

STATE OF NEW YORK

5236--A

2021-2022 Regular Sessions

IN SENATE

February 26, 2021

Introduced by Sens. KENNEDY, BIAGGI, GOUNARDES, HARCKHAM, HOYLMAN, JACKSON, LIU, RIVERA, RYAN, THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- recommitted to the Committee on Finance in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 New
7 York only requires translation services into six languages, based on an
8 Executive Order signed in 2011, leaving many New Yorkers without access
9 to translation in languages they speak, and none of the current six
10 languages are widely spoken among immigrants from the African continent
11 or the Middle East. Translation is also only mandatory in a handful of
12 executive specific agencies, instead of across all subdivisions of state
13 and county government. The legislature believes language access improves
14 the lives of immigrants by increasing opportunities for employment,
15 business ownership, and other vital services, while making staff time at
16 state agencies and authorities more efficient, benefiting all of New
17 York.
18 § 2. The executive law is amended by adding a new article 49-C to read
19 as follows:

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

LBD09702-03-1

ARTICLE 49-C
LANGUAGE ACCESS

Section 996. Language access.

§ 996. Language access. 1. Each state agency that provides direct public services shall translate vital documents, including essential public documents such as forms and instructions provided to or completed by program beneficiaries or participants. Such translation shall be available in the twelve most common non-English languages spoken by limited English proficient immigrants of five years or less according to the American community survey, as published by the United States census bureau.

2. Each such agency shall additionally make such translations available within each region of the state, as established by article eleven of the economic development law, in the three most common non-English languages which are spoken in that region by limited English proficient immigrants of five years or less, according to the American community survey, as published by the United States census bureau, which are not already included among the twelve languages specified in subdivision one of this section.

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

4. Each agency shall provide interpretation services between the agency and an individual in their primary language with respect to the provision of services or benefits.

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

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

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

(c) the number of public contact positions in the agency and the number of bilingual employees in public contact positions including the languages they speak;

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

(e) a plan of how the agency intends to notify the population of offered language assistance services; and

(f) a language access coordinator at the agency, who shall be publicly identified.

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

TITLE 13
LANGUAGE ACCESS

Section 2988. Language access.

§ 2988. Language access. 1. Each state authority that provides direct public services shall translate vital documents, including essential public documents such as forms and instructions provided to or completed by program beneficiaries or participants. The translation shall be available in the twelve most common non-English languages spoken by individuals with limited English proficiency in the state within the past five years, based on the American community survey, as published by

1 the United States census bureau, and relevant to services offered by
2 such agency.

3 2. Each such authority shall make such translations available within
4 each region of the state, as established by article eleven of the
5 economic development law, in the three most common non-English languages
6 which are spoken in that region by limited English proficient immigrants
7 of five years or less, according to the American community survey, as
8 published by the United States census bureau, which are not already
9 included among the twelve languages specified in subdivision one of this
10 section.

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

15 4. Each such authority shall provide interpretation services between
16 the agency and an individual in his or her primary language with respect
17 to the provision of services or benefits.

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

22 a. when and by what means the authority will provide or is already
23 providing language access services;

24 b. the titles of all available translated documents and the languages
25 into which they have been translated;

26 c. the number of public contact positions in the authority and the
27 number of bilingual employees in public contact positions including the
28 languages they speak;

29 d. a training plan for agency employees which includes, at a minimum,
30 annual training on the language access policies of the authority and how
31 to provide language assistance services;

32 e. a plan of how the agency intends to notify the population of
33 offered language assistance services; and

34 f. a language access coordinator at the authority, who shall be
35 publicly identified.

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

38 ARTICLE 24-A
39 LANGUAGE ACCESS

40 Section 950. Language access.

41 § 950. Language access. 1. Every political entity of a county that
42 provides direct public services shall translate vital documents, includ-
43 ing essential public documents such as forms and instructions provided
44 to or completed by program beneficiaries or participants. The trans-
45 lation shall be available in the twelve most common non-English
46 languages spoken by individuals with limited English proficiency in the
47 state within the past five years, based on the American community
48 survey, as published by the United States census bureau, and relevant to
49 services offered by each of such agencies.

50 2. Each such political entity of a county shall make such translations
51 available within each region of the state, as established by article
52 eleven of the economic development law, in the three most common non-
53 English languages which are spoken in that region by limited English
54 proficient immigrants of five years or less, according to the American
55 community survey, as published by the United States census bureau, which

1 are not already included among the twelve languages specified in subdivi-
2 vision one of this section.

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

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

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

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

20 (a) when and by what means the political entity shall provide or is
21 already providing language access services;

22 (b) the titles of all available translated documents and the languages
23 into which they have been translated;

24 (c) the number of public contact positions in the political entity and
25 the number of bilingual employees in public contact positions including
26 the languages they speak;

27 (d) a training plan for agency employees, which includes, at a mini-
28 mum, annual training on the language access policies of the political
29 entity and how to provide language assistance services;

30 (e) a plan of how the political entity intends to notify the popu-
31 lation of offered language assistance services; and

32 (f) a language access coordinator at the political entity, who shall
33 be publicly identified.

34 § 5. This act shall take effect immediately.