

# STATE OF NEW YORK

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5236

2021-2022 Regular Sessions

## IN SENATE

February 26, 2021

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Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

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 to access documents translated into languages that community members  
3 read and lack of interpretation of government services and resources  
4 into languages that community members speak are major barriers to the  
5 advancement of the state's immigrant population. However, currently New  
6 York only requires translation services into six languages, based on an  
7 Executive Order signed in 2011, leaving many New Yorkers without access  
8 to translation in languages they speak, and none of the current six  
9 languages are widely spoken among immigrants from the African continent  
10 or the Middle East. Translation is also only mandatory in a handful of  
11 executive specific agencies, instead of across all subdivisions of state  
12 and county government. The legislature believes language access improves  
13 the lives of immigrants by increasing opportunities for employment,  
14 business ownership, and other vital services, while making staff time at  
15 state agencies and authorities more efficient, benefiting all of New  
16 York.

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

20 ARTICLE 49-C  
21 LANGUAGE ACCESS

22 Section 996. Language access.

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 of five years or less according to  
5 the American community survey, as published by the United States census  
6 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 of five years or less, according to the American community  
12 survey, as published by the United States census bureau, which are not  
13 already included among the twelve languages specified in subdivision one  
14 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 with respect to the  
20 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) when and by what means the agency will provide or is already  
26 providing language access services;

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

29 (c) the number of public contact positions in the agency and the  
30 number of bilingual employees in public contact positions including the  
31 language they speak;

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

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

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

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

#### 41 TITLE 13

#### 42 LANGUAGE ACCESS

#### 43 Section 2988. Language access.

44 § 2988. Language access. 1. Each state authority that provides direct  
45 public services shall translate vital documents, including essential  
46 public documents such as forms and instructions provided to or completed  
47 by program beneficiaries or participants. The translation shall be  
48 available in the twelve most common non-English languages spoken by  
49 individuals with limited-English proficiency in the state within the  
50 past five years, based on the American community survey, as published by  
51 the United States census bureau, and relevant to services offered by  
52 such agency.

53 2. The list of most common languages shall be updated no less than  
54 every two years from the effective date of this section, based on the  
55 most recent American community survey, as published by the United States  
56 census bureau.

1 3. Each such authority shall provide interpretation services between  
2 the agency and an individual in his or her primary language with respect  
3 to the provision of services or benefits.

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

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

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

12 c. the number of public contact positions in the authority and the  
13 number of bilingual employees in public contact positions including the  
14 language they speak;

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

18 e. a plan of how the agency intends to notify the population of  
19 offered language assistant services; and

20 f. a language access coordinator at the authority, who shall be  
21 publicly identified.

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

24 ARTICLE 24-A  
25 LANGUAGE ACCESS

26 Section 950. Language access.

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

36 2. Notwithstanding the provisions of subdivision one of this section,  
37 a county may add additional languages as necessary to accommodate local  
38 variances from statewide languages, provided such languages are added  
39 after public notice and opportunity to comment.

40 3. The list of most common languages shall be updated no less than  
41 every two years from the effective date of this section, based on the  
42 most recent American community survey, as published by the United States  
43 census bureau, and any additional languages such county shall choose to  
44 select.

45 4. Each such political entity of a county shall provide interpretation  
46 services between the entity and an individual in his or her primary  
47 language with respect to the provision of services or benefits.

48 § 5. This act shall take effect immediately.