

ORDINANCE NO. _____, SERIES 2022

AN ORDINANCE AMENDING CHAPTER 35 OF THE LOUISVILLE METRO CODE OF ORDINANCES (“LMCO”) TO CREATE A LANGUAGE ACCESS POLICY FOR LOUISVILLE METRO GOVERNMENT.

SPONSORED BY: COUNCIL MEMBERS ARTHUR, GEORGE, CHAMBERS ARMSTRONG, AND WINKLER

WHEREAS, Metro Council seeks to memorialize Louisville Metro’s commitment to language access as part of the existing diversity, equity, and inclusion strategies across all Metro departments; and

WHEREAS, Louisville Metro reaffirms itself as a “Welcoming City” — a truly welcoming place with intentional, inclusive policies, practices, and norms that enable all residents to live, thrive, and contribute fully — including immigrants, and has met or exceeded all core requirements within the categories of Government Leadership, Equitable Access, Civic Engagement, Connected Communities, Education, Economic Development, and Safe Communities as designated by Welcoming America; and

WHEREAS, Louisville Metro is a vibrant city that engages its residents and encourages its immigrant and refugee residents to fully participate in and integrate into the social, civic, and economic fabric of their adopted city; and

WHEREAS, diversity, equity, and inclusion are essential building blocks in the relationship with all other communities and neighborhoods, especially for under-represented and under-served communities including, but not limited to, immigrants, refugees, and communities of color who are among our most vulnerable residents; and

WHEREAS, Title VI of the federal Civil Rights Act of 1964 states that "[n]o person in the United States shall, on the ground 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" and requires federal grant recipients to provide language access; and

WHEREAS, according to 2020 U.S. Census data, 9.6% of Louisville Metro households primarily speak a language other than English at home; and

WHEREAS, according to the U.S. Census Bureau's 2019 American Community Survey, 73,566 Louisville Metro residents are foreign-born and Louisville Metro's immigrant population grew by 35.5 percent since 2010 and, according to Jefferson County Public School data, 154 languages are spoken in our public schools; and

WHEREAS, language access is essential in aid and assistance to immigrant and refugee residents, regardless of their English proficiency, in order to have meaningful and equitable access to Louisville Metro programs, goods, and services and community engagement.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

SECTION I: A new section of LMCO is hereby created as follows:

§ 35.XXX LOUISVILLE METRO GOVERNMENT LANGUAGE ACCESS POLICY.

(A) For the purposes of this section, the following definitions apply:

COVERED ENTITY. All Louisville Metro Government departments, agencies, and offices.

LIMITED OR NO-ENGLISH PROFICIENCY (LEP). Any person with the inability to adequately understand or express oneself in the spoken or written English Language.

VITAL DOCUMENTS. Those applications, notices, complaint forms, legal contracts, and outreach materials published by any covered entity in a tangible format and which inform individuals about their rights or eligibility requirements for benefits and participation.

(B) All covered entities shall take reasonable steps to ensure meaningful access to their programs and activities for LEP individuals in accordance with applicable federal guidelines. This shall include providing written translations of vital documents and verbal translation services where each covered entity determines that these services are necessary to provide meaningful access to its programs and services.

(C) All covered entities shall create a Language Access Plan to meet the needs described in subsection (B). The Language Access Plan shall set forth, at a minimum, the following:

(1) The types of oral language services to be provided and how the determination was reached;

(2) The titles of translated documents that the entity will provide and how the determination was reached;

(3) The number of direct public contact positions in the covered entity and the number of bilingual employees in direct public contact positions;

(4) Any training needs in order to implement the Language Access Plan and the steps necessary to achieve those needs;

(5) How the covered entity intends to notify the public of the types of language services it provides and the availability of these services; and

(6) A description of the funding and budgetary sources upon which the department, service, or program intends to rely to implement its Language Access Plan.

(D) Within one year of the time this ordinance becomes law, each covered entity shall create a Language Access Plan and commence implementation of its Language Access Plan. Thereafter, each covered entity shall review its Language Access Plan annually and provide a report describing the review process as well as any changes in the plan.

(E) Notwithstanding the provisions of this Section, if a covered entity determines that meeting the foregoing requirements, in whole or in part, is not possible due to fiscal limitations or costs, the covered entity shall identify a phased approach to meet such requirements. The entity shall coordinate with the Office of Management and Budget in developing a budget plan for the phased approach. The phased approach shall be provided to the agency, department, or office within Metro Government designated by the Mayor under subsection (F), and that agency, department, or office shall work with the covered entity to implement its Language Access Plan in accordance with that phased approach.

(F) The Mayor shall designate an agency, department or office within Metro Government to:

(1) maintain copies of all Language Access Plans and reports required under this section;

(2) to review each Language Access Plan for compliance with this section and Title VI of the Civil Rights Restoration Act; and

(3) to the extent possible, coordinate Language Access Plans throughout Metro Government in order to identify and reduce waste or duplicative services.

SECTION II: This Ordinance shall take effect upon its passage and approval or otherwise becoming law.

Sonya Harward
Metro Council Clerk

David James
President of the Council

Greg Fischer
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

BY: _____
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