

CHAPTER 263

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

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

C.52:14-40 Findings, declarations.

1. The Legislature finds and declares:
 - a. Census figures show that one in four New Jersey households speak a language other than English at home.
 - b. Nearly a third of New Jerseyans age five and older speak a language other than English, according to the 2020 U.S. Census American Community Survey, and of those 2.6 million people, more than 38 percent speak English “less than very well.”
 - c. Hawaii, California, and New York all require state documents to be translated into the states’ 10 most frequently spoken languages. Under federal law, if an individual is seeking services from a government agency or an organization funded by the U.S. government, they must be provided with assistance in their language. While agencies impacted by the federal requirement are not required to submit language access plans, the U.S. Department of Justice strongly suggests doing so.
 - d. The State’s FY 2024 budget includes \$500,000 in language access funding for State agencies to implement this bill.

C.52:14-41 Executive Branch, State government entity, direct services to the public, translate vital documents, information; definitions.

2. a. Notwithstanding the provisions of any other law, rule, or regulation to the contrary, each State government entity in the Executive Branch that provides direct services to the public shall translate vital documents and information, including public documents such as forms and instructions provided to or completed by program beneficiaries or participants, pursuant to the provisions of this act, P.L.2023, c.263 (C.52:14-40 et seq.). The translations of vital documents and information shall be in at least the seven most common non-English languages spoken by individuals with limited-English proficiency in this State, based on United States Census Bureau American Community Survey data, and shall be relevant to services offered by each State government entity. The translations required under this section shall be implemented on a rolling basis and shall be completed no later than 12 months after the effective date of this act for the five most common languages, and not later than 23 months after the effective date of this act for the additional two most common languages and any other languages deemed necessary by the State government entity based on the populations served by the entity, except that any documents related to a public health emergency or state of emergency declared by the Governor after the effective date of this act shall be translated immediately.

b. As used in this act:

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

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

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

“State government entity” means any State department or agency in the Executive Branch and any commission, board, bureau, division, office, or instrumentality thereof providing direct services to the public.

“Translation” means the conversion of written words from one language to another in a manner that conveys the intent and essential meaning of the original text and communication. “Translation” does not mean the use of automatic electronic translation services. “Translation” may include professional translation software, provided the State government entity conducts a quality control to ensure that the software has correctly translated the documents.

“Vital documents” means documents that affect or provide legal information about access to, retention of, termination of, or exclusion from program services or benefits; which are required by law; or which explain legal rights. “Vital documents” include, but are not limited to: applications; consent forms; complaint forms; intake forms; letters or notices pertaining to eligibility for services or benefits; and letters or notices pertaining to rights or to the reduction, denial, or termination of services or benefits or that require a response from the person who has limited English proficiency. “Vital documents” shall not include vital records or certified copies thereof, such as birth certificates, death certificates, or marriage licenses, or government-issued forms of identification, such as driver’s licenses or non-driver identification cards; or newsletters, data reports, and releases when such newsletters, data reports, and releases are unrelated to program services or benefits.

C.52:14-42 Executive Branch, interpretation services, individual's primary language; language access plan.

3. Each State government entity in the Executive Branch that provides direct services to the public shall, within 12 months of the effective date of P.L.2023, c.263 (C.52:14-40 et seq.), provide interpretation services between the entity and an individual in that person’s primary language with respect to the provision of services or benefits as provided in its language access plan adopted pursuant to section 4 of P.L.2023, c.263 (C.52:14-43). Each State government entity shall have the option to provide interpretation services in the manner specified in the entity’s language access plan, which may include in person by a qualified interpreter, interpretation by phone, or video interpretation services.

Each State government entity shall prepare an informational poster for use and display at each service location in an area that is highly visible to the public seeking services or benefits. The poster shall describe the language interpretation and translation services available and a person’s right to receive those services under this act, P.L.2023, c.263 (C.52:14-40 et seq.). The poster shall include the same information in, at a minimum, the seven most common non-English languages spoken by individuals with limited-English proficiency in this State.

C.52:14-43 State government entity, Executive Branch, direct services to public, develop, publish language access plan, compliance, documentation of progress.

4. a. Each State government entity in the Executive Branch that provides direct services to the public, in consultation with the Department of Human Services, Department of Law and Public Safety, and Office of Information Technology, shall develop and publish a language access plan that shall reflect how the entity will comply with the provisions of this act, P.L.2023, c.263 (C.52:14-40 et seq.), and document all progress since it last submitted a language access plan. The State government entity shall issue the language access plan

required by this section within one year of the effective date of this act, and shall update and publish the plan every three years thereafter. The State government entity shall also post the language access plan on the entity's website. The State government entity shall consult with community or stakeholder entities representing limited-English proficient populations in drafting and updating the plan.

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

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

(2) how the government entity intends to keep track of the limited-English proficient population requesting interpretation and translation services, and how the government entity determines the need for language assistance services for the limited-English proficient population;

(3) a report on the frequency of requests for language assistance services, how the requests were met, whether language assistance services were requested in languages other than the required seven, and how the government entity intends to notify the limited-English proficient populations of the available language assistance services;

(4) how the government entity documents the actual provision of language assistance services to individuals with limited-English proficiency;

(5) a training plan for government entity employees who will be involved in the implementation of this act which includes, at minimum, annual training on the language access policies of the government entity, how to provide language assistance services, and follow any applicable State and federal confidentially protocols;

(6) a plan for how the agency will ensure the provision of language assistance services of the highest quality and in a culturally competent manner;

(7) the manner and means by which the public may contact the entity's language access coordinator regarding language access issues;

(8) the titles of all available translated documents and the languages into which they have been translated;

(9) a website and document content describing the translation services, processes, and documents required by this act; and

(10) a plan for annual internal monitoring of the government entity's compliance with this act.

c. As part of the development of the initial language access plan required by this section, each State government entity shall assess the interpretation needs of members of the public with limited English proficiency that the entity serves, estimate the cost associated with providing interpretation services to those individuals, and incorporate the provision of interpretation services into the entity's language access plan.

d. Notwithstanding any provision of this section to the contrary, if a State government entity already has a language access plan on the effective date of this act, the State government entity may continue to use that language access plan and may adjust that plan in accordance with the provisions of this section. A State government entity shall be permitted to retain any additional languages already included in an existing language access plan.

e. Each State government entity that provides direct services to the public shall designate a senior-level employee to serve as a language access coordinator to oversee the development and implementation of the entity's language access plan and compliance with the provisions of this act.

C.52:14-44 Commissioner of Human Services, Attorney General, Chief Technology Officer, guidance, heads of State government entities, language access coordinators; report, Governor, Legislature.

5. The Commissioner of Human Services, Attorney General, and Chief Technology Officer shall provide guidance to the heads of State government entities and their respective language access coordinators in their implementation of this act, P.L.2023, c.263 (C.52:14-40 et seq.). The guidelines for implementing the provisions of this section shall include, but may not be limited to:

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

b. solicitation of feedback and comments from each State government entity, the immigrant and refugee communities, and translation and interpretation contractors annually on the effectiveness of this act;

c. development and transmission of an annual report to the Governor, and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), with recommendations for how each State government entity is performing and implementing the provisions of this act, including a list of agencies that required a corrective plan, with the first report to be issued on January 10, 2026;

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

e. development of language access plan written guidance based on the provisions of this act, for distribution to all State government entities for their use in developing, implementing, and reporting on their language access plans, and ensuring that each State government entity submits a language access plan when due that contains the required content; and

f. development of the list of seven languages that all State government entities shall use in their implementation of this act, which shall be based on American Community Survey data and updated every year or every five years upon the release of that data.

C.52:14-45 State government entity, community-based organizations, other agencies, partnering, translation, interpretation services.

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

b. Nothing in this act, P.L.2023, c.263 (C.52:14-40 et seq.), shall be interpreted to prohibit a State government entity in the Executive Branch that provides direct services to the public from utilizing an existing or future contract to effectuate the provisions of this act.

C.52:14-46 State government entity, in-person translation services, requirements unaffected; construction of act.

7. Nothing in this act, P.L.2023, c.263 (C.52:14-40 et seq.), shall be interpreted to remove any requirements by any State government entity to provide for direct in-person translation services to a member of the public, or for the translation of any materials in the Spanish language or any additional languages, as may be required by law. Nothing in this act shall prevent a State government entity from providing interpretation and translation services to any

limited-English proficient individuals who speak any language, even if that language is not among the seven most common non-English languages spoken in this State. Failure to comply with this act shall not give rise to a right of action against a State government entity, but nothing in this act shall be interpreted to impair or affect any right under the New Jersey Law Against Discrimination, P.L.1945, c.169 (C.10:5-1 et seq.), or any other obligation of a State government entity in the Executive Branch under State or federal law.

C.52:14-47 State government entity, benefits, services applicant, information strictly necessary, eligibility determination.

8. A State government entity may require that an applicant for its benefits or services or any person assisting such applicant in seeking benefits or services provide only the information strictly necessary to determine eligibility for or to administer such benefits or services. Nothing in this act, P.L.2023, c.263 (C.52:14-40 et seq.), shall require that a State government entity accept responses to an application, form, or other document submitted to that entity in a language other than English unless otherwise required by law.

9. This act shall take effect immediately.

Approved January 12, 2024.