

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.