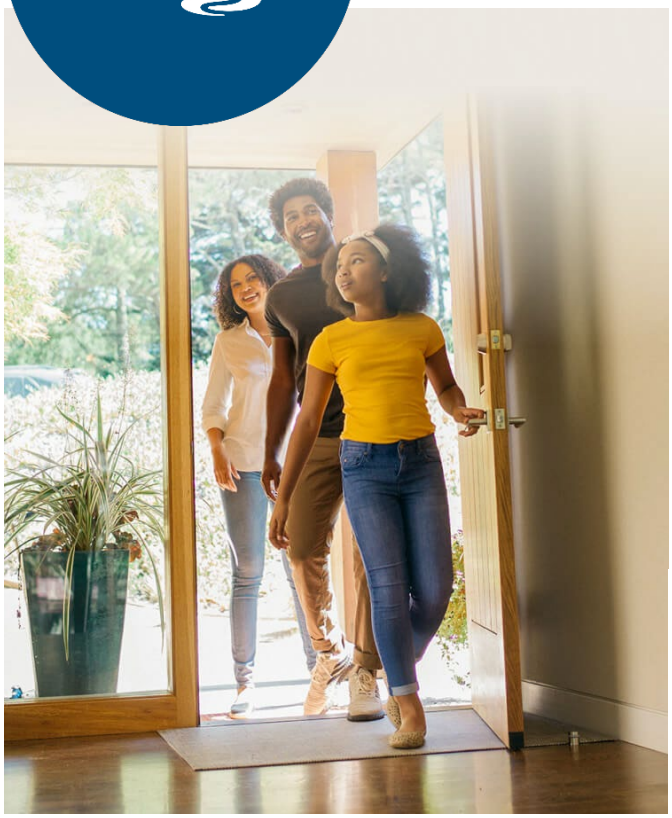
ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING

City of Fargo, North Dakota



COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)

HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME)

ADOPTED MAY 2022

Introduction

As a recipient of federal housing and community development funds, the City of Fargo is required to certify that it is affirmatively furthering fair housing. To certify, it must:

- Complete an Analysis of Impediments to Fair Housing Choice for its jurisdiction
- Take actions to overcome the effects of any impediments identified through the analysis
- Maintain records reflecting the analysis and actions taken

This report provides an Analysis of Impediments to Fair Housing (AI) for the City of Fargo for Program Years 2020-2025. The purpose of the AI is to identify the primary impediments to fair housing choice and to suggest actions that will reduce or eliminate them.

The federal government defines an “impediment to fair housing” as “any actions, omissions, or decisions taken that restrict housing choices because of:

- Race
- Color
- Religion
- Sex
- Disability
- Familial status
- National origin

Additional categories that the North Dakota Housing Discrimination Act (N.D.C.C. 14-02.5) protects include:

- Marital status;
- Age (40 years of age or over)
- Receipt of public assistance
- Being pregnant
- Securing custody of a minor
- Status as a victim of domestic violence in certain circumstances

HUD interprets the objectives of affirmatively furthering fair housing to include:

- Analyzing and working to eliminate housing discrimination in the jurisdiction
- Promoting fair housing choice for all persons
- Providing opportunities for racially and ethnically inclusive patterns of housing occupancy
- Promoting housing that is physically accessible to, and usable by, all persons, particularly individuals with disabilities
- Fostering compliance with the nondiscrimination provisions of the Fair Housing Act

Community Participation Process

The City of Fargo conducted an online survey that was available to residents and other community stakeholders which garnered 321 responses. The majority of respondents identified as white (88%), most of whom were women (70%). A total of 6% of people identified as American Indian/Alaskan Native, 4% as Black or African American, 3% as Hispanic/Latino, 3% as more than one race, and 2% as Asian. In terms of earnings, 44% of respondents said they earned $75,000 per year or more, 43% earned between $30,000 and $74,999, and 14% earned less than $30,000.

The City also held interviews with subject matter experts and focus group discussions. Participants included community residents, members of organizations covering a range of services including economic development and job training, social services, housing, elderly and vulnerable populations, the Continuum of Care, and fair housing. The focus groups covered a broad range of topics including housing, community development, and fair housing.

Section 1: Demographic Patterns

This section examines demographic patterns of Fargo over the last decade. It looks for any trends toward geographic segregation of certain protected classes or income. If a census tract has a protected class makeup that is 20 percentage points higher than the city overall, it is considered “concentrated” by HUD, which may indicate a segregated area.

Concentrations or segregation may arise from several reasons, including:

- Historic policies, such as racially restrictive covenants; laws limiting civil rights of people of color, particularly Native Americans in North Dakota; and redlining
- Preferences for living in ethnic enclaves
- Discriminatory practices, e.g., landlords steering certain people to certain areas
- Lack of discriminatory practices
- Lack of barriers that disparately impact protected classes, e.g., affordability, disability accessibility, access to public transit

Race & Ethnicity

People of color in Fargo are generally integrated throughout the city. There are no areas of Fargo that meet the technical definition of “concentrated” for Black, Native American, Asian, or Hispanic residents. However, one area has moderate concentration: At census tracts west of I-29 near West Acres, people of color make up approximately 52% of people, compared to their 17.3% makeup of the city’s overall population. See Figures 1-A through 1-F. This includes:

- A Black population of 24%, which is 17 percentage points higher than their citywide makeup of 7%; the Black population in these tracts is over 6x greater than it was in 2010
- An Asian population of 16.3%, which is 12.9 percentage points higher than their citywide makeup of 3.4%; the Asian population in this tract is nearly 4x greater than it was in 2010

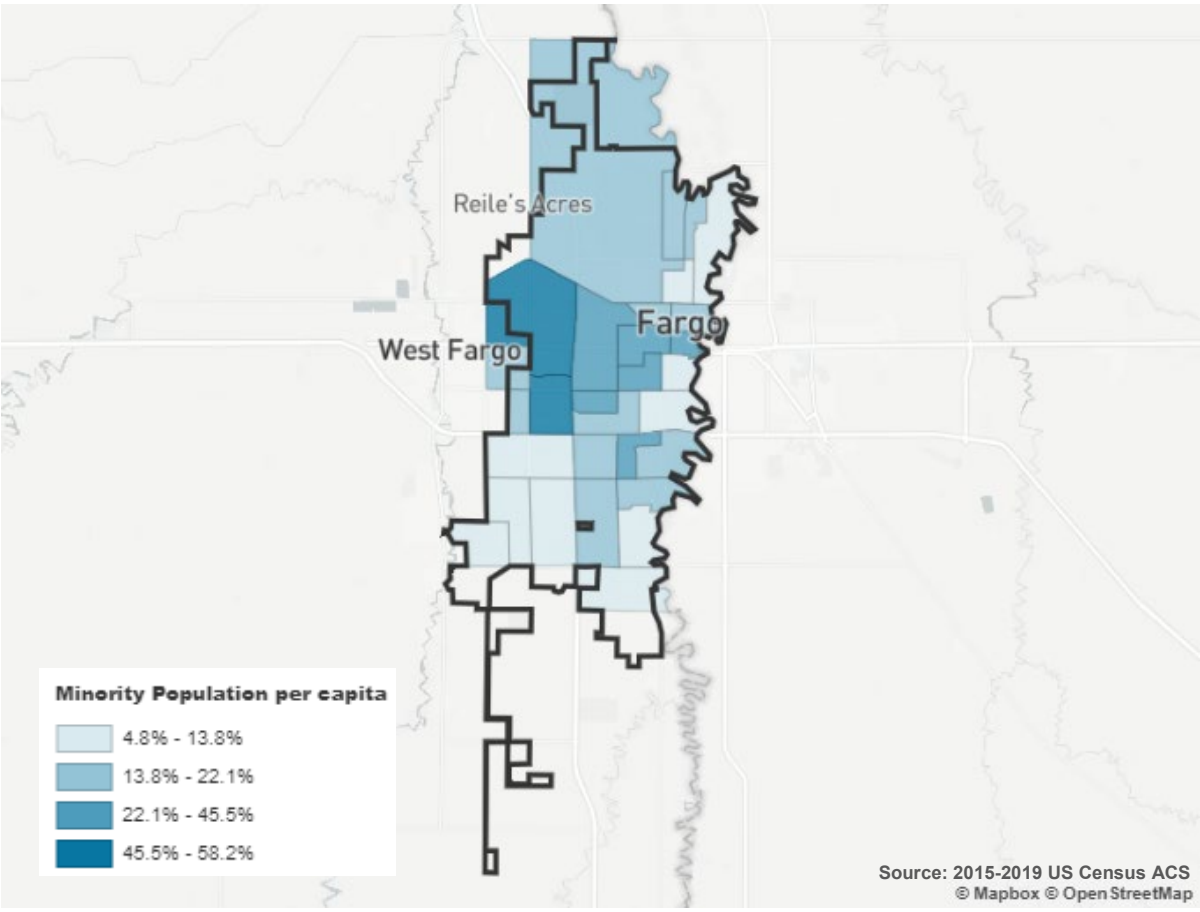


Figure 1-A. % Non-White Population by Census Tract

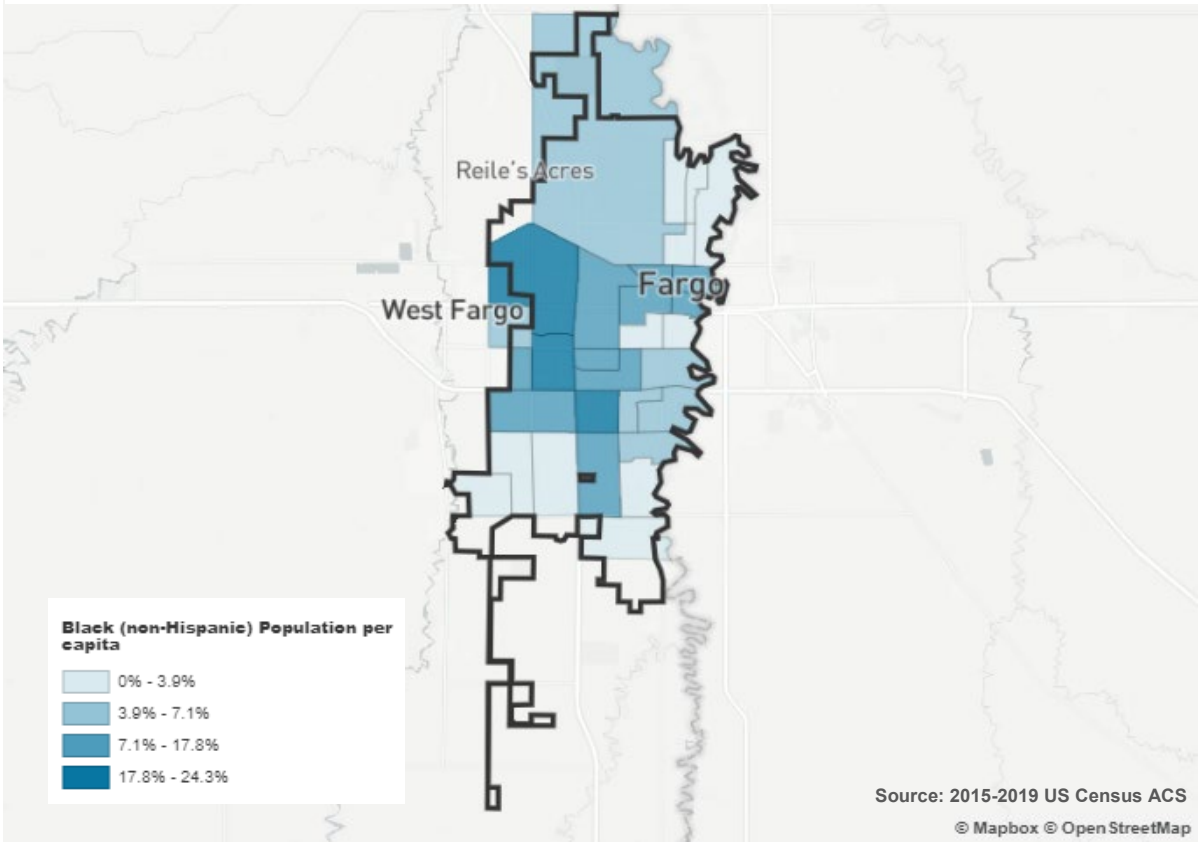


Figure 1-B. % Black Population by Census Tract

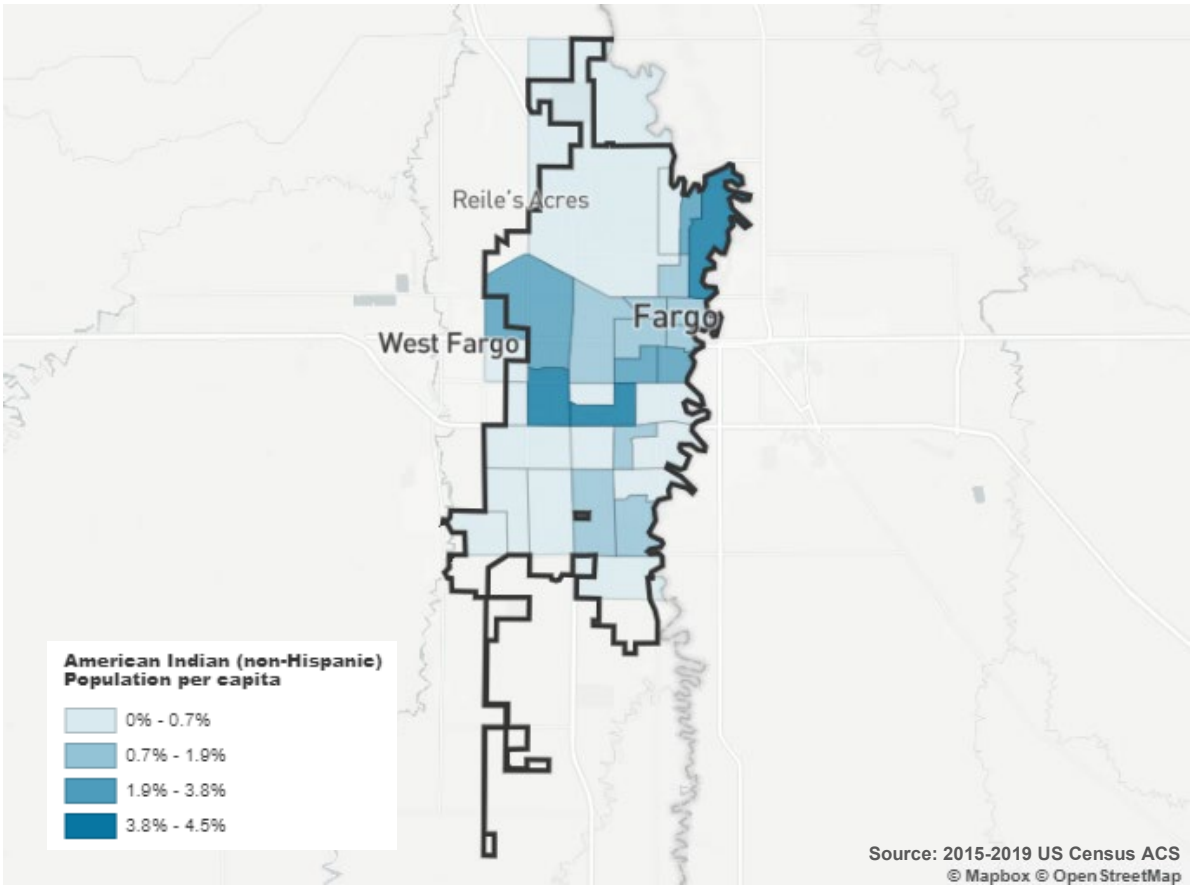


Figure 1-C. % Native American Population by Census Tract

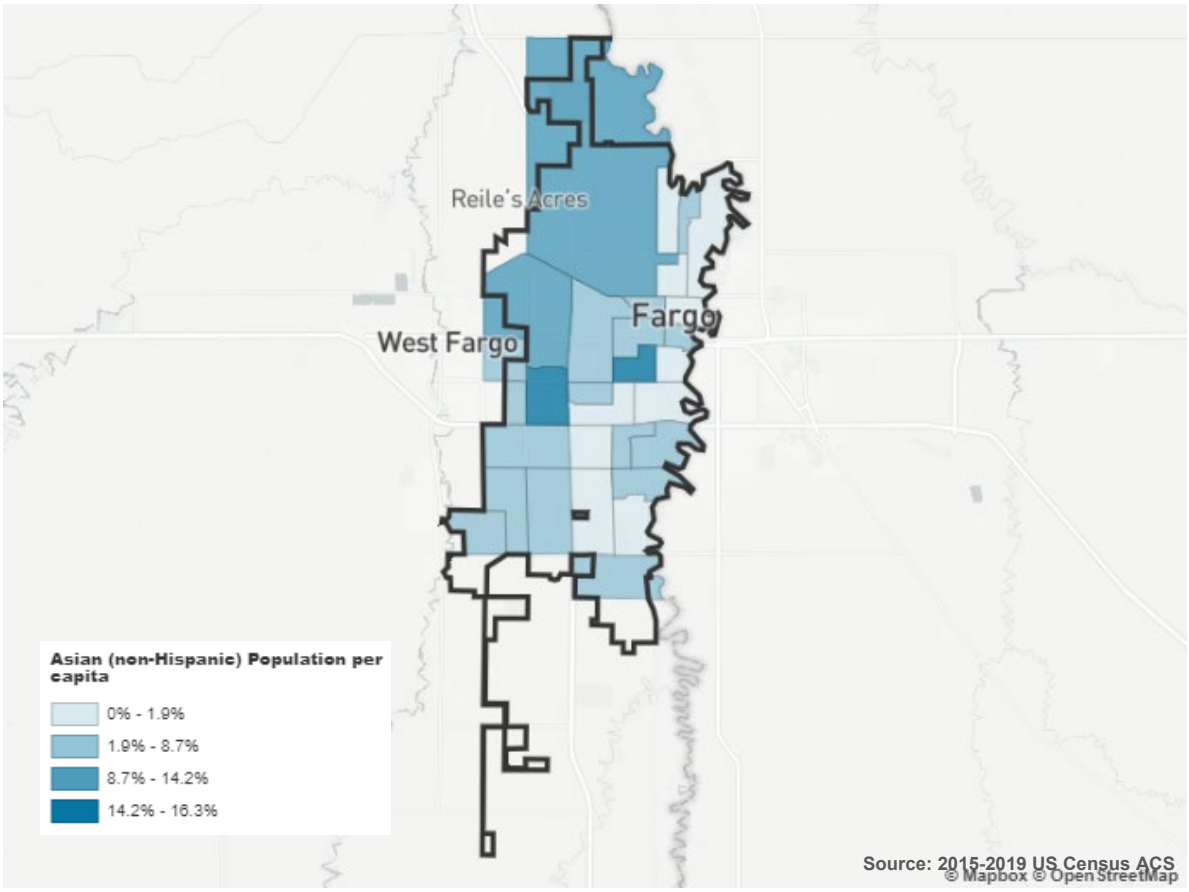


Figure 1-D. % Asian Population by Census Tract

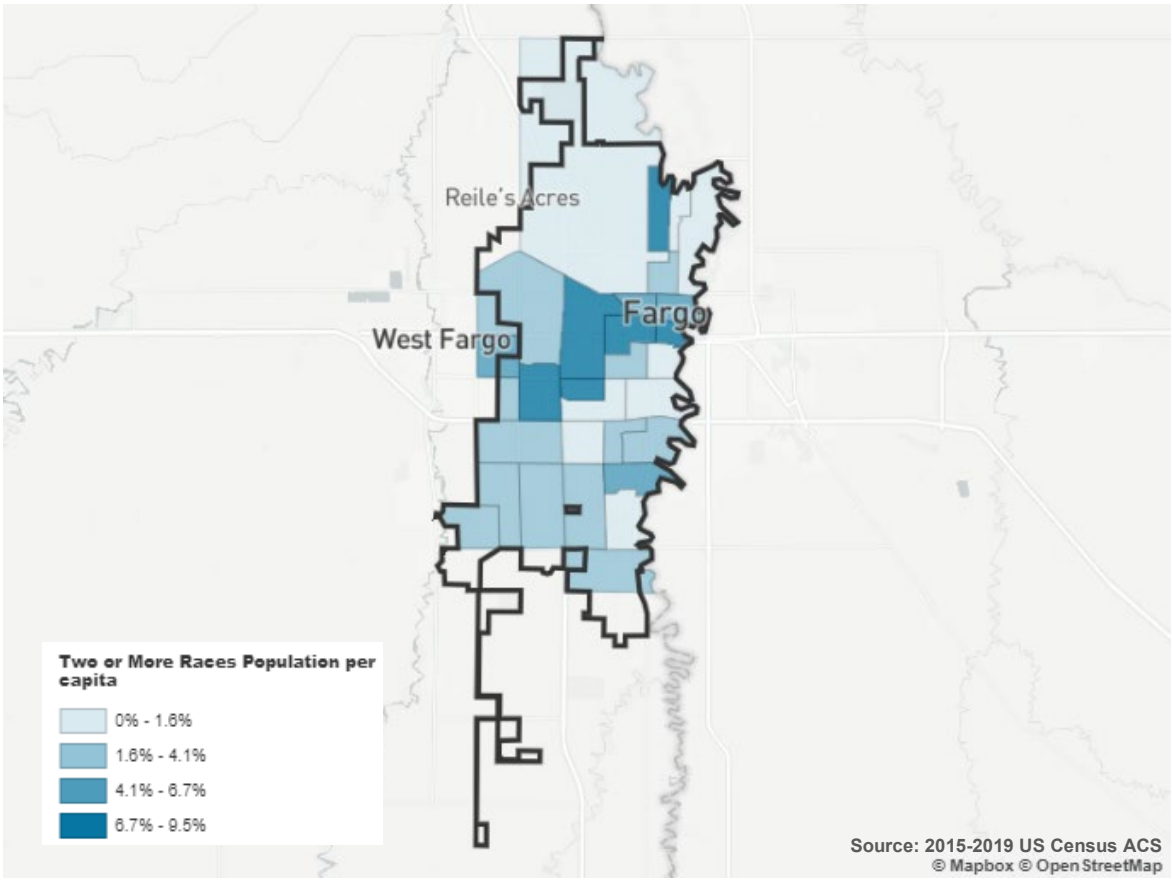


Figure 1-E. % Two or More Races Population by Census Tract

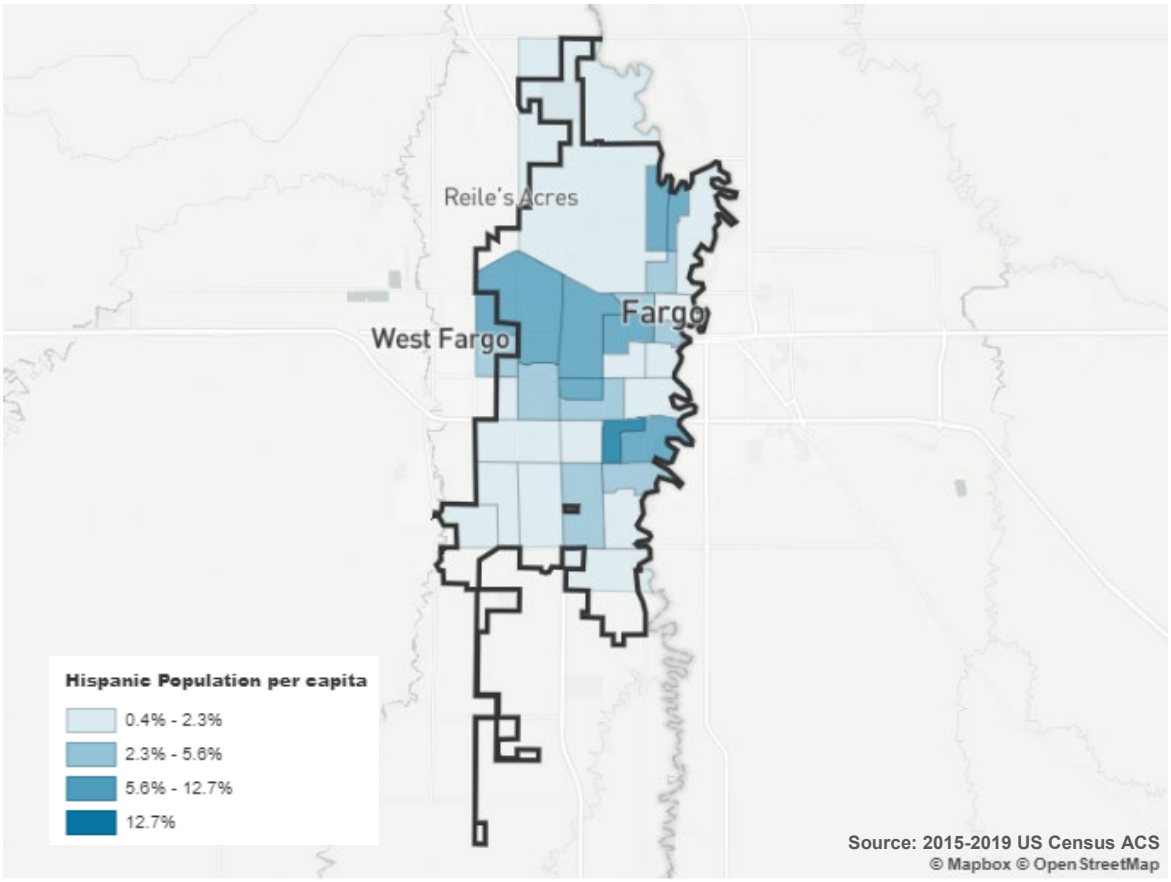


Figure 1-F. % Hispanic Population by Census Tract

National Origin

Residents who are “foreign born” (i.e., anyone not a U.S. citizen at birth) are generally integrated throughout the city, but two tracts meet the technical definition of “concentrated,” located west of I-29 near West Acres. Here, people who are foreign born make up approximately 32% which is over 20 percentage points higher than their citywide makeup of 9%. See Figure 1-G.

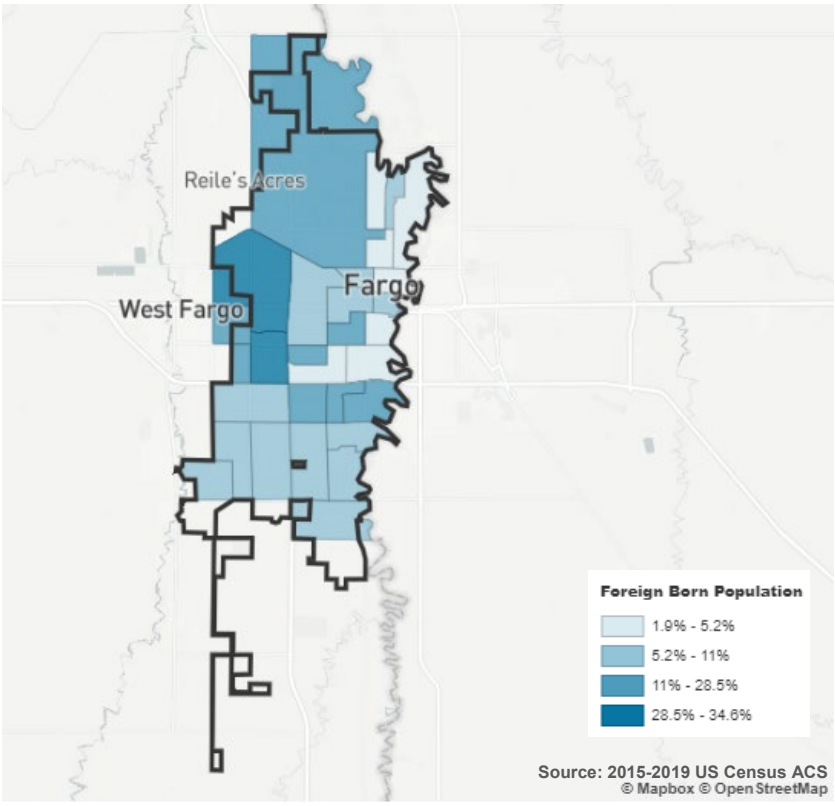


Figure 1-G. % Foreign Born Population by Census Tract

Analyzing “language isolated” households can indicate a disparate impact on households of different national origins. A language isolated household is defined as a household in which no persons 14 years or over speaks English “very well.” No tracts meet the technical definition of “concentrated,” but areas near Village West and Jefferson/Carl Ben are relatively concentrated, where language-isolated households make up 11% and 7.7% of households, as compared to their 2.3% citywide makeup. See Figure 1-H.

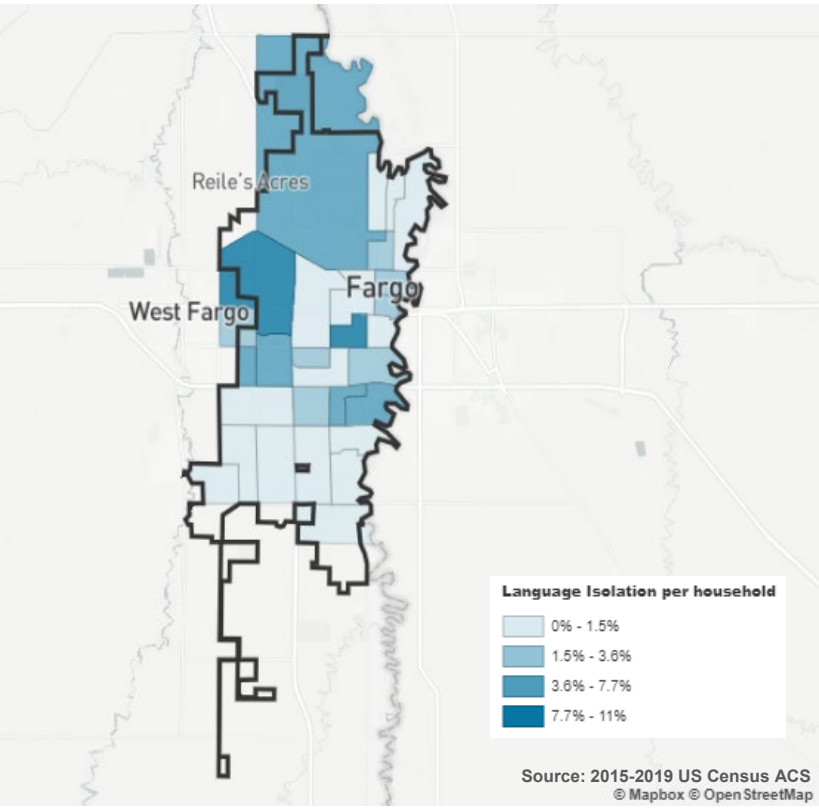


Figure 1-H. % Language Isolated Households by Census Tract

Disability

People with disabilities are generally integrated throughout the city as there are no areas of Fargo that meet the technical definition of "concentrated." However, tracts in central Fargo around Jefferson/Carl Ben, Downtown, Lewis & Clark, and Clara Barton are moderately concentrated, comprising up to 19%, compared to their 9% makeup of the city's overall population. Central-northern tracts have higher than average disability rates, as well as higher than average elderly rates. There is very little variation between the disability rates based on race or ethnicity. See Figure 1-I.

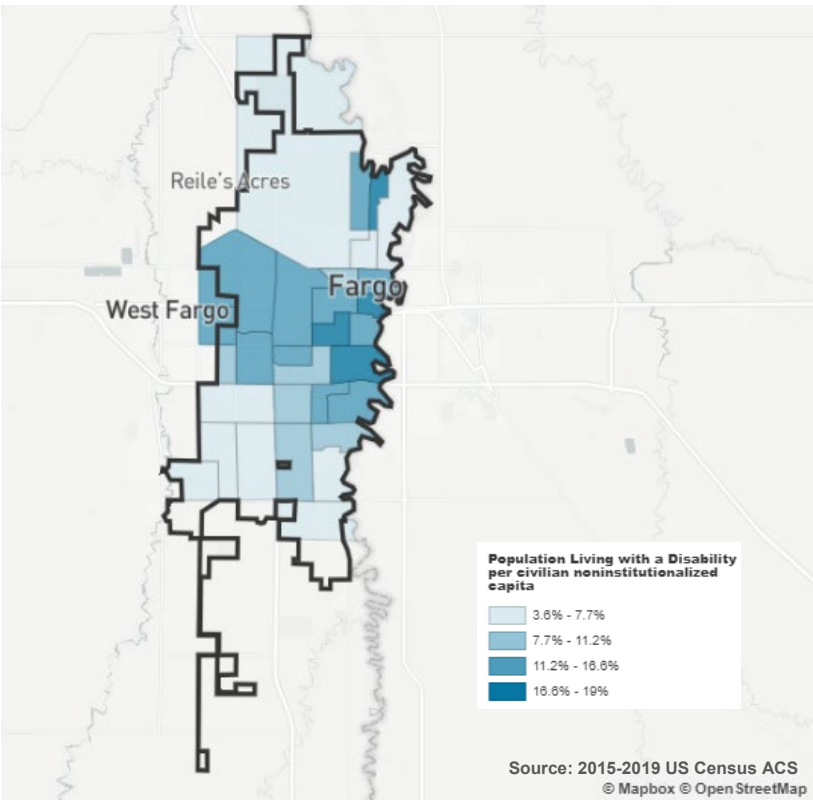


Figure 1-I. % Living with Disability Population by Census Tract

Age

Households with people age 65 and over are generally integrated throughout the city as there are no areas of Fargo that meet the technical definition of "concentrated." However, several eastern tracts are moderately concentrated, with senior households making up nearly 29%, compared to their 19.1% makeup of the city's overall population. See Figure 1-J.

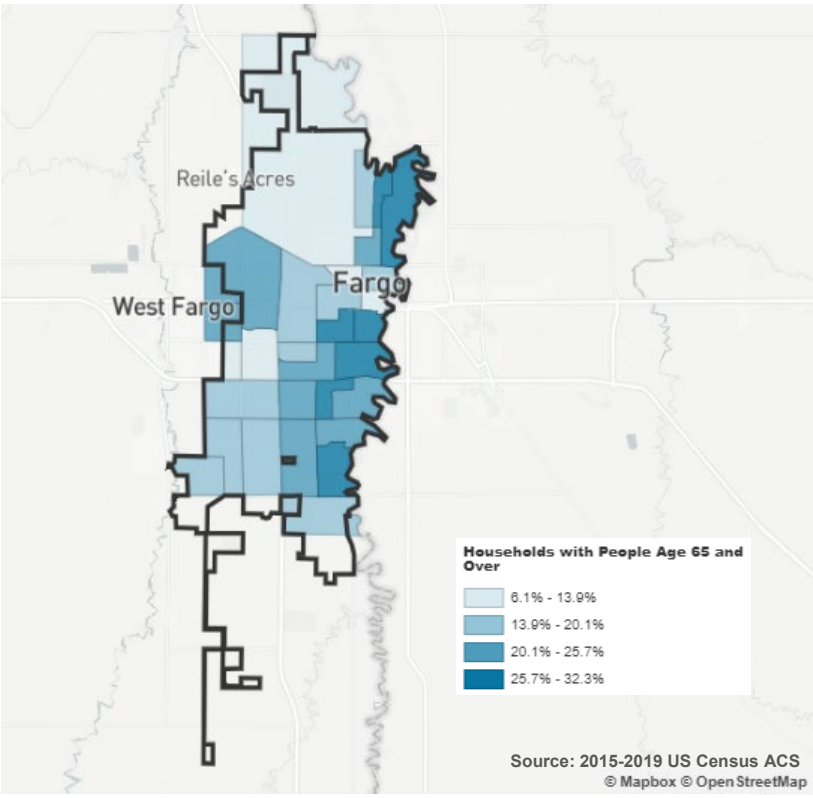


Figure 1-J. % Households with People Age 65 and Over by Census Tract

Receipt of Public Assistance
While there are several interpretations of "Public Assistance," in this case "Households Receiving Food Stamps/SNAP" is used, which make up 8% of total households. One tract west of I-29 near West Acres is almost considered concentrated, with 26.2% of its households receiving public assistance. The tract to its north and tract around Downtown are moderately concentrated, with households receiving SNAP making up over 10 percentage points more households than average. See Figure 1-K.

Similar trends exist for renter households that receive Housing Choice Vouchers and Public Assistance Income. In contrast, households receiving public assistance are underrepresented in several tracts south of I-94, as well as near Madison/Unicorn Park, where they make up less than 1% of the rental population, as compared to their 5.2% makeup citywide. See Figure 1-L and M.

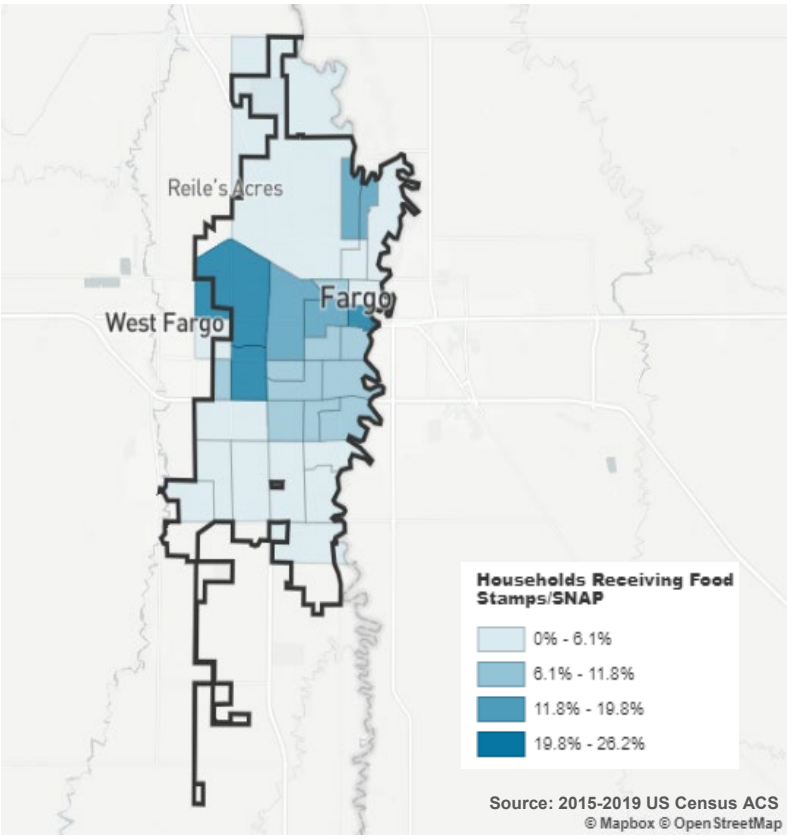


Figure 1-K. % Households Receiving Food Stamps/SNAP by Census Tract

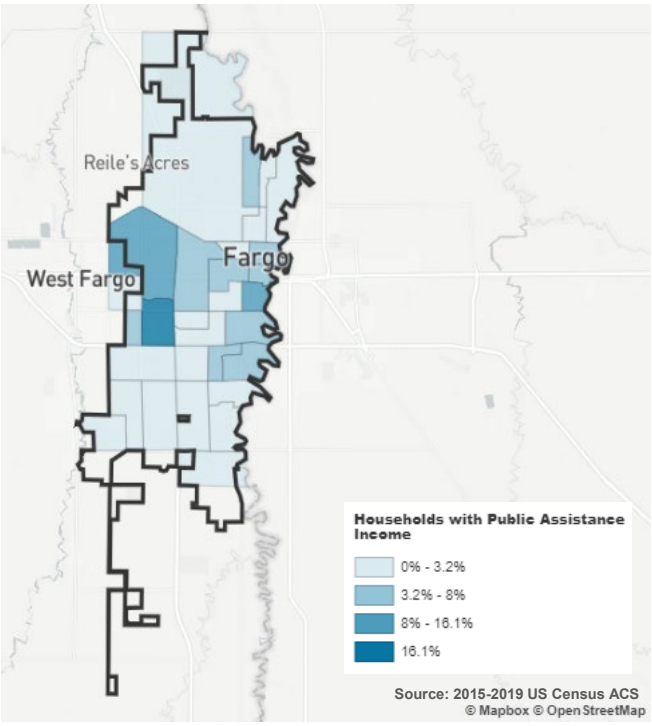


Figure 1-L. % Households Receiving Public Assistance Income by Census Tract

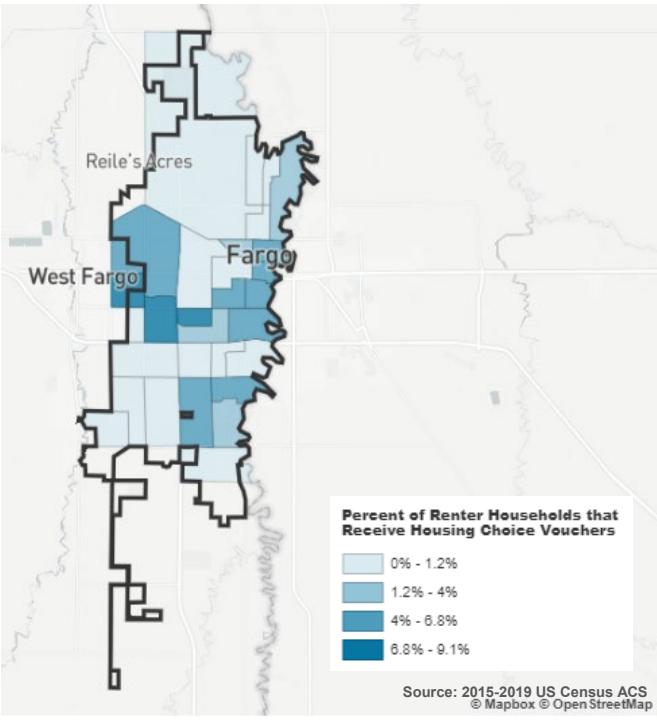


Figure 2-M. % Households Receiving Housing Choice Vouchers by Census Tract

Racially or Ethnically Concentrated Areas of Poverty (R/ECAPS)
While poverty status is not a protected class, HUD encourages examining economic opportunity at the neighborhood level beginning with an assessment of "racially or ethnically concentrated areas of poverty," also known as R/ECAPs. HUD's definition of an R/ECAP for Fargo is:

- A census tract that has a non-white population of 20% or more and a poverty rate of 40% or more OR
- A census tract that has a non-white population of 50% or more and the poverty rate is three times the average tract poverty rate for the county (31.8%), whichever is lower

Fargo does not have any tracts that meet the technical definition of R/ECAP, but tracts near West Acres, Village West, Madison/Unicorn Park, and Jefferson/Carl Ben are moderately racially or ethnically concentrated areas of poverty. See Figure 1-N below.

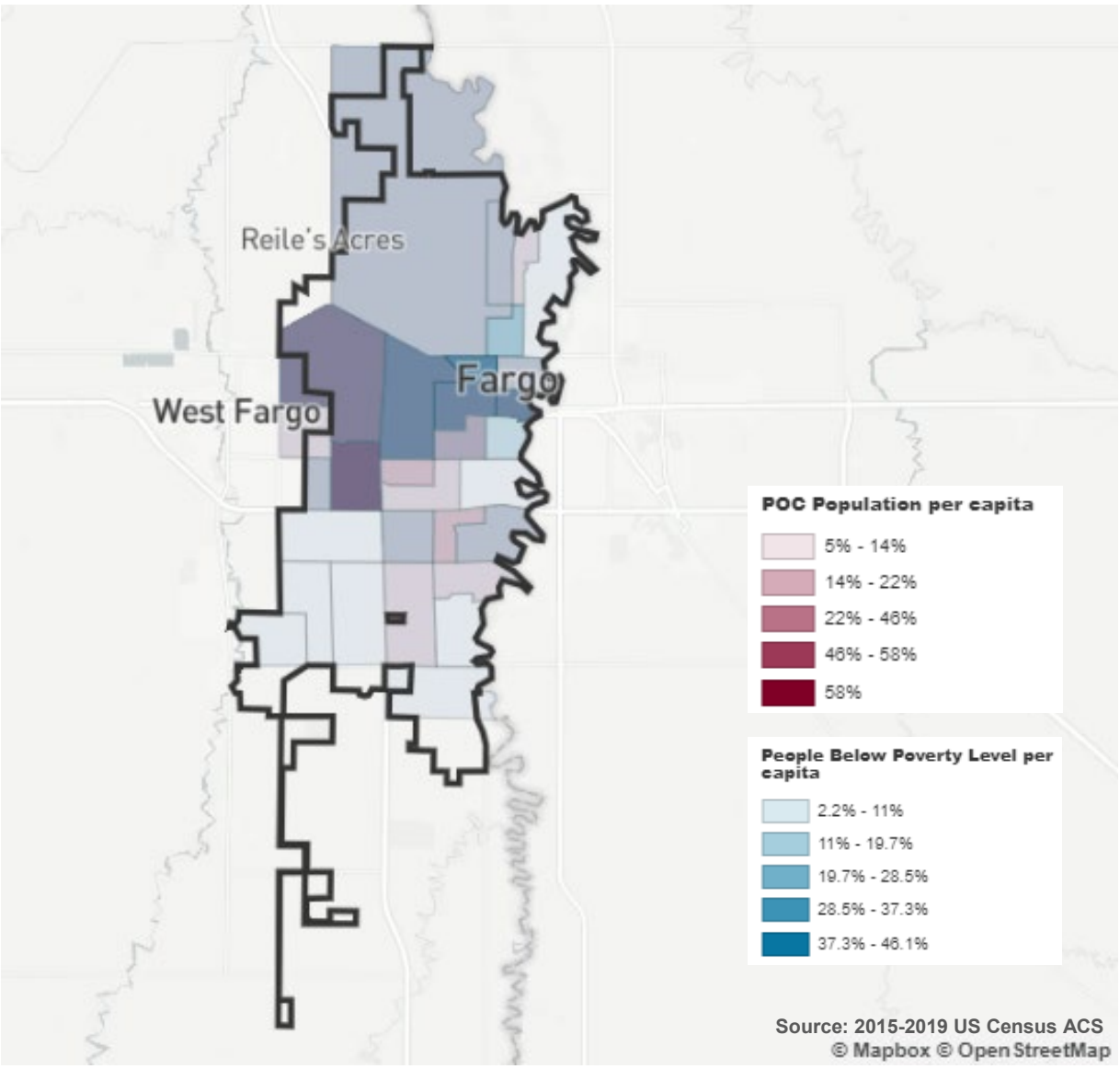


Figure 3-N. % Population in Poverty and Non-White by Census Tract

Section 2: Disproportionate Housing Needs

This section examines if any protected classes in Fargo have disproportionately high housing needs based on the following indicators:

- Housing cost burden
- Homelessness
- Risk of eviction or foreclosure
- Poor housing conditions
- Apartment denials
- Homeownership
- Access to credit
- Awareness of fair housing rights
- Experience with housing discrimination

Housing Cost Burden

According to HUD, households paying over 30% of their monthly household income towards housing costs (renter or owner) are considered to be "cost burdened." Households paying over 50% of their monthly income are considered to be "severely cost burdened." When a household is cost burdened, they are at an increased risk of homelessness and a substandard living environment. Figure 2-A presents the number and share of households experiencing cost burden by race and ethnicity, with comparison to Grand Forks and Sioux Falls.

Figure 2-A. Share of Households with Housing Cost Burden by Race & Ethnicity

	Fargo, ND				Grand Forks, ND				Sioux Falls, SD			
	# house-holds	# with any cost burden	% with any cost burden	% with *severe* cost burden	# house-holds	# with any cost burden	% with any cost burden	% with *severe* cost burden	# house-holds	# with any cost burden	% with any cost burden	% with *severe* cost burden
White, non-Hispanic	46,320	11,930	26%	12%	21,365	6,665	31%	15%	61,330	13,735	22%	10%
Black, non-Hispanic	2,925	1,530	52%	21%	1,170	450	38%	16%	3,245	1,335	41%	14%
Asian, non-Hispanic	1,530	385	25%	14%	660	145	22%	11%	1,240	299	24%	4%
Native Amer., non-Hisp.	510	195	38%	21%	455	295	65%	33%	1,100	430	39%	23%
Hispanic, any race	1,020	510	50%	13%	705	195	28%	14%	2,385	580	24%	10%
Other, Non-Hispanic	1,050	315	30%	6%	640	350	55%	34%	965	430	45%	27%
Total	**120,205**	**14,865**	**12%**	**6%**	**57,163**	**8,100**	**14%**	**7%**	**155,933**	**16,809**	**11%**	**5%**

In Fargo, there are several protected classes that are disproportionately cost burdened:

- Overall, approximately 14,865 households (12%) in Fargo are cost burdened, including 6% that are severely cost burdened
- Over 1 in 2 (52%) Black households are cost-burdened, which is a higher rate than both Grand Forks (38%) and Sioux Falls (41%). Black households are twice as likely to be cost burdened than White households and nearly twice as likely to be *severely* cost burdened
- Over 1 in 2 (50%) Hispanic households are cost-burdened, which is a higher rate than both Grand Forks (28%) and Sioux Falls (24%). Hispanic households are twice as likely to be cost burdened than White households and about the same likelihood to be *severely* cost burdened.

- Over 1 in 3 (38%) of Native American households are cost burdened, and 1 in 4 are severely cost burdened. Native households are nearly twice as likely to be severely cost burdened than White households. These rates are less than Grand Forks and similar to Sioux Falls
- About 1 in 4 (25%) Asian or Pacific Islander households are severely cost burdened, similar to Grand Forks Fargo and higher than Bismarck. These rates are about the same as White households in Fargo
- About 1 in 4 (26%) of non-Hispanic White households are cost burdened
- About 30% of non-Hispanic households of another race are cost burdened

Of the City's community survey, 38% of respondents said they spend over 30% of their income on housing (including insurance and utilities), and of those, 12% said they spent more than 50%.

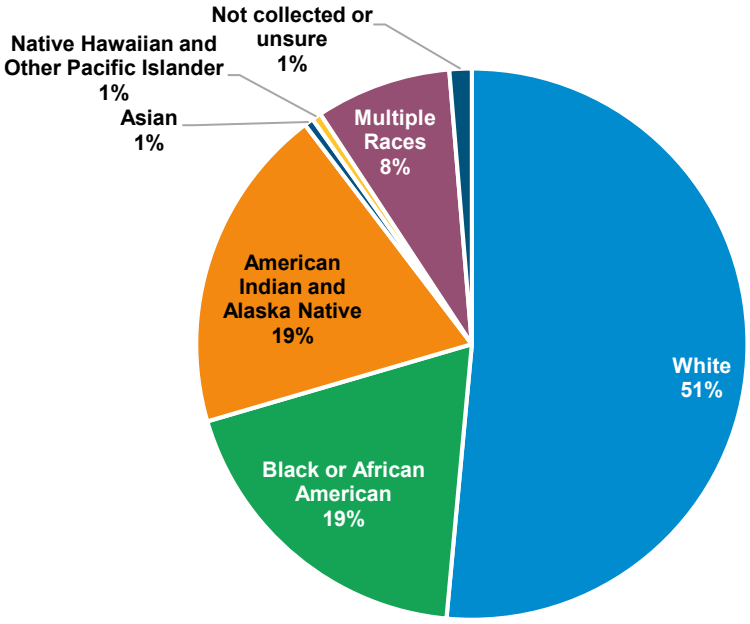
When asked what the most common issues they had faced in the last two years was related to their housing and neighborhoods, the most common responses at 30% were that they were dissatisfied with services and that they had difficulty paying the rent or mortgage; 23% said that they had to make trade-offs between essential expenses to meet their housing payments. Several survey participants commented on housing cost burden when asked, "Please share any additional comments regarding fair housing or discrimination." Some responses include:

1	There should be more assistance for the lower middle class.
2	I think Fargo's apartment housing is so expensive that people cannot afford it and we need more lower cost options that have human conditions.
3	I work in homeless services and while there are wonderful landlords there still are several who are not willing to work with the homeless which then leaves these individuals to move into decrepit and demoralizing housing options.
4	Availability is the issue. There are not enough low-income units in the community in safe neighborhoods
5	lots of empty expensive apartments and reasonable apartments are hard to come by or in bad neighborhoods
6	if fair doesn't mean affordable then what's the point? I'm definitely not treated fairly, but it wouldn't change anything if I was. when the rent is too high it just makes us all vulnerable. the stress eats away at my ability to love my family and enjoy being with friends. it just hollows my entire existence out.
7	The city needs to allow builder to build what they want and what WE want so we can afford to buy and rent.
8	800 people a night are homeless in the Fargo area. The wait list for Section 8 is like 3 years long. THIS is a huge problem. Housing is a human right. We need housing for all, not giant buildings with studios starting at 900. And it would be helpful to have this housing were services are located, mostly downtown, OR vastly improve the bus system and provide vouchers for people, courtesy of the city, to ride the bus to access the services that they need to succeed. People cannot overcome issues of abuse, drugs, alcohol, poverty, or anything, until they have safe and secure housing. Fargo could effectively eliminate these issues if they start by providing housing to every single person. I don't know how to do that, but that is what needs to happen.
9	The housing first model is the only way we can reduce homelessness and bring any sort of stability to vulnerable population. We are using jails to house our mentally challenged citizens as agencies play hot potato with their lives. We gave veterans living outdoors but we don't want to consider utilizing any city property to create tiny house enclaves for their housing and mutual support of each other. I fully understand these are very, very challenging and often unpopular individuals, but we can be leaders and innovative instead of doing the same failed projects over and over and expecting a different outcome.
10	The cost of living in Fargo is higher than i think some people believe but that's for everyone
11	There is a lack of wages for the increased cost of housing. Especially for lower and middle class. I put 3/4 of my income to renting and paying daycare. With total monthly expenses there is not a lot left ant the end of the month.
12	Eliminate specials.

Homelessness
There are significantly higher rates of homelessness in Fargo for people of color. People of color made up nearly 50% of the 3,130 individuals who received homeless services in the FM area in 2020, compared to their 17.3% makeup of Fargo (see Figure 2-B). This includes:

- 19% of homeless population identifies as Black or African American, as compared to 7% city overall
- 19% of the homeless population identifies as Native American, as compared to 1.2% city overall
- 8% of homeless population identifies as multiracial, as compared to 3.1% of the city overall
- 9% of homeless population identifies as Hispanic/Latino, as compared to 3% city overall

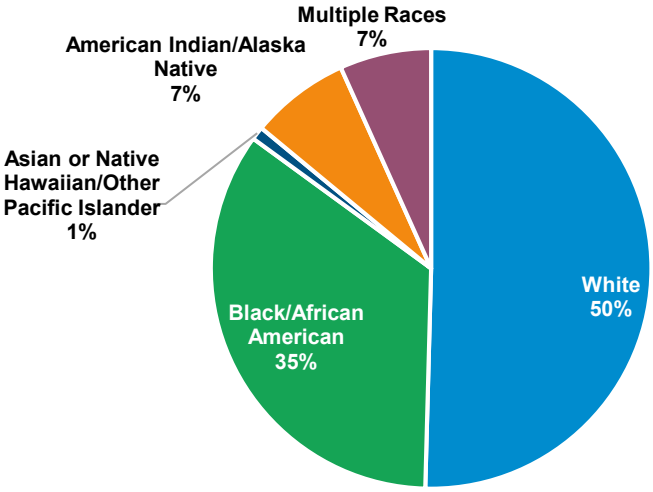
Figure 2-B. Beneficiaries of Homeless Services by Race, 2020



Risk of Eviction or Foreclosure
Certain protected classes disproportionately experience evictions or risk of evictions. This is evidenced by demography of who has used the City's CDBG emergency housing assistance programs and landlord-tenant mediation services in the past two years designed to prevent evictions and foreclosures. While data is unavailable for the specific reason for the eviction or foreclosure, the disparate impact on minority groups is cause for concern (see Figure 2-C). This includes:

- People of color comprised over 50% of people who received assistance through City CDBG emergency housing assistance programs, as compared to their 17.3% citywide makeup
- People identifying as Hispanic/Latino made up 7.9% of people who received assistance through City CDBG emergency housing assistance programs, as compared to their 3% citywide makeup
- People with disabilities comprised 25.3% of people who received assistance through City CDBG emergency housing assistance programs as compared to their 10% citywide makeup
- People of color comprised over 40% of people who received assistance through City tenant-landlord mediation services, as compared to their 17.3% citywide makeup
- People with disabilities comprised 35.1% of people who received assistance through City tenant-landlord mediation services, as compared to their 10% citywide makeup

Figure 2-C. Beneficiaries of City Emergency Housing Programs by Race, 2020-2021



In addition, in 2018 and 2019, the High Plains Fair Housing Center began to notice an increase in calls from people who were in the process of being evicted or were evicted as a direct result of behaviors related to their disabilities, in particular mental illness. Through a series of housing discrimination testing based on mental disabilities, they found evidence of various ways in which people with disabilities were treated differently than others, as noted in in the following section.

Apartment Denials

While data is unavailable for specific reasons for rental application denials, some of the top frequently cited barriers are likely to have disparate impact on certain protected classes for reasons outlined below.

Criminal Background: Although HUD has issued guidance for housing providers concerning limiting reliance on criminal history to ensure fair housing compliance, background checks and criminal history continue to be a major barrier to housing, as reported by the High Plains Fair Housing Center. This is likely to have a disparate impact on members of certain protected classes, as there is a disproportionate amount of Native Americans and persons of color in the prison system in North Dakota.

Security Deposit, 3x Rent Income Required, and/or Credit Rating: Increasingly, landlords are relying on credit ratings as criteria for renting and charging higher security deposits for those without good credit rating. Similarly, more and more often, landlords are requiring that a renter's income be three times the rent. While this practice is applied equally, it may have a disparate impact on members of minority groups, particularly those who are considered language-isolated or living on a fixed income such as those with a disability on Social Security and Disability Income.

New American leaders have frequently critiqued these steep deposit requirements, implicating a disproportionate effect on New American community members who are majority Black/African American and Nepali. They explain that many immigrant families do not understand why landlords are requiring larger deposits, proof of three times rent income, and/or a higher credit rating or a co-signer.

Homeownership Rates
In Fargo, several protected classes are significantly underrepresented in homeownership rates. This is especially troublesome as homeownership is considered an essential tool for wealth-building.

Overall, approximately 24,637 households (44%) in Fargo own their homes; 56% rent. Approximately 50% of White householders own their home. In comparison, there are severe disparities for other races, including:

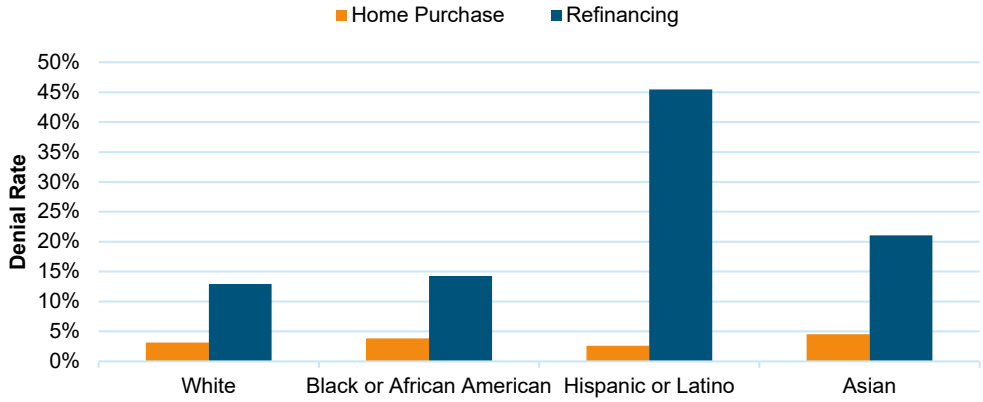
- Only 3% of Black householders are homeowners; white households are over 16 times as likely to own their home as Black households. Black households make up just 0.5% of total homeowners in Fargo, compared to their 7.7% citywide makeup
- Only 14% of Native American householders are homeowners
- Only 22% of Asian householders are homeowners
- Only 24% of householders of another race or multiple races are homeowners
- Only 16% of householders of Hispanic or Latino origin are homeowners

Access to Credit
One contributing factor to homeownership disparities is lack of or limited access to credit. In 2017, there were approximately 6,000 applications within Fargo for home loans to purchase, refinance or make home improvements for a single-family home, not including manufactured homes. Approximately 380, or 6%, of all applications were denied. The top denial reasons reported[1] within the City were:

- Debt-to-income ratio (28%)
- Credit history (26%)
- Lack of collateral (22%)
- Incomplete applications (11%)

Denial rates for single family loans in Fargo vary by race and ethnicity. Figure 2-D shows that White applicants were the least likely to be denied relative to other groups as of 2017. Asian applicants were most likely to be denied for a home purchase loan while Hispanic applicants were most likely to be denied for a refinance loan.

Figure 2-D. Single Family Denial Rate by Race/Ethnicity



[1] Financial institutions are not required to report reasons for loan denials, although many do so voluntarily. Also, while many loan applications are denied for more than one reason, HMDA data reflects only the primary reason for the denial of each loan.

While there are several factors, one contributing factor to homeownership disparities overall may be due to religious exclusions related to credit lending. Due to their belief system, many Muslim families cannot use conventional mortgages to purchase a home, because the payment of interest is prohibited. There are limited alternative options locally for these families to purchase a home.

Another contributing factor to disparities in credit lending may be due to differential knowledge about how to access credit, including loan opportunities designed to help minimize disparities, such as the Section 184 Indian Home Loan Guarantee Program. Based on anecdotal reports, there are few residents nor lenders who are knowledgeable about this program or how to access credit in general.

Poor Housing Condition

While there is limited data available to measure poor housing condition, interviews suggest that persons of color, people with disabilities, and language-isolated people are disproportionately impacted.

The High Plains Fair Housing Center reports that language barriers continue to be a major issue in housing, particularly for residents who receive differential treatment due to limited ability to communicate maintenance needs.

In interviewing a service provider who provides outreach services for Native American residents, it is reported that many clients are living in very poor housing conditions due to landlords not caring about maintenance and not being able to afford other options.

Representatives from Freedom Resource Center also note that it is very challenging to find adequately accessible housing for people living with disabilities, and that there is not enough housing that meets individuals' mobility, sensory and/or accessibility needs. There is also increasing awareness and concern for a significant shortage of supportive service providers, especially for those with chronic mental illnesses.

For the community survey, 26% of respondents said that their plumbing, electric, appliances and other items in their homes did not work and that they were not able to make necessary repairs to their homes. Twenty-five percent (25%) cited difficulty paying their utilities and houses in poor condition as a problem.

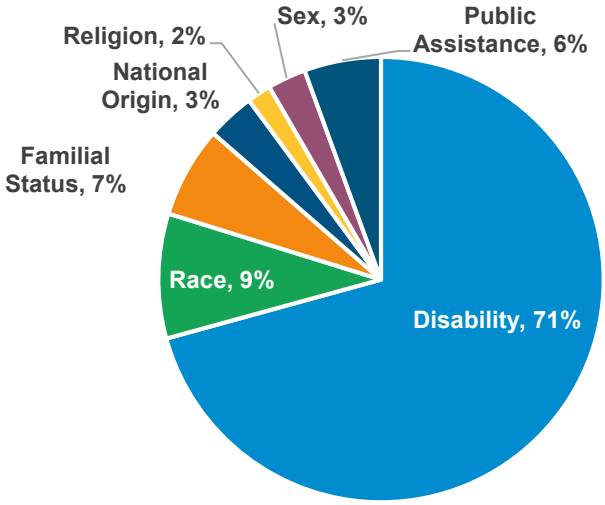
Experience with Housing Discrimination

Complaints regarding fair housing practices can be filed with HUD or the North Dakota Department of Labor and Human Rights (NDDLHR). The High Plains Fair Housing Center (HPFHC) also has intake specialists who work directly with clients to remedy potential violations of fair housing laws by assisting them through the administrative complaint process.

At every agency, the most common basis for complaints in recent years has been overwhelmingly Disability, followed by Race and Familial Status. Retaliation was the second-most common at the ND Department of Labor, which refers to the Fair Housing Act's prohibition of retaliating against any person because they reported a discriminatory housing practice. Detailed data regarding the form of the discrimination is unavailable due to database limitations.

In 2021, HPFHC over doubled the annual amount of Fargo intakes it took (84) in comparison to the past five years' average (41), most likely indicating raising awareness about fair housing rights and HPFHC services but also possibly indicating raising rates of discrimination. See Figure 2-E for breakdown of HPFHC intakes by basis.

Figure 2-E. HPFHC Intakes by Basis, 2016-2021



Between 2017-2021, NDDLHR closed 26 Fargo-based fair housing complaints. The bases of the complaints included 20 Disability, 3 Race, and 3 Familial Status. Of the 26 closed cases:

- 3 were withdrawn
- 16 were conciliated, i.e., settled by proposing mutually acceptable terms/compromises to avoid taking a case to trial
- 5 were deemed “No Cause” i.e., the agency determined the complainant does not have enough of a case for them to enforce, but they maintain the option to pursue through private court
- 2 are ongoing

When Familial Status is the basis, the most common form of discrimination is steering to a lower level; lease non-renewal with noise complaints cited; or application denial with some landlords saying they do not rent to families with children.

When Public Assistance is the basis, it is typically related to denying applicants with Public Housing Vouchers and more recently, ND Rent Help. There is currently no strong case law in North Dakota about whether vouchers are included as a source of public assistance income. NDDOLHR issued a ruling several years ago that property owners cannot state they do not accept housing assistance, but they never ruled on whether a company has to take a housing voucher.

Similarly, interpretations for protections on the basis of Sex can be ambiguous in terms of its inclusion of sexual orientation and gender identity. On January 20, 2021, President Biden issued an executive order directing all federal agencies to interpret protections against discrimination based on sex to include discrimination based on sexual orientation, gender identity, and gender expression, and HUD issued a memorandum supporting implementation of this change. However, further codification of this change must take place to firm its implementation and changes in interpretation at later administrations.

Also, there is often misunderstanding as to the extent of protections for Disability, especially as it relates to mental health, drug addiction and alcoholism, and establishing basis while maintaining the confidentiality of certain medical information.

According to the community survey, when asked whether they were aware of any housing discrimination incidents, 98 (31%) of respondents said, “Yes” and 26% said, “Not Sure”. Respondents cited the following bases of the incident:

- Criminal background (46%)
- Sexual orientation (39%)
- Race/ethnicity (39%)
- Income level (34%)
- Gender identity (29%)

According to the survey, the large majority of incidents (84%) occurred in apartment complexes, and 89% cited the landlord or property manager as the responsible party.

Awareness of Fair Housing Rights

In the City’s community survey, 41% of respondents reported that they are **not** aware of their fair housing rights. Over 44% were “Somewhat Familiar” and 18% were “Not Familiar” with fair housing and anti-discrimination laws. When asked “I believe that people are protected by federal, state, or local fair housing or anti-discrimination laws because of…”

- Over 70% of respondents indicated awareness of current laws that protect against housing discrimination on basis of: Race, Ethnicity, Religion, Age, Sex (i.e., being male or female), and Familial Status (such as having children or being pregnant)
- Respondents were less aware (between 50%-70%) of protections on the basis of Sexual Orientation, Marital Status, National Origin, and Disability
- Respondents were least aware (under 50%) of protections on the basis of Source of Income (i.e., public assistance) and Gender Identity
- Between 24%-43% of respondents also indicated awareness of protections on the basis of Income Level, Ancestry, Criminal Background, and Income Level, which are *not* technically protected classes

Out of the 31% of survey respondents that said they were aware of an incident, 38% did not report the incident. The most common reasons to not report were:

- 19% said it was due to not knowing where to report it
- 12% said it was due to fear of retaliation
- 12% said it was due to uncertainty about their rights
- 33% said it was due to not thinking it would make a difference
- 11% said it was due to a lack of proof or specific information
- 6% said it was due to someone else already reporting it
- 7% said it was due to something else

Some notable responses include:

1	Apparently denying housing to an unmarried couple is legal in North Dakota
2	Because sexual orientation is not a protected class.
3	The family didn't want to report the incident because of their status as green card holders.
4	[I was] unsure of rights of people in recovery from substance use with a drug related criminal record
5	North Dakota has next to no protections for vulnerable populations and it isn’t illegal to discriminate based on just about anything you personally don’t agree with.

When asked if they are aware of opportunities in the community to learn about fair housing or anti-discrimination, 35% of respondents said, “Yes”, 50% said, “No”, and 15% said, “Unsure”.

When asked if they have ever participated in any fair housing or anti-discrimination education, 22% said, “Yes”, 74% said, “No”, and 4% said, “Unsure”.

When asked “Please share any additional comments regarding fair housing or discrimination” several responses related to stronger legal protections and enforcement, including:

1	We need to protect the LBGTQ population and sexual orientation.
2	Sexual orientation and gender identity should be protected classes.
3	Unfortunately LGBT people have no legal protections in the state of ND, and I wish there were more awareness about this issue.
4	The state of North Dakota does not recognize LGBT status as protected. Legally, discrimination of LGBTQ individuals is perfectly legal. People cannot feel comfortable complaining, because it is in the landlord's rights to discriminate based on LGBTQ status. It's unfair and unethical.
5	People are said to be protected… but in practice they are not and few agencies seems to actually care. It's too easy for people to use some other obscure reason to not rent or make renting difficult, but really everyone involved knows why. And usually, the people who are being discriminated against do not have the time or resources to seek justice.
6	Legally, do [some] classes have protections depending on their location and local laws, yes. Whether or not they have those protections *in practice* is a whole different story, and oftentimes it doesn't matter if someone was obviously the victim of someone else breaking the law. People don't always have the time or resources to tackle a corrupt landlord in court.

Several other responses related to improving education about fair housing rights, including:

1	When a family is in crisis and needs housing, knowing their rights or navigating an unfair system is not a priority. It would be awesome if there was a phone number they could call or someone who could advise and help them know what rights they have on an ongoing basis.
2	There needs to be more educational opportunities related to [fair housing rights].
3	I wish our public educators could be provided more information about fair housing/anti-discrimination in some type of professional development.
4	I'd like to learn about fair housing anti-discrimination laws/rules/regulations.
5	I think it is important to educate landlords and lenders in fair housing and discrimination laws.

SECTION 3: Impediments and Action Items

This section identifies top current impediments to fair housing choice and recommended actions to reduce their effect. Per HUD's Fair Housing Planning Guide, impediments to fair housing choice are:

- Any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status, or national origin which restrict housing choices or the availability of housing choices
- Any actions, omissions, or decisions which have the effect of restricting housing choices or the availability of housing choices on the basis of race, color, religion, sex, disability, familial status, or national origin

Impediment #1: Lack of knowledge and enforcement of fair housing rights

Recommended Actions:

- Provide support to the High Plains Fair Housing Center for fair housing outreach and education, especially related ambiguous areas of protections such as Sex, Disability, and Public Assistance Income
- Support state and local policies or memorandums that clarify ambiguous areas of protections such as Sex, Disability, and Public Assistance Income, as well as support HUD's guidance to limit reliance on criminal history criteria
- Provide support for legal and mediation services related to fair housing
- Encourage housing providers to develop language access plans, or lend support through the City's own Language Access Plan (see Appendix A) to support fair treatment of language isolated households

Impediment #2: Lack of equal access to credit lending and homeownership

Recommended Actions:

- Support affordable homeownership developers to affirmatively market and prioritize applications from members of protected classes
- Bring awareness to lenders about federally-backed Native American lending programs and barriers to accessing credit for new Americans
- Monitor HMDA data on mortgage loan denials and subprime lending activity, particularly for disparities for minority borrowers
- Support matched-pair testing for loan applications to identify any differences in treatment for members of protected classes
- Assist low-income homeowners with infrastructure assessments to help maintain the affordability of homeownership
- Provide down payment assistance to low- to moderate-income homebuyers to address difficulty in accessing homeownership opportunities due to rising home values

Impediment #3: Lack of housing choice for low- and moderate- income individuals

Recommended Actions:

- Work with local partners to create new housing and/or rehabilitate existing affordable housing throughout the community, including the preservation and replacement of the existing subsidized housing
- Prioritize city resources to expand the number of affordable rental housing units to serve the city's low and moderate income residents. City support may be direct, such as providing gap financing using HOME dollars or other public funds, or indirect, such as support infrastructure needs of affordable housing development through city investments
- Continue to monitor that city-funded rental developments implement affirmative marketing practices
- Explore risk mitigation fund for rental applicants with low credit ratings

Impediment #4: Greater Rates of Poverty among Minority and Vulnerable Populations

Recommended Actions:

- Support metropolitan efforts to address the transportation and other barriers to work that affect low-income individuals (i.e., child care, education, wage rates, etc.)
- Support skill-building and other opportunities designed to improve self-sufficiency and personal success (i.e., access to healthcare, job training, financial literacy, English language learning, driving skills, pre-GED, community gardening, entrepreneurship, leadership training)

Impediment #5: Obstacles in Accessing Appropriate Housing for People with Disabilities, Especially Chronic Mental Illness

Recommended Actions:

- Explore options for increasing support for accessible housing units
- Support increased funding for supportive services

Appendix A

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 LEP[1] 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” thresholds[2], 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/Croation, 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 agencies[4] 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
   - Mortgagee 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.