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## Limited English Proficiency

Language Access Policy Directives and Plan

10/30/2024

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# Chapter 1: General Information

## 1.01 Purpose

The purpose of this document is to ensure that limited English proficient (LEP) Minnesotans are provided with meaningful access to Minnesota Housing's programs and services. This LEP Language Access Plan (LAP) contains guidelines for policies, procedures and trainings, as well as background on federal mandates for LEP requirements and Minnesota specific demographics of LEP populations.

This is a living document and will be reviewed every two years and updated when appropriate. Specifically, it will be updated as the population and demographics of Minnesota change and/or grow, as well as when the programs and services provided by Minnesota Housing change.

If you have questions or comments related to this document, please reach out to Gary Mortensen, Director of Agency Operations Team.

## 1.02 Authorities

### Federal Authorities

- [Title VI of the Civil Rights Act of 1964](#), prohibits discrimination based on race, color and national origin in programs and activities receiving federal financial assistance;
- [Title VIII of the Civil Rights Act of 1968](#) (Fair Housing Act) protects people from discrimination when they are renting or buying a home, seeking housing assistance or engaging in other housing-related activities;
- [The Americans with Disabilities Act](#) of 1990 as Amended (ADA) is a civil rights law that prohibits discrimination based on disability, including individuals who are hard of hearing;
  - [Executive Order \(EO\) 13166](#), Improving Access to Services for Persons with Limited English Proficiency, issued in 2000. This EO directs federal agencies to work to ensure that recipients of federal financial assistance provide meaningful access to their LEP applicants and beneficiaries.

### State Authorities

- The [Minnesota Human Rights Act](#) prohibits discrimination based on protected class, including race, national origin and disability.
- [Minnesota Statute 462A.07, subdivision 17](#), which requires that the Minnesota Housing provide meaningful access to agency programs and services for individuals who have limited English proficiency.

### 1.03 Definitions and Terms

**Effective communication:** Effective communication occurs when Minnesota Housing or partner staff members have taken the necessary steps to make sure that a person with Limited English Proficiency is given adequate information to understand the services and benefits available and receives the benefits for which they are eligible. Effective communication also means that a person with limited English proficiency is able to communicate the relevant circumstances of their situation to Minnesota Housing or its staff.

**Four-factor analysis:** A flexible and fact-dependent standard that balances the following factors: 1. the number or proportions of LEP persons served or encountered in the eligible service population; 2. The frequency with which LEP individuals come in contact with the program; 3. The nature and importance of the program, activity or service provided by the recipient; and 4. The resources available to the recipient and costs.

**Hard of Hearing:** A person having reduced or deficient hearing ability.

**Interpretation:** Oral, spoken or signed transfer of a message from one language into another language.

**Language Access Plan (LAP):** Management and implementation documents that outlines the Agency's general policy principals and guidelines that govern the delivery of language services. The documents also outline how the Agency sets priorities and deadlines, assigns responsibilities, and ensures compliance with language access requirements. The Language Access Plan is composed of a policy document and an employee tool kit, which includes procedures and resources for staff.

**Language block:** A language block is a notice translated into the Primary Languages, the most common languages read in Minnesota, on a document - electronic or otherwise - that provides instructions on how to request to receive the information in a person's preferred language.

**Limited English Proficiency (LEP):** A person with limited English proficiency (LEP) does not speak English as their primary language and who has limited ability to speak, read, write or understand the English language.

**Meaningful Access:** The ability to use services and benefits comparable to those enjoyed by members who are not limited in their ability to speak, read, write or understand the English language.

**Primary Languages:** Languages other than English that are most commonly spoken by Minnesota Housing customers or program participants, as identified by Minnesota Housing's Planning, Research and Evaluation team using the four-factor analysis. As of the publishing of this document, the Primary Languages other than English are Spanish, Hmong and Somali.

**Translation:** Translation means the written transfer of a message from one language into another.

**Vital Documents or Information:** Documents or information that is critical for meaningful access to federal or state services or benefits, or are documents required by law. Federal guidelines suggest that importance of the program, information, encounter or service involved may control whether or not a document is vital. Consequences to a LEP person if the information is not provided accurately and in a timely manner should also be taken into consideration. See Four-Factor analysis, above.

## **1.04 Meaningful Access Policy**

No person will be denied access to any Minnesota Housing programs, activities or services because they do not speak English, communicate in English on a limited basis, or are hard of hearing. Minnesota Housing will foster effective communication between its staff and program participants or customers with LEP by making appropriate language assistance services available when needed. This will be done in a timely manner and at no cost to the program participant or customer.

### **Affirmative Offer of Language Assistance**

When needed for meaningful access, free interpretation and or translation services will be provided to program participants or customers if requested. Minnesota Housing may provide the following types of language assistance:

- Interpreter
- Translated documents
- Sign language interpreter

Whenever possible, staff are encouraged to follow a participant's preference.

Recipients and subrecipients of funding from Minnesota Housing may also be required to offer language assistance. The State has the responsibility to guide and work with recipients and subrecipients to determine the extent of their responsibility.

### **Using an Interpreter or Translator: Competency and Quality Standards**

To provide effective services to persons with LEP, Minnesota Housing will use competent interpreters. "Competency" requires that interpreters will have demonstrated proficiency in both English and the intended language; training that includes the skills and ethics of interpreting; fundamental knowledge in both languages of any specialized terms or concepts; and sensitivity to the participant's culture.

Because the skill of translating is very different from the skill of interpreting, and a person who is a competent interpreter may or may not be competent to translate, Minnesota Housing obtains translation services only from [the Enterprise Translation Office at the Department of Administration](#), or vendors who have a master contract with the Department of Administration. Vendors who have a master contract were selected through an extensive Request for Proposal (RFP) process. These vendors must adhere to a code of conduct and proficiency standards.

The Department of Administration maintains statewide master contracts with qualified vendors of spoken language interpreter services. All state agencies and Cooperative Purchase Venture (CPV) members can use these contracted vendors. The vendors offer in-person, videoconferencing, and telephone interpreting. Availability and rates vary by vendor and the urgency of the request. To access a list of contracted vendors of spoken language interpreter services, visiting the [Department of Administration's website](#). [Telephone-based interpretation services](#) are also available on the Department of Administration's website, as well as [sign language interpretation services](#).

### **Bilingual Staff**

When available, Minnesota Housing will use its best efforts to assign clients or program participants with LEP to bilingual program staff who can meet their language needs.

### **Emergency Situations for Language Assistance**

When the assistance requested requires immediate action, Minnesota Housing will take steps necessary to ensure all clients, including those with LEP and hearing impairments, have access to services or information within reasonable time frames. For example, when a client needs an interpreter or other language assistance services to obtain expedited program services, Minnesota Housing's goal is to make services accessible within the required time frame, whether that means using an interpreter or any other appropriate type of language assistance.

### **1.05 Data Privacy Protection**

Minnesota Housing and its partners, contractors, and any recipients or subrecipients of Minnesota Housing funding shall comply with the 'minimum necessary' access and disclosure standards set forth in the Minnesota [Data Practices Act](#). Minnesota Housing and its partners and contractors, including contracted translator services or interpreter services, shall:

- Not use or further disclose information other than as permitted or required by law
- Use appropriate safeguards to prevent improper use or disclosure of the information by its employees and contractors
- Appropriately respond to any known improper use or disclosure of protected information
- Ensure that any agents to whom it provides private or confidential data, agree to be bound by the same restrictions and conditions that apply to them with respect to such information
- At termination of any contract, extend the protections of the contract to the information collected during the course of the contract

### **Use of Family members or Friends as Interpreters**

Minnesota Housing generally discourages the use of family members or friends as interpreters. However, if a participant makes a request, Minnesota Housing will accommodate their wishes to have family or friends serve as interpreters. Minor children should never be used as interpreters. Before

using these types of interpreters, Minnesota Housing will offer free language assistance services. Minnesota Housing reserves the right to bring in third party interpreters if necessary to ensure meaningful access and clear communication. See employee toolkit for further procedures staff should follow if a participant request using their family or friends to serve as an interpreter.

## **1.06 Staff Training**

Minnesota Housing will make this document available to all staff to ensure staff are aware of the LEP and hearing-impaired policies and procedures. In addition, there is a toolkit related to this LEP LAP, with employee procedures.

The LEP LAP information will be incorporated into Minnesota Housing's new employee orientation program and LEP training will include information on the following topics:

- Minnesota Housing's legal obligation to provide language assistance
- The substance of this LEP LAP, including its policies and procedures for accessing language assistance services

All staff in ongoing public contact positions and management staff will be provided additional training, which may include:

- Tips on working with in-person and remote interpreters
- How to properly document information about a client's language needs in a case file or other Minnesota Housing file, where necessary

## **Chapter 2: Division and Program Implementation Information**

### **2.01 Vital Documents or Information**

Vital documents or information should be a priority for translation, particularly when the four-factor analysis reveals a need for these documents to be translated. Vital documents or information are those that are critical for accessing services or benefits or are documents required by law. They may include, but are not necessarily limited to:

- Applications
- Consent and complaint forms
- Letters with eligibility or participation information
- Notices regarding reduction, denial, or termination of services/benefits and the right to appeal such actions
- Notices that require a response from a client or program participant
- Notices that offer free language assistance, or a language block



As part of the Agency's four-factor analysis, each division will self-assess their programs every two years to determine the programs' vital documents, if any, to be translated and offered in the Primary Languages.

## **2.02 Level of Language Ability**

Some LEP clients may not have the ability to read and understand written materials. Therefore, oral interpretation of written materials may be necessary. Interpreters should be aware of variances within a language and should be able to communicate with clients using the appropriate colloquial speech and/or dialect.

### **Assisting clients with various levels of literacy**

Minnesota Housing staff must assist clients or program participants with LEP who cannot read their preferred language to the same extent as they would assist English-speaking participants who cannot read.

## **2.03 Teletypewriter/Text Telephone (TTY) Calling Feature**

Persons that are hard of hearing can call the Agency's TTY Telephone at 651.297.2361. See the toolkit for more detailed procedures.

## **Chapter 3: Monitoring and Compliance**

At regular intervals, Minnesota Housing will conduct an evaluation of its Language Access Plan to determine its overall effectiveness. As noted above, each division audits their programs every two years to ensure that language assistance services are effectively implemented, and vital documents are translated into Primary Languages. The Agency Operations team, in partnership with the Planning, Research and Evaluation team will manage the evaluation as well as consult with community, as appropriate. The evaluation will include review of:

- Current LEP populations in program service delivery areas
- Frequency of encounters with LEP language groups
- Whether existing assistance is meeting the needs of LEP persons
- Whether staff members know and understand the Language Access Plan and how to implement it
- Whether currently identified sources for assistance still available and viable
- An assessment of available resources, including technological advances and sources of additional resources and the costs imposed

### **3.01 LEP Language Access Plan Distribution and Public Posting**

This document will be:

- Distributed to all Minnesota Housing staff
- Stored on the Minnesota Housing server
- Posted on the Agency's website under the Policy & Research page, under [Agency Plans](#)

### **3.02 Process for providing feedback and external resources**

Feedback or comments regarding this plan can be directed to Gary Mortensen, Director of Agency Operations.

#### **External resources**

- US Department of Housing and Urban Development's [Limited English Proficiency webpage](#)
- Minnesota Department of Human Rights [report discrimination webpage](#)
- Limited English Proficiency [LEP.gov](#)

## Appendix



### Internal Memo

**Date:** 10/16/23

**To:** Rachel Ganani and Lael Robertson

**Cc:** John Patterson

**From:** Hattie Hiler

### Internal Memo: Limited English Proficiency Households in Minnesota

#### Limited English Proficiency Household Characteristics

The Justice Department defines people with limited English proficiency (LEP) as those “who do not speak English as their primary language and who have a limited ability to read, speak, write or understand English”.<sup>1</sup> In Minnesota, 4.8% of all households are LEP<sup>2</sup> and very likely face barriers accessing services when program materials or providers do not reflect their primary language.

Minnesota Housing works with lower-income households who are often cost-burdened and 5.6% of lower-income, cost-burdened households are LEP. For the purpose of this memo, lower-income renters have an annual incomes of \$50,000 or less, and lower-income homeowners have an income of \$100,000 or less. For comparison, 20.4% of all students accessing free and reduced lunch<sup>3</sup> are LEP, and 25.6% of Indigenous, Black and households of color who are lower-income and cost-burdened are LEP.

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<sup>1</sup> <https://www.lep.gov/faq/faqs-rights-lep-individuals/commonly-asked-questions-and-answers-regarding-limited-english>

<sup>2</sup> 2022 American Community Survey 5-year sample, iPUMS microdata. Includes households where either head of household or spouse has limited English proficiency.

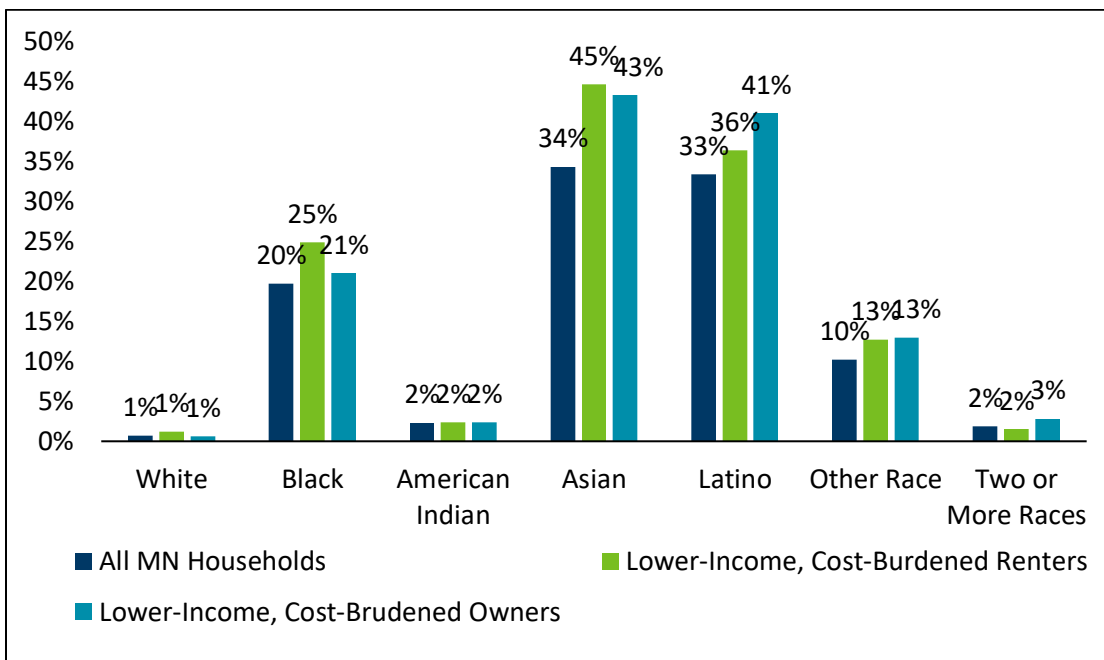
<sup>3</sup> Minnesota Department Education 2021-2022 enrollment data. Includes students who were flagged as eligible for free and reduced lunch or English learners throughout the entire school year.

**Table 1: Limited English Proficiency (LEP) Populations in Minnesota**

	All Minnesota Households	Lower-Income, Cost-Burdened Households	Free and Reduced Lunch Students	Indigenous, Black and Households of Color who are Lower-Income and Cost-Burdened
Total	2,354,293	1,230,482	308,912	231,114
Limited English Proficiency	112,022	68,980	63,601	61,359
% LEP	4.8%	5.6%	20.4%	26.5%

Language access is essential for racial equity. Indigenous, Black and households of color represent 89.0% of all lower-income, cost-burdened households who are LEP, with Asian and Latino households most likely to be LEP. Asian households have the highest LEP rate for both lower-income, cost-burdened renters (44.6%) and homeowners (43.2%). Nearly half the Asian households that Minnesota Housing could potentially serve face language access barriers.

**Graph 1: Percent of Households within Each Racial/Ethnic Community with Limited English Proficiency (LEP)<sup>4</sup>**



When examining LEP lower-income, cost-burdened homeowners and renters broken out by race, Black households represent the largest share of all LEP, low-income, cost-burdened renters (44.5%). Latino

<sup>4</sup> Source: 2022 American Community Survey 5-year sample, iPUMS microdata.

and Asian households each represent roughly a third of LEP cost-burdened homeowner households, 36.3% and 33.0%, respectively.

**Table 2: Percent of Lower-Income, Cost-Burdened Limited English Proficiency (LEP) Renters and Homeowners by Race and Ethnicity<sup>5</sup>**

	Renters		Homeowners	
	Households	%	Households	%
White	2,873	8.4	4,748	13.6
Black or African American	15,176	44.6	4,787	13.7
American Indian or Alaska Native	135	0.4	152	0.4
Asian	6,573	19.3	11,536	33.0
Hispanic or Latino	8,845	26.0	12,688	36.3
Other Race	260	0.8	449	1.3
Two or More Races	197	0.6	561	1.6
Total	34,059	100.0	34,921	100.0

Minnesota Housing has not traditionally collected data on the English proficiency or preferred languages of the households it serves; however, the two primary COVID-19 emergency housing programs (RentHelpMN and HomeHelpMN) did. These programs collected information about households served that either identify as limited English proficiency or identified a preferred language other than English and offered applications materials in four languages: English, Spanish, Hmong and Somali. Both programs served a lower share of LEP households than the share reflected among lower-income, cost-burdened homeowners and renters. Only 1.9% (149) of HomeHelpMN households identified as LEP compared to 4.0% of all lower-income, cost-burdened homeowners. RentHelpMN was better at reaching renters speaking a non-English language; 8.5% (5,091) of RentHelpMN households identified a preferred language other than English compared to 9.6% of all lower-income, cost-burdened renters identifying as LEP.

### Languages Spoken by Limited English Proficiency Households

LEP renters and homeowners need slightly different translation resources when utilizing Minnesota Housing programs. Although Spanish, Somali and Hmong are among the top three languages for LEP cost-burdened renters and homeowners, Spanish is the most frequently spoken non-English language for lower-income, cost-burdened homeowners whereas Somali and similar languages are the most frequently spoken for cost-burdened renters. The top three languages represented almost all non-English speakers accessing both RentHelpMN (84.0%) and HomeHelpMN (90.5%).

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<sup>5</sup> Source: 2022 American Community Survey 5-year sample, iPUMS microdata

**Table 2: Percent of Renter Households Speaking Non-English Languages<sup>6</sup>**

	<b>Minnesota LEP Cost-Burdened Renters</b>	<b>RentHelpMN Households</b>
Cushite, Beja, Somali <sup>7</sup>	31.6	45.3
Spanish	26.4	36.1
Miao, Hmong	5.3	2.5
Karen	4.1	0.8
Amharic, Ethiopian	3.6	0.0
Arabic	3.6	0.0
Russian	3.0	0.0
Vietnamese	2.5	0.0
Chinese <sup>8</sup>	2.4	0.0
Niger-Congo regions	1.8	0.0
Other	15.7	15.3

**Table 3: Percent of Homeowner Households Speaking Non-English Languages<sup>9</sup>**

	<b>Minnesota LEP Cost-Burdened Homeowners</b>	<b>HomeHelpMN Households</b>
Spanish	38.3	61.0
Miao, Hmong	10.1	11.4
Cushite, Beja, Somali	6.4	18.1
Vietnamese	6.3	1.9
Chinese	4.4	0.0
Amharic, Ethiopian	3.8	1.0
Russian	2.9	1.0
Karen	2.7	1.0

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<sup>6</sup> Source: 2022 American Community Survey 5-year sample, iPUMS microdata. RentHelpMN totals add to more than 100% because households could select different languages for each program application. Additionally, RentHelpMN only listed Oromo, Spanish, Somali, Hmong, Karen, and English as language options. People speaking one of the other languages on this table could have selected the "other" category for RentHelpMN.

<sup>7</sup> Cushite, Beja, Somali includes Oromo.

<sup>8</sup> Chinese includes Cantonese, Mandarin, Min and Yeuh.

<sup>9</sup> Source: 2022 American Community Survey 5-year sample, iPUMS microdata.

	<b>Minnesota LEP Cost-Burdened Homeowners</b>	<b>HomeHelpMN Households</b>
Arabic	2.4	1.0
Laotian	2.0	0.0
Other	20.5	3.8

Most, but not all, LEP households needing translated materials live in the seven-county metro (75.2%). Several communities outside of the metro include relatively large populations of people primarily speaking Spanish, Somali, Karen and Vietnamese. Stearns and Olmstead counties which include smaller metropolitan areas, St. Cloud and Rochester, have relatively high population of students speaking Somali (Stearns and Olmstead) and Vietnamese (Olmstead) compared to its share of Minnesota’s overall population. Even smaller communities, such as those in Freeborn, Lyon, Kandiyohi, Mower, Nobles and Rice counties, include relatively large populations of students speaking Spanish (Kandiyohi and Nobles), Somali (Kandiyohi and Rice), and Karen (Freeborn, Lyon, Kandiyohi, Mower, and Nobles). Almost all students from households speaking Hmong live in the seven-county metro (96.3%).

**Table 5: Top 10 Minnesota Counties with Students in Households Primarily Speaking Spanish<sup>10</sup>**

<b>County</b>	<b>Percent of Minnesota Population</b>	<b>Percent of Students Speaking Spanish</b>
Hennepin	22.3	29.4
Ramsey	9.5	13.0
Dakota	7.7	11.6
Anoka	6.4	7.7
Nobles	0.4	3.9
Washington	4.7	2.6
Scott	2.7	2.4
Stearns	2.8	2.4
Olmsted	2.9	2.3
Kandiyohi	0.8	2.0
Other	39.8	22.8

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<sup>10</sup> Source: Minnesota Department of Education 2022-2023 enrollment data and Minnesota State Demographic Center, 2022 Minnesota population estimates

**Table 6: Top 10 Minnesota Counties with Students in Households Primarily Speaking Somali<sup>11</sup>**

County	Percent of Minnesota Population	Percent of Students Speaking Somali
Hennepin	22.3	37.8
Ramsey	9.5	18.4
Stearns	2.8	11.6
Dakota	7.7	9.9
Anoka	6.4	4.8
Olmsted	2.9	3.7
Scott	2.7	2.7
Rice	1.2	2.6
Kandiyohi	0.8	2.1
Blue Earth	1.2	1.6
Other	42.5	4.9

**Table 7: Top 10 Minnesota Counties with Students in Households Primarily Speaking Hmong<sup>12</sup>**

County	Percent of Minnesota Population	Percent of Students Speaking Hmong
Ramsey	9.5	56.5
Hennepin	22.3	21.0
Anoka	6.4	10.8
Washington	4.7	5.9
Dakota	7.7	1.3
Sherburne	1.8	0.9
Chisago	1.0	0.7
Cottonwood	0.2	0.6
Isanti	0.7	0.4
Wright	2.6	0.4
Other	43.1	1.5

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<sup>11</sup> Source: Minnesota Department of Education 2022-2023 enrollment data and Minnesota State Demographic Center, 2022 Minnesota population estimates

<sup>12</sup> Source: Minnesota Department of Education 2022-2023 enrollment data and Minnesota State Demographic Center, 2022 Minnesota population estimates



**Table 8: Top 10 Minnesota Counties with Students in Households Primarily Speaking Karen<sup>13</sup>**

County	Percent of Minnesota Population	Percent of Students Speaking Karen
Ramsey	9.5	74.7
Freeborn	0.5	6.7
Lyon	0.4	4.1
Mower	0.7	3.9
Nobles	0.4	3.3
Kandiyohi	0.8	2.8
Anoka	6.4	2.2
Murray	0.1	0.4
Dakota	7.7	0.4
Washington	4.7	0.4
Other	68.8	1.1

**Table 8: Top 10 Minnesota Counties with Students in Households Primarily Speaking Vietnamese<sup>14</sup>**

County	Percent of Minnesota Population	Percent of Students Speaking Vietnamese
Hennepin	22.3	26.6
Anoka	6.4	18.0
Dakota	7.7	14.0
Ramsey	9.5	12.3
Scott	2.7	7.6
Washington	4.7	5.1
Olmsted	2.9	4.9
Stearns	2.8	2.7
Carver	1.9	1.5
Rice	1.2	0.9
Other	37.9	6.4

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<sup>13</sup> Source: Minnesota Department of Education 2022-2023 enrollment data and Minnesota State Demographic Center, 2022 Minnesota population estimates

<sup>14</sup> Source: Minnesota Department of Education 2022-2023 enrollment data and Minnesota State Demographic Center, 2022 Minnesota population estimates

