



TITLE VI

IMPLEMENTATION PLAN

Department for Local Government

June 30, 2020



Department for Local Government

Dennis Keene, Commissioner

100 Airport Road, 3rd Floor

Frankfort, Kentucky 40601

(502) 573-2382

kydlgweb.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), which also provides some federal funds to local government entities, is administratively attached to DLG, and hereby adopts DLG’s Title VI plan in its entirety. All references to “DLG” in this plan shall be interpreted to include KIA and its staff.

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 | | |
|------------|---------------------------|--------------------------------------|
| CDBG | Federal Block Grant (HUD) | DLG administers grants to recipients |
| NSP | Federal Grant (HUD) | DLG administers grants to recipients |
| DRA | Federal/State Grant | DLG administers grants to recipients |
| LWCF | Federal Grant (DOI) | DLG administers grants to recipients |
| RTP | Federal Grant (FHWA) | DLG administers grants to recipients |
| ARC | Federal Grant | DLG administers grants to recipients |
| NFR | Federal Grant | Pass through |
| FC Receipt | Federal Grant | Pass through |
| EDA | Federal Grant (EDA) | DLG administers grants to recipients |
| Fund A | Federal Grant | KIA administers loans to recipients |
| Fund F | Federal Grant | KIA administers loans to recipients |

2. Description of DLG’s Federal Programs: In addition to the information below, more detailed descriptions of grant programs, including eligibility requirements and applications forms are available through DLG’s website: www.kydlqweb.ky.gov.

A. 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
- Disaster Relief

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.

- B. The Neighborhood Stabilization Program (NSP) 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.

- 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. 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.

- E. 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.

- F. 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.

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.

- H. 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.

- I. EDA 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.

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: www.kia.ky.gov.

- A. Program: Federally Assisted Wastewater Revolving Loan Program

KIA's Federally Assisted Wastewater Revolving Loan Program also known as the State Revolving Fund ("Fund A") was established in FY88. KIA received Federal Capitalization Grants with state matching monies and leverage bond proceeds. KIA provides construction and administrative costs in Fund A low interest wastewater type loans. These borrowers may include city and county governments, sanitation districts and water/sewer commissions.

- B. Program: Federally Assisted Drinking Water Revolving Loan

KIA's Federally Assisted Drinking Water Revolving Loan Program also known as the State Revolving Fund ("Fund F"), was established in FY97. KIA received Federal Capitalization Grants with state matching monies and leverage bond proceeds. Borrowers may include city and county governments, sanitation districts and water/sewer commissions, but must be public water system providers. KIA has provides construction and administrative costs for Fund F low interest drinking water type loans. KIA has also provided set-aside funds to 15 area development districts/rural water associations for eligible costs related to the administration of Safe Drinking Water Act initiatives.

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** | 14 | 0 | 0% |
| Delta Regional Authority** | 10 | 0 | 0% |
| Community Development Block Grant Review | 4 | 0 | 0% |
| Land and Water Conservation Fund Board | 15 | 0 | 0% |
| Kentucky Infrastructure Authority* | 11 | 2 | 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 the 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 | 22 | 41.5% |
| White Males | 26 | 49.1% |
| Black Females | 2 | 3.8% |
| Black Males | 2 | 3.8% |
| Hispanic Females | 0 | 0 |
| Hispanic Males | 0 | 0 |
| American Indian Females | 0 | 0 |
| American Indian Males | 0 | 0 |
| Other Females | 1 | 1.8 |
| Other Males | 0 | 0 |
| Total | 53 | 100% |

XIV. APPENDICES

Appendix 1

**COMMONWEALTH OF KENTUCKY
DEPARTMENT FOR LOCAL GOVERNMENT
100 AIRPORT ROAD, 3RD FLOOR
FRANKFORT, KENTUCKY 40601
Telephone: (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: _____

Appendix 2

**COMMONWEALTH OF KENTUCKY
DEPARTMENT FOR LOCAL GOVERNMENT
100 AIRPORT ROAD, 3RD FLOOR
FRANKFORT, KENTUCKY 40601
Telephone: (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: _____