

Maricopa County Air Quality Department

Nondiscrimination Program Plan



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Section One: Introduction

A. Maricopa County

Maricopa County was established as a county on February 14, 1871 by the Legislative Assembly of the Territory of Arizona from parts of Yavapai and Pima Counties. The County's current geographical boundaries were set in 1881 and have not changed since.

The history of the county was mostly marked by rapid population increase, driven initially by the mining, agriculture and livestock industries. Arizona achieved Statehood February 14, 1912, providing greater integration of Arizona into the national infrastructure and further incentives to settle in Maricopa County. Then, as now, Maricopa County was the most populated area within Arizona. Many of the significant population in-migrations in recent times have been spurred on by the low cost of living, economic growth, climate and easy access to other major metropolitan areas. As the population grew, so did the diversity of the economy and the population, as well as the reasons for further migration to the area. The climate, strong economy, educational opportunities, and beautiful desert environment are just a few of the reasons why Maricopa County continues to have one of the fastest growing populations in the United States.

Maricopa County is the nation's fourth largest county in terms of population and has a population greater than 21 states. Twenty-five cities and towns are located in Maricopa County. Its largest city, Phoenix, is the County seat and State capital. Measuring 137 miles east to west and 102 miles north to south, Maricopa County covers 9,225 square miles, making it the 14th largest county in land area in the continental United States, and larger than seven states. With more than nine-thousand square miles it is larger than Connecticut, Delaware and Rhode Island combined. Individuals and corporations make up 30% of total land ownership, with the remainder publicly owned. The County is administered by a County Manager who reports to the five member Board of Supervisors elected by the public.

B. Maricopa County Air Quality Department

The Maricopa County Air Quality Department (MCAQD) is a regulatory agency whose goal is to ensure federal clean air standards are achieved and maintained for the residents and visitors of Maricopa County. The department is governed by the Maricopa County Board of Supervisors and follows air quality standards set forth by the federal Clean Air Act.

The department has State of Arizona statutory authority (ARS §49-402.B) for air quality programs and receives direct delegation/authority from the Environmental Protection Agency for certain air quality programs. In addition, the department has responsibility through formal agreements with the Arizona Department of Environmental Quality and Maricopa Association of Government for emission inventories, air quality monitoring data, and its Travel Reduction Program.

MCAQD is organized into five divisions:

Air Monitoring operates the county's fixed station monitoring network which measures compliance with standards and collects data in response to air quality emergencies.

Compliance performs site inspections, trains the regulated community on how to comply with regulations and issues enforcement actions.

Permitting authorizes construction and operation of equipment that emits or controls emissions of air pollutants.

Planning and Analysis drafts air pollution control rules and ordinances and implementation plans, conducts emission inventories, and performs scientific analysis in support of department operations.

Travel Reduction and Outreach works with employers and schools to reduce single occupancy vehicle trips, reducing pollution from vehicles. The business assistance/ombudsman programs provide technical assistance and information about air quality rules and regulations to businesses, trade associations, public interest groups and individual community members.

Section Two: Nondiscrimination Program Policy; Grievance Procedures

MCAQD is committed to ensuring that no person is excluded from participation in, denied the benefits of, or subjected to discrimination under any program, activity or service that it provides. MCAQD will not tolerate intimidation, threats, coercion, or discrimination against any individual or group. This policy establishes a framework for taking reasonable measures to ensure access to all services provided by the department for all Maricopa County citizens and establishes procedures whereby the department will receive and investigate allegations of discrimination.

MCAQD's Nondiscrimination Program Policy; Grievance Procedures (PP-2016-001) can be downloaded from the Department's website (Maricopa.gov/daq) under the 'Department Policies And Rule Interpretations' webpage.

Section Three: Recipients of Federal Assistance: Title VI Requirements; MCAQD Obligation to Provide Access

Title VI of the Civil Rights Act of 1964 is the overarching civil rights law that prohibits discrimination based on race, color, or national origin, in any program, service or activity that receives federal assistance. Specifically, Title VI assures that "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance." Title VI has been broadened and supplemented by related statutes, regulations and executive orders:

- Title IX of the Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in any education or training program receiving federal financial assistance, with a limited number of defined exceptions;
- Section 504 of the Rehabilitation Act of 1973 (Section 504), which forbids discrimination on the basis of an individual's disability by all federal agencies and in all federally funded activities;
- The Age Discrimination Act of 1975, as amended, which prohibits discrimination in federally supported activities on the basis of age.

Further, Executive Order 13166, *Improving Access to Services with Persons with Limited English Proficiency* (2000) requires that persons with limited English proficiency (LEP) should have meaningful access to federally conducted and federally funded programs and activities, including services and benefits.

Section Three: MCAQD Nondiscrimination Program

A. Overview, Goals and Principles

MCAQD is actively engaged in Title VI activities as a recipient of federal assistance from the Environmental Protection Agency (EPA) and the Department of Homeland Security (DHS). MCAQD will not restrict an individual in any way from the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under its programs. Individuals may not be subjected to criteria or methods of administration which cause adverse impact because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program because of race, color or national origin. MCAQD will not tolerate intimidation, threats, coercion, or discrimination against any individual or group. Further, MCAQD must provide access to individuals with limited ability to speak, write, or understand the English language and to those with disabilities.

In order to provide services that are responsive to the needs and priorities of Maricopa County's diverse population, it is essential to have a process in place that effectively engages the public, fully integrates their feedback, and results in decisions that are protective of human health and the environment. The goal of the MCAQD Nondiscrimination Program is to ensure all people have a meaningful role in processes associated with the delivery of MCAQD services. This Nondiscrimination Program outlines the roles, method of administration, and analysis that supports equity in all air quality programs.

Based in part on federal guidance, the components of the MCAQD Nondiscrimination Program include:

- A notice of nondiscrimination under the federal nondiscrimination statutes;
- Grievance procedures for complaints filed under the federal nondiscrimination statutes;
- Identification of a department Nondiscrimination Coordinator and his/her role;
- An assessment of MCAQD's obligation to provide access to LEP and disabled persons;

- Public Participation Procedures.

B. MCAQD Nondiscrimination Program Plan

1. Notice of Non-Discrimination

MCAQD's Notice of Nondiscrimination (Attachment A) is prominently and permanently posted in MCAQD's main office and on the MCAQD website. Notice is provided in both English and Spanish and describes the procedures to file a complaint and how to contact the MCAQD Title VI Nondiscrimination Program Coordinator for assistance.

2. Grievance Procedures

MCAQD's Grievance Procedures (Attachment B) are posted on the department website and explain the process by which any person may file a complaint. Further, the process by which complaints will be investigated and how complainants will be informed (in writing) of the progress and disposition of their complaint is also described. Finally, MCAQD's Nondiscrimination Program Coordinator contact information is provided.

3. MCAQD Nondiscrimination Program Coordinator Role

MCAQD's Nondiscrimination Program Coordinator ensures department compliance with federal non-discrimination statutes and:

- Ensures information regarding MCAQD's Nondiscrimination Program is internally and externally available;
- Maintains public notice of, and procedures for receipt and processing of complaints;
- Tracks and reviews complaints received;
- Trains department staff on MCAQD's Nondiscrimination Program and procedures;
- Provides written updates to complainants on the progress of investigations;
- Periodically reviews the efficacy of MCAQD's Nondiscrimination Program.

4. Obligation to Provide Access: Persons with Limited English Proficiency and/or Disabilities

Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English can be Limited English Proficient (LEP) and may be entitled to language assistance with respect to services provided by recipients of federal assistance.

As directed by Executive Order 13166, EPA and DHS have each published guidance to financial assistance recipients regarding Title VI prohibition against national origin discrimination affecting LEP persons. Recipients are required to take reasonable steps to reduce language barriers that can preclude meaningful access to department programs and activities by LEP persons.

Recipients of federal assistance will also provide for meaningful access to department programs and activities by disabled persons. Disabled persons have a physical impairment (hearing, mobility, vision) or mental impairment that substantially limits one or more major

life activities including walking, talking, hearing, seeing, breathing, learning, performing manual tasks and caring for oneself.

While it is true that determining precisely what steps are reasonable to ensure access for LEP and disabled persons is fact-dependent, development of a public participation plan begins with a clear understanding of the frequency and distribution of LEP and disabled populations throughout Maricopa County.

Maricopa County Population Demographics: Limited English Proficiency; Disability

Data regarding the total Maricopa County populations and distribution of LEP and disabled persons was drawn from the 2010-2014 American Community Survey (ACS):

Category	Total	Percent
Total Population in Maricopa County	3,947,382	
Total Maricopa County Households	1,424,244	
Disabled Population		
Population with a Disability ¹	399,455	10.2%
Limited English Proficiency Demographics		
Limited English Speaking Households ²	69,189	4.9%
Languages:		
Spanish	53,359	77.1%
Other Indo-European Languages	4,708	6.8%
Asian and Pacific Island Languages	7,829	11.4%
Other Languages	3,230	4.7%
Total:	69,189	100%
Population speaking English less than “Very Well” ³	357,466	9.7%

Limited English Proficiency Persons

¹ Disability status from 2014 ACS 5-year estimate (Table S1810). Disability status is determined for the civilian non-institutionalized population based on six types of difficulty: hearing, vision, cognitive, ambulatory, self-care, and independent living difficulty. Percentages are defined by Total civilian noninstitutionalized population of 3,918,121.

² A “Limited English speaking household” is one in which no member 14 years old and over (1) speaks only English at home or (2) speaks a language other than English at home and speaks English less than “Very well.” Data are from 2014 ACS 5-Year estimate (Table B16002).

³Total population, above 5-years in age, in the Census defined area for whom language spoken estimates were determined is 3,672,140. Data are from 2014 ACS 5-year estimates (Table B16004).

Federal guidance generally describes how recipients of federal assistance determine the extent of their obligation to provide LEP services. Four factors should be considered:

- 1) The number or proportion of LEP persons eligible to be served or likely to be encountered by the program; 9.7% of Maricopa County's population speaks English less than "very well." Further, 4.9% (69,189) of Maricopa County households are limited English speaking. Of those 69,189 households, a significant majority (77.1%) speak Spanish. The geographic distribution of households with Limited English Speaking Ability is shown in Attachment D1.
- 2) The frequency with which LEP individuals come in contact with the program; as MCAQD permits facilities and administers programs county-wide, LEP persons are a significant percentage of the individuals who come into contact with the program.
- 3) The nature and importance of the program, activity or service provided by the program to people's lives; the air permitting programs MCAQD administers are directly impactful to protecting the health and welfare of all its citizens.
- 4) The resources available to the recipient and costs.

MCAQD has the resources to provide LEP services as identified in the Public Participation Procedures below.

Since Spanish speakers are the major LEP language group in Maricopa County, MCAQD's efforts primarily focus on ensuring key materials and services are available in both English and Spanish.

Disabled Persons

10.2% of Maricopa County's population is disabled to some degree. The geographic distribution of Civilian Non-Institutionalized Population Proportions with a Disability is shown in Attachment D2.

5. Public Participation Procedures

MCAQD seeks public participation and involvement in multiple programs. Though the vast majority of public involvement opportunities at MCAQD arise during the processing of Title V and Non-Title V air quality permits, public notice and participation is an important element of all MCAQD programs. Effective public involvement is a required component of the decision making process (and required by MCAQD rules) and is intended to help the public understand and assess how air quality programs affect their communities.

In order for public involvement to be meaningful, it requires informing, consulting and working with potentially affected communities at various stages of the decision making process in order to understand and address concerns. MCAQD strives to provide for meaningful public involvement in all of its programs, no matter the location of the program in the county or the community potentially impacted.

a. Public Participation Required by MCAQD Rules

Under MCAQD rules* public notice, opportunity for public comment and for Title V Permits, notice of the opportunity for a hearing is required before taking any of the following actions:

- Issuing, denying or renewing a permit;
- Issuing or denying a significant permit revision;
- Revoking and reissuing or reopening a permit;
- Issuing a conditional order or permit;
- Granting a variance from a general permit.

**Rule 210: Title V Permit Provisions, Section 408; Rule 220: Non-Title V Permit Provisions Section 407*

Notice of permit or permit revisions must be published in newspapers of general circulation in Maricopa County and must include:

- Name and address of the affected facility;
- Activity(ies) involved in the permit action;
- Instructions on how and by when comments are to be submitted;
- Locations where copies of the document subject to department decision may be obtained;
- For Title V permits, the emissions change involved and the air contaminants to be emitted;
- A statement if the permit or permit revision would result in the generation of emission reduction credits or the utilization of emission reduction credits;
- MCAQD’s preliminary determination of whether the application for a permit or permit revision should be approved or disapproved;
- At least 30 days to submit comments.

b. Public Participation: LEP/Disabled Persons

In addition to those public involvement requirements described in rule, MCAQD supplements and strengthens public involvement processes to ensure access to all people, and that accommodation is available to facilitate the participation of those persons with English language proficiency and/or disability.

MCAQD provides appropriate auxiliary aids and services (including qualified interpreters) to LEP persons, disabled persons who are deaf or hard of hearing and other individuals as

necessary at no cost to ensure effective communication and an equal opportunity to participate fully in the decision making process.

Further, as 77.1% of LEP households in Maricopa County are proficient in Spanish, significant resources are directed at ensuring the availability of key materials and services in both English and Spanish including:

- Compliance/Enforcement brochures and flyers
- Department main phone line accommodations for Spanish speakers:
 - Phone line menu options in Spanish
 - Access to Spanish speaking representatives
 - Voicemail options in Spanish
 - Compliance training schedule information in Spanish
 - Complaint line directions in Spanish
 - No burn line info and emergency line information in Spanish
- Communications Office staff who respond to Spanish media calls
- CleanAirMakeMore.com/Español Spanish website
- Dust control training courses offered in Spanish online and in person
- No Burn Campaign materials offered in Spanish:
 - TV Public Service Announcements
 - Radio advertisements
 - Frequently asked questions
 - Resident door hangers
 - Newspaper articles and press releases

MCAQD is also able to accommodate the needs of other LEP (non-Spanish speaking) persons through specialty contracts for translation services.

The development and distribution of public notices and planning for public meetings or hearings regarding department actions will consider the LEP and disabled population density in the area most impacted by the department action or program. Staff engaged in developing public notices and planning of public meetings will consult the following data sources regarding the geographic distribution of LEP and disabled populations within Maricopa County:

- Household Proportions with Limited English-Speaking Ability (Attachment D1)
- Civilian Non-institutionalized Population Proportions with a Disability (Attachment D2)

Further, department public notices will include the following text:

“MCAQD will take reasonable measures to provide access to department services to individuals with limited ability to speak, write, or understand English and/or to those with disabilities. Requests for language interpretation services or for disability accommodations must be made at least 48 hours in advance by contacting: [Department Contact Information]”

“MCAQD tomará medidas razonables para proveer acceso a los servicios del departamento para personas con capacidad limitada para hablar, escribir o entender Inglés y / o para las personas con discapacidad. Las solicitudes de servicios de interpretación del lenguaje o de alojamiento de discapacidad deben hacerse por lo menos 48 horas de antelación poniéndose en contacto con: [Departamento de Información de Contacto]”



Maricopa County
Air Quality Department

NOTICE TO THE PUBLIC/AVISO AL PÚBLICO

***Air Quality Department Title VI Nondiscrimination Program/
Programa de discriminación de Título VI del Departamento de Calidad de Aire***

Maricopa County Air Quality Department (MCAQD) hereby gives public notice that it is agency policy to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 and related statutes and regulations in all programs and activities. Title VI requires that no person shall, on the grounds of race, color, sex, national origin, age or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program for which MCAQD receives federal financial assistance.

Any person who believes his/her Title VI protection has been violated may file a complaint. Any such complaint must be in writing and filed with the MCAQD Title VI Nondiscrimination Program Coordinator within one-hundred-eighty (180) days following the date of the alleged discriminatory occurrence. Title VI Complaint Forms may be obtained from MCAQD by contacting:

Talia Offord
MCAQD Title VI Nondiscrimination Program Coordinator
Maricopa County Air Quality Department
1001 N. Central Ave., Phoenix, AZ 85004
TaliaOfford@mail.maricopa.gov • 602.506.6016

El Departamento de Calidad de Aire del Condado de Maricopa (MCAQD) por el presente da aviso público que es la política de la Agencia asegurar conformidad total con el Título VI de la Ley de los Derechos Civiles de 1964, la Ley de Restauración de Derechos Civiles de 1987 y las leyes y regulaciones relacionadas en todos los programas y actividades. El Título VI requiere que ninguna persona será, por razón de raza, color, sexo, país de origen, edad o discapacidad, excluida de participar, negada los beneficios o de otra manera sujeta a discriminación bajo cualquier programa por cual MCAQD recibe ayuda financiera federal.

Cualquier persona que cree que se le ha violado su protección bajo el Título VI, puede presentar una queja. Esta queja debe ser por escrito y presentada al Gerente del Programa de discriminación del Título VI de MCAQD dentro de los ciento ochenta (180) días de la fecha en que se alega que la discriminación ocurrió. Se puede obtener formularios de reclamación de MCAQD poniéndose en contacto con:

maricopa.gov/aq
3/18/2016

[Attachment B: Grievance Procedures](#)

MCAQD Title VI Nondiscrimination Program

Title VI of the Civil Rights Act of 1964 establishes the requirements for the MCAQD Nondiscrimination Program. Title VI prohibits discrimination on the basis of race, color, or national origin in programs or activities receiving federal financial assistance. Federal statutes and presidential executive orders under the umbrella of Title VI also address minority and low-income populations and services to those individuals with limited English proficiency (LEP), women and the disabled.

What Does This Mean?

MCAQD cannot, on the basis of race, color, or national origin either directly or through contractual means, take any of these actions:

- Deny program services, aids or benefits
- Provide a different service, aid or benefit, or provide them in a manner different from what is provided to others
- Segregate or separately treat individuals in any matter related to the receipt of any service, aid or benefit
- Deny an opportunity to participate as a member of a planning, advisory or similar body that is an integral part of the program

Any federal financial aid sub-recipient is required to administer its program and activities without regard to race, color, or national origin.

How to File a Complaint

Complaints (in English or Spanish) may be filed by any person who believes she or he has been excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any MCAQD service, program or activity, and believes the discrimination is based upon race, color, or national origin. Complaints may be filed with the MCAQD Title VI Nondiscrimination Program Coordinator.

A signed, written complaint must be submitted within 180 days of the alleged discriminatory act (or latest occurrence).

Complaint Form - [English](#) | [Spanish](#)

Complaint Procedures

MCAQD does not promote or tolerate discrimination. The MCAQD Title VI Nondiscrimination Program has been established to ensure all people have a voice in air quality protection and to provide a process through which allegations of discrimination are investigated and resolved.

Filing a Complaint/Complaint Review

If someone believes they have suffered from discrimination under an MCAQD program, they may contact the MCAQD Title VI Nondiscrimination Program Coordinator to seek informal resolution. If the matter cannot be resolved informally, the following steps will be followed:

- Within 180 days of the alleged discrimination, complainants may submit a written or verbal complaint to the Title VI Nondiscrimination Program Coordinator. Complaints must include the complainant's name, the nature of the complaint, the date of the alleged discrimination, requested action and contact information. Complaint forms are available in Complaint Form - [English](#) | [Spanish](#)
- The Title VI Nondiscrimination Program Coordinator will review the complaint and may solicit additional information from the complainant as needed. If additional information is requested and not received, the case may be closed. The case may also be closed if the complainant no longer wishes to pursue their case.
- A complaint log will be kept by MCAQD containing the name and address of the complainant, nature of the complaint, date of submission and results of the investigation.
- If the complaint is outside the jurisdiction of MCAQD, the complainant will be notified of the name and contact information for the appropriate agency with jurisdiction, if known.

Complaint Processing

If the complaint is within the jurisdiction of MCAQD, or informal resolution was not possible, it will be promptly investigated. MCAQD's goal is to address complaints within 60 days of receipt, though the time to carefully investigate complaints may be longer depending on the nature of the complaint and complexity of the issue.

Preliminary Inquiry

MCAQD will conduct a preliminary inquiry to determine the need for further investigation.

- MCAQD will notify the complainant in writing that a preliminary inquiry is underway to determine the need for further investigation.
- If the preliminary inquiry by MCAQD indicates that an investigation is warranted, the complainant will be notified in writing and an interview will be scheduled.
- If the preliminary inquiry indicates an investigation is not warranted, the complainant will be notified in writing of the reasons why and factors considered.

Complaint Investigation

- Complaints warranting further investigation will be promptly processed by the MCAQD Title VI Nondiscrimination Program Coordinator. The results of the investigation will be provided to the MCAQD Deputy Director for review.
- The complainant will be notified in writing of the results of the investigation and what actions will be/have been taken in response and a timeline to request review.
- Records and investigative files will be kept for a minimum of three years.

Intimidation and Retaliation Prohibited

MCAQD will not tolerate intimidation, threats, coercion, or discrimination against any individual or group, either:

- For the purpose of interfering with any right or privilege guaranteed under law or regulations, or
- Because the individual has filed a complaint or has testified, assisted or participated in any way in an investigation, proceeding or hearing or has opposed any MCAQD action or decision.

For questions, please contact us:

Talia Offord

MCAQD Title VI Nondiscrimination Program Coordinator

Maricopa County Air Quality Department

1001 North Central Avenue

Phoenix, AZ 85004

E-mail: TaliaOfford@mail.maricopa.gov

Phone: [602-506-6016](tel:602-506-6016)



Maricopa County

Air Quality Department

Someta la forma y cualquier información adicional a:

MCAQD Title VI Nondiscrimination Program

Talia Offord

MCAQD Title VI Nondiscrimination Program Coordinator

1001 N. Central Ave., Suite 125, Phoenix AZ 85004

Teléfono: 602.506.6016 | Fax: 602.372.0587

Forma Para Poner una Queja (De Acuerdo Al Título VI)

Nota: La siguiente información se necesita para procesar su queja.

Información de la persona que está poniendo la queja:

Nombre: _____

Dirección: _____

Ciudad: _____ Estado: _____ Código Postal: _____

Teléfono (Casa): _____ Teléfono (Trabajo): _____

Persona A La Que Se Discriminó (alguien que no sea la persona que está poniendo la queja):

Nombre: _____

Dirección: _____

Ciudad: _____ Estado: _____ Código Postal: _____

Teléfono (Casa): _____ Teléfono (Trabajo): _____

¿Cuál de las siguientes razones describe por lo que usted siente que se le discriminó?

Raza/Color (Especifique) _____ Nacionalidad (Especifique) _____

Sexo (Especifique) _____ Edad (Especifique) _____ Incapacidad (Especifique) _____

¿En qué fecha(s) sucedió la discriminación? _____

Describa la presunta discriminación. Explique qué sucedió y quién cree usted que fue responsable (si necesita más espacio, agregue otra hoja).

Escriba una lista con los nombres de las personas que puedan tener conocimiento de la presunta discriminación y cómo contactarlas.

¿Ha presentado esta queja con otra agencia federal, estatal o local, o con cualquier corte federal o estatal? Marque todas las que apliquen.

Agencia Federal Corte Federal Agencia Estatal Corte Estatal Agencia Local

Por favor proporcione información de la persona a la que presentó su queja en la agencia/corte.

Nombre: _____

Dirección: _____

Ciudad: _____ Estado: _____ Código Postal: _____

Teléfono: _____ Extensión: _____

Por favor firme abajo. Puede anexas cualquier material escrito u otra información que usted crea que es relevante sobre su queja.

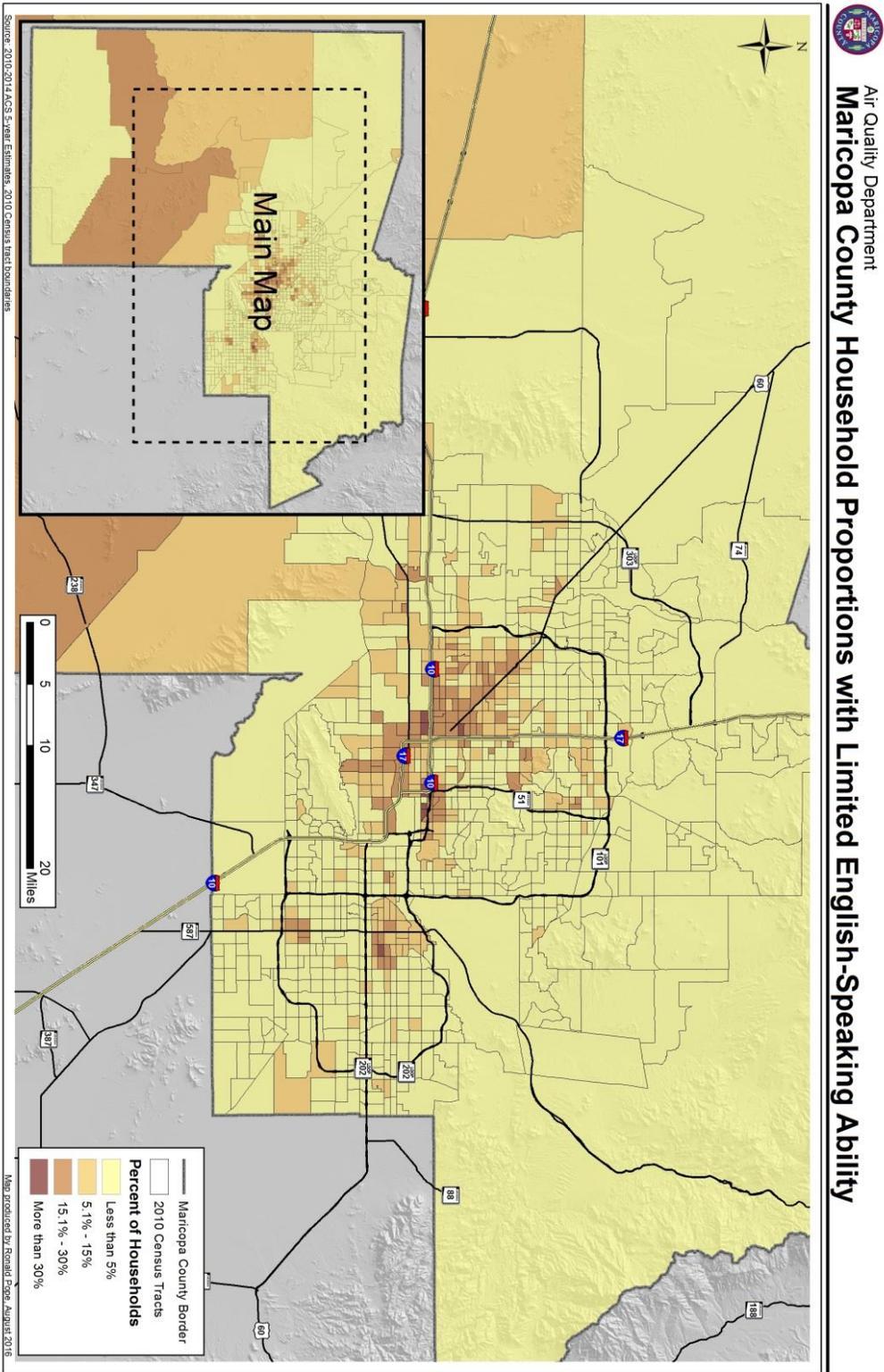
Firma de la Persona que presenta la queja

Fecha

Número de Anexos: _____

Attachment D: Maricopa County Population Data

1. Household Proportions with Limited English-Speaking Ability



Attachment D: Maricopa County Population Data

2. Civilian Non-institutionalized Population Proportions with a Disability

