

HOMELESS PERSONS REPRESENTATION PROJECT, INC.

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Support – HB 1144

State Government - Equal Access to Public Services for Individuals

With Limited English Proficiency - Modifications

Hearing of the Health and Government Operations Committee, March 8, 2023

Testimony of Audreina Blanding, Linda Kennedy Fellow

Homeless Persons Representation Project

The Homeless Persons Representation Project, Inc. (HPRP) is a non-profit civil legal services organization that provides free legal representation to people who are experiencing homeless or at risk of homelessness on legal issues that will lead to an end to homelessness. Over the years, HPRP has represented several individuals and families with limited English proficiency who have been wrongfully denied or terminated from public benefit programs after the families were not provided meaningful access and proper communication in the language they spoke.

HPRP supports HB 1144 because it will improve language access by fostering compliance with existing laws, including Title VI of the Civil Rights Act of 1964 and Md. State Govt. § 10-1103. It would require state departments, agencies, and programs to establish a clear language access plan and designate a language access compliance coordinator to arrange requests for oral language services and written translation. Further, this bill grants authority for monitoring, investigation, and enforcement of certain language access provisions to agencies such as the Maryland Commission on Civil Rights.

HPRP has Represented Many Limited English Proficient Families That Have Been Unlawfully Denied Meaningful Access to Public Benefit Programs.

The communication between the Department of Human Services (the “Department”) and local Department of Social Services (“DSS”) and families with limited English proficiency is often inadequate and leads to improper benefit application denials and terminations. HPRP has worked with limited English proficient families that were not provided proper written communication, nor given timely or adequate interpretation when they interacted with DSS. As a result of these language access violations, the families were denied access to public benefit programs they were rightfully entitled to. Below are a few examples.

HPRP represented a family that selected “Spanish” as their language on the benefit application, meaning the family should have received all written communication from DSS in Spanish. Instead, the family received its written notices and forms from DSS in English, including the attached letter.¹ Shortly after receipt of this letter, the family’s application was denied when they did not respond with the information requested. However, not only is the letter almost entirely written in English, but it also has one line that reads “DEBE DEVIVER DOCUMENTOS PARATODOS LOS NINOS.” This poor attempt at Spanish utilizes words that do not exist in the

¹ Attached is a redacted notice one family received from the Department of Social Services after applying for Temporary Cash Assistance and selecting “Spanish” on the application.

Spanish language (“deviver” and “paratodos”) and is missing critical accent marks on other words (e.g., “niños”). After HPRP questioned DSS about this letter, we learned this DSS office used Google translate to prepare its written notices, despite the fact that the Department has a contract with a written translation service.

HPRP has also represented many limited English Proficient families that have been disrespected and mistreated when they interact with DSS because of the language barrier. For example, HPRP worked with Ms. Alvarez and her 11-year-old daughter, who are U.S. citizens born in Puerto Rico. As a native of Puerto Rico, Ms. Alvarez’ first language is Spanish. When Ms. Alvarez moved to Maryland and applied for Supplemental Nutrition Assistance Program (SNAP) benefits, DSS wrongly assumed that she was not U.S. citizen simply because she spoke Spanish. For this reason, DSS immediately determined Ms. Alvarez was ineligible to receive SNAP and denied her application. Ms. Alvarez repeatedly informed DSS employees that she was a U.S. citizen and provided copies of her social security number card and her birth certificate as evidence. However, DSS continued to ignore Ms. Alvarez and maintained their position that she was ineligible without providing further explanation. HPRP learned that DSS employees had selected the “illegal alien” status option in its computer system which triggered an automatic denial. So, despite Ms. Alvarez providing all necessary paperwork to prove her eligibility, DSS continued to automatically deny her. HPRP was able to assist Ms. Alvarez in successfully reversing this wrongful and unlawful denial of public benefits.

HB 1144 recognizes how critical language access is to individuals with limited English proficiency and to providing equal and meaningful access to government programs and activities. By requiring state agencies to take actions to ensure reasonable access to the entity’s programs and providing monitoring and enforcement mechanism, HB 1144 will standardize best practices across the state and give frontline employees less discretion to deviate from the language access plan. This will improve overall compliance with state and federal language access laws so that language is not a continuous barrier to accessing public services for communities with limited English proficiency.

HPRP strongly urges the Committee to issue a favorable report on HB 1144. If you have any questions, please contact Audreina Blanding (she/her), Linda Kennedy Fellow, at (410) 716-0560 or ablanding@hprplaw.org.

Attachment A - to Testimony of Homeless Persons Representation Project

[REDACTED]
[REDACTED]
[REDACTED]

District: [REDACTED]
Customer ID: [REDACTED]
Case Manager: [REDACTED]
Telephone: [REDACTED]

Date: [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

Dear Mrs. [REDACTED]

We need more information to determine your eligibility. Please bring or send in the following information.

DEBE DEVIVER DOCUMENTOS PARATODOS LOS NINOS. I MUST HAVE CARDS BEFORE YOU CAN GET CASH FOR ALL CHILDREN.

Please submit this information by [REDACTED]/[REDACTED].