

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2017 Legislative Session

Bill No. CB-62-2017
Chapter No. 78
Proposed and Presented by Council Member Taveras
Introduced by Council Members Taveras, Davis, Turner and Franklin
Co-Sponsors _____
Date of Introduction October 17, 2017

BILL

1 AN ACT concerning

2 Language Access for Public Services

3 For the purpose of providing enhanced language access services to the residents of Prince
4 George's County who cannot or have limited capacity to speak, read or write English.

5 BY adding:

6 SUBTITLE 2. ADMINISTRATION.

7 Sections 2-513, 2-514, 2-515, 2-516, 2-517, 2-518

8 The Prince George's County Code

9 (2015 Edition; 2016 Supplement).

10 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
11 Maryland, that Sections 2-513, 2-514, 2-515, 2-516, 2-517, and 2-518 of the Prince George's
12 County Code be and the same are hereby added:

13 **SUBTITLE 2. ADMINISTRATION.**

14 **DIVISION 45. LANGUAGE ACCESS.**

15 **Sec. 2-513. Definitions.**

16 (a) Access shall mean to be informed of, participate in, and benefit from public services,
17 programs, and activities offered by a covered entity at a level equal to English language
18 proficient individuals.

19 (b) Covered entity shall mean any County government agency, department, or program
20 that furnishes information or renders services, programs, or activities directly to the public or
21 contracts with other entities, either directly or indirectly, to conduct services, programs, or

1 activities.

2 (c) **Covered entity with major public contact** shall mean a covered entity whose primary
 3 responsibility consists of meeting, contacting, and dealing with the public.

4 (1) Covered entities with major public contact are:

5 (A) Health Department

6 (B) Department of Social Services

7 (C) Department of Family Services

8 (D) Department of Housing and Community Development

9 (E) Housing Authority

10 (F) Office of Human Resources Management

11 (G) Police Department

12 (H) Department of Corrections

13 (I) Fire Department

14 (J) Office of Central Services

15 (K) Department of Public Works and Transportation

16 (L) Department of Permitting, Inspection and Enforcement

17 (M) Office of Finance

18 (N) Office of Law

19 (O) Office of Community Relations

20 (P) Human Relations Commission

21 (Q) Department of the Environment

22 (d) **Language Access Contact** shall mean an individual working for the covered entity or
 23 covered entity with major contact that:

24 (1) coordinates requests for access to oral language services to a person with limited
 25 or non-English proficiency who seeks to access or participate in the services, programs, or
 26 activities offered by the covered entity and covered entity with major contact in the County; and

27 (2) coordinates requests for written translations of vital documents into any non-
 28 English language spoken by a limited or non-English proficient population that constitutes 5% or
 29 10,000 individuals, whichever is less, of the population served or encountered, or likely to be
 30 served or encountered, by the covered entity and covered entity with major contact in the
 31 County.

1 (e) **Language Access Director** shall mean the official in the Human Relations
2 Commission who monitors the activities of the County agencies, departments, and programs
3 undertaken to comply with the provisions of this Division in each agency.

4 (f) **Limited or non-English proficiency** shall mean the inability to adequately understand
5 or to express oneself in the spoken or written English language.

6 (g) **Oral language services** shall mean the provision of oral information necessary to
7 enable limited or non-English proficiency residents to access or participate in programs or
8 services offered by a covered entity. The term “oral language services” may include placement
9 of bilingual staff in public contact positions; the provision of experienced and trained staff
10 interpreters; contracting with telephone interpreter programs; contracting with private interpreter
11 services; and using interpreters made available through community service organizations that are
12 publicly funded for that purpose.

13 (h) **Vital documents** shall mean applications, notices, complaint forms, legal contracts,
14 and outreach materials published by a covered entity in a tangible format that inform individuals
15 about their rights or eligibility requirements for benefits and participation. The term “vital
16 documents” shall include tax related educational and outreach materials produced by the Office
17 of Finance, but shall not include tax forms and instructions.

18 **Sec. 2-514. Scope.**

19 (a) The provisions of this Division shall apply to all County government agencies that
20 constitute a covered entity as defined by Section 2-513(b) of the County Code and a covered
21 entity with major public contact as defined by Section 2-513(c) of the County Code. Any and all
22 contracting requirements under this Division shall be prospective and shall not impair or
23 extinguish current and existing contracts made by the County.

24 **Sec. 2-515. Oral language services provided by covered entities.**

25 (a) A covered entity shall designate a Language Access Contact to coordinate requests for
26 access to oral language services to a person with limited or non-English proficiency who seeks to
27 access or participate in the services, programs, or activities offered by the covered entity.

28 (b) A covered entity shall, at least annually, determine the type of oral language services
29 needed based upon:

1 (1) The number or proportion of limited or non-English proficient persons of the
 2 population served or encountered, or likely to be served or encountered by the covered entity, in
 3 the County;

4 (2) The frequency with which limited or non-English proficient individuals come into
 5 contact with the covered entity;

6 (3) The importance of the service provided by the covered entity; and

7 (4) The resources available to the covered entity.

8 (c) In making the determination under subsection (b) of this Section of the type of oral
 9 language services needed, the covered entity shall consult the following sources of data to
 10 determine the languages spoken and the number or proportion of limited or non-English
 11 proficient persons of the population that are served or encountered, or likely to be served or
 12 encountered, by the covered entity in the County:

13 (1) The United States Census Bureau’s most current report entitled “Language Use
 14 and English Ability, Linguistic Isolation” (or any other successor report);

15 (2) Any other language-related information;

16 (3) Census data on language ability indicating that individuals speak English “less
 17 than very well”;

18 (4) Local census data relating to language use and English language ability; and

19 (5) Other governmental data, including intake data collected by covered entities; data
 20 collected by the Prince George’s County Public School System; and data collected by and made
 21 available by County government offices that conduct outreach to communities with limited-
 22 English proficient populations and that serve as a liaison between the County government and
 23 limited-English proficient populations.

24 (d) The County shall annually collect data about the languages spoken and the number or
 25 proportion of limited or no-English proficient persons speaking a given language in the
 26 population that is served or encountered, or likely to be served or encountered, by the covered
 27 entity. A covered entity’s databases and tracking applications shall contain fields that will
 28 capture this information during the fiscal year that this Division takes effect with respect to the
 29 covered entity. All information collected under this Section shall be provided to the Language
 30 Access Director and made available to the public, upon request, within a reasonable time.

31 **Sec. 2-516. Written language services provided by covered entity.**

1 (a) A covered entity shall designate a Language Access Contact to coordinate requests for
 2 written translations of vital documents into any non-English language spoken by a limited or
 3 non-English proficient population that constitutes 5% or 10,000 individuals, whichever is less, of
 4 the population served or encountered, or likely to be served or encountered, by the covered entity
 5 in the County.

6 (b) If the provisions of this Division are contractually imposed on a non-covered entity,
 7 subsection (a) of this Section shall also apply.

8 **Sec. 2-517. Additional obligations of covered entities with major public contact.**

9 (a) A covered entity with major public contact shall establish a language access plan.

10 (b) Each language access plan shall be established in consultation with the Language
 11 Access Director, the entity's Language Access Contact, and agency directors that conduct
 12 outreach to limited or non-English populations. Each language access plan shall be updated
 13 every 2 years and shall set forth, at minimum, the following:

14 (1) The types of oral language services that the entity will provide and how the
 15 determination was reached;

16 (2) The titles of translated documents that the entity will provide and how the
 17 determination was reached;

18 (3) The number of contact positions in the entity and the number and language type
 19 of bilingual employees in public contact positions;

20 (4) An evaluation and assessment of the adequacy of the services to be provided; and

21 (5) A description of the funding and budgetary sources upon which the covered entity
 22 intends to rely to implement its language access plan.

23 (c) In establishing and updating the language access plan, the entity shall consult with the
 24 sources of data set forth in Section 2-515(c) of the County Code.

25 (d) A covered entity with major public contact shall designate a Language Access Contact
 26 who shall report directly to the director of the entity and shall:

27 (1) Establish and implement the entity's language access plan in consultation with the
 28 Language Access Director and the agency directors of government offices that conduct outreach
 29 to communities with limited or non-English proficient populations; and

30 (2) Conduct periodic public meetings with appropriate advance notice to the public.

1 (e) A covered entity with major public contact shall develop a plan to conduct outreach to
 2 communities with limited or non-English proficient populations about their language access
 3 plans and about the benefits and services to be offered under this Division.

4 **Sec. 2-518. Language access oversight; duties of Language Access Director.**

5 (a) The Human Relations Commission shall provide oversight, monitoring, and
 6 investigation of covered entities in their implementation of the provisions of this Division and
 7 report annually to the County Council and County Executive to ensure that the provision of
 8 services by covered entities meets acceptable standards of translation or interpretation.

9 (b) There shall be within the Human Relations Commission a Language Access Director to
 10 monitor activities under this Division. The Language Access Director shall:

11 (1) Review and monitor each covered entity's language access plan for compliance
 12 with this Division and Title VI of the Civil Rights Act of 1964, approved July 2, 1964 (78 Stat.
 13 252; 42 U.S.C. §§ 2000d through 2000d-7);

14 (2) Track, monitor, and investigate public complaints regarding language access
 15 violations at covered entities, and where necessary, issue written findings of noncompliance to
 16 the covered entities regarding failures to provide language access; provided that this
 17 responsibility shall not supersede or preclude the existing individual complaint process and
 18 mechanism under the jurisdiction of the Human Relations Commission;

19 (3) Review and monitor the Language Access Contacts with respect to their
 20 performance of responsibilities under this Division;

21 (4) Consult with Language Access Contacts and the heads of government offices that
 22 conduct outreach to communities with limited or non-English proficient populations;

23 (5) Serve as the Language Access Director for the Human Relations Commission;

24 and

25 (6) Through the County Executive, by regulation, designate additional covered
 26 entities with major public contact.

27 SECTION 2. BE IT FURTHER ENACTED that the Human Relations Commission shall
 28 provide a report to the County Council on or before March 15, 2018, as to the operations and the
 29 fiscal impacts of the language access requirements and oral language services provided by
 30 covered entities in the County.

1 SECTION 3. BE IT FURTHER ENACTED that the provisions of this Act are hereby
2 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
3 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
4 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
5 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
6 Act, since the same would have been enacted without the incorporation in this Act of any such
7 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
8 or section.

9 SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
10 calendar days after it becomes law.

Adopted this 14th day of November, 2017.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Derrick Leon Davis
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Rushern L. Baker, III
County Executive

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.