



## ***RESOLUTION No. 2013-3041***

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**A RESOLUTION ADOPTING: A FAIR HOUSING RESOLUTION; A NON-DISCRIMINATION POLICY ON THE BASIS OF HANDICAPPED STATUS AND GRIEVANCE PROCEDURE; A HUD SECTION 3 PLAN; AND A LIMITED ENGLISH PROFICIENCY PLAN, TO MEET FEDERAL REQUIREMENTS FOR A HOUSING REHABILITATION GRANT.**

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### **RECITALS:**

1. On January 3, 2012, the Newberg City Council adopted Resolution No. 2012-2986 supporting the submission of a housing rehabilitation grant application to the Oregon Business Development Department (OBDD) by the Housing Authority of Yamhill County and the Yamhill County Affordable Housing Corporation on behalf of the city.
2. On May 29, 2012, the city was awarded a \$400,000 housing rehabilitation grant by OBDD. These are federal Community Development Block Grant funds from the Department of Housing and Urban Development (HUD) and require the city to adopt policies addressing specific federal laws and requirements. These policies must be adopted by the city before the first draw of grant funds.
3. The attached policies include: Exhibit A) a Fair Housing resolution stating that the city supports the Fair Housing Act and that housing discrimination is prohibited in Newberg; Exhibit B) a Policy of Nondiscrimination on the Basis of Handicapped Status, and a grievance procedure for complaints, which updates the city's policy, and creates a complaint process for employees and people who interact with the city related to HUD funding; Exhibit C) a HUD Section 3 Plan, which ensures that employment and other economic opportunities generated by HUD funding, to the greatest extent possible, are directed to public housing residents and other low income persons. The plan also delegates these responsibilities to our subgrantee, the Yamhill County Affordable Housing Corporation, who administers the housing rehabilitation grant funds for the city; and Exhibit D) a Limited English Proficiency (LEP) Plan which helps identify reasonable steps for providing language assistance to persons with limited English proficiency who wish to access services provided by the city.
4. The attached policies collectively address the federal requirements for the housing rehabilitation Community Development Block Grant funds.

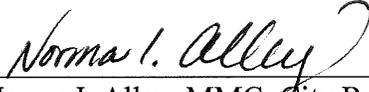
### **THE CITY OF NEWBERG RESOLVES AS FOLLOWS:**

1. The City of Newberg wants to meet the federal requirements for the housing rehabilitation Community Development Block Grant and comply with federal laws.

2. The Fair Housing resolution, attached as Exhibit "A", is hereby adopted and by this reference incorporated.
3. The Non-discrimination policy on the basis of handicapped status, and the grievance procedure, attached as Exhibit "B" is hereby adopted and by this reference incorporated.
4. The HUD Section 3 plan, attached as Exhibit "C", is hereby adopted and by this reference incorporated.
5. The LEP plan, attached as Exhibit "D", is hereby adopted and by this reference incorporated.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: April 16, 2013.

**ADOPTED** by the City Council of the City of Newberg, Oregon, this 15<sup>th</sup> day of April, 2013.

  
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Norma I. Alley, MMC, City Recorder

**ATTEST** by the Mayor this 18<sup>th</sup> day of April, 2013.

  
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Bob Andrews, Mayor

**EXHIBIT "A"**  
**TO RESOLUTION NO. 2013-3041**

**FAIR HOUSING RESOLUTION**

Let it be known to all persons of the City of Newberg that discrimination in the sale, rental, lease, advertising of sale, rental or lease, financing of housing or land to be used for construction of housing, or in the provision of brokerage or rental services because of race, color, religion, sex, disability (physical or mental), familial status (children), national origin, sexual orientation, marital status, and source of income is prohibited by Title VIII of the federal Fair Housing Amendments Act of 1988 and Oregon law. It is the policy of the City of Newberg to support the Fair Housing Amendments Act of 1988 and to implement a Fair Housing Program to ensure equal opportunity in housing for all persons regardless of race, color, religion, sex, disability (physical and mental), familial status (children), national origin, sexual orientation, marital status, and source of income. Therefore, the City of Newberg does hereby pass the following Resolution:

Be it resolved that within the resources available to the City of Newberg through city, county, state, federal and community volunteer sources, the City of Newberg will assist all persons who feel they have been discriminated against because of race, color, religion, sex, disability (physical and mental), familial status (children), national origin, sexual orientation, marital status, and source of income in the process of filing a complaint with the Oregon Civil Rights Division or the U.S. Department of Housing and Urban Development, Seattle Regional Office Compliance Division, that they may seek equity under federal and state laws.

Be it further resolved that the City of Newberg shall publicize this Resolution and through this publicity shall cause real estate brokers and sellers, private home sellers, rental owners, rental property managers, real estate and rental advertisers, lenders, builders, developers, home buyers and home or apartment renters to become aware of their respective responsibilities and rights under the Fair Housing Amendments Act of 1988 and any applicable state or local laws or ordinances.

The Fair Housing program, for the purpose of informing those affected of their respective responsibilities and rights concerning Fair Housing law and complaint procedures, will at a minimum include, but not be limited to: 1) the printing, publicizing and distribution of this Resolution; 2) the distribution of posters, flyers, pamphlets and other applicable Fair Housing information provided by local, state and federal sources, through local media or community contacts; and 3) the publicizing of locations where assistance will be provided to those seeking to file a discrimination complaint.

**EXHIBIT "B"**  
**TO RESOLUTION NO. 2013-3041**

**POLICY OF NON-DISCRIMINATION ON THE BASIS OF HANDICAPPED STATUS, AND  
GRIEVANCE PROCEDURE**

Policy of non-discrimination on the basis of handicapped status:

The City of Newberg does not discriminate on the basis of handicapped status in the admission or access to, or treatment or employment in, its federally assisted programs or activities.

The person named below has been designated to coordinate compliance with the nondiscrimination requirements contained in the Department of Housing and Urban Development's (HUD) regulations implementing Section 504 (24 CFR Part 8. dated June 2, 1988).

Dawn Wilson, Human Resources Director  
City of Newberg  
414 E. 1<sup>st</sup> Street (P.O. Box 970)  
Newberg, OR 97132  
Telephone: Voice 503-537-1261  
TTY 711

Grievance procedure:

Complaints of Alleged Discrimination Based on Disability in relation to federally assisted programs or activities:

1. Submit complaint in writing to the Human Resources Director for resolution. A record of the complaint and action taken will be maintained. A decision by the Human Resources Director will be rendered within 15 working days.
2. If the complaint cannot be resolved to your satisfaction by the Human Resources Director, it will be forwarded to the City Manager. A decision by the City Manager will be rendered within 15 working days.
3. A record of action taken on each complaint will be maintained as a part of the records at each level of the grievance process.

**HUD SECTION 3 PLAN**

**City of Newberg HUD Section 3 Plan: A plan to ensure that employment and other economic opportunities generated by HUD funding, to the greatest extent possible, are directed to public housing residents and other low income persons.**

**Policy Statement**

The City of Newberg supports the Department of Housing and Urban Development's (HUD's) legislative efforts to provide preference to low- and very low-income residents of the local community (regardless of race and gender), and the businesses that substantially employ these persons, for new employment, training, and contracting opportunities resulting from HUD funded projects.

**What is Section 3?**

Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701u) (Section 3), requires the City of Newberg to ensure that employment and other economic and business opportunities generated by the Department of Housing and Urban Development (HUD) financial assistance, to the greatest extent feasible, are directed to public housing residents and other low-income persons, particularly recipients of government housing assistance, and business concerns that provide economic opportunities to low- and very-low income persons.

Section 3 is applicable when the normal completion of construction and rehabilitation projects creates the need for new employment, contracting, or training opportunities. If the expenditure of covered funding does not result in new employment, contracting, or training opportunities, the requirements of Section 3 are not applicable.

As a recipient of HUD Community Planning and Development assistance, the City of Newberg certifies it will comply with the requirements of Section 3. HUD Community Planning and Development programs include the Community Development Block Grant (CDBG) and Neighborhood Stabilization Programs. The requirements of Section 3 also apply to contractors or subcontractors that receive contracts in excess of \$100,000 for Section 3 eligible projects / activities. In cases where the city has a contract with another agency or non-profit to administer the grant funds these responsibilities will be delegated as well.

HUD's regulations on Section 3 can be found in the Code of Federal Regulations, at 24 CFR 135.

**Eligible Projects**

All projects / activities involving housing construction, demolition, rehabilitation, or other public construction, i.e., roads, sewers, community centers, etc., that are completed with HUD Community Planning and Development funding are subject to the requirement of Section 3.

**Section 3 Residents**

1. Are residents of Public and Indian Housing; or
2. Are individuals that reside in the metropolitan area in which the Section 3 applicable assistance is expended and whose income does not exceed the local HUD income limits set forth for low- or very low-income households.

### **Section 3 Business Concerns**

To be considered a Section 3 Business Concern, at least one of the following must apply:

1. Business is 51% or more owned by Section 3 residents;
2. At least 30% of the business's permanent, full-time employees are currently Section 3 residents, or within three years of the date of first employment with the firm were Section 3 residents; or
3. Business provides evidence of a commitment to subcontract in excess of 25% of the dollar amount of all subcontracts to be awarded to businesses that meet the qualification described above.

In accordance with the regulation, residents and business concerns seeking Section 3 preference shall certify, and/or submit evidence to the City of Newberg, contractor, or subcontractor, verifying that they meet the definitions provided above.

### **Implementing Procedures to Ensure Section 3 Requirements**

The following Bid Specifications & Contract clause (referred to as the HUD Section 3 clause) is included in all City of Newberg bid specifications and contracts whose funding is derived from HUD and involves housing construction, demolition, rehabilitation, or other public construction, i.e., roads, sewers, community centers, etc.

- A. *The work to be performed under this contract is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (Section 3). The purpose of Section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by Section 3, shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing.*
- B. *The parties to this contract agree to comply with HUD's regulations in 24 CFR part 135, which implement Section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the part 135 regulations.*
- C. *The contractor agrees to send to each labor organization or representative or workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor's commitments under this Section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the Section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.*
- D. *The contractor agrees to include this Section 3 clause in every subcontract subject to compliance with regulations in 24 CFR part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this Section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR part 135.*
- E. *The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons*

*other than those to whom the regulations of 24 CFR part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR part 135.*

- F. Noncompliance with HUD's regulations in 24 CFR part 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.*
- G. Contractor shall complete the required Section 3 report form 60002 and submit it to the City with the final construction pay estimate for the project.*

**Compliance with Section 3:**

To ensure compliance with Section 3 requirements, the City of Newberg will document actions taken to comply, including but not limited to:

1. Facilitating the training and employment of Section 3 residents by notifying the Housing Authority of Yamhill County, local job training centers, and Job Growers, Inc. of new employment, training, or contracting opportunities resulting from the expenditure of covered funding;
2. Assisting and actively cooperating with HUD in ensuring contractors and subcontractors comply with Section 3;
3. Refraining from entering into contracts with contractors that are in violation of Section 3 regulations; and
4. Documenting actions taken to comply with Section 3 and submitting Section 3 Summary reports (HUD Form 60002).

**LIMITED ENGLISH PROFICIENCY PLAN**

**INTRODUCTION**

This *Limited English Proficiency Plan* has been prepared to address the City of Newberg's responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited English proficiency language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq, and its implementing regulations, which state that no person shall be subjected to discrimination on the basis of race, color or national origin.

Executive Order 13166, titled *Improving Access to Services for Persons with Limited English Proficiency*, indicates that differing treatment based upon a person's inability to speak, read, write or understand English is a type of national origin discrimination. It directs each agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies which receive federal funds, including all City of Newberg departments.

**Plan Summary**

The City of Newberg has developed this *Limited English Proficiency Plan* to help identify reasonable steps for providing language assistance to persons with limited English proficiency (LEP) who wish to access services provided. As defined in Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English. This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP persons that assistance is available.

In order to prepare this plan, the City of Newberg used the four-factor LEP analysis which considers the following factors:

1. The number or proportion of LEP persons in the service area who may be served by the City of Newberg.
2. The frequency with which LEP persons come in contact with City of Newberg services.
3. The nature and importance of services provided by the City of Newberg to the LEP population.
4. The interpretation services available to the City of Newberg and overall cost to provide LEP assistance. A summary of the results of the four-factor analysis is in the following section.

**MEANINGFUL ACCESS: FOUR-FACTOR ANALYSIS**

**The number or proportion of LEP persons in the service area who may be served or are likely to require City of Newberg services.**

The City of Newberg staff reviewed the 2011 U.S. Census American Community Survey and determined that approximately 2,634 persons in the city of Newberg [13% of the population 5 years and over] speak a language other than English. Of those 2,634 persons, 1,431 [7.1% of the population 5 years and over] have limited English proficiency; that is, they speak English less than "very well". In the city of Newberg, of those persons with limited English proficiency, 1,309 speak Spanish, 10 speak other Indo-European languages, 101 speak Asian and Pacific Island languages, and 11 speak other languages.

**The frequency with which LEP persons come in contact with City of Newberg services.**

The City of Newberg staff reviewed the frequency with which the City departments have contact with LEP persons. The Municipal Court often has contact with Spanish-speaking LEP persons, and provides Spanish interpretation services at every court session. The Police and Fire Departments have fairly frequent contact with Spanish-speaking LEP persons. They call bilingual city staff in the Police Department for assistance when necessary, and have Spanish versions of some critical notices. The Utility Billing office frequently has contact with Spanish-speaking LEP persons. They have bilingual staff on hand to assist customers, and provide oral translations of documents. On request, they will provide written Spanish translations of their department documents. The Library often has contact with Spanish-speaking LEP persons. They have bilingual staff, and hold Spanish-language events. Most other city departments encounter LEP persons infrequently, and call bilingual Spanish-speaking city staff for assistance as needed. The city has bilingual Spanish-speaking staff in the Police Department, Legal Department, Utility Billing office, Public Works-Maintenance division, and Library. The city website also has a Spanish language page with links to bilingual city staff, the library, utility services, and the Newberg School District.

**The nature and importance of services provided by the City of Newberg to the LEP population.**

The City's existing resources to serve LEP persons are focused on those functions (Municipal Court and Police in particular) that are necessary to ensure just treatment of all of its citizens. The Utility Billing office is also a critical function, and has LEP resources on hand. The Library is an important resource for the entire community and takes several steps to reach out to LEP persons. Other city departments provide important services but are not as critical on a weekly or monthly basis and are not in frequent contact with LEP persons.

**The resources available to the City of Newberg and overall costs to provide LEP assistance.**

The City of Newberg reviewed its available resources for providing LEP assistance, which consists chiefly of some bilingual Spanish-speaking city staff and a certified interpreter for the Municipal Court. These resources represent a significant cost but are recognized as necessary to provide service to Newberg citizens.

**LANGUAGE ASSISTANCE PLAN**

A person who does not speak English as their primary language and who has a limited ability to read, write, speak or understand English may be a Limited English Proficient person and may be entitled to language assistance with respect to City of Newberg services. Language assistance can include interpretation, which means oral or spoken transfer of a message from one language into another language and/or translation, which means the written transfer of a message from one language into another language.

How the City of Newberg staff may identify an LEP person who needs language assistance:

- Post notice of LEP Plan and the availability of interpretation services free of charge in languages LEP persons would understand.
- All City of Newberg staff will be informally surveyed periodically on their experience concerning any contacts with LEP persons during the previous year.
- When the City of Newberg sponsors an informational meeting or event, a staff person may greet participants as they arrive. By informally engaging participants in conversation it is possible to gauge each attendee's ability to speak and understand English. Although translation may not be able to be provided at the event it will help identify the need for future events.

**Language Assistance Measures**

The City of Newberg will strive to offer the following measures to provide assistance to LEP persons:

1. The City of Newberg staff will take reasonable steps to provide the opportunity for meaningful access for LEP clients who have difficulty communicating in English.
2. The following resources will be available to accommodate LEP persons:
  - Bilingual Spanish-speaking city staff work in several departments and will be called for assistance as needed within a reasonable time period.
  - The Municipal Court will have Spanish interpretation services at every court session.
  - The vast majority of LEP persons in Newberg are Spanish-speaking. The need for additional language interpretation measures will be assessed on an ongoing basis, and a telephone interpretation service for other languages will be used if necessary.

## **STAFF TRAINING**

The following training will be provided to all staff:

- Information on the Title VI Policy and LEP responsibilities.
- Description of language assistance services offered to the public.
- Documentation of language assistance requests.

**All contractors or subcontractors performing work for the City of Newberg will be required to follow the Title VI/LEP guidelines.**

## **TRANSLATION OF DOCUMENTS**

The City of Newberg weighed the cost and benefits of translating documents for potential LEP groups. Considering the expense of translating the documents, the likelihood of frequent changes in documents and other relevant factors, at this time it is an unnecessary burden to have any additional documents translated. The Police and Fire Departments already have Spanish-language versions of some critical documents, and the Utility Billing office will provide Spanish translations of their documents on request.

The City of Newberg does not have a formal outreach program in place to LEP persons. When the need arises for LEP outreach, the City of Newberg will consider the following options:

- When staff prepares a document, or schedules a meeting, for which the target audience is expected to include a large proportion of LEP individuals, then documents, meeting notices, flyers, and agendas will be printed in an alternative language based on the known LEP population.

## **MONITORING**

**Monitoring and Updating the LEP Plan** - The City of Newberg will update the LEP Plan as required. At a minimum, the plan will be reviewed and updated when data from the 2020 U.S. Census or next American Community Survey is available, or when it is clear that higher concentrations of LEP individuals are present in the City of Newberg service area. City staff will be surveyed to determine:

- The frequency of encounters with LEP persons.
- How the needs of LEP persons have been addressed.
- Determination of the current LEP population in the service area.
- Determination as to whether the need for translation services has changed.

- Determine whether local language assistance programs have been effective and sufficient to meet the need.
- Determine whether the City of Newberg's financial resources are sufficient to fund language assistance resources needed.
- Determine whether the City of Newberg fully complies with the goals of this LEP Plan.
- Determine whether complaints have been received concerning the agency's failure to meet the needs of LEP individuals.

#### **DISSEMINATION OF THE CITY OF NEWBERG LEP PLAN**

- Post signs at City Hall and the Public Safety Building notifying LEP persons of the LEP Plan and how to access language services.
- Post the LEP plan on the city website at [www.newbergoregon.gov](http://www.newbergoregon.gov).