cooperative agreement recipients and other entities receiving state or federal dollars are trained in the requirements of this policy.

Describe how this provision will be met:

Semi-annual contractor meetings

4. The agency will collect and maintain the following information about training provided to staff: the date(s) of such training, the content of such training, the number and types of credit hours awarded; and the names and identifying information of each attendee at the training. The agency will ensure that grantees, contractors, cooperative agreement recipients and other applicable funded entities collect and maintain such information as well.

V. Compliance Procedures, Reporting and Monitoring

A. Reporting

1. The agency will complete an annual compliance report and send this report to CI. *(Format will be supplied by CI)*

B. Monitoring

1. The agency will complete a self-monitoring report on a quarterly basis, using a standardized reporting system providing by the CI. These reports will be maintained and stored by the Title VI compliance officer and will be provided to the CI upon request.
2. The agency will cooperate, when requested, with special review by the CI.

VI. Applicant/Recipient Complaints of Discriminatory Treatment

A. Complaints

1. The agency will provide assistance to LEP individuals who do not speak or write in English if they indicate that they would like to file a complaint. A complaint will be filed in writing, contain the name and address of the person filing it or his/her designee and briefly describe the alleged violation of this policy.

2. The agency will maintain records of any complaints filed, the date of filing, actions taken and resolution.
3. The agency will notify the appropriate agency or Division within CI of complaints filed the date of filing, actions taken and resolution. This information will be provided within 30 days of resolution.

B. Investigation

1. The CI Compliance Office will conduct an investigation of the allegations of the complaint. The investigation will afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the complaint.
2. The investigation will not exceed 30 days, absent a 15-day extension for extenuating circumstances.

C. Resolution of Matters

1. If the investigation indicates a failure to comply with the Act, the local unit of government, agency Director or his/her designee will so inform the recipient and the matter will be resolved by informal means whenever possible within 60 days.
2. If the matter cannot be resolved by informal means, then the individual will be informed of his or her right to appeal further to the Department of Justice. This notice will be provided in the primary language of the individual with Limited English Proficiency.
3. If not resolved by CI, then complaint will be forwarded to DOJ, HUD Field Office.

Adopted this _____ day of _____, 20__.

Mark S. Swanger, Chairman, Board of Commissioners

ATTEST: _____
Ira Dove, Clerk to the Board