

2024



# Language Access Plan

## **NORTH DAKOTA HOUSING FINANCE AGENCY**

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Una traducción al español de este documento está disponible en [www.ndhfa.org](http://www.ndhfa.org)



## SECTION 1 - LANGUAGE ACCESS PLAN OVERVIEW

### Vision Statement

North Dakota Housing Finance Agency (NDHFA) shall provide individuals with limited English proficiency (LEP) equitable, timely, and quality language assistance in all agency programs and activities, in accordance with Executive Order 13166.

### Policy Statement

It is NDHFA's policy to take appropriate measures to provide meaningful access for those with LEP, to all programs, services, and activities. The following procedures will apply to all programs and services offered by NDHFA.

NDHFA's Language Access Plan (LAP or Plan) will be publicly available on NDHFA's website at [www.ndhfa.org](http://www.ndhfa.org). The LAP will also be accessible in the foreign language(s) determined by four-factor analysis to need written translation. Public comments will be received via email at [hfacomms@nd.gov](mailto:hfacomms@nd.gov). NDHFA consistently strives to improve and broaden the services provided, facilitating communication with individuals who have LEP in person, via telephone, in written form, or through electronic channels.

### Purpose and Authority

The purpose of this LAP is to outline the steps and strategies the agency will undertake to provide effective language assistance services and comply with federal regulations regarding LEP individuals.

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

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

Furthermore, Executive Order 13166, issued on August 11, 2000, titled "Improving Access to Services for Persons with Limited English Proficiency," mandates that all recipients of federal funding must provide language access to individuals with LEP.

### Definitions

**Beneficiary:** The ultimate consumer of HUD programs and receives benefits from a HUD recipient or subrecipient.

**Limited English Proficient Person (LEP):** Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English because of national origin.

**Language Access Plan (LAP):** A written implementation plan that addresses identified needs of the LEP persons served.

**Recipient:** Any political subdivision of the state of North Dakota, or eligible for-profit or nonprofit organization, to whom federal financial assistance is extended for any program or activity, or who otherwise participates in carrying out such program or activity, including any successor, assign or transferee thereof, but such term does not include any beneficiary under any such program.

**Sub-recipient:** Any public or private agency, institution, organization, or other entity to whom federal financial assistance is extended, through another recipient, for any program or activity, or who otherwise participates in carrying out such program or activity.

**Vital Document:** Any document that is critical for ensuring meaningful access to the recipient's major activities and programs by beneficiaries generally and LEP persons.

### Framework and Methodology

The initial step in ensuring meaningful access to federally funded programs for individuals with LEP is the completion of four-factor analysis. The analysis completed by NDHFA addresses the following:

1. The number or proportion of LEP persons eligible to be serviced or likely to be encountered by NDHFA.
2. The frequency of interactions between LEP individuals speaking a particular language and NDHFA.
3. The nature and importance of the NDHFA program or activity provided to the individual's life.
4. The resources available to NDHFA, and the costs associated with providing LEP services.

Following the four-factor analysis, NDHFA will formulate a LAP to address the specific needs identified. This LAP will encompass the following components:

1. The process NDHFA will use to identify LEP individuals, the size of LEP populations, and the languages spoken within these populations.
2. The points and types of interactions that NDHFA may have with LEP individuals.
3. How language assistance will be provided by NDHFA and the strategy for reaching out to LEP populations.
4. NDHFA's plan for training staff members on LEP guidance and the LAP, with special provisions for those responsible for overseeing HUD funding recipients.
5. Detailing vital documents that will be translated, the target languages for translation, and the priority for translation.
6. NDHFA's plan for translating informational materials that detail services and activities provided to beneficiaries and NDHFA's plan for furnishing appropriately translated notices to LEP individuals.
7. Outlining NDHFA's approach to provide interpreters for large, medium, small, and one-on-one meetings.
8. Specify NDHFA's plan for monitoring and periodically updating the LAP.

## SECTION 2 - FOUR FACTOR ANALYSIS

### 1. Number or proportions of LEP persons served or encountered in the eligible service population.

NDHFA is the recipient of HUD funding and subsequently allocates this funding primarily to qualified recipients across North Dakota, who, in turn, carry out projects within their designated service areas.

Direct interactions between NDHFA and LEP individuals using these programs are infrequent, with most direct contact occurring at the project level between grant recipients and LEP individuals. NDHFA is committed to ensuring that programs, services, and activities made possible through federal funding are made available to LEP communities and will make required vital forms available to funded agencies.

To assess the LEP population within North Dakota, NDHFA's service area, a thorough review of data from the US Census Bureau's American Community Survey, the Migration Policy Institute, and the North Dakota Department of Public Instruction's English Language Learner report. Additionally, NDHFA gathered insights through surveys of its own staff and its statewide partner organizations.

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Data from the US Census Bureau’s American Community Survey 5-year estimates for 2017-2021 shows an estimated 45,337 individuals over the age of five speak a language other than English. Of those, 13,809 are considered to have limited English proficiency. This is 1.9 % of North Dakota's total population.

| <b>Citizens 5 years and over</b>  |                            |                                     |                        |
|-----------------------------------|----------------------------|-------------------------------------|------------------------|
| Language                          | Spoken By Estimated Number | Speak English less than “very well” | Margin of Error + or - |
| Spanish                           | 13,876                     | 3,958                               | 3.5                    |
| Indo-European languages           | 14,987                     | 4,192                               | 3.3                    |
| Asian/Pacific Island languages    | 6,570                      | 2,339                               | 6.3                    |
| Other languages                   | 9,904                      | 3,320                               | 5.0                    |
| <b>Citizens 18 years and over</b> |                            |                                     |                        |
| Spanish                           | 9,719                      | 2,376                               | 4.0                    |
| Other languages                   | 16,568                     | 4,106                               | 2.8                    |

The Migration Policy Institute data from 2021 was reviewed and the following languages are reported as being spoken by individuals in North Dakota who speak English less than very well:

| Language                             | Number of individuals who speak English < very well | Percent of language group speaking < very well |
|--------------------------------------|---|--|
| Spanish                              | 3,958   | 28.5   |
| Nepali                               | 1,210   | 63.8   |
| German                               | 982   | 19.9   |
| Arabic                               | 926   | 49.7   |
| Afro-Asiatic / Somali                | 822   | 39.4   |
| Native American (multiple languages) | 709   | 32.5   |
| French                               | 595   | 29.2   |
| Korean                               | 558   | 52.6   |
| Tagalog                              | 515   | 28.4   |
| Chinese                              | 462   | 34.2   |
| Swahili                              | 362   | 18.0   |
| Vietnamese                           | 361   | 48.7   |
| Western Africa / Yoruba              | 323   | 26.4   |
| Indo-European / Kurdish              | 258   | 16.1   |
| Japanese                             | 244   | 39.4   |
| Gujarati                             | 157   | 26.4   |
| Persian                              | 128   | 31.4   |
| Russian                              | 119   | 27.5   |
| Bengali                              | 71  | 36.6   |

North Dakota Department of Public Instruction

Data from North Dakota Department of Public Instruction specifies the number of English Language Learners in North Dakota, along with their heritage language. This information is helpful in understanding household languages and corroborating information from other sources.

ND English Learner Home/Heritage Languages 2017-2022

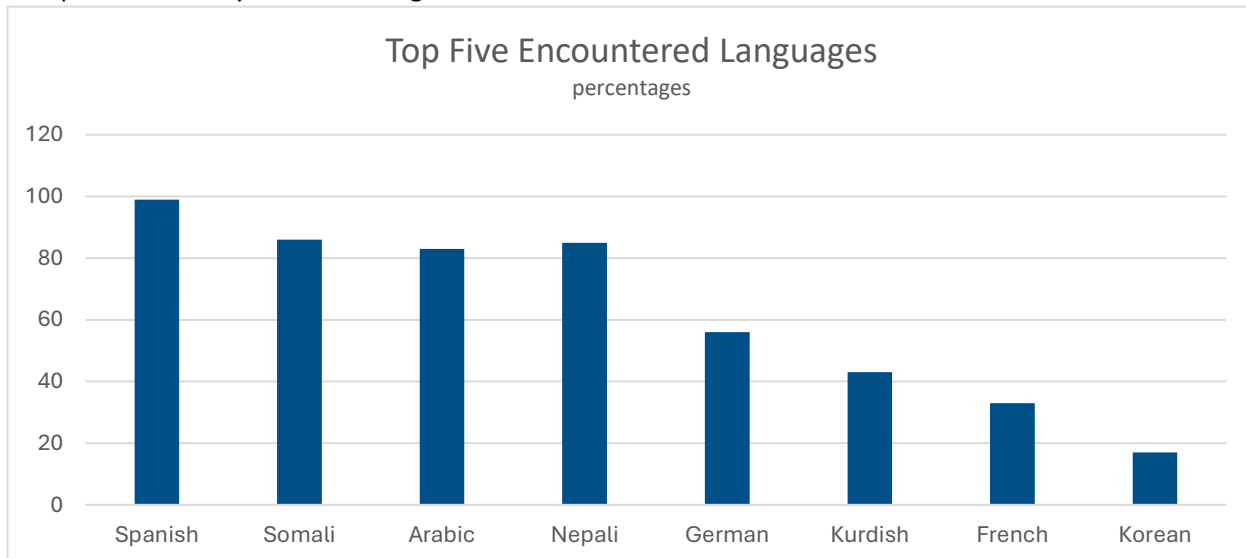
| School Year  | 2016-17     |     | 2017-18     |     | 2018-19     |     | 2019-20     |     | 2020-21     |     | 2021-22     |     |
|--------------|-------------|-----|-------------|-----|-------------|-----|-------------|-----|-------------|-----|-------------|-----|
| Language     | Count       | %   | Count       | %   | Count       | %   | Count       | %   | Count       | %   | Count       | %   |
| Spanish      | 1101        | 31% | 1166        | 30% | 1480        | 33% | 1617        | 35% | 1553        | 36% | 1574        | 38% |
| Nepali       | 426         | 12% | 482         | 12% | 480         | 11% | 446         | 10% | 402         | 9%  | 329         | 8%  |
| Somali       | 516         | 14% | 562         | 14% | 520         | 12% | 436         | 9%  | 381         | 9%  | 330         | 8%  |
| Arabic       | 200         | 6%  | 194         | 5%  | 205         | 5%  | 193         | 4%  | 155         | 4%  | 144         | 4%  |
| Bosnian      | 96          | 3%  | 97          | 3%  | 94          | 2%  | 80          | 2%  | 80          | 2%  | 70          | 2%  |
| Ojibwa       | 63          | 2%  | 50          | 1%  | 45          | 1%  | 61          | 1%  | 51          | 1%  | 41          | 1%  |
| Dakota       | 30          | 1%  | 10          | 0%  | 13          | 0%  | 15          | 0%  | 20          | 0%  | 13          | 0%  |
| *Indian      | 32          | 1%  | 19          | 0%  | 19          | 0%  | 14          | 0%  | 17          | 0%  | 19          | 0%  |
| **Creoles    | 200         | 6%  | 229         | 6%  | 313         | 7%  | 336         | 7%  | 318         | 7%  | 313         | 8%  |
| Swahili      | 108         | 3%  | 110         | 3%  | 129         | 3%  | 141         | 3%  | 135         | 3%  | 112         | 3%  |
| Siouan       | 29          | 1%  | 24          | 1%  | 30          | 1%  | 29          | 1%  | 34          | 1%  | 32          | 1%  |
| Chinese      | 54          | 2%  | 51          | 1%  | 61          | 1%  | 52          | 1%  | 52          | 1%  | 49          | 1%  |
| French       | 83          | 2%  | 80          | 2%  | 92          | 2%  | 88          | 2%  | 82          | 2%  | 82          | 2%  |
| Vietnamese   | 50          | 1%  | 60          | 2%  | 80          | 2%  | 85          | 2%  | 70          | 2%  | 74          | 2%  |
| Tagalog      | 44          | 1%  | 62          | 2%  | 85          | 2%  | 91          | 2%  | 73          | 2%  | 67          | 2%  |
| Other        | 571         | 16% | 689         | 18% | 848         | 19% | 939         | 20% | 873         | 20% | 866         | 21% |
| <b>Total</b> | <b>3603</b> |     | <b>3885</b> |     | <b>4496</b> |     | <b>4624</b> |     | <b>4296</b> |     | <b>4115</b> |     |

Percentages are rounded to the nearest whole percent.

\*Indian = North American Indian - Other

\*\*Creoles = Creoles/Pidgin - English-Based

Independent Survey of Partner Organizations



The collected data shows that the Spanish speaking population constitutes the most substantial LEP group in North Dakota and is, therefore, the most likely non-English language to encounter, with Somali, Nepali, Arabic, and German rounding out the top five.

## **2. Frequency with which LEP individuals encounter the programs.**

NDHFA recognizes that the need for enhanced language services becomes more likely when there is frequent contact with LEP individuals. NDHFA, however, does not consistently provide direct assistance. A substantial portion of HUD funds is allocated to recipients responsible for executing eligible projects that benefit individuals within the service area. Consequently, interaction between individuals with LEP and NDHFA-administered HUD-funded programs are infrequent at the state level.

There is a possibility that some citizen participation initiatives may be directed to the state by individuals seeking to participate in the annual planning process for NDHFA programs. Individuals may also inquire about programs administered by recipients, programs administered directly to beneficiaries including homeownership programs, and limited grant programs. Although we have not experienced any language barrier issues, we are preparing to aid individuals interested in these programs who may have limited English proficiency.

NDHFA's core services include servicing home mortgages. While these are not funded through HUD, the potential for direct interaction with LEP individuals exists. Although formal records of LEP interactions have not been maintained, NDHFA is in the process of establishing a system to document such interactions moving forward.

Due to the minimal instances where language barriers have been an issue, consistent and formal documentation of those instances was not kept. Anecdotal information suggests there have been a handful of interactions where NDHFA staff has had trouble assisting the public due to limited English proficiency. In most cases, a family member or friend of the LEP individual was present to act as an interpreter. The NDHFA LAP will present a plan for documentation and assistance as we move forward.

## **3. Nature and importance of the program, activity, or service provided by programs.**

NDHFA understands that the necessity for language services increases with the significance of the activity, information, services, or programs, as well as the potential consequences of interactions with LEP individuals. As previously noted, NDHFA's HUD-funded programs are largely implemented by recipients. NDHFA is therefore involved in project execution and, in some cases, direct support for LEP individuals and families. The nature of the projects proposed by recipients can significantly influence this determination. We can, however, safely say that projects will be housing related. With a housing-first mindset, we believe the need for language assistance should be a priority.

It is important that at the NDHFA level, language assistance services are readily available during citizen participation initiatives. Equally important is NDHFA's responsibility to provide LEP individuals with information enabling them to file complaints if they believe they have been deprived of language assistance benefits, to programs, or to services. NDHFA is committed to ensuring meaningful access to programs, services, and activities made possible through federal funding for LEP communities.

Although the demand for language assistance has been quite low, we acknowledge the evolving demographics of our state and are committed to proactive preparation. We have reviewed vital documents requiring translation and have prioritized public notices, required NDHFA beneficiary/tenant forms, and the Citizen Participation Plan.

NDHFA will provide a Request for Reasonable Accommodations form for individuals to request services for oral or written translations as determined by the four-factor analysis or defined by the Safe Harbor requirements.

#### 4. Resources available and associated costs.

NDHFA has limited resources available for administration of HUD-funded programs. NDHFA will use allotted funds to provide LEP services, in addition to fulfilling all other statutory and regulatory requirements of these programs.

NDHFA has joined the state of North Dakota WSCA contract for interpretive services.

- NDHFA established an agreement with Language Link to provide immediate interpreter services at no cost to individuals with LEP statewide.
- The NASPO-Value Point contract provides telephonic interpreter services for \$0.57 per minute, and video-remote interpretation services for ASL for \$1.99 per minute. These services will be available at no charge to the individuals needing them.
- Standard document translation is available at \$0.10/word with a \$75 minimum per document.

Keeping cost-efficiency in mind, NDHFA will inform LEP individuals about the availability of brochures, handbooks, booklets, factsheets, and forms in multiple languages on the HUD website. In certain situations, NDHFA may opt to utilize free websites for translating simple written materials when applicable, to provide the needed assistance and remain cost-efficient. Documents with a high degree of complexity will be prioritized for professional document translation as budget allows.

NDHFA has implemented the use of “I Speak” cards/poster for face-to-face interactions, to facilitate the identification of the language needed for meaningful engagement.

### SECTION 3 - LANGUAGE ACCESS PLAN

Based on the four-factor analysis outline above, NDHFA has crafted a LAP. This plan is designed to cater to the specific needs of the LEP individuals served by NDHFA, establishing a framework for monitoring and updating the LAP, and outlining NDHFA’s strategy for ensuring that recipients of NDHFA funding adhere to their LEP responsibilities.

NDHFA acknowledges that the actions required to fulfill its LEP obligations are contingent upon the outcomes of the four-factor analysis, taking into account the services offered by NDHFA, the geographic scope of NDHFA’s services, the available resources, and the expenses associated with various language service options. NDHFA is committed to taking reasonable measures to guarantee meaningful access for LEP individuals. This meaningful access is based upon a standard that is fact-dependent and flexible.

#### Assess Language Needs

The four-factor analysis has resulted in the identification of the following languages for consideration with an LEP population in North Dakota: Spanish, Somali, Nepali, Arabic, and German. According to the US Census, only 1.9% of North Dakota’s total population is considered to have limited English proficiency.

#### Providing Notice of Language Assistance Services

Notice of language assistance informs clients of their right to LEP services without any associated cost to them. It also guarantees LEP clients the same level of confidentiality protection as English proficient clients. Notice of language assistance services will be disseminated through the following channels:

- Post multilingual signs in the agency lobby, advising clients of their right to language assistance services.
- Utilize a dedicated Spanish telephone phone number for the identified population most likely to contact NDHFA.
- Add a multilingual notice of availability to outreach materials and advertising, as appropriate.

- Post notice of right to language assistance services in applicable languages on NDHFA's website.
- Use "I Speak" cards and language guides to identify the spoken language.
- Make Request for Reasonable Accommodation form available on [www.ndhfa.org](http://www.ndhfa.org).

## Language Assistance Services

### Over-the Phone Interpretation

Interaction with LEP clients may take place through both in-person and telephone interactions, necessitating that our staff be ready to address the language assistance requirements of these clients. When LEP individuals visit or call NDHFA's office, an NDHFA staff member will determine the spoken language, evaluate the client's needs to the best of their ability, and offer language assistance according to the established procedure.

If the LEP individual is accompanied by someone who is proficient in English, an NDHFA staff member will ask the informal interpreter to advise the LEP individual that professional interpretation services are available to them at no cost.

NDHFA is contracted with an interpretative service provider (ISP), who will handle over-the-phone (OPI) interpretation for NDHFA. NDHFA will be responsible for the cost. The individual needing interpretation will receive assistance at no cost to them.

### Video Interpretation

When video interpretation is required for American Sign Language, the ISP will provide those services. NDHFA will be responsible for the cost. The individual needing interpretation will receive interpretation services at no cost to them.

### Written Interpretation

NDHFA will furnish written translations of vital documents, aiming to guarantee that individuals have meaningful access and equal opportunities to participate in NDHFA programs and services. Professional written translation is available through the ISP.

If translation of a document is requested, NDHFA will evaluate the need for translation based on:

- The likelihood of frequent changes to the document.
- The existence of multiple dialects within the language.
- The expense for translation.
- Other determining factors relevant to the specific request.

## Staff Training

All NDHFA staff has the potential to engage with individuals who have LEP, therefore both new hire training and annual training will include:

- Content of the LAP
- Identification of spoken language by individuals with LEP
- Determining language access needs
- Providing interpretive services
- Recording encounters and needs for language assistance with encounter form
- Cultural sensitivity
- Other items as necessary



## Public Outreach

NDHFA can conduct outreach to LEP persons as follows:

- Provide notification to LEP persons of the availability of language assistance services (both in interpretation and translation) through public notices pertaining to HUD-funded programs and on NDHFA's website.
- Provide a link on NDHFA's website to the HUD translated materials site.
- Provide its recipients with technical assistance regarding their responsibilities to provide language assistance services to individuals in their jurisdiction and/or service area, and request information from them on how to provide outreach to LEP persons in their jurisdiction and/or service area.

## Monitoring

NDHFA will review the LAP annually to determine its effectiveness and make revisions as necessary. Staff from the program areas impacted by the LAP, along with senior management will be part of this review which will include:

- Review of updated language data from cited sources in four-factor analysis.
- Detailed review of language assistance requests, along with the most encountered languages, pinpointing primary communication methods and programs impacted, and evaluating expenses incurred in providing services.
- Delivery of interpretive services, including knowledge of NDHFA staff.
- Evaluation of suggestions, complaints, and other requests made by LEP individuals or employees in relation to the delivery of language assistance services.
- Review program or service changes to determine additional needs.
- Ensure necessary documents are accessible according to LAP policy.
- Revisions to the LAP as needed, as identified by Plan review.

## Recipient Responsibilities

Recipients of federal funds awarded through NDHFA are obligated to ensure that meaningful access to services is assured for the LEP clients in compliance with federal civil rights laws. Recipients must provide language assistance services that result in timely, accurate, and effective communication at no cost to LEP clients or their beneficiaries.