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HB 987

State Government - Equal Access to Public Services for Individuals
With Limited English Proficiency – Modifications
Hearing of The House Health & Government Operations Committee
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FAVORABLE

The Public Justice Center (PJC) is a not-for-profit civil rights and anti-poverty legal services organization which seeks to advance social justice, economic and racial equity, and fundamental human rights in Maryland. Our Health and Benefits Equity Project advocates to protect and expand access to healthcare and safety net services for Marylanders struggling to make ends meet. We support policies and practices that are designed to eliminate economic and racial inequities and enable every Marylander to attain their highest level of health. **PJC strongly supports HB 987**, which would require state departments, agencies, and programs to designate a language access compliance coordinator, establish a language access policy and plan and take other actions to ensure reasonable access to the entity's programs and activities for individuals with limited English proficiency. HB 987 would also add the Maryland Developmental Disabilities Administration (DDA) as an entity covered under the law. Finally, the bill would designate the Maryland Office of the Attorney General as the oversight, monitoring, investigation, and enforcement authority to ensure compliance by state agencies with Maryland's language access law.

Maryland is home to more than 416,000 individuals who identify as having limited English proficiency, according to the 2019 U.S. Census Bureau's American Community Survey.¹ As part of PJC's Health & Benefits Equity Project, we advocate to ensure that individuals with LEP are afforded timely and consistent access to language services, including interpretation and translation, in government-run services and health care. Together, Title VI of the Civil Rights Act of 1964 and Md. Code Ann., State Govt. § 10-1103 require certain state agencies, departments, and programs to take reasonable steps to provide *equal* access to public services for individuals with limited English proficiency.

¹ Migration Policy Institute, *State Immigration Data Profiles* (last visited on March 6, 2023), <https://www.migrationpolicy.org/data/state-profiles/state/language/MD> (In 2019, 39.5% of Foreign-born residents (364,406) and 1.1% of U.S.-born residents (52,412) identified as speaking English less than "very well" (LEP) in Maryland).

While language should not be a barrier to receiving public services, many of our clients and allies who assist individuals with LEP in navigating public services, including safety net services, frequently encounter language access violations in state-run agencies and programs. This includes refusals by frontline staff in agencies to provide oral interpretation by phone or in person; vital written communications about public benefits being written and sent to the client in English when the agency has documented that the client has LEP; and general failures of certain agencies to notify individuals with LEP of their right to free language services in violation of state and federal law. Miscommunications stemming from the failure to provide language access in certain cases have led to wrongful terminations of benefits for individuals with LEP where letters requesting required information by a certain date were sent in English. In other cases, individuals with LEP have been unable to access certain agencies entirely where frontline staff have misinformed the individual that no language services are available either in person or by phone.

HB 987, if passed, would provide for stronger language access compliance and enforcement in Maryland. The bill requires state agencies, departments, and programs to designate a dedicated language access compliance coordinator and have a language access policy and plan which are best practices. Having a comprehensive language access policy and plan helps entities determine which LEP communities they may encounter and ensure that all staff are aware and adhere to their obligations to provide timely and professional language services to LEP communities. Similarly, a language access compliance coordinator would enable the entity to monitor the implementation of its language access plan and policy, coordinate requests for language services, maintain the entity's language services budget and make necessary improvements to the policy and plan. HB 987 would also bring DDA under the umbrella of Maryland's language access law and require the agency to ensure its programs and activities are accessible to individuals with LEP, which it currently does not do consistently. In fact, DDA's phone line to request language assistance services is automated and entirely in English, rendering it inaccessible to individuals with LEP.

Strong language access enforcement is needed in Maryland, and HB 987 would designate the Maryland Office of the Attorney General as the oversight, monitoring, investigation and enforcement body for the State. Having a single point of contact for complaints and resolutions for language access violations would support community members with LEP in addressing time sensitive language access violations without delay. Failure to provide language access is national origin discrimination and can create serious inequities between English-speakers and non-English speakers in who can access public services. As this is a civil rights matter, it is appropriate to house the role to investigate and enforce the law within the Office of the Attorney General.

HB 987 would help safeguard the rights of Marylanders with LEP to access public services without discrimination. For these reasons, the Public Justice Center urges the committee to issue a **FAVORABLE** report for **HB 987**. If you have any questions about this testimony, please contact Ashley Woolard at 410-625-9409 ext. 224 or woolarda@publicjustice.org.