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Language Access Plan

State of North Carolina

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Revision History

Version	Date	Description
1.0	December 11, 2019	Initial Language Access Plan
2.0	June 19, 2023	Updated demographic information. Provided clarifications on vital documents. Added Appendix A for additional resources.
3.0	December 1, 2023	Updated to include applicability for HUD CoC funds.

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Language Access Plan (LAP) for the North Carolina Office of Recovery and Resiliency (NCORR)

Introduction and Purpose

NCORR is committed to complying with all civil rights laws, including Title VI of the Civil Rights Act of 1964 (Title VI), which requires us to ensure that individuals with limited English proficiency (LEP) have meaningful access to federally-funded programs and services. LEP does not refer to people who are bilingual but rather to individuals that are protected from national origin discrimination and are not excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance, as per 42 U.S.C. §2000d.

The purpose of this plan is to ensure that NCORR, as required, takes reasonable steps to provide LEP individuals with meaningful access to NCORR's programs and services. NCORR conducted a four-factor analysis to develop a Language Access Plan (LAP), as recommended by the United States Department of Housing and Urban Development (HUD), that would be used in providing the appropriate language assistance to LEP communities. In writing this plan and in order to identify the specific needs for LEP residents of the State of North Carolina, the State conducted a needs assessment using the four-factor analysis provided in the [U.S. Department of Housing and Urban Development \(HUD\)'s Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons.](#)

Four Factor Analysis

In accordance with this four-factor analysis, NCORR's assessment balanced the following factors:

- 1) The number or proportion of LEP persons eligible to be served or encountered by the program, activity, or service of NCORR. (As instructed in the guidance for the purposes of determining the LEP persons "served or encountered", NCORR includes those persons who would be served or encountered if the persons received adequate outreach and were provided sufficient language services.)
- 2) The frequency with which LEP persons come into contact with NCORR's programs, activities, or services.
- 3) The nature and importance of the program, activity or service provided by the NCORR's programs.
- 4) The resources available and costs to NCORR.

LEP Populations to be Served or Encountered and the Frequency of Encounters

NCORR manages federal funds, provided by HUD, to the State of North Carolina; in doing so, NCORR is committed to using the funding for the resiliency of rebuilding efforts, planning, and exploring opportunities for mitigation against future natural disasters with an emphasis on improving conditions for low- and moderate-income beneficiaries. NCORR reviewed and analyzed the most recent data on the language composition of North Carolina's eligible counties, which helped identify the potential and actual LEP population served or encountered by NCORR.

The most accurate way to estimate of the service size of the HUD-funded programming is to analyze census tracts by income. For example, a census tract is considered low- to moderate-income, and therefore eligible for CDBG services based on geographic area, if 51% or more of the residents within the census tract are low- to moderate-income by HUD standards (<80% of area median income).

In order to define the predominate LEP groups, NCORR reviewed the American Community Survey (ACS)'s statistics and initially had discussions with school districts of eligible counties. The most recent data from 2021, supplied by the US Census Bureau, confirms that 12.1% of North Carolina's population (approximately 1,179,594 individuals) over the age of five years speak another primary language besides English.

The LEP populations identified in North Carolina speak the following languages:

Table 1: Top 10 Non-English Languages Spoken in North Carolina (2021)

Language	Speakers	Percent of Total Population
Spanish	753,142	7.7%
Chinese	38,388	0.4%
French	30,994	0.3%
Arabic	29,554	0.3%
Vietnamese	24,497	0.3%
German	21,190	0.2%
Korean	16,327	0.2%
Tagalog	15,309	0.2%
Portuguese	10,219	0.1%
Italian	7,362	0.1%
Total Population	9,773,018	100%

Source: 2021 American Community Survey 5-year estimates, Table B16001

The data above makes evident that a substantial percentage of North Carolina’s population is of LEP. The percentage of LEP residents in North Carolina is well above HUD’s 5% “Safe Harbor Rule” threshold that triggers more robust language access requirements. However, consultations indicate the LEP population within the State is increasing and is likely to continue to do so, therefore NCORR is addressing language access needs in a proactive manner.

Language Assistance Measures

The type of language assistance necessary to provide meaningful access will vary depending on the type of communication NCORR staff is having with LEP individuals (e.g., phone, in person, or written communication). Regardless of how the language assistance is provided, NCORR recognizes the importance of offering applicants resources that can provide an effective translation of Program features and requirements in a timely manner. NCORR understands that the extent of their obligation to provide both oral and written translation is dependent on the four-factor analysis results. NCORR has chosen to follow the Safe Harbor Rule, contained in HUD’s final guidance, to assist in determining when to provide translation of vital documents.

The Safe Harbor Rule for written translation of vital documents is based on the number and percentages of the eligible population or beneficiaries and applicants that are LEP individuals.

HUD recommends translation of vital documents to be provided when the eligible LEP population in the market area or current beneficiaries exceeds 1,000 persons or if it exceeds 5% of the eligible population or beneficiaries and more than 50 people are affected. In cases where more than 5% of the eligible population speaks a specific language, but fewer than 50 persons are affected, there should be a translated written notice of the person’s right to an oral interpretation.

North Carolina’s residents are above the 5% “eligible beneficiary” threshold for Spanish language, vital documents will be translated into Spanish and NCORR will provide a translated written notice of the person’s right to oral interpretation services for Spanish speakers. These plans are subject to change as NCORR continues to monitor demographic information and trends with respect to LEP populations to be served.

Oral Interpretation Services

HUD’s safe harbor rule does not apply to oral communication. An obligation to provide oral language assistance exists regardless of the number or percentage of persons who comprise a specific language group. NCORR will collaborate with its agents and contractors to provide competent interpretation services whenever such are necessary for assisting LEP residents.

Interpreters providing services to NCORR must:

- Be proficient in and able to communicate information accurately in both English and the other applicable language;
- Understand relevant community development terminology;
- Understand and ensure confidentiality;
- Maintain impartiality and act solely in the role as an interpreter; and
- Be aware of the differences in usage of the language and be able to provide the most appropriate interpretation in a consistent manner.

Regardless of who is used as an interpreter, NCORR staff will adhere to the following guidelines when using an interpreter:

- Explain to the interpreter the purpose of the communication and provide a description of the information to be conveyed;
- Provide brief explanations of technical terms that may come up during the communication, such as eligibility, income limits, duplication of benefits, etc.;
- Avoid using acronyms, such as HUD, DOB, ECR, etc.;
- Speak in short sentences;
- Express one idea at a time and allow the information to be interpreted prior to continuing;
- Check-in with the interpreter to make sure he/she is understanding what staff is attempting to communicate;
- Enunciate words;
- Avoid contractions; and
- Address the LEP resident and not the interpreter during the conversation.

LEP persons may choose to bring an informal interpreter with them to assist in communication, including but not limited to the LEP person's family members, friends, legal guardians, or social services case manager representatives or personal advocates. In such instances, NCORR staff will:

- Inform LEP persons who bring an informal interpreter with them that free language interpretation is available through NCORR;
- Choose a formal interpreter instead of an informal interpreter, if the circumstances and subject matter of the interaction indicate that formal interpretation is needed to protect the resident's rights and interests; and
- Avoid relying on minors as informal interpreters unless there is an extreme need and no competent interpreters are available.

Written Translation Services

In keeping with HUD's Safe Harbor Rule, NCORR will provide a translated written notice of LEP individuals' rights to an oral interpretation of vital documents. Vital documents are defined

below. NCORR will not translate internal, non-public documentation such as standard operating procedures or job guides. This written notice will be provided in Spanish, which is the currently-identified language spoken by a significant number of LEP individuals.

Vital Documents

NCORR regularly reviews documents used in the delivery and administration of its federal funds to identify documents considered vital. As part of such review, NCORR considers the population percentage, the importance to the public, and the frequency and contact of the information while assessing the potential for translating such documents. Documents most likely to encounter the need to translate and be considered vital documents are those related to public involvement, general public information, and local assistance. Documents related to the internal administration or delivery of programs or activities that are not generally for public involvement, such as billing guides and payment requests, are not considered vital documents.

Examples of vital documents may include the following:

- Public comment notices;
- Public hearing notices;
- Notices of Intent to Request the Release of Funds;
- Findings of No Significant Impact;
- Drafts and finalized versions of CDBG-DR and CDBG-MIT action plans and amendments as well as annual reports;
- Applications, instructions, or documents intended for individual beneficiaries directly related to how to participate in a program or activity to receive benefits, services, or grant funding.

NCORR will continue to review, identify, and translate vital documents as time and resources allow, so as to ensure it is taking reasonable steps to provide meaningful access to LEP individuals. NCORR may make a determination that while a document or elements of a document may be considered vital, there is no need to translate. For example, an application for assistance that is intended for a municipality or contractor that conducts business in English rather than a second language may not need to be translated.

Translation Services

NCORR will provide accurate translation services whenever such are necessary for assisting LEP persons.

NCORR will make every attempt to use competent and accurate translators. Many of the considerations described above regarding interpreters apply to translators.

Where appropriate, NCORR will utilize HUD translated documents. NCORR recognizes that the translated document is not a legal document and that HUD intends to put a disclaimer on it

stating that it is “providing the translation to you merely as a convenience to assist in your understanding of your rights and obligations. The English language version of this document is the official, legal, controlling document. This translated document is not an official document.”

NCORR will use a similar disclaimer on its legal documents that are translated. NCORR will also be ready to provide oral interpretation of written documents for LEP persons who may not be able to read their native language.

Staff Training Regarding LEP Policies and Procedures

Where applicable, NCORR staff will be trained on their obligation to provide meaningful access to information and services for LEP residents. Training will seek to make staff aware of the following:

NCORR’s obligation to provide meaningful access to LEP persons;

- LEP policies and procedures; and
- Protocol in responding to LEP persons contacting NCORR via telephone, written communications, and in-person contact.

NCORR staff will include LEP and other language access training as a component of regular, ongoing training and development to keep informed of NCORR’s current and evolving obligations as a CDBG-DR, CDBG-MIT, and Continuum of Care (CoC) grant recipient. Information and materials received during such training will be distributed to other NCORR staff as appropriate.

Providing Notice of Free Language Services to LEP Persons

NCORR recognizes that it is important to put LEP persons on notice that free language assistance will be provided when needed. NCORR staff will notify LEP persons of these services through translated statements (e.g., “Free language assistance is available for accessing all CDBG-DR and CDBG-MIT programs.”) to be published in Spanish and any other languages identified in the future as being spoken by a significant number of LEP persons. These translated notices will be included in the following documents:

- Public comment notices;
- Public hearing notices;
- Notices of Intent to Request the Release of Funds;
- Findings of No Significant Impact;
- Drafts and finalized versions of CDBG-DR and CDBG-MIT action plans and amendments as well as annual reports; and
- Applications, instructions, or documents intended for individual beneficiaries directly related to how to participate in a program or activity to receive benefits, services, or grant funding.

Continuous Oversight of the LAP – Monitoring and Updates

NCORR will monitor and update this LAP on an ongoing basis. If new demographic data is released by the federal or state government, NCORR will review the data and update the LAP accordingly. In addition, special attention will be made to incorporate new resources, including potential funding, collaborations with other agencies, human resources, emerging technologies, and other mechanisms to improve language access in the plan.

Appendix A: Regulations and Resources

Applicable Regulations

- Title VI of the Civil Rights Act of 1964
- Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency
- 72 FR 22732, Federal Register Volume 72, Issue 13 (January 22, 2007), U.S. Department of Housing and Urban Development (HUD) HUD's LEP Resources

HUD's Resources

- HUD's website: https://www.hud.gov/program_offices/fair_housing_equal_opp/17lep.