

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2020 Legislative Session

Bill No. CB-34-2020

Chapter No. 60

Proposed and Presented by Council Member Taveras

Introduced by Council Members Taveras, Turner, Anderson-Walker, Ivey, Davis,
Streeter, Glaros, Dernoga, Franklin, Harrison and Hawkins

Date of Introduction October 20, 2020

BILL

1 AN ACT concerning

2 Language Access for Public Services

3 For the purpose of amending Language Access division of the County Code to define the
4 Language Access Contact, adjust the language threshold, define enforcement and penalties, and
5 expanding the agencies affected.

6 BY repealing and reenacting with amendments:

7 SUBTITLE 2. ADMINISTRATION.

8 Sections 2-513, 2-515, 2-516, 2-517, 2-518

9 The Prince George's County Code

10 (2019 Edition).

11 BY adding:

12 SUBTITLE 2. ADMINISTRATION.

13 Section 2-519

14 The Prince George's County Code

15 (2019 Edition).

16 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
17 Maryland, that Sections 2-513, 2-515, 2-516, 2-517 and 2-518 of the Prince George's County
18 Code be and the same are hereby repealed and reenacted with the following amendments:

19 **SUBTITLE 2. ADMINISTRATION.**

20 **DIVISION 45. LANGUAGE ACCESS.**

21 **Sec. 2-513. Definitions.**

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

4 (b) **Covered entity** shall mean any County government agency, department, or program
5 that furnishes information or renders services, programs, or activities directly to the public or
6 contracts with other entities, either directly or indirectly, to conduct services, programs, or
7 activities.

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

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

- 11 (A) Health Department
- 12 (B) Department of Social Services
- 13 (C) Department of Family Services
- 14 (D) Department of Housing and Community Development
- 15 (E) Housing Authority
- 16 (F) Office of Human Resources Management
- 17 (G) Police Department
- 18 (H) Department of Corrections
- 19 (I) Fire Department
- 20 (J) Office of Central Services
- 21 (K) Department of Public Works and Transportation
- 22 (L) Department of Permitting, Inspection and Enforcement
- 23 (M) Office of Finance
- 24 (N) Office of Law
- 25 (O) Office of Community Relations
- 26 (P) Human Relations Commission
- 27 (Q) Department of the Environment
- 28 (R) County Council

29 (d) [**Language Access Contact**] **Language Access Compliance Program Coordinator**
30 shall mean [an individual working for the covered entity or covered entity with major contact
31 that:

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

4 (2) coordinates requests for written translations of vital documents into any non-
 5 English language spoken by a limited or non-English proficient population that constitutes 5% or
 6 10,000 individuals, whichever is less, of the population served or encountered, or likely to be
 7 served or encountered, by the covered entity and covered entity with major contact in the
 8 County.] an employee working for the covered entity or covered entity with major public
 9 contact, responsible for developing, implementing, maintaining and overseeing all agency
 10 programs and services in compliance with the Language Access for Public Services Act of 2017,
 11 including, ensuring the agency provides meaningful access and proper communication about all
 12 programs and activities to Limited English Proficient (LEP) and Non-English Proficient (NEP)
 13 individuals and prevent language-based discrimination complaints. This position shall be in the
 14 agency’s Office of the Director and should report to agency Director, or Deputy Director, and the
 15 Language Access Compliance Program Director.

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

19 (f) [**Limited or non-English proficiency**] **Language Access Compliance Program**
 20 **Monitor (LACPM)** shall mean the [inability to adequately understand or to express oneself in
 21 the spoken or written English language.] Language Access Compliance Program’s employee in
 22 charge of monitoring covered entities’ compliance with the Language Access for Public Services
 23 Act of 2017. Some of LACPM’s major responsibilities are: (a) conducting language access
 24 compliance assessments, (b) providing language access technical assistance and training, (c)
 25 investigating language access public complaints, and (d) enforcement.

26 (g) [**Oral language services**] **Language Access Compliance Program Analyst**
 27 **(LACPA)** shall mean the [provision of oral information necessary to enable limited or non-
 28 English proficiency residents to access or participate in programs or services offered by a
 29 covered entity. The term “oral language services” may include placement of bilingual staff in
 30 public contact positions; the provision of experienced and trained staff interpreters; contracting
 31 with telephone interpreter programs; contracting with private interpreter services; and using

1 interpreters made available through community service organizations that are publicly funded for
 2 that purpose.] Language Access Compliance Program's employee in charge of providing
 3 administrative support to the Language Access Compliance Program everyday operations. Some
 4 of LACPA's major responsibilities are: (a) receiving and providing guidance to language access
 5 inquiries from covered entities' LACPCs, (b) collecting language access data quarterly from
 6 covered agencies, (c) writing compliance reports and, (d) conducting outreach to LEP/NEP
 7 communities.

8 (h) [**Vital documents**] **Language Access Primary and Secondary Liaisons** shall mean
 9 [applications, notices, complaint forms, legal contracts, and outreach materials published by a
 10 covered entity in a tangible format that inform individuals about their rights or eligibility
 11 requirements for benefits and participation. The term "vital documents" shall include tax related
 12 educational and outreach materials produced by the Office of Finance but shall not include tax
 13 forms and instructions.] the employees appointed by the Program Manager or Supervisor to
 14 fulfill the program's language access duties and responsibilities, and to provide support to the
 15 covered agency's Language Access Compliance Program Coordinator.

16 (i) **Limited English proficient (LEP)** shall mean a person for whom English is not
 17 his/her primary language and who has a limited ability to speak, read, write or understand
 18 English [the inability to adequately understand or to express oneself in the spoken or written
 19 English language];

20 (j) **Non-English proficient (NEP)** refers to a person who cannot speak, read, write or
 21 understand English;

22 (k) **Oral language services** shall mean the provision of oral information necessary to
 23 enable limited or non-English proficiency residents to access or participate in programs or
 24 services offered by a covered entity. The term "oral language services" may include placement
 25 of bilingual staff in public contact positions; the provision of experienced and trained staff
 26 interpreters; contracting with telephone interpreter programs; contracting with private interpreter
 27 services; and using interpreters made available through community service organizations that are
 28 publicly funded for that purpose.

29 (l) **Vital documents** shall mean applications, notices, complaint forms, legal contracts,
 30 and outreach materials published by a covered entity in a tangible format that inform individuals
 31 about their rights or eligibility requirements for benefits and participation, as well as health and

1 safety information. The term “vital documents” shall include tax related educational and
2 outreach materials produced by the Office of Finance but shall not include tax forms and
3 instructions.

4 (m) Mass mailings shall mean materials distributed via mail to the entire County.

5 (n) Language Access Rights Banner is a pull up banner that states, in the County’s top
6 10 spoken languages, “You have the right to ask for an interpreter and get help in your language
7 for free. If your request is denied, call the Prince George’s County Human Relations
8 Commission (HRC) at 301-883-6170 to file a complaint.”

9 (o) Language Identification Desktop Poster is a small poster designed to assist limited or
10 non-English proficiency residents to identify and point out their language of preference as well
11 as providing awareness that interpretation services are available. The poster features the
12 County’s top 20 spoken languages.

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

14 (a) A covered entity shall designate a Language Access Compliance Program Coordinator
15 [Contact] to coordinate requests for access to oral language services to a person with limited or
16 non-English proficiency who seeks to access or participate in the services, programs, or activities
17 offered by the covered entity.

18 * * * * *

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

20 (a) A covered entity shall designate a Language Access Compliance Program Coordinator
21 [Contact] to coordinate requests for written translations of vital documents and mass mailings
22 into any non-English language spoken by a limited or non-English proficient population that
23 constitutes 5% or 10,000 individuals, whichever is less, of the population served or encountered,
24 or likely to be served or encountered, by the covered entity in the County. In addition, a covered
25 entity shall provide written translations of vital documents into any non-English language when
26 requested.

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

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

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

1 (b) Each language access plan shall be established in consultation with the Language
 2 Access Compliance Program Director, the entity's Language Access Compliance Program
 3 Coordinator [Contact], and agency directors that conduct outreach to limited or non-English
 4 populations. Each language access plan shall be updated every 2 years and shall set forth, at
 5 minimum, the following:

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

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

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

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

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

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

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

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

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

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

26 (e) A covered entity shall create and update on an ongoing basis the agency's Language
 27 Access Compliance Policy and Standard Operating Procedures based on the Language Access
 28 Compliance Program Director's template Languages Access Policy and Standard Operating
 29 Procedures and ensure that agency personnel are aware of their language access responsibilities.

30 (f) Covered entities shall display the Language Identification Desktop Poster at every
 31 reception and customer service desk. Covered entities shall display the Language Access Rights

1 Banner in all agency public facilities including mobile locations.

2 **Sec. 2-518. Language access oversight; duties of Language Access Compliance Program**
 3 **Director.**

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

9 (b) There shall be within the Human Relations Commission a Language Access
 10 Compliance Program Director and two Language Access Compliance Program Monitors and one
 11 Language Access Compliance Program Analyst to monitor activities under this Division. The
 12 Language Access Compliance Program Director shall:

13 (1) Review and monitor each covered entity's language access plan for compliance
 14 with this Division and Title VI of the Civil Rights Act of 1964, approved July 2, 1964 (78 Stat.
 15 252; 42 U.S.C. §§ 2000d through 2000d-7);

16 (2) [Track, monitor, and] Provide guidance and supervision to the Language Access
 17 Compliance Program Analyst and Language Access Compliance Program Monitors, who track
 18 and investigate public complaints regarding language access violations at covered entities, and
 19 where necessary, issue written findings of noncompliance to the covered entities regarding
 20 failures to provide language access; provided that this responsibility shall not supersede or
 21 preclude the existing individual complaint process and mechanism under the jurisdiction of the
 22 Human Relations Commission;

23 (3) [Review and monitor the Language Access Contacts with respect to their
 24 performance of responsibilities under this Division] Provide policy guidance, training,
 25 supervision, and technical support to covered agencies' Language Access Compliance Program
 26 Coordinators (LACPCs) to ensure they obtain the necessary knowledge management tools and
 27 skills to bring their agencies into compliance with the responsibilities under this Division;

28 (4) Consult with Language Access Compliance Program Coordinators [Contacts] and
 29 the heads of government offices that conduct outreach to communities with limited or non-
 30 English proficient populations;

1 (5) Serve as the Language Access Compliance Program Director for the Human
2 Relations Commission; and

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

5 (7) Develop and update Language Access Policy and Language Access Standard
6 Operating Procedures Template for covered agencies.

7 SECTION 2. BE IT ENACTED by the County Council of Prince George's County,
8 Maryland, that Sections 2-519 of the Prince George's County Code be and the same is hereby
9 added:

10 **Sec. 2-519. Duties of Language Access Compliance Program Coordinators.**

11 The Language Access Compliance Program Coordinators shall:

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

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

19 (3) conduct language access compliance assessments on agency's programs and
20 services to identify issues, writes reports and provides recommendations; develops and
21 implements the agency's language access compliance plan.

22 (4) work under the guidance of the Language Access Compliance Program Director to
23 develop the agency's Language Access Policy and Standard Operating Procedures and ensure that
24 agency personnel are aware of their language access responsibilities.

25 (5) provide policy guidance to the agency's executive team, managers and supervisors.

26 (6) meet the data collection and, quarterly and annual reporting requirements of the Act
27 to the Human Relations Commission, Language Access Compliance Program.

28 (7) develop and conduct in-person Language Access Compliance Trainings to staff and
29 provide technical support.

1 (8) receive and investigate and language access complaints against the agency, and
2 immediately report and work with the agency’s Director, and the Language Access Compliance
3 Program Director to resolve them.

4 (9) conduct outreach to limited English proficient communities.

5 (10) work with agency’s Director or budget officer to develop and implement an annual
6 budget and procurement strategy for contracting language access service vendors, as well as
7 advising the agency on language access procurement and budgeting related expenses.

8 SECTION 3. BE IT FURTHER ENACTED that the Human Relations Commission shall
9 provide an annual report to the County Council [on or before March 15, 2018] starting on
10 January 31, 2022, as to the operations and the fiscal impacts of the language access requirements
11 and oral language services provided by covered entities in the County.

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

20 SECTION 5. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
21 calendar days after it becomes law.

Adopted this 17th day of November, 2020.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Todd M. Turner
Council Chair

ATTEST:

Donna J. Brown
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Angela D. Alsobrooks
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.