LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2017

No. 30

Introduced by by The Speaker (Council Member Mark-Viverito) and Council Members Chin, Mendez, Koo, Rosenthal, Kallos, Menchaca, Levine, Salamanca, Levin and Treyger.

A LOCAL LAW

To amend the New York city charter and the administrative code of the city of New York, in relation to improving access to city services for limited English proficiency individuals

Be it enacted by the Council as follows:

Section 1. Declaration of legislative findings and intent. The city recognizes that a large percentage of its inhabitants speak languages other than English and that the well-being and safety of the city as a whole is put in jeopardy if the people of the city are unable to access city services or effectively communicate with city agencies. The city further recognizes that effective language access is a tool to promote equity in economic opportunity, education, health, civic participation, and all other aspects of the life of the city, and that it is a necessary component of city agencies' ability to accomplish their mandates. It is therefore desirable that the city promote the utilization of city services by all its residents, including speakers of languages other than English.

§ 2. Title 23 of the administrative code of the city of New York is amended to add a new chapter 11, to read as follows:

CHAPTER 11

LANGUAGE ACCESS

§ 23-1101 Definitions. a. For the purposes of this chapter, the following terms shall have the following meanings:

Covered agencies. The term "covered agencies" means every city agency that provides direct public services or emergency services.

Designated citywide languages. The term "designated citywide languages" means the top six limited English proficiency languages spoken by the population of New York city as determined by the department of city planning and the office of the language services coordinator, based on United States census data; and the top four limited English proficiency languages spoken by the population served or likely to be served by the agencies of the city of New York as determined by the office of the language services coordinator, based on language access data collected by the department of education, excluding the languages designated based on United States census data.

Direct public services. The term "direct public services" shall mean services administered by an agency directly to program beneficiaries, participants, or applicants.

§ 23-1102 Language access implementation plans. a. Every covered agency shall provide language access services for all designated citywide languages. Such language access services shall include, but not be limited to:

1. identifying and translating those documents most commonly distributed to the public that contain or elicit important and necessary information regarding the provision of basic city services;

2. providing interpretation services, including through telephonic interpretation services; and

3. posting of multilingual signage in conspicuous locations about the availability of free interpretation services.

b. Each covered agency shall, in consultation with the office of the language services coordinator and the office of immigrant affairs, develop and implement an agency-specific

language access implementation plan to describe how language access services will be provided and to ensure meaningful access to information and direct public services. The implementation plans of emergency service providers shall include provision for their requirements to be implemented to the degree practicable. For each covered agency, the language access implementation plan shall:

1. designate a language access coordinator to oversee the creation and execution of such implementation plan and provide for the name and title of such language access coordinator to be posted in a conspicuous place on such agency's website;

2. describe how such agency will provide the language access services required by subdivision a.

3. consider the following factors in developing such implementation plan: (a) the number or proportion of limited English proficiency persons in the eligible service population; (b) the frequency with which limited English proficiency individuals come into contact with the agency, including the evaluation conducted pursuant to paragraph 4 of this subdivision; (c) the importance of the benefit, service, information, or encounter to the limited English proficiency person (including the consequences of lack of language services or inadequate interpretation or translation); and (d) the resources available to the agency and the costs of providing various types of language services.

4. incorporate an evaluation of the language access needs of the service population, or likely service population, of such agency, and consider under what circumstance some or all of the direct public services of such agency should be provided in a language or languages supplemental to the designated citywide languages. Such evaluation should consider any available data on the service population of such agency, including but not limited to (i) relevant survey data collected pursuant to paragraph 1 of subdivision i of section 15 of the charter, (ii) language data collected by such agency through intake processes or other processes for collecting client, applicant or

participant information, and (iii) the data collected by such agency on language access services rendered or requested. Such evaluation should also consider any information collected pursuant to paragraph 3 of subdivision c of section 15 of the charter.

5. incorporate planning to address language access needs in the agency's emergency preparedness and response;

6. incorporate consideration of language access in agency communications, including emergency notifications, public hearings and events, press releases, and other communications to the public;

7. incorporate plain language principles for documents most commonly distributed to the public that contain or elicit important and necessary information regarding the provision of basic city services and for other public communications, by using plain language, where possible, in place of technical, legal, or specialized terms, and by using layout and design strategies to make such documents and communications easier to read, understand, and act upon;

8. incorporate the training of frontline workers and managers on language access policies and procedures;

9. incorporate appropriate public awareness strategies regarding the agency's language access services;

10. include a process to monitor and timely respond to public complaints regarding language access;

11. determine such agency's capacity with regard to providing language access services, both through agency staffing and contracts with third parties; and

12. describe the steps by which such agency's language access policy will be effectuated, provided that for any designated citywide language for which such agency does not provide language access services at the time of the enactment of this section, such agency shall provide

such services (i) by July 1, 2020 for purposes of issuing a license, permit or registration, and (ii) by July 1, 2018 for all other purposes of this section.

c. Each covered agency shall provide for telephonic interpretation services in at least 100 languages, including both common and esoteric languages as identified by the office of the language services coordinator.

d. Each covered agency shall update its language access implementation plan, based on changes in the agency's service population or services, at least every three years and publish such implementation plan on its website.

§ 3. Subdivision c of section 15 of the New York city charter, as added at a General Election held on November 7, 1989, is amended to read as follows:

c. There shall be an office of the language services coordinator within the office of operations. Within appropriations therefor, the *office of the language service*s coordinator shall appoint such experts and assistants as necessary to fulfill the duties assigned to the office by this charter, *in consultation with the office of immigrant affairs*. The office of the language services coordinator shall have the following powers and duties*:*[.]

1. To [establish standards and criteria, to be used by city agencies which provide services to the public, for estimating, and reporting on, the need to provide such services in languages other than English.]

work with each agency subject to the requirements of section 23-1102 of the code on the development and implementation of its agency-specific language access implementation plan to ensure meaningful access to information and direct public services.

2. To collect annual reports from each such agency regarding implementation of its language access implementation plan.

3. To perform outreach, in coordination with the office of immigrant affairs or other agencies, in neighborhoods containing a significant number of persons that do not speak any of the_languages already covered by most agencies' language access implementation plans, but which might otherwise contain a likely service population, to inquire what agency direct public services, as defined in section 23-1101 of the code, might be used by such persons if services in a language spoken by such persons were available, and collect information therefrom to be shared with the relevant agencies.

4. To make recommendations to city agencies on specific programs for which the providing of language access services in languages not already required pursuant to section 23-1102 of the code may be beneficial.

5. Beginning no later than June 30, 2018, and no later than every June 30 thereafter, submit to the city council and post on the city website a report providing information regarding each agency subject to the requirements of section 23-1102, including:

(i) the name of the individual designated as the agency's language access coordinator, including all titles held by such individual;

(ii) the agency's language access implementation plan, to be updated every three years unless such implementation plan has been updated by such agency since it was last reported;

(iii) information regarding how members of the public may submit language access complaints, questions and requests to the agency;

(iv) data on complaints and requests received pursuant to section 23-301 of the code and a description of how such complaints and requests were addressed;

(v) a copy of the list of designated citywide languages, created pursuant to section 23-1101 of the code, as well as the data relied upon for its creation;

(vi) information regarding the outreach conducted pursuant to paragraph 3 of this subdivision; and

[2.] *6.* To provide technical assistance to such city agencies in *meeting the requirements of section 23-1102 of the code* [developing appropriate plans and programs to: (i) deliver their services in languages other than English, (ii) translate written materials into such languages, and (iii) educate the public about such agency plans and programs].

[3. In conjunction with a committee of agency representatives, to develop testing materials to evaluate the ability of city employees to deliver services in languages other than English; to develop materials to be used in the training of such employees; and, either on its own or in cooperation with the appropriate agencies, to provide such training.

4.] *7.* To monitor and report on the performance of city agencies in delivering services in languages other than English, *including but not limited to compliance with signage requirements, the availability of interpretation services, the familiarity of frontline workers with language access policy and reviews of translated documents for accuracy and availability*.

[5.] *8.* To maintain in a central place which is accessible to the public a library of written materials published by city agencies in such languages.

9. To establish, in furtherance of the purposes of this subdivision and of chapter 11 of the code, additional standards and criteria for city agencies that provide language access services.

§ 4. Subdivision b of section 18 of the New York city charter, as added at a General Election held on November 6, 2001, is amended to read as follows:

b. In furtherance of the policies stated in subdivision a of this section, there shall be established in the executive office of the mayor an office of immigrant affairs. The office shall be headed by a director, who shall be appointed by the mayor. The director of the office of immigrant affairs shall have the power and the duty to:

1. advise and assist the mayor and the council in developing and implementing policies designed to assist immigrants and [foreign-language] speakers *of languages other than English* in the city, *in consultation with the office of the language services coordinator with respect to language accessibility*;

2. enhance the accessibility of city services to immigrants and [foreign language] speakers *of languages other than English* by establishing programs to inform and educate immigrants and [foreign language] speakers *of languages other than English* of such services;

[3. manage a citywide list of translators and interpreters to facilitate communication between city agencies and foreign language speakers;]

[4.] *3.* perform policy analysis and make recommendations concerning immigrant affairs; and

[5.] *4.* perform such other duties and functions as may be appropriate to pursue the policies set forth in subdivision a of this section.

§ 5. Section 23-301 of the administrative code of the city of New York is amended to read as follows:

§ 23-301 Tracking information provided. *a.* 311 customer service center call takers shall provide the caller with a unique identifier for such call taker at the beginning of every call and a tracking number for every call that results in a request for service or complaint being filed with a city agency.

b. Every call, e-mail or electronic message to the 311 customer service center in regard to the reporting of a complaint about language accessibility or a request for additional language services shall be forwarded to both the agency or agencies that such complaint or request referenced and to the office of the language services coordinator.

§ 6. By May 15, 2017, the office of the language services coordinator shall make a preliminary assessment, based on the best available data, of the ten limited English proficiency languages likely to be the designated citywide languages when section 2 of this local law takes effect, and report the results of that preliminary assessment to the speaker and the mayor.

§ 7. This local law takes effect on July 1, 2017, except that section 6 shall take effect immediately.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on February 15, 2017 and returned unsigned by the Mayor on March 20, 2017.

MICHAEL M. McSWEENEY, City Clerk Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 30 of 2017, Council Int. No. 1181-A of 2016) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEVEN LOUIS, Acting Corporation Counsel.