

## SUMMARY

This ordinance amends Chapter 23 of the 2019 Detroit City Code, *Human Rights*, by adding Article X, *Citywide Language Access Policy*, to include Section 23-10-1, *Definitions*, Section 23-10-2, *Language access requirements; department specific plan; City wide plan, and management and approval of plans*, Section 23-10-3, *Language access grievance*, Section 23-10-4, *Violations*, Section 23-10-5, *Annual report*, and Section 23-10-6, *No private right of action*, to establish a language access plan in the City to provide for the effective delivery of City services.

**BY COUNCIL MEMBER \_\_\_\_\_ :**

**AN ORDINANCE** to amend Chapter 23 of the 2019 Detroit City Code, *Human Rights*, by adding Article X, *Citywide Language Access Policy*, to include Section 23-10-1, *Definitions*, Section 23-10-2, *Language access requirements; department specific plan; City wide plan, and management and approval of plans*, Section 23-10-3, *Language access grievance*, Section 23-10-4, *Violations*, Section 23-10-5, *Annual report*, and Section 23-10-6, *No private right of action*, to establish a language access plan in the City to provide for the effective delivery of City services.

**IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT THAT:**

**Section 1.** Chapter 23 of the 2019 Detroit City Code, *Human Rights*, be amended by adding Article X, *Citywide Language Access Policy*, to consist of Section 23-10-1 through Section 23-10-6, to read as follows:

## **CHAPTER 23. HUMAN RIGHTS**

### **ARTICLE X. CITYWIDE LANGUAGE ACCESS POLICY**

#### **Sec. 23-10-1. Definitions.**

For purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*Direct public services* means services, benefits, or encounters administered by a City department directly related to program beneficiaries or participants.

*Interpretation services* means various methods used to provide verbal communication and information in different languages. These services may include bilingual staff, interpreters, telephone interpreter programs, video or virtual interpretation services, and external interpreter programs.

Language Services refers to services that enable individuals with limited English proficiency to understand and communicate effectively in their preferred language as necessary to ensure equal access to direct public services and vital public documents, including offering interpretation and translation services.

Limited English Proficiency (LEP) means someone who is not able to speak, read, write or understand the English language at a level that allows such person to interact meaningfully with employees that administer direct public services. Individuals identified in this Article maintain the right to self-identify as an LEP person, as well as the right to indicate their preferred language

Meaningful access means the ability to receive information and to participate in and benefit from public services offered by a City department.

Public facing department means any department that interfaces directly with City residents on a daily basis.

Qualified Translator means an individual who is able to accurately translate important and necessary information regarding direct public services in a manner that affords individuals meaningful access.

Substantial Number of Limited English Speaking Persons means LEP persons who are members of a population consisting of more than 200 residents who speak a shared language that is not English, as those languages are determined based on various sources, including but not limited to United States Census data, City department intake data, schools and data on telephonic language translation service requests or usage.

Translation means the rendering of written communication from English to another language by a qualified translator.

Vital public documents means those documents most commonly available to the public that contain or elicit important and necessary information regarding direct public services, including but not limited to:

- 1) Applications or forms to participate in a department's program or activity or to receives its benefits or services;
- 2) Written notices of rights to, determination of eligibility for, award of, denial of, loss of, or decreases in benefits or services including the right to appeal any department's decision;
- 3) Written tests, other than tests that assess English language competency;
- 4) Notices advising LEP persons of available language assistance; and
- 5) Materials, including publicly posted documents, explaining a department's services or programs; or complaint forms.

**Sec. 23-10-2. Language access requirements; department specific plan; City wide plan, and management and approval of plans.**

(a) All City departments who provide direct public services or are public facing departments shall ensure meaningful language access to their direct public services for populations which qualify as a substantial number of limited English speaking persons, in compliance with the City of Detroit's language access plan and the department specific language access plan.

(b) The City of Detroit department specific language access plan for populations consisting of a substantial number of limited English speaking persons shall include at a minimum:

- (1) Identification and translation of vital public documents for recognized LEP, Spanish, Arabic, and French speaking populations, or at the request of at least one member of any other qualifying population;

(2) Interpretation services for direct public services, in person, by phone, or online for recognized LEP Spanish, Arabic, and French speaking populations, or at the request of at least one member of any other qualifying population;

(3) Informing LEP individuals in clearly visible locations about their right to free translation and interpretation services through, but not limited to outreach documents, the City's website, signage, visual aids, and other materials; and

(4) Identify a designated employee to oversee the execution of the department-specific plan.

(c) All City departments who are required to submit a department specific language access plan shall submit the department specific language access plan to the Human Rights department for approval in accordance with Section 23-10-2(g) of this Code, and promptly inform the Human Rights department of any proposed update to such plan.

(d) All department-specific language access policies shall be submitted to the Human Rights department for review and approval within 60 days of the effective date of this ordinance. departments shall submit any proposed amendments to approved department specific plans to the Human Rights department for approval before implementing any changes.

(e) The following information shall be taken into account when developing the department specific plan:

(1) The number or proportion of LEP persons served;

(2) The frequency with which LEP persons come into contact with each public-facing department;

(3) The nature and importance of the program, activity, or service to the LEP person, including consequences due to lack of language access; and

(4) The resources available to the department and the costs associated with providing language services;

(f) The Human Rights departments shall approve and ensure each department is in compliance with the department's department specific language access plan.

(g) The Human Rights department shall create a City wide language access plan that applies to all departments for populations consisting of a substantial number of limited English speaking persons. The City wide language access plan shall include, at a minimum:

(1) A plan to provide public services at no additional cost to the public in any non-English language spoken by a substantial number of limited English speaking persons;

(3) A plan to ensure availability and competency of interpreters and translation services; and

(4) A plan to conduct annual training of frontline workers and managers of public facing departments on language access policies and procedures.

(h) Public facing departments involved in health related emergencies, disaster-related activities, and all other crisis situations should include language service protocols in the department's policies in relation to the City's language Access plan, including but not limited to, the translation of warning signs or public service announcements for such situations

### **Sec. 23-10-3. Language Access Grievance**

(a) In furtherance of the City's commitment to providing effective language services, the Human Rights department shall promulgate procedures, pursuant to Section 2-111 of the Charter, for individuals to submit a grievance in relation to the language services offered or

provided. Such grievances may be on the type, effectiveness, or quality of language services made available, or the denial of such services.

(b) Grievances must be submitted in writing, including, but not limited to, a form available on the City website, or via mail.

(c) The Human Rights department will make a record of the resolution of the grievances and specify which action, if any, was undertaken by the department in response to the grievance

**Sec. 23-10-4. Violations.**

(a) Failure to comply with the provisions of this Article constitutes a violation of this Chapter.

**Sec. 23-10-5. Compliance report; annual report.**

(a) One year after implementation of this ordinance and by the end of each fiscal year thereafter, the Human Rights department shall prepare a compliance report.

(b) The compliance report shall include the following information compiled by the Human Rights department, with the cooperation of each City department:

(1) A list of current language services offered by the City; including by not limited to:

a. A summary of all translation and interpretation services provided over the past year, including the total number of language services requests fulfilled, the number of requests by department, and the number of requests by language types; and

b. A list of the department's written materials that have been translated under this Article, and the language(s) into which they have been translated.

(3) A description of the employee development and training strategy utilized in the preceding year and any changes to the strategy for the current year;

(4) A list of strategic goals for the upcoming year, and an assessment of success at meeting the previous year's strategic goals; and

(5) Data submitted by each department that includes but is not limited to:

a. Annual expenditures from the previous fiscal year for services related to language access, broken down by department; and

b. A list of the department's written materials that have been translated under this Chapter, and the language(s) into which they have been translated.

(c) The Human Rights department shall submit an annual report to City Council at the start of each fiscal year, to include complaints regarding language assistance and the number of people who utilized each type of translation and interpretation service(s) offered by the City during the prior year.

(d) The compliance report and annual report shall be posted on the Human Rights department website.

**Sec. 23-10-6. No private right of action.**

Nothing in this article, or the Administration or application thereof, shall be construed to create a private right of action on the part of any person or entity against the City or any agency, official, or employee thereof.

**Secs. 23-10-7 – 23-10-20. Reserved.**

**Section 2.** All ordinances, or parts of ordinances, that conflict with this ordinance are repealed.



**Section 3.** This ordinance is declared necessary for the preservation of the public peace, health, safety, and welfare of the People of the City of Detroit

**Section 4.** Where this ordinance is passed by a two thirds (2/3) majority of City Council Members serving, it shall be given immediate effect and shall become effective upon publication in accordance with Section 4-118(1) of the 2012 Detroit City Charter. Where this ordinance is passed by less than two thirds (2/3) majority of City Council Members serving, it shall become effective thirty (30) days after publication in accordance with Section 4-118(2) of the 2012 Detroit City Charter.

**Approved as to form:**

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Conrad L. Mallett  
Corporation Counsel