



SPONSOR: Sen. Walsh & Rep. K. Williams

DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

SENATE BILL NO. 326

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO IMPROVING LANGUAGE AND COMMUNICATION ACCESS FOR INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY OR DISABILITIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Part X, Title 29 of the Delaware Code by creating a new Chapter 106 by making deletions as
2 shown by strike through and insertions as shown by underline as follows:

3 Chapter 106. Improving language and communication access for individuals with limited English proficiency or
4 disabilities.

5 § 10601. Purpose.

6 Many State agencies and programs receive federal assistance and are therefore required by Title VI of the Civil
7 Rights Act of 1964, 42 U.S.C. §§ 2000d, et seq., to take reasonable steps to provide meaningful access to services for
8 individuals with limited English proficiency. Providing meaningful access can include offering free and timely
9 interpretation services and translation of vital documents.

10 Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §§ 701, et seq., the Americans with Disabilities Act of
11 1990, 42 U.S.C. §§ 12101, et seq., and State law require effective communication for individuals with disabilities.
12 Providing effective communication under these laws can include offering auxiliary aids such as sign language interpreters.

13 The General Assembly is committed to ensuring that all individuals, regardless of language or communication
14 method, may meaningfully access important programs. This chapter is intended to provide the General Assembly with
15 information about compliance with federal and State laws regarding language and communication access. Additionally, this
16 chapter provides support for language and communication assistance for individuals renting or purchasing a home or facing
17 eviction or foreclosure.

18 § 10602. Definitions.

19 For the purposes of this chapter:

20 (1) "Auxiliary aid" means as defined in 28 CFR § 36.303.

(2) “Effective communication” means communication with an individual with a disability that is equally effective as communication with an individual without disability. Federal and State law and regulation, and the interpretation thereof, govern how to determine whether “effective communication” has been provided.

(3) “Individual with a disability” means as defined by 42 U.S.C. § 12102 or § 4502 of Title 6.

(4) “Limited English proficiency” or “LEP” means not utilizing English as a primary language and having a limited ability to read, write, speak, or understand English.

(5) “Meaningful access” means that an individual’s right to be informed of, participate in, and benefit from programs at a level equal to that of individuals proficient in the English language. Federal law and regulation, and the interpretation, thereof govern how to determine whether “meaningful access” has been provided.

(6) “Program” means all operations of a State department, State agency, or any other instrumentality of this State, including boards and commissions.

(7) “Tenant” means as defined in § 5141 of Title 25.

(8) “Vital document” means a document that affects access to, retention in, termination, or exclusion from a program’s services or benefits. “Vital document” includes any of the following:

a. Application.

b. Consent form.

c. Complaint form.

d. Intake form.

e. Notice pertaining to eligibility for services or benefits.

f. Notice pertaining to rights and the reduction, denial, or termination of services or benefits.

g. Communications that require a response from the individual with LEP.

h. Notice affecting parental custody or child support.

i. Written test that does not test English language competency but rather tests competency for a particular license, job, or skill for which knowing the English language is not required.

j. Document that must be provided by law.

k. Notice regarding the availability of free language assistance services for individuals with LEP.

§ 10603. Language and communication access reports.

(a) The programs listed under § 10604 of this title shall submit reports to the General Assembly. The reports shall identify the steps taken by the program to comply with federal and State law and regulations to provide meaningful access

to individuals with LEP or effective communication for individuals with disabilities. Additionally, the reports must include the following specific information:

(1) The types of translation or interpretation services or tools used by the program.

(2) Provide data showing how often individuals with LEP or disabilities access the program in person and methodology for how that data was collected.

(3) Frequency that individuals with LEP or disabilities receive in-person translation or interpretation services, or in-person auxiliary aids from the program.

(4) Frequency that individuals with LEP or disabilities receive telephonic or other remote translation or interpretation services, or telephonic or other remote auxiliary aids from the program.

(5) Description of staff training and frequency of training on working with individuals with LEP or disabilities.

(6) How the availability of free language assistance or auxiliary aids are communicated to the public.

(7) Frequency that staff offer free language assistance or auxiliary aids.

(8) Additional resources, if any, needed to improve program access for individuals with LEP or disabilities.

(b) For purposes of submitting the reports to the General Assembly, the reports shall be submitted to the Secretary of the Senate, the Chief Clerk of the House, and the Legislative Librarian of the Division of Research.

(c) Each program required to report under this section must submit a report semi-annually, due by May 1 and December 1 of each year. If the deadline falls on a weekend or State holiday, then the report is due by the State's next following business day.

§ 10604. Reporting programs.

(a) The following programs shall submit reports under § 10603 of this title:

(1) Department of Health and Social Services.

(2) Department of Labor, with information disaggregated for the Office of Workers' Compensation.

(3) Department of Services for Children, Youth & Their Families.

(4) Department of Correction.

(5) Department of Safety and Homeland Security.

(6) Department of Transportation, with information disaggregated for the Delaware Transit Corporation and DART First State.

(7) Human and Civil Rights Commission.

(8) Delaware State Police.

- 80 (9) Division of Revenue.
- 81 (10) Delaware State Housing Authority.
- 82 (11) Department of Natural Resources and Environmental Control.
- 83 (12) Department of Education.
- 84 (13) Department of Justice.
- 85 (14) Department of Agriculture.
- 86 (15) Delaware Economic Development Authority.
- 87 (16) Delaware Office of Veterans Services, with information disaggregated for the Delaware Commission
- 88 of Veterans Affairs.
- 89 (17) Delaware Manufactured Home Relocation Authority.

90 (b) Five additional programs, to be determined by the Department of Justice, shall also submit reports as described

91 under § 10603 of this title.

92 § 10605. Special language and communication assistance for housing matters.

93 (a) The Office of the Manufactured Housing Ombudsperson shall provide interpretation and translation services,

94 or other auxiliary aids to help tenants with LEP or disabilities to better understand and participate in matters related to

95 manufactured housing leases and evictions under Parts III and VI of Title 25.

96 (b) The Department of Justice shall directly or indirectly provide interpretation and translation services, or other

97 auxiliary aids, to help tenants with LEP or disabilities or individuals with LEP or disabilities to understand and better

98 participate in matters related to both of the following:

99 (1) Residential leases and evictions under Part III of Title 25, not related to manufactured housing.

100 (2) Residential home purchase and foreclosure.

101 (c) This chapter may not be interpreted to limit or remove the responsibility that a program or any person may

102 have to take reasonable steps to provide meaningful access to services or to provide effective communication under federal

103 or State laws or regulations.

104 § 10606. Regulations.

105 The Department of Justice may adopt regulations to implement this chapter.

106 Section 2. This Act takes effect immediately upon signature of the Governor.

SYNOPSIS

This Act requires certain State programs to provide semi-annual reports to the General Assembly about compliance with federal and State law and regulations that require meaningful access to services for individuals with limited English proficiency and effective communication for individuals with disabilities.

This Act also requires that the Office of the Manufactured Housing Ombudsperson and the Department of Justice provide special language and communication assistance support for individuals with limited English proficiency or disabilities to understand and better participate in matters related to residential leases and evictions and home purchases and foreclosures.

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