



State of Maryland Commission on Civil Rights

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March 8, 2023

House Bill 1144 – State Government – Equal Access to Public Services for Individuals with Limited English Proficiency – Modifications

POSITION: Support with Amendments

Dear Chairperson Pena-Melnyk, Vice Chairperson Cullison, and Members of the House Health and Government Operations Committee:

The Maryland Commission on Civil Rights (“MCCR”; “The Commission”) is the State agency responsible for the enforcement of laws prohibiting discrimination in employment, housing, public accommodations, health services, and state contracts based on race, color, religion, sex, age, national origin, marital status, familial status, sexual orientation, gender identity, genetic information, physical and mental disability, and source of income.

House Bill 1144 seeks to make several amendments to the State Government Article, including provisions for numerous state offices to designate a language access compliance coordinator, establish a language access plan and compliance policy, and conduct outreach to the community. These state offices would also be required to submit yearly reports to the Governor and General Assembly on the implementation of their language access plan. The Commission would be responsible for overseeing, monitoring, investigating, and enforcing these provisions.

MCCR recognizes and supports the intent of HB 1144 to eliminate a source of discrimination against individuals who have limited English abilities. Too many limited English speaking citizens are unable to access needed state services and benefits due to the lack of translated documents or an interpreter. This has caused undue hardship when the services or benefits are denied because the agency’s process is erroneously not understood or followed.

HB 1144, however, in making MCCR the oversight agency, creates a conflict of interest within State Government Article, Title 20 by making the agency both the police and the prosecutor. Title 20 and MCCR Rules of Procedure regulations mandate that the Commission receive complaints, investigate, and prosecute cases of probable cause. It does not provide an infrastructure to monitor employers, seek complaints and do compliance. And this bill addresses just one of numerous violations that occur in a case of unlawful employment discrimination. The State is an employer which MCCR may prosecute for violating Title 20 when a complaint

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is filed. For these reasons, MCCR suggests another State agency with bandwidth and experience in enforcement of State policies within State agencies or a designated office to handle the oversight obligations for this legislation would be better suited for said oversight.

For example, the Massachusetts legislature has introduced a similar bill (HB 4872, previously HB 3199) to provide those with limited English proficiency equal access to state agencies. This legislation would create a Language Access Advisory Board that would oversee the implementation of the law and provide technical assistance to the affected state agencies. Massachusetts's bill also provided procedures for selecting the members on that board and their duties.

The Maryland Commission on Civil Rights acknowledges and supports the intent behind HB 1144 and urges a favorable vote, however, with amendments removing the Commission as the oversight agency. Thank you for your time and consideration of the information contained in this letter. MCCR looks forward to the continued opportunity to work with you to improve and promote civil rights in Maryland.