

**FOUR-FACTOR ANALYSIS
FOR
LIMITED ENGLISH PROFICIENCY PERSONS**

**U.S. DEPARTMENT OF AGRICULTURE
RURAL DEVELOPMENT**

MOORE'S CREEK WATER & SEWER DISTRICT



Purpose: In compliance with Executive Order 13166, Moore's Creek Water and Sewer District has conducted a Four-Factor Analysis to determine the need for a Language Access Plan (LAP) for Limited English Proficiency (LEP) persons.

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

Persons who, as a result of national origin, do not speak English as their primary language and who have limited ability to speak, read, write, or understand English may be entitled to language assistance under Title VI in order to receive a particular service, benefit, or encounter.

Moore's Creek Water and Sewer District Four-Factor Analysis: The following Four-Factor Analysis will serve as the guide for determining which language assistance measures the Moore's Creek Water and Sewer District will undertake to guarantee LEP person's access to the U.S. Department of Agriculture, Rural Development, federally assisted project for the Moore's Creek Water and Sewer District Phase 1 improvements.

Factor 1 - Number or Proportion of LEP Persons Served or Encountered in the Eligible Service Population:

According to the Department of Justice – Civil Rights Division 2012 Language Map, Pender County has a total population of 49,404 with a total LEP Population of 1,390 comprising 2.81% of the total county population. The vast majority of LEP population is identified as Spanish or Spanish Creole with a total of 1,222.

The Moore's Creek Water and Sewer District comprises just a small portion (168 sq. miles/933 sq. miles) of Pender County, roughly 18%. Based on this percentage we estimate the LEP population within this district at 3% with a total of 250 based on an average density of 47 people per sq. mile.

Based on this result, Moore's Creek Water and Sewer District does not meet the 1,000 total or 5% LEP person's threshold for any languages. This threshold is recognized as the "Safe Harbor" provision and while no written translation is required at this threshold it is understood that this is a starting point to consider "whether, and at what point, the project activity involved warrants written translation of commonly used forms into frequently encountered languages other than English.

Factor 2 – The Frequency with which LEP Individuals Come into Contact with the RD Funded Programs, Activities, and Services:

The proposed project does include new water service hookups. Therefore, residents are likely to have considerable direct contact with the program and its staff.

Factor 3 – The Importance to LEP Persons of the RD Program, Activities, and Services:

The proposed project does provide direct assistance to project area beneficiaries related to water service hookups; therefore, the nature of the activity or service is of significant importance to the proposed project area residents.

Factor 4 – The Resources Available to the Recipient and Costs:

Local volunteers, if needed, can provide oral translation services at public meetings and during conversations with LEP residents during the implementation of the proposed project.

Certification: Based on the above Four-Factor Analysis, the Moore's Creek Water and Sewer District is not required to develop a LAP. However, the Moore's Creek Water and Sewer District will make all reasonable attempts to accommodate language access needs of residents requesting oral translation during citizen participation activities.



Chairman, Moore's Creek Water & Sewer District

9/6/10

Date



Clerk to the Board

9/6/10

Date

