

# ASSEMBLY, No. 3837

## STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MAY 9, 2022

**Sponsored by:**

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**District 16 (Hunterdon, Mercer, Middlesex and Somerset)**

**Assemblywoman ELLEN J. PARK**

**District 37 (Bergen)**

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**District 18 (Middlesex)**

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**Assemblyman McKeon, Assemblywomen Jasey, McKnight, Carter,**

**Assemblyman Mukherji, Assemblywoman Swain, Assemblymen Sampson,**

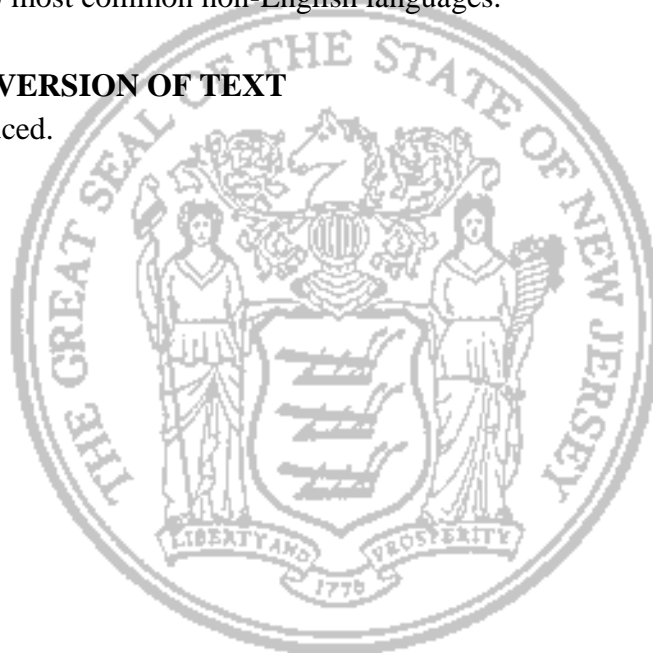
**Guardian and Assemblywoman Haider**

**SYNOPSIS**

Requires State government entities provide vital documents and translation services in 15 most common non-English languages.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/14/2023)**

1 AN ACT concerning the requirement for State government entities  
2 to provide for the translation of certain documents and services  
3 in languages other than English and supplementing chapter 14 of  
4 Title 52 of the Revised Statutes.

5  
6 **BE IT ENACTED** by the Senate and General Assembly of the State  
7 of New Jersey:

8  
9 1. Notwithstanding the provisions of any other law, rule, or  
10 regulation to the contrary, each State government entity in the  
11 Executive Branch that provides direct services to the public shall  
12 translate vital documents and information, including public  
13 documents such as forms and instructions provided to or completed  
14 by program beneficiaries or participants, pursuant to the provisions  
15 of this act, P.L. , c. (C. ) (pending before the Legislature as this  
16 bill). The translations of vital documents and information shall be  
17 in the 15 most common non-English languages spoken by  
18 individuals with limited-English proficiency in this State, based on  
19 United States Census Bureau data, and shall be relevant to services  
20 offered by each State government entity. The translations required  
21 under this section shall be implemented on a rolling basis and shall  
22 be completed no later than 365 days after the effective date of this  
23 act for the 10 most common languages, and not later than 730 days  
24 after the effective date of this act for the additional 5 most common  
25 languages, except that applications, notices of rights, or privacy  
26 protections shall be translated immediately. If an application or  
27 form has not been translated as required by the provisions of this  
28 act, the State government entity or contractor shall provide oral  
29 translation of the application or form and a certification by the  
30 limited-English proficient individual indicating that the application  
31 or form was translated and completed by an interpreter. The State  
32 government entity shall make all reasonable efforts to provide  
33 language assistance services in person by bilingual personnel.

34 As used in this act:

35 “Cultural competence” means and includes the understanding  
36 that different populations and communities are impacted differently  
37 by historical bias, racism, and other forms of discrimination and  
38 stigmatization. Cultural competence also includes self-awareness  
39 of how one’s own needs, values, practices, and verbal and  
40 nonverbal communication styles may impact others.

41 “Interpretation” means the oral translation of information from  
42 one language into another.

43 “Limited English Proficiency” means that a person speaks, reads,  
44 writes, or understands the English language less than “very well,” in  
45 accordance with Census Bureau data, and as self-reported by that  
46 person to the State government entity.

47 “State government entity” means any State department or agency  
48 in the Executive Branch and any commission, board, bureau,

1 division, office, or instrumentality thereof providing direct services  
2 to the public.

3 “Translation” means the conversion of written words from one  
4 language to another in a manner that conveys the intent and  
5 essential meaning of the original text and communication.  
6 “Translation” does not mean the use of automatic electronic  
7 translation services.

8

9 2. Each State government entity in the Executive Branch shall  
10 provide interpretation services between the entity and an individual  
11 in that person’s primary language with respect to the provision of  
12 services or benefits.

13 Each State government entity shall prepare an informational  
14 poster for use and display at each service location in an area that is  
15 highly visible to the to the public seeking services or benefits. The  
16 poster shall describe the language interpretation and translation  
17 services available and a person’s right to receive those services  
18 under this act, P.L. , c. (C. ) (pending before the Legislature as  
19 this bill). The poster shall include the same information in, at a  
20 minimum, the 15 most common non-English languages spoken by  
21 individuals with limited-English proficiency in this State.

22

23 3. a. Each State government entity in the Executive Branch  
24 shall publish a language access plan that shall reflect how the entity  
25 will comply with the provisions of this act, P.L. , c. (C. )  
26 (pending before the Legislature as this bill), and document all  
27 progress since it last submitted a language access plan. The State  
28 government entity shall issue the language access plan required by  
29 this section within 90 days of the effective date of this act, and shall  
30 update and publish the plan every two years thereafter. The State  
31 government entity shall consult with community or stakeholder  
32 entities representing limited-English proficient populations in  
33 drafting and updating the plan.

34 b. Each language access plan shall set forth, at a minimum:

35 (1) when and by what means the government entity will provide  
36 or is already providing language assistance services;

37 (2) a description of the limited-English proficient population in  
38 each geographic service area of the government entity, the number  
39 of limited-English proficient individuals who speak any language  
40 even if that language is not among the 15 most common non-  
41 English languages, and how the government entity determines the  
42 need for language assistance services for the limited-English  
43 proficient population;

44 (3) how the government entity intends to notify the limited-  
45 English proficient populations of the available language assistance  
46 services;

- 1 (4) how the government entity documents the actual provision  
2 of language assistance services to individuals with limited-English  
3 proficiency;
- 4 (5) the number of public contact positions in the government  
5 entity, and the qualified bilingual or multi-lingual employees in  
6 public contact positions, including the languages they speak;
- 7 (6) a training plan for government entity employees who will be  
8 involved in the implementation of this act which includes, at  
9 minimum, annual training on the language access policies of the  
10 government entity, how to provide language assistance services, and  
11 follow any applicable State and federal confidentially protocols;
- 12 (7) a plan for how the agency will ensure the provision of  
13 language assistance services of the highest quality and in a  
14 culturally competent manner;
- 15 (8) the name and contact information of the language access  
16 coordinator at the government entity, who shall be publicly  
17 identified;
- 18 (9) the titles of all available translated documents and the  
19 languages into which they have been translated;
- 20 (10) a website and document content describing the translation  
21 services, processes, and documents required by this act; and
- 22 (11) a plan for annual internal monitoring of the government  
23 entity's compliance with this act.

24  
25 4. Each State government entity in the Executive Branch shall  
26 assign a new or existing employee to serve as a language access  
27 coordinator, whose duty shall be to monitor the government entity's  
28 compliance with the provisions of this act, P.L. , c. (C. )  
29 (pending before the Legislature as this bill), by annually collecting  
30 data on the provision of language assistance services, the  
31 availability of translated materials, whether signage is properly  
32 posted, and any other relevant measures deemed necessary for the  
33 implementation of the provisions of this act. Each language access  
34 coordinator shall compile the findings in an annual report, which  
35 shall be available to the public. The annual report shall also include  
36 the frequency of requests for language assistance services and how  
37 the requests were met, such as through in-person, live translation or  
38 via remote or virtual services. The report shall also include whether  
39 language assistance services in languages other than the 15 required  
40 by the bill were requested. A State government entity may adjust  
41 the language access services provided, or expand those services to  
42 include additional languages, based upon the demonstrated need for  
43 services, regional differences, or the needs of unique populations.

44  
45 5. The Secretary of State, or the appropriate State agency or  
46 agencies, or both, shall oversee, coordinate, and provide guidance  
47 to State government entities in their implementation of this act,  
48 P.L. , c. (C. ) (pending before the Legislature as this bill), so

1 that the State meets acceptable standards of translation or  
2 interpretation. The Secretary, or the appropriate State agency or  
3 agencies, or both, shall advise each State government entity that is  
4 not following the guidelines on measures for improvement. The  
5 Secretary of State's or State agency's activities for implementing  
6 the provisions of this section shall include, but may not be limited  
7 to:

8 a. production and distribution of "I Speak" cards available to the  
9 public on a designated website in a downloadable and printable  
10 format for those who speak limited or no English to obtain the  
11 appropriate card for their language and carry it with them to request  
12 language services at State government entities;

13 b. solicitation of feedback and comments from the language  
14 access coordinators at each State government entity, the immigrant  
15 and refugee communities, and translation and interpretation  
16 contractors annually on the effectiveness of this act;

17 c. development and transmission of an annual report to the  
18 Governor, and to the Legislature pursuant to section 2 of P.L.1991,  
19 c.164 (C.52:14-19.1), with recommendations for how each State  
20 government entity is performing and implementing the provisions  
21 of this act, including a list of agencies that required a corrective  
22 plan; and

23 d. a periodic review of the provisions of this act to develop  
24 recommendations for adjustments, as appropriate, based on  
25 changing demographics and other factors, which shall be included  
26 in the annual report required under subsection c. of this section.

27  
28 6. A State government entity may partner with community-  
29 based organizations or other agencies for the provision of  
30 translation services in specific instances. To the extent that these  
31 partnerships meet the requirements for accuracy and cultural  
32 competency, State government entities shall not be prohibited from  
33 entering into partnerships.

34  
35 7. Nothing in this act, P.L. , c. (C. ) (pending before the  
36 Legislature as this bill), shall be interpreted to remove any  
37 requirements by any State government entity to provide for direct  
38 in-person translation services to a member of the public, or for the  
39 translation of any materials in the Spanish language or any  
40 additional languages, as may be required by law. Nothing in this  
41 act shall prevent a State government entity from providing  
42 interpretation and translation services to any limited-English  
43 proficient individuals who speak any language, even if that  
44 language is not among the 15 most common non-English languages  
45 spoken in this State.

46  
47 8. A State government entity may require that an applicant for  
48 its benefits or services or any person assisting such applicant in

1 seeking benefits or services provide only the information strictly  
2 necessary to determine eligibility for or to administer such benefits  
3 or services.

4  
5 9. There is appropriated from the funds received by the State  
6 from the federal government under the “American Rescue Plan Act  
7 of 2021,” Pub. L. 117-2, to each State government entity the sums  
8 necessary to implement the provisions of this act, and such  
9 additional sums from the General Fund as the State Treasurer and  
10 the Director of the Division of Budget and Accounting in the  
11 Department of the Treasury deem necessary.

12  
13 10. This act shall take effect immediately.

14  
15  
16 STATEMENT

17  
18 This bill requires State government entities to provide vital  
19 documents and translation services in the 15 most common non-  
20 English languages spoken by individuals with limited-English  
21 proficiency in this State, based on United States Census Bureau  
22 data, and relevant to the services offered by the State government  
23 entity.

24 Under the bill, any State department or agency in the Executive  
25 Branch and any commission, board, bureau, division, office, or  
26 instrumentality thereof providing direct services to the public would  
27 be required to provide these language access services and  
28 interpretation services between the State government entity and an  
29 individual in that person’s primary language with respect to the  
30 provision of services or benefits. Each State government entity  
31 would be required to produce an informational poster describing the  
32 available interpretation and translation services in multiple  
33 languages for display in a visible location.

34 The bill requires each State government entity to publish a  
35 language access plan within 90 days of its effective date, and to  
36 update the plan every two years thereafter. At a minimum, each  
37 plan would describe (1) when and how the State government entity  
38 will provide or is already providing language assistance services;  
39 (2) the limited-English proficient population in each geographic  
40 service area, including those who speak any language even if that  
41 language is not among the 15 most common non-English languages,  
42 and how the need for translations is determined; (3) how the entity  
43 will notify the eligible population; (4) how the entity documents the  
44 actual service provision; (5) the number of public contact positions,  
45 qualified bilingual or multi-lingual employees in those positions,  
46 and the languages they speak; (6) a training plan for government  
47 entity employees who will be involved in the implementation of the  
48 bill which includes, at minimum, annual training on the language

1 access policies of the government entity, how to provide language  
2 assistance services, and follow any applicable State and federal  
3 confidentially protocols; (7) a plan for how the agency will ensure  
4 the provision of language assistance services of the highest quality  
5 and in a culturally competent manner; (8) the name and contact  
6 information of the entity's language access coordinator; (9) the  
7 titles of all available translated documents and the languages into  
8 which they have been translated; (10) a website and document  
9 content describing the required translation services, processes, and  
10 documents; and (11) a plan for annually monitoring internal  
11 compliance. The bill requires the employment or assignment of a  
12 language access coordinator by each State entity to monitor the  
13 government entity's compliance and develop annual reports. The  
14 bill directs the Secretary of State, or a State agency, or both to  
15 oversee, coordinate, provide guidance to State government entities  
16 in their implementation.

17 Various provisions of current law may already require certain  
18 State government entities to provide certain documents and  
19 translation services to the public, most commonly in the Spanish  
20 language. However, under this bill, its provisions would not be  
21 interpreted to remove any requirements by any State entity to  
22 provide for direct in-person translation services to a member of the  
23 public, or for the translation of any materials in the Spanish  
24 language or any additional languages, as may be required by law.  
25 The bill would also not be interpreted to prevent a State government  
26 entity from providing interpretation and translation services to any  
27 limited-English proficient individuals who speak any language,  
28 even if that language is not among the 15 most common non-  
29 English languages. Under the bill, a State government entity may  
30 require that an applicant for its benefits or services or any person  
31 assisting such applicant in seeking benefits or services provide only  
32 the information strictly necessary to determine eligibility for or to  
33 administer such benefits or services.

34 Under the bill, there is appropriated from the funds received by  
35 the State from the federal government under the "American Rescue  
36 Plan Act of 2021," Pub. L. 117-2, to each State government entity  
37 the sums necessary to implement its provisions, and such additional  
38 sums from the General Fund as the State Treasurer and the Director  
39 of the Division of Budget and Accounting in the Department of the  
40 Treasury deem necessary.

41 The bill takes effect immediately, but the required translations  
42 would be implemented on a rolling basis and would be completed  
43 no later than 365 days after its effective date for the 10 most  
44 common languages, and not later than 730 days after its effective  
45 date for the additional 5 most common languages, except that  
46 applications, notices of rights, or privacy protections would be  
47 translated immediately. If an application or form has not been  
48 translated, the State government entity or contractor would provide

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- 1 oral translation of the application or form and a certification by the
- 2 limited-English proficient individual indicating that the application
- 3 or form was translated and completed by an interpreter.