

# STATE OF NEW YORK

9754

## IN SENATE

May 28, 2024

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

26 (b) Each agency shall additionally make such translations available  
27 within each region of the state, as established by article eleven of the  
28 economic development law, in the three most common non-English languages  
29 which are spoken in that region and are not already included among the  
30 twelve languages specified in paragraph (a) of this subdivision. Such

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

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1 additional languages shall be decided by the state agency in consulta-  
2 tion with the office of general services and approved by the office of  
3 general services based on the number of limited-English proficient immi-  
4 grants who have arrived in New York state within the last five years,  
5 according to the United States census bureau and American community  
6 survey, including the growth of recent arrival populations in the  
7 geographic regions in which the agency's services are offered, the popu-  
8 lation of limited-English proficient individuals served by the agency,  
9 feedback from impacted community or advocacy groups, and any data  
10 collected from the sources listed in paragraph (a) of this subdivision.

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

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

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

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

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

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

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

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

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

### 43 TITLE 13

#### 44 LANGUAGE ACCESS

45 Section 2988. Language access.

46 § 2988. Language access. 1. For the purposes of this section, "covered  
47 state authorities" shall mean state authorities that are determined by  
48 the office of language access to provide direct public-facing services  
49 that have an impact on a significant amount of residents of New York.  
50 Covered state authorities shall translate vital documents, including  
51 essential public documents such as forms and instructions provided to or  
52 completed by program beneficiaries or participants. The translation  
53 shall be available in the twelve most common non-English languages  
54 spoken by limited English proficient immigrants in the state who arrived  
55 within the last five years according to the American community survey,  
56 as published by the United States census bureau.

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

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

13 4. Each covered state authority shall provide interpretation services  
 14 between the authority and an individual in such individual's primary  
 15 language, including American sign language, with respect to the  
 16 provision of services or benefits. This includes both in-office  
 17 services, and services provided outside of the authority office.

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

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

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

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

28 d. the number of public contact positions in the authority and the  
 29 number of bilingual employees in public contact positions including the  
 30 languages they speak;

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

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

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

38 h. accommodations for communication access shall be available upon  
 39 request including American sign language interpretation via an on-site  
 40 interpreter, video remote interpreter, or communication access real-time  
 41 translation for individuals who are deaf, hard of hearing or have hear-  
 42 ing loss;

43 i. a phone number or email address by which the public can lodge  
 44 complaints against the agency for noncompliance. Such complaints shall  
 45 be kept for a minimum of two years; and

46 j. make public the number of complaints during a twelve month period  
 47 against noncompliance and resolutions to such complaints.

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

50 ARTICLE 24-A  
 51 LANGUAGE ACCESS

52 Section 950. Language access.

53 § 950. Language access. 1. Every county of New York state shall trans-  
 54 late vital documents, including essential public documents such as forms  
 55 and instructions provided to or completed by program beneficiaries or  
 56 participants. The translation shall be available in the twelve most

1 common non-English languages spoken by limited English proficient immi-  
2 grants in the state who arrived within the last five years according to  
3 the American community survey, as published by the United States census  
4 bureau.

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

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

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

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

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

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

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

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

34 (d) the number of public contact positions in the county and the  
35 number of bilingual employees in public contact positions including the  
36 languages they speak;

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

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

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

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

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

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

54 § 5. This act shall take effect one year after it shall have become  
55 law.