

# STATE OF NEW YORK

503

2023-2024 Regular Sessions

## IN ASSEMBLY

January 9, 2023

Introduced by M. of A. JOYNER -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, the public authorities law and the county law, in relation to requiring certain documents and forms to be provided in multiple languages

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Legislative findings and intent. The legislature hereby  
2 finds that as New York's immigrant population continues to grow, inability  
3 to access documents translated into languages that community members  
4 read and lack of interpretation of government services and resources  
5 into languages that community members speak are major barriers to the  
6 advancement of the state's immigrant population. However, currently  
7 language access in New York is based on an Executive Order which  
8 mandates translation into the same ten languages across the entire  
9 state, failing to account for significant differences in immigrant populations  
10 across New York's regions. Translation is also only mandatory in  
11 a handful of executive specific agencies, instead of across all subdivisions  
12 of state and county government. The legislature believes language  
13 access improves the lives of immigrants by increasing opportunities for  
14 employment, business ownership, and other vital services, while making  
15 staff time at state agencies and authorities more efficient, benefiting  
16 all of New York.

17 § 2. The executive law is amended by adding a new article 49-C to read  
18 as follows:

19 ARTICLE 49-C

20 LANGUAGE ACCESS

21 Section 996. Language access.

22 996-a. Private right of action.

23 § 996. Language access. 1. Each state agency that provides direct  
24 public services shall translate vital documents, including essential

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 public documents such as forms and instructions provided to or completed  
2 by program beneficiaries or participants. Such translation shall be  
3 available in the twelve most common non-English languages spoken by  
4 limited English proficient immigrants in the state who arrived within  
5 the last five years according to the American community survey, as  
6 published by the United States census bureau.

7 2. Each such agency shall additionally make such translations avail-  
8 able within each region of the state, as established by article eleven  
9 of the economic development law, in the three most common non-English  
10 languages which are spoken in that region by limited English proficient  
11 immigrants who arrived within the last five years according to the Amer-  
12 ican community survey, as published by the United States census bureau,  
13 which are not already included among the twelve languages specified in  
14 subdivision one of this section.

15 3. The list of most common languages shall be updated every two years,  
16 based on the most recent American community survey data, as published by  
17 the United States census bureau.

18 4. Each agency shall provide interpretation services between the agen-  
19 cy and an individual in their primary language, including American Sign  
20 Language, with respect to the provision of services or benefits.

21 5. Within ninety days of the effective date of this section, each  
22 agency shall publicly publish a language access plan which reflects how  
23 the agency will comply with the language access requirements of this  
24 section, and shall set forth, at a minimum:

25 (a) core communication principles with respect to people in the limit-  
26 ed English proficient community;

27 (b) when and by what means the agency will provide or is already  
28 providing language access services;

29 (c) the titles of all available translated documents and the languages  
30 into which they have been translated;

31 (d) the number of public contact positions in the agency and the  
32 number of bilingual employees in public contact positions including the  
33 languages they speak;

34 (e) a training plan for agency employees which includes, at a minimum,  
35 annual training on the language access policies of the agency and how to  
36 provide language assistance services;

37 (f) a plan of how the agency intends to notify the population of  
38 offered language assistance services;

39 (g) a language access coordinator at the agency, who shall be publicly  
40 identified;

41 (h) a phone number or email address by which the public can lodge  
42 complaints against the agency for noncompliance. Such complaints shall  
43 be kept for a minimum of two years; and

44 (i) make public the number of complaints during a twelve month period  
45 against noncompliance and resolutions to such complaints.

46 § 996-a. Private right of action. Any person injured by noncompliance  
47 with the provisions of this article may bring an action to recover actu-  
48 al damages suffered. In any action brought under this section, the court  
49 may award reasonable attorney's fees to a prevailing plaintiff.

50 § 3. Article 9 of the public authorities law is amended by adding a  
51 new title 13 to read as follows:

52 TITLE 13

53 LANGUAGE ACCESS

54 Section 2988. Language access.

55 2988-a. Private right of action.

1 § 2988. Language access. 1. Each state authority that provides direct  
2 public services shall translate vital documents, including essential  
3 public documents such as forms and instructions provided to or completed  
4 by program beneficiaries or participants. The translation shall be  
5 available in the twelve most common non-English languages spoken by  
6 limited English proficient immigrants in the state who arrived within  
7 the last five years according to the American community survey, as  
8 published by the United States census bureau.

9 2. Each such authority shall make such translations available within  
10 each region of the state, as established by article eleven of the  
11 economic development law, in the three most common non-English languages  
12 which are spoken in that region by limited English proficient immigrants  
13 who arrived within the last five years according to the American commu-  
14 nity survey, as published by the United States census bureau, which are  
15 not already included among the twelve languages specified in subdivision  
16 one of this section.

17 3. The list of most common languages shall be updated no less than  
18 every two years from the effective date of this section, based on the  
19 most recent American community survey, as published by the United States  
20 census bureau.

21 4. Each such authority shall provide interpretation services between  
22 the agency and an individual in his or her primary language, including  
23 American Sign Language, with respect to the provision of services or  
24 benefits. This includes both in-office services, and services provided  
25 outside of the agency office. This includes, but is not limited to, the  
26 department of motor vehicles, and the administering of road tests.

27 5. Within ninety days of the effective date of this section, each such  
28 authority shall publish a language access plan which reflects how the  
29 authority will comply with the language access requirements pursuant to  
30 this section, and shall set forth, at a minimum:

31 a. core communication principles with respect to people in the limited  
32 English proficient community;

33 b. when and by what means the authority will provide or is already  
34 providing language access services;

35 c. the titles of all available translated documents and the languages  
36 into which they have been translated;

37 d. the number of public contact positions in the authority and the  
38 number of bilingual employees in public contact positions including the  
39 languages they speak;

40 e. a training plan for employees which includes, at a minimum, annual  
41 training on the language access policies of the authority and how to  
42 provide language assistance services;

43 f. a plan of how the authority intends to notify the population of  
44 offered language assistance services;

45 g. a language access coordinator at the authority, who shall be  
46 publicly identified;

47 h. a phone number or email address by which the public can lodge  
48 complaints against the agency for noncompliance. Such complaints shall  
49 be kept for a minimum of two years; and

50 i. make public the number of complaints during a twelve month period  
51 against noncompliance and resolutions to such complaints.

52 § 2988-a. Private right of action. Any person injured by noncompliance  
53 with the provisions of this article may bring an action to recover actu-  
54 al damages suffered. In any action brought under this section, the court  
55 may award reasonable attorney's fees to a prevailing plaintiff.

1 § 4. The county law is amended by adding a new article 24-A to read as  
2 follows:

3 ARTICLE 24-A  
4 LANGUAGE ACCESS

5 Section 950. Language access.

6 951. Private right of action.

7 § 950. Language access. 1. Every political entity of a county that  
8 provides direct public services shall translate vital documents, includ-  
9 ing essential public documents such as forms and instructions provided  
10 to or completed by program beneficiaries or participants. The trans-  
11 lation shall be available in the twelve most common non-English  
12 languages spoken by limited English proficient immigrants in the state  
13 who arrived within the last five years according to the American commu-  
14 nity survey, as published by the United States census bureau.

15 2. Each such political entity of a county shall make such translations  
16 available within each region of the state, as established by article  
17 eleven of the economic development law, in the three most common non-  
18 English languages which are spoken in that region by limited English  
19 proficient immigrants who arrived within the last five years according  
20 to the American community survey, as published by the United States  
21 census bureau, which are not already included among the twelve languages  
22 specified in subdivision one of this section.

23 3. Notwithstanding the provisions of subdivision one of this section,  
24 a county may add additional languages as necessary to accommodate local  
25 variances from statewide languages, provided such languages are added  
26 after public notice and opportunity to comment.

27 4. The list of most common languages shall be updated no less than  
28 every two years from the effective date of this section, based on the  
29 most recent American community survey, as published by the United States  
30 census bureau, and any additional languages such county shall choose to  
31 select.

32 5. Each such political entity of a county shall provide interpretation  
33 services between the entity and an individual in his or her primary  
34 language with respect to the provision of services or benefits.

35 6. Within ninety days of the effective date of this section, each such  
36 political entity of a county shall publish a language access plan which  
37 reflects how the political entity will comply with the language access  
38 requirements pursuant to this section, and shall set forth, at a mini-  
39 mum:

40 (a) core communication principles with respect to people in the limit-  
41 ed English proficient community;

42 (b) when and by what means the political entity shall provide or is  
43 already providing language access services;

44 (c) the titles of all available translated documents and the languages  
45 into which they have been translated;

46 (d) the number of public contact positions in the political entity and  
47 the number of bilingual employees in public contact positions including  
48 the languages they speak;

49 (e) a training plan for employees of the political entity, which  
50 includes, at a minimum, annual training on the language access policies  
51 of the political entity and how to provide language assistance services;

52 (f) a plan of how the political entity intends to notify the popu-  
53 lation of offered language assistance services; and

54 (g) a language access coordinator at the political entity, who shall  
55 be publicly identified.

1     § 951. Private right of action. Any person injured by noncompliance  
2 with the provisions of this article may bring an action to recover actu-  
3 al damages suffered. In any action brought under this section, the court  
4 may award reasonable attorney's fees to a prevailing plaintiff.  
5     § 5. This act shall take effect immediately.