

STATE OF NEW YORK

7235--A

2023-2024 Regular Sessions

IN ASSEMBLY

May 15, 2023

Introduced by M. of A. DE LOS SANTOS, KELLES, SHIMSKY, CRUZ, COLTON, ALVAREZ, EPSTEIN, STIRPE, REYES, SAYEGH, FORREST, TAYLOR, WALKER, GLICK, GIBBS, ROZIC, JACOBSON, LEVENBERG, RAMOS, CUNNINGHAM, SIMON, RAGA, BURDICK, CLARK, HEVESI, CHANG, J. A. GIGLIO, DINOWITZ, MAMDANI, LAVINE, BURGOS, DICKENS, SEPTIMO, GONZALEZ-ROJAS, SHRESTHA, ARDILA, LEE, SOLAGES, SEAWRIGHT, L. ROSENTHAL, MEEKS, ZACCARO, DAVILA, OTIS, RIVERA, TAPIA, BICHOTTE HERMELYN, SILLITTI, CARROLL, ANDERSON, MITAYNES, SIMONE, GUNTHER, KIM -- read once and referred to the Committee on Governmental Operations -- recommitted to the Committee on Governmental Operations in accordance with Assembly Rule 3, sec. 2 -- 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. Subdivision 1 of section 202-a of the executive law, as
2 added by section 1 of part GG of chapter 56 of the laws of 2022, is
3 amended to read as follows:
4 1. (a) Each state agency that provides direct public services in New
5 York state shall translate all vital documents relevant to services
6 offered by the agency, including essential public documents such as
7 forms and instructions provided to or completed by program beneficiaries
8 or participants, into the twelve most common non-English languages
9 spoken by limited-English proficient individuals in the state who
10 arrived within the last five years, based on the data in the most recent
11 American Community Survey published by United States Census Bureau,
12 including but not limited to data collected by public schools, local
13 interpreting agencies, federal refugee resettlement programs, and state
14 agencies. [~~Agencies subject to this section, in their discretion, may~~

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

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~~offer up to four additional languages beyond the twelve most common languages. Such additional languages shall be decided by the state agency in consultation with the office of general services and approved by the office of general services based on the number of limited-English proficient immigrants of five years or less in New York state in need of language translation services according to the American Community Survey, including the growth of recent arrival populations in the geographic regions in which the agency's services are offered, the population of limited-English proficient individuals served by the agency, feedback from impacted community or advocacy groups, and any other relevant data published by the United States Census Bureau.]~~

(b) Each 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 and are not already included among the twelve languages specified in paragraph (a) of this subdivision. Such additional languages shall be decided by the state agency in consultation with the office of general services and approved by the office of general services based on the number of limited-English proficient immigrants who have arrived in New York state within the last five years, according to the United States census bureau and American community survey, including the growth of recent arrival populations in the geographic regions in which the agency's services are offered, the population of limited-English proficient individuals served by the agency, feedback from impacted community or advocacy groups, and any data collected from the sources listed in paragraph (a) of this subdivision.

(c) The list of most common languages shall be updated every two years, based on the most recent data collected by the United States census bureau and American community survey, including but not limited to the data sources listed in paragraph (a) of this subdivision.

(d) Each agency shall provide competent and timely interpretation services to individuals in their primary or preferred language with respect to the provisions of services and benefits. This includes both in-office services, and services provided outside of the department office. Competent interpretation shall mean spoken or signed, real-time communication in which the qualified human interpreter is fluent in both the source and target language and is trained as an interpreter.

§ 2. Subparagraphs (viii) and (ix) of paragraph (c) of subdivision 3 of section 202-a of the executive law, as added by section 1 of part GG of chapter 56 of the laws of 2022, are amended and three new subparagraphs (x), (xi) and (xii) are added to read as follows:

(viii) an explanation as to how the agency determined it would provide any additional language beyond the top twelve languages required by this section; ~~and~~

(ix) the identity of the agency's language access coordinator~~[-]~~;

(x) accommodations for communication access shall be available upon request including American sign language interpretation via an on-site interpreter, video remote interpreter, or communication access real-time translation for individuals who are deaf, hard of hearing or have hearing loss;

(xi) a phone number or email address by which the public can lodge complaints against the agency for noncompliance, such complaints shall be kept for a minimum of two years; and

(xii) a process to make public the number of complaints during a twelve month period against noncompliance and resolution to such complaints.

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

3 TITLE 13
4 LANGUAGE ACCESS

5 Section 2988. Language access.

6 § 2988. Language access. 1. For the purposes of this section, "covered
7 state authorities" shall mean state authorities that are determined by
8 the office of language access to provide direct public-facing services
9 that have an impact on a significant amount of residents of New York.
10 Covered state authorities shall translate vital documents, including
11 essential public documents such as forms and instructions provided to or
12 completed by program beneficiaries or participants. The translation
13 shall be available in the twelve most common non-English languages
14 spoken by limited English proficient immigrants in the state who arrived
15 within the last five years according to the American community survey,
16 as published by the United States census bureau.

17 2. Covered state authorities shall make translations available in
18 correspondence with the region of the state such covered state authori-
19 ties serve, in the three most common non-English languages which are
20 spoken in that region by limited English proficient immigrants who
21 arrived within the last five years according to the American community
22 survey, as published by the United States census bureau, which are not
23 already included among the twelve languages specified in subdivision one
24 of this section.

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

29 4. Each covered state authority shall provide interpretation services
30 between the authority and an individual in such individual's primary
31 language, including American sign language, with respect to the
32 provision of services or benefits. This includes both in-office
33 services, and services provided outside of the authority office.

34 5. Within ninety days of the effective date of this section, covered
35 state authorities shall publish a language access plan which reflects
36 how the authority will comply with the language access requirements
37 pursuant to this section, and shall set forth, at a minimum:

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

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

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

44 d. the number of public contact positions in the authority and the
45 number of bilingual employees in public contact positions including the
46 languages they speak;

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

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

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

54 h. accommodations for communication access shall be available upon
55 request including American sign language interpretation via an on-site
56 interpreter, video remote interpreter, or communication access real-time

1 translation for individuals who are deaf, hard of hearing or have hear-
 2 ing loss;
 3 i. a phone number or email address by which the public can lodge
 4 complaints against the agency for noncompliance. Such complaints shall
 5 be kept for a minimum of two years; and
 6 j. make public the number of complaints during a twelve month period
 7 against noncompliance and resolutions to such complaints.

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

10 ARTICLE 24-A
 11 LANGUAGE ACCESS

12 Section 950. Language access.

13 § 950. Language access. 1. Every county of New York state shall trans-
 14 late vital documents, including essential public documents such as forms
 15 and instructions provided to or completed by program beneficiaries or
 16 participants. The translation shall be available in the twelve most
 17 common non-English languages spoken by limited English proficient immi-
 18 grants in the state who arrived within the last five years according to
 19 the American community survey, as published by the United States census
 20 bureau.

21 2. Each such county shall make such translations available in corre-
 22 spondence with the region, in the three most common non-English
 23 languages which are spoken in that region by limited English proficient
 24 immigrants who arrived within the last five years according to the Amer-
 25 ican community survey, as published by the United States census bureau,
 26 which are not already included among the twelve languages specified in
 27 subdivision one of this section.

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

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

37 5. Each such county shall provide interpretation services between the
 38 entity and an individual in such individual's primary language with
 39 respect to the provision of services or benefits.

40 6. Within ninety days of the effective date of this section, each such
 41 county shall publish a language access plan which reflects how the coun-
 42 ty will comply with the language access requirements pursuant to this
 43 section, and shall set forth, at a minimum:

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

46 (b) when and by what means the county shall provide or is already
 47 providing language access services;

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

50 (d) the number of public contact positions in the county and the
 51 number of bilingual employees in public contact positions including the
 52 languages they speak;

53 (e) a training plan for employees of the county, which includes, at a
 54 minimum, annual training on the language access policies of the county
 55 and how to provide language assistance services;

1 (f) a plan of how the county intends to notify the population of
2 offered language assistance services;

3 (g) a language access coordinator employed by the county, who shall be
4 publicly identified;

5 (h) accommodations for communication access shall be available upon
6 request including American sign language interpretation via an on-site
7 interpreter, video remote interpreter, or communication access real-time
8 translation for individuals who are deaf, hard of hearing or have hear-
9 ing loss;

10 (i) a phone number or email address by which the public can lodge
11 complaints against the county for noncompliance. Such complaints shall
12 be kept for a minimum of two years; and

13 (j) make public the number of complaints during a twelve month period
14 against noncompliance and resolutions to such complaints.

15 § 5. This act shall take effect one year after it shall have become
16 law.