



**MARYLAND
LEGAL AID**

Advancing
**Human Rights and
Justice for All**

HB 987

State Government - Equal Access to Public Services for Individuals With Limited English Proficiency – Modifications

In the House Health and Government Operations Committee

Hearing on March 5, 2024

Position: FAVORABLE

Maryland Legal Aid (MLA) submits its written and oral testimony on HB987 at the request of Delegate Acevero.

MLA asks that the Committee report favorably on HB 987.

The Civil Rights Act of 1964 has long required all states and territories that receive federal funds to take reasonable steps to ensure meaningful language access to governmental programs and activities.¹ The Maryland General Assembly has declared that the inability to speak, understand, and/or read the English language is a barrier that prevents access to public services, and that governmental services are essential to the welfare of Maryland residents.² Current Maryland law requires state agencies to provide equal access to public services for individuals with limited English proficiency (LEP). Maryland's existing language access laws, however, lack specific and orderly administration of this policy.

HB 987 requires state agencies to designate a language access compliance coordinator, establish a language access compliance policy and plan, and take actions to ensure reasonable language access to governmental programs and activities for LEP individuals. It also requires the Maryland Office of the Attorney General to provide oversight, monitoring, investigation, and enforcement. HB 987 is a reasonable bill that establishes organization and compliance with existing federal and state law.

Language accuracy is extraordinarily important. A person's complete understanding of legal documents and terms, accurate explanation and understanding of medical symptoms, and/or recitations of public health matters

¹ The Department of Justice has issued a general guidance document, which sets forth the compliance standards recipients must follow to ensure that programs and activities they normally provide in English are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of Title VI of the Civil Rights Act of 1964, as amended [42 U.S.C.A. § 2000d et seq.], and its implementing regulations. Recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. <https://www.lep.gov/executive-order-13166>; <https://www.ojp.gov/program/civil-rights/limited-english-proficient-lep>.

² The State of Maryland has a language access law and a definitive equal access policy. State Government §10-1101 et. seq.

all require proper translation. It is well documented that poor language accuracy in communications can have devastating results.³

MLA is a non-profit law firm that provides free legal services to the State's low-income and vulnerable residents. Our 12 offices serve residents in each of Maryland's 24 jurisdictions and handle a range of civil legal matters, including housing, family law, benefits, bankruptcy, debt collection matters, and criminal record expungements. MLA supports this bill. Like other Marylanders, our clients apply for jobs, benefits and insurance for themselves and their children, report criminal conduct, try to comply with court orders, and intersect with all of our state agencies. They frequently have tremendous difficulty, and experience discrimination by state officials who fail to comply with existing law that requires equal language access. The current law is good, but it needs updating and compliance methods.

Within the past few years, MLA has provided legal assistance to approximately 2,200 clients whose primary language is not English. Over 65% of those clients interacted with a State agency, department, or program. Our clients are impeded while applying for and complying with governmental programs such as unemployment, Temporary Cash Assistance (TCA), Supplemental Nutrition Assistance Program (SNAP), and unemployment, simply because they are unable to communicate with people who work for the agencies, and/or read agency documents. Most agency documents are only available in English, and when an agency provides translated documents, it is always only a few documents, not everything the client is expected to understand. When asking for an interpreter, some clients never get a response; others get contacted in English without an interpreter option. Language access policies that do exist are simply not followed by state employees. Maryland government programs lack a consistent method that would allow LEP individuals to effectively communicate their needs. MLA's non-English-speaking clients consistently report that state employees make them feel like burdens for not understanding or speaking English well.

Clients frequently report inability to access the Department of Social Services and to understand the documents required by the Unemployment Administration. If a parent asks for translated documents from DSS, they are not available on appeal. MLA has never seen translated appeal documents from the Office of Administrative Hearings. In 2022, MLA represented a child who was physically and sexually abused by a noncustodial parent. The custodial parent is not a native English speaker. The family court issued a complex order intending to protect that child. But that order was in English. The custodial parent was offered a one-time oral translation of

³<https://www.theverge.com/2021/3/9/22319225/google-translate-medical-instructions-unreliable>; [https://herd.io/en-us/blogs/performance-marketing/human-vs-machine-translation-benefits#:~:text=Cultural%20context%3A%20Google%20Translate%20may,in%20the%20way%20that's%20expected](https://herd.io/en-us/blogs/performance-marketing/human-vs-machine-translation-benefits#:~:text=Cultural%20context%3A%20Google%20Translate%20may,in%20the%20way%20that's%20expected;);

the court order—whose complex terms the court expected her to follow day and night for the conceivable future. The child remained at risk because the custodial parent was forced to try to remember what she was told was contained in the order. Other clients call us because they cannot understand written correspondence from agencies: they request correspondence in Spanish or other languages, but documents are sent in English. For decades, our LEP clients have reported being routinely disconnected from telephone calls by agency workers. Written translation from the state government is almost impossible to accomplish, and further, many clients over the years report going in person to the relevant agency but being turned away because agency staff refuse to provide an interpreter.

HB 987 greatly increases access to Maryland state services, to which these Maryland residents are unquestionably entitled. The law requires meaningful language access. This must include outreach, clearer communication, and stronger oversight to ensure appropriate language access plans and resolution of violations. By improving and regularly monitoring language access programs, Maryland can help to ensure that all its residents, regardless of their primary language, have equal access to vital services and information.

MLA strongly supports HB 987 and urges this committee to issue a favorable report and passage by the General Assembly. For questions please contact Cornelia Bright Gordon, cbgordon@mdlab.org or Miriam Sincell, msincell@mdlab.org.