



LANGUAGE ACCESS PLAN

City of Fargo, North Dakota



**COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME)**

ADOPTED MAY 2022

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Purpose

The purpose of this Language Access Plan is to ensure timely, meaningful access for persons with Limited English Proficiency (LEP) to the City of Fargo’s Housing and Urban Development Department (HUD) funded programs and services. Individuals who have a limited ability to read, speak, write, or understand English may be entitled to language assistance for certain services, benefits, or encounters.

Policy Statement

The City uses annual Congressional appropriations and general set-aside funds to procure language assistance services following federal and local procurement processes. This procurement allows City staff to provide free language assistance services to persons with LEP whom they encounter or whenever an individual with LEP requests language assistance services. All personnel will inform members of the public that the City will provide language assistance services to persons with LEP free of charge.

The City’s Language Access Plan (LAP or Plan) will be publicly available on the City of Fargo’s Community Development homepage. Public comments will be received via email at Planning@FargoND.gov. The City continuously seeks to improve and expand the services it provides to enable persons with LEP¹ to communicate with the City in person, over the phone, in writing, or through electronic media.

¹ Although this Plan focuses on LEP language assistance, the City will apply certain aspects of its Plan to also ensure effective communication with individuals with disabilities, per Section 504 of the Rehabilitation Act of 1973.

Statutory Authority

As a recipient of federal finance assistance, the City of Fargo Community Development Division is required, under Title VI of the Civil Rights Act of 1964 and Executive Order 13166, to develop and implement a plan to ensure accessibility to its programs and services for persons who are not proficient in the English language.

Title VI of the Civil Rights Act of 1964 is the federal law that 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 are LEP can effectively participate in, or benefit from, federally assisted programs may violate Title VI's prohibition against national origin discrimination.

Executive Order 13166, signed on August 11, 2000, directs all federal agencies, including HUD and its recipients, to work to ensure that programs receiving federal financial assistance provide meaningful access to LEP persons. To do so, federally assisted recipients are required to make reasonable efforts to provide language assistance, including 1) conduct a needs and capacity assessment (i.e. four-factor analysis); 2) develop a Language Access Plan; and 3) provide appropriate language assistance.

Needs and Capacity Assessment (Four Factor Analysis)

Recipients are required to take reasonable steps to ensure meaningful access to LEP persons. This "reasonableness" standard is intended to be flexible and fact-dependent. It is also intended to balance the need to ensure meaningful access by LEP persons to critical services while not imposing undue financial burdens on small businesses, small local governments, or small nonprofit organizations. As a starting point, a recipient may conduct an individualized assessment that balances the following four factors.

Factor 1: Determine the *number or proportion* of LEP individuals in the eligible service population.

Approximately 3,942 individuals have limited English proficiency, i.e., speak English less than "very well," in the city of Fargo, according to 2015-2019 American Community Survey 5-Year Estimates. This represents 3.47% of the total population over the age of 5.

Based on HUD's "safe harbor" thresholds², Nepali is the only LEP language group in the city that may warrant regular translation of vital written materials. Nepali is the largest LEP language group, comprising 0.897%³, or 1,020 persons, of the total population over the age of 5.

However, written translations are largely ineffective for the Nepali LEP language group due to high illiteracy rates. Interpretive services are more effective and in higher demand for the majority of largest LEP language groups, according to discussion with service providers that often serve the region's LEP residents, such as Family Health Care Center.

² HUD recommends written translation for languages meeting the "safe harbor" threshold, i.e. if an LEP language group makes up 5% or 1,000 persons (whichever is less) of the total population of persons eligible to be served by CDBG programs.

³ This number has likely declined over the past two years due to an increase in Nepali residents resettling from Fargo to cities with more Nepali stores, services, places of worship, etc.

The top languages requested for interpretation at Family Health Care Center are Nepali, Somali, Arabic, Kurdish, and Swahili. The demand for Vietnamese, Bosnian/Croatian, and Russian language interpretation has decreased over the past few years, which Family Health Care Center staff attributes to the length of time first generation immigrants and their families have been within the United States.

Factor 2: Determine the *frequency* that LEP persons come into contact with the City of Fargo’s HUD-funded programs.

The City does not provide direct client services through HUD-funded programs but do have contact with the public through its citizen participation processes. The City includes several agencies⁴ that serve persons with LEP on its contact list for notification about HUD public hearings and public comment periods. All notices of public hearing and public comment period for HUD plans include notice of availability of interpretation and translation services by request, but it has received no requests to date.

However, the City’s HUD subrecipients carry out several direct client services and programs, increasing their frequency/likelihood of having contact with persons with LEP. Given the small proportion of persons with LEP in the community and per subrecipient reports, contact is still relatively rare. Subrecipients maintain their own array of resources to ensure service to persons with LEP and have not requested translation services support through the City to date.

Factor 3: Determine the *nature and importance* of the programs, activities, or services provided by the City of Fargo HUD program to LEP individuals.

The City administers numerous HUD programs that provide funds to subrecipients to implement critical housing and community development programs, all of which the City want to ensure are available to LEP communities. For instance, persons with LEP may interact with the City’s HUD programs through receiving emergency subsistence payments, seeking eviction prevention legal counseling, or acquiring and maintaining residency with HUD-funded housing, which can all be fulfilled in non-English languages. For persons with LEP who seek HUD’s housing and services, it is essential that subrecipients continue to provide interpretation services and request assistance from City staff when needed in order to make accommodations and ensuring meaningful access.

Factor 4: Determine the *resources* available to assist LEP individuals.

The City maintains budget flexibility to provide contracted third-party oral telephonic interpretation services, and written translation services, at no charge when requested. Subrecipients also maintain an array of LEP resources to ensure meaningful access to their services.

⁴ This may include, but is not limited to, Fargo Public Schools’ Adult Education Center, Cultural Diversity Resources, and the New American Consortium. Many other organizations engaged in this work are already on the Planning & Development Department’s community development mailing list.

Action Steps

The City will strive to ensure meaningful access for persons with LEP through the following measures.

1. Written and Oral Language Assistance Services

The City will continue to offer written and/or oral language assistance services through the following measures.

- a. All notices of public hearing and public comment period for HUD plans and programs will include the following statement:

Non-Discrimination Notice – *In accordance with Federal regulations and City of Fargo policies, services are provided without regard to race, color, religion, sex, disability, familial status, national origin, age, marital status, veteran status, sexual orientation, gender identity, public assistance, domestic violence, lawful activity, or condition protected by applicable federal and state laws. The City is an equal employment/equal housing opportunity agency.*

Accessibility – *Fargo City Hall is serviced by public transit, accessible and can accommodate persons who are disabled. Alternative formats of this information (e.g., Braille, American Sign Language, etc.) or reasonable accommodations for persons with hearing/vision impairments and/or other disabilities will be made upon request. Contact information is provided at the end of this section.*

Limited English – *Reasonable steps will be taken to provide persons with limited English proficiency (LEP) meaningful access, including the availability of interpretation and translation services. If services are needed, contact information is provided at the end of this section.*

Contact Information

1. Planning and Development Department – 701.241.1474 or Planning@FargoND.gov
2. City of Fargo's Section 504/ADA Coordinator Bekki Majerus – 701.298.6966 to arrange for services (a 48 hour notice may be needed)
3. To access TTY/ND Relay service – 800.366.6888 or 711

- b. Interpretation services, within reason, will be provided for public meetings, if advance notice is provided to the City and such services are readily available.
- c. Written and/or interpretation services, within reason, will be provided for vital documents upon request, within a reasonable time period and as resources permit. Vital documents include, but are not limited to:
 - Leases and addendums
 - Application forms
 - Mortgage letters, notices, forms
 - Letters or notices pertaining to the reduction, denial, or termination of services or programs or that require a response from the person with LEP
- d. When written and/or interpretation services are unavailable or unreasonable, the City may use [Google's Translate program](#). Translations of all public notices and information published on the City of Fargo website are readily available by clicking the "Translate" icon on top of all City of Fargo webpages.

2. Staff Training

The City will continue to train staff annually and during new employee orientation on its responsibilities to the Language Access Plan, including training on:

- a. Notifying the public about language assistance services available and offered to the public
- b. Documenting language assistance requests

3. Subrecipients

All subrecipients performing work under City of Fargo HUD funding will be required to follow Title VI/LEP guidelines. Such assurance is made at the time the contract is established. Subrecipients will be informed to request LEP services from the City when necessary.

4. Assessment of Access & Quality

Every five years, the City will evaluate and update its Language Access Plan. Any updates made within the five-year timeframe will be recorded as an addendum to the LAP and then incorporated at the scheduled evaluation period. Updates may include:

- a. The latest LEP data per Census data and stakeholder consultation to determine the best resource allocation
- b. Best practices for continuous quality improvement regarding its language assistance services
- c. Data on number of language service requests
- d. Reviewing that all vendors providing language services include quality assurance and performance standards in the contracts for their services.