

File No. 230868

Committee Item No. 1

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

Date May 13, 2024

Board of Supervisors Meeting

Date _____

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- Memorandum of Understanding (MOU)
- Grant Information Form
- Grant Budget
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- Contract/Agreement
- Form 126 - Ethics Commission
- Award Letter
- Application
- Form 700
- Information/Vacancies (Boards/Commissions)
- Public Correspondence

OTHER (Use back side if additional space is needed)

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Completed by: Victor Young

Date May 9, 2024

Completed by: _____

Date _____

1 [Administrative, Campaign and Governmental Conduct Codes - Language Access Ordinance]

2
3 **Ordinance amending the Administrative Code to amend the Language Access**
4 **Ordinance to clarify Departments' responsibilities to provide language access services**
5 **to members of the public, and to clarify the role of the Office of Civic Engagement and**
6 **Immigrant Affairs in administering the Language Access Ordinance; to require**
7 **language access service be provided in Chinese, Spanish, Filipino, and any other**
8 **language for which the requisite number of persons qualifies as a Substantial Number**
9 **of Limited English Proficient Persons; to lower the threshold amount for the requisite**
10 **number of persons needed to meet the definition of Substantial Number of Limited**
11 **English Proficient Persons; to amend the formula for determining when a language**
12 **becomes eligible for language access services; to require Departments to translate**
13 **signage; to require Departments to translate digital content provided on digital**
14 **platforms; to clarify that crisis situations also includes but is not limited to pandemics,**
15 **refugee relief, and disaster-related activities emergency response, and public safety**
16 **incidents that impact and effect the community; to require departments that provide**
17 **emergency response services in the event of a crisis situation or disaster-related**
18 **services, involving an immediate threat of serious harm, mass casualties, conditions**
19 **of natural disaster, or conditions posing extreme peril to the safety of persons and**
20 **property to provide language access services; to rename the Annual Compliance Plan**
21 **to Annual Compliance Report; to impose requirements for the Language Access**
22 **Ordinance Summary Report; to require Departments to inform members of the public**
23 **of their right to file a complaint, and of a process for providing feedback on the**
24 **Department's Language Access Services; to require Office of Civic Engagement and**
25 **Immigrant Affairs to create a know-your-rights brochure; to require Departments'**

1 posting notice of the availability of Language Access Services and a know-your-rights
2 brochure; to require Departments to budget and plan for delivery of Language Access
3 Services; to require Office of Civic Engagement and Immigrant Affairs to prepare an
4 investigation summary report of each investigation that will include findings and
5 recommendation to address the issues raised, and to create and maintain a website for
6 the posting of investigation summary reports; and to delete the financial disclosure
7 requirement for Immigrant Rights Commission members.

8 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
9 **Additions to Codes** are in *single-underline italics Times New Roman font*.
10 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
11 **Board amendment additions** are in double-underlined Arial font.
12 **Board amendment deletions** are in ~~strikethrough Arial font~~.
13 **Asterisks (* * * *)** indicate the omission of unchanged Code
14 subsections or parts of tables.

15 Be it ordained by the People of the City and County of San Francisco:

16 Section 1. Chapter 91 of the Administrative Code is hereby amended by revising
17 Sections 91.1, 91.2, 91.4, 91.5, 91.7, 91.8, 91.9, 91.10, 91.11, 91.12, 91.13, 91.14, 91.15,
18 91.16, ~~and~~ 91.17, and 91.18, to read as follows:

19 **SEC. 91.1. PURPOSE AND FINDINGS.**

- 20 (a) Title. This Chapter 91 shall be known as the "Language Access Ordinance."
- 21 (b) Findings.

22 (1) The City and County of San Francisco ("the City") seeks to ensure a safe,
23 inclusive, and equitable environment where every person, regardless of immigration status or language
24 spoken can readily access information about City services and programs.

25 (2) ~~The Board of Supervisors finds that~~ San Francisco provides an array of services
and information that can be made accessible to persons who are not proficient in the English

1 language, or for whom English is not their primary language. The City of San Francisco is
2 committed to providing equal access to information about City services and programs ~~improving the~~
3 ~~accessibility of these services~~ by providing language access services, including language interpretation
4 and written translations. ~~and providing equal access to them.~~

5 (32) ~~The Board finds that~~ Despite a long history of commitment to language
6 access as embodied in federal, state, and local law, beginning with the landmark Civil Rights
7 Act of 1964, there is still a significant gap in providing ~~the provision of~~ governmental services
8 and programs to Limited English Proficient (“LEP”) p~~Persons~~ ~~limited-English language speakers.~~

9 (43) In 1973, the ~~California State~~ Legislature adopted the Dymally-Alatorre
10 Bilingual Services Act, which required certain state and local agencies to provide language
11 services to ~~non-English speaking LEP Persons~~ people who comprise 5% or more of the total state
12 population whenever they serve a Substantial Number of Non-English Speaking People and
13 to hire a sufficient number of bilingual staff.

14 (54) In 1999, the California State Auditor concluded that ~~80% of some~~ state
15 agencies were not in compliance with the Dymally-Alatorre Bilingual Services Act; ~~therefore,~~
16 not providing equitable services to people who require bilingual assistance. ~~and many of the audited~~
17 ~~agencies were not aware of their responsibility to translate materials for non-English speakers.~~

18 (65) In 2001, in response to these findings, the ~~San Francisco Board of~~
19 ~~Supervisors~~ City enacted the Equal Access to Services Ordinance, Ordinance No. 126-01, which
20 required major departments to provide ~~language translation services~~ language access services to
21 ~~limited-English LEP Persons~~ proficiency individuals who comprise 5% or more of the total city
22 population.

23 (76) In 2009, in Ordinance No. 202-09, the ~~The Board~~ City enacted a number of
24 significant changes to the ~~Ordinance,~~ in 2009 and renamed renaming it the Language Access
25 Ordinance, and assigning roles and responsibilities for implementation and compliance to the Office

1 of Civic Engagement and Immigrant Affairs (“OCEIA”) and the Immigrant Rights Commission. Since
2 amendment of the Language Access Ordinance ~~was amended~~ in 2009, City ~~D~~departments have
3 made significant progress in providing language access services ~~improved access to services.~~ ~~The~~
4 ~~Board finds, however, that~~ However, as of 2023, significant gaps remain in language access
5 consistency, quality, budgeting, and implementation across ~~d~~Departments.

6 (8) The COVID-19 pandemic and health emergency highlighted the barriers to language
7 access services and inequities for many LEP Persons. The pandemic made it clear that City
8 departments must prioritize language access services during health-related emergencies, disaster-
9 related activities, and all other public safety crisis situations. A community-focused approach to
10 language access services ensures that residents can receive information about City programs and
11 services, including public service announcements, to effectively communicate with City agencies,
12 policymakers, and elected officials.

13 (9~~7~~) Since the Covid-19 pandemic, the City’s use of digital services, web-based content,
14 and on-line mediums for providing information about City programs and services has increased. To
15 meet the needs of City residents, the City’s language access services must also expand to those media
16 to make them accessible to LEP Persons.

17 (10) In 2023, the Legislature amended the Dymally-Alatorre Bilingual Services
18 Act to require translation services in emergency situations, involving an immediate threat of
19 serious harm or mass casualties, including conditions of natural disaster or conditions posing
20 extreme peril to the safety of persons and property. The Legislature’s amendments were in
21 response to critical incidents that severely impacted communities. In January 2023, mass
22 shootings in Half Moon Bay and Monterey Park impacted communities of color where English
23 was not the primary language spoken and concerns were raised as to whether vital
24 information was being effectively communicated. In March 2023, the broken levee in Monterey
25 County flooded the entire town of Pajaro and forced more than 2,000 people to evacuate.

1 Various news media documented the local agencies' failure to provide language services to
2 communicate vital information on safety and access to recovery with impacted communities.
3 The Legislature's amendments expanded the Act's application to cover all languages spoken
4 jointly by 5% or more of the population whenever 5% of those affected also speak English
5 less than "very well."

6 (4011) Despite the City's progress in providing language access services, ~~The Board~~
7 finds that as of ~~2023~~2024 there are still gaps in language services ~~access can seriously~~ affecting
8 San Francisco's ~~the City's~~ ability to serve all of its residents, ~~and provide timely access to~~
9 information to enable full participation in City services and programs.

10 (4112) The United States Census Bureau's ~~2008-2012~~ 2017-2021 2018 - 2022
11 American Community Survey ("ACS") reveals that ~~36.3~~34.4 33.9% of San Franciscans are
12 foreign-born and ~~45.2~~42.7 42.9% over the age of five ~~can~~ speak a language other than English
13 at home. More than ~~112~~ 127 languages are spoken in the San Francisco Bay Area with at
14 least ~~28~~ 109 different languages spoken in the City alone.

15 (4213) Historically, the City has offered language access services in ~~Three~~
16 languages ~~currently have at least 10,000 or more Limited English Persons~~ LEP Persons: Chinese,
17 Spanish and ~~Filipino~~ Tagalog. ~~Among~~ According to the ~~2017-2021~~ 2018-2022 ACS, ~~the~~ 2118.8
18 18.9% of the total City population who self-identify as LEP Persons ~~limited English speakers~~, 57
19 56.7 56.4% are Chinese speakers, 23.7 20.5 20.3% are Spanish speakers, 65% are Tagalog
20 Filipino speakers, 4.4 4.4% are Vietnamese speakers, and 3.35 3.16% are Russian speakers. 5% are
21 Russian speakers, and 3.8% are Vietnamese speakers.

22 (4314) While the City remains a national leader in language access, much remains to
23 be done to continue fighting for full inclusion of our LEP community. The City must continue to make
24 every effort to ensure City departments comply with the Language Access Ordinance and removes
25 barriers to participation in City processes by increasing bilingual staffing levels and language services

1 budgets; improving accessibility through continued digital and telephonic language services; and
2 increasing language services planning and coordination for public health crises, disasters, and
3 emergencies.

4 **SEC. 91.2. DEFINITIONS.**

5 As used in this Chapter 91, the following capitalized terms shall have the following
6 meanings:

7 "Advisory Body" shall mean a body other than a City Board or City Commission that
8 is created by ordinance for the purpose of providing policy advice to the Board of Supervisors,
9 the Mayor, or City Departments.

10 "Annual Compliance ~~Plan~~Report" is set forth in Section 91.11 of this Chapter.

11 "Bilingual Employee" shall mean a City employee who is fluent in both English and a
12 second language and who is able to conduct the department's business in both languages. A
13 bilingual employee shall include a City employee who (i) is in a classification that provides
14 information or direct services to the public requiring language proficiency in English and a
15 second language; or (ii) is either a certified interpreter or translator by the Department of
16 Human Resources or accredited training or academic institution; or (iii) receives premium pay
17 and regularly ~~and continuously~~ uses the second language in ~~his or her~~their city employment; or
18 (iv) is self-designated as competent in a second language for purposes of sporadic translation
19 services.

20 "City" shall mean the City and County of San Francisco.

21 "City Boards" shall mean all boards listed in Campaign and Governmental Conduct
22 Code Section 3.1-103(a)(1), as amended from time to time.

23 "City Commissions" shall mean all commissions listed in Campaign and
24 Governmental Conduct Code Section 3.1-103(a)(1), as amended from time to time.

25 "Commission" shall mean the Immigrant Rights Commission.

1 ~~—"Concentrated Number of Limited English Speaking Persons" shall mean either 5% of the~~
2 ~~population of the District in which a Covered Department Facility is located or 5% of those persons~~
3 ~~who use the services provided by the Covered Department Facility. The Office of Civic Engagement~~
4 ~~and Immigrant Affairs ("OCEIA") shall determine annually whether 5% or more of the population of~~
5 ~~any District in which a Covered Department Facility is located are Limited English Speaking Persons~~
6 ~~who speak a shared language other than English. OCEIA shall make this determination by referring to~~
7 ~~the best available data from the United States Census Bureau or other reliable source and shall certify~~
8 ~~its determination to all City Departments and the Commission no later than January 31st of each year.~~
9 ~~Each Department shall determine annually whether 5% or more of those persons who use the~~
10 ~~Department's services at a Covered Department Facility are Limited English Speaking Persons who~~
11 ~~speak a shared language other than English and report that determination in the Department's Annual~~
12 ~~Compliance Plan. Departments shall make this determination using one of the following methods:~~
13 ~~—(1) Conducting an annual survey of all contacts with the public made by the Department~~
14 ~~during a period of at least two weeks, at a time of year in which the Department's public contacts are to~~
15 ~~the extent possible typical or representative of its contacts during the rest of the year, but before~~
16 ~~developing its Annual Compliance Plan required by Section 91.11 of this Chapter; or~~
17 ~~—(2) Analyzing information collected during the Department's intake process for all clients,~~
18 ~~including walk-ins and scheduled appointments. The information gathered using either method shall~~
19 ~~also be broken down by Covered Department Facility to determine whether 5% or more of those~~
20 ~~persons who use the Department's services at a Covered Department Facility are Limited English~~
21 ~~Speaking Persons who speak a shared language other than English; or~~
22 ~~—(3) Analyzing and calculating the total annual number of requests for telephonic language~~
23 ~~translation services categorized by language that Limited English Speaking Persons make to the~~
24 ~~Department based on the Department's telephonic translation services monthly bills, official telephone~~
25 ~~logs, or any other reasonable method used for data collection.~~

1 ~~—"Covered Department Facility" shall mean any Department building, office, or location that~~
2 ~~provides direct services to the public and serves as the workplace for 5 or more full-time City~~
3 ~~employees.~~

4 "Department" shall mean any City ~~D~~department, agency, or office with a service or
5 program that provides information or services directly to the public, or interacts with the public.

6 "Department's Service or Program" shall mean anything a ~~City~~ Department ~~or office~~
7 provides that involves direct services to the public as part of ongoing operations and those
8 direct services administered by the Department, ~~agency, or office~~ for program beneficiaries and
9 participants. Activities include, but are not limited to, information provided to or communication
10 with the public, spaces or department facilities used by the public, and programs that provide
11 ~~d~~Direct ~~s~~Services to the ~~p~~Public.

12 "Direct Services to the Public" shall mean any service that requires City employees to
13 provide responses to inquiries about official documents, licenses, financial matters, and
14 benefits that are related to the public's health, safety, and general welfare.

15 "Districts" shall refer to the 11 geographical districts by which the people of the City
16 elect the members of the ~~City's~~ Board of Supervisors.

17 "Emerging Language Population" shall mean any new or smaller language population
18 that is at least 2.5% of persons who share a primary language other than English, or for whom there
19 are identified language access needs. ~~but less than 5% of the population who use a Department's~~
20 ~~services, or at least 5,000 but less than 10,000 City residents, who speak a shared language other than~~
21 ~~English.~~

22 "First Responders" shall mean all City Departments that respond to crisis situations as set
23 forth in Section 91.9.

1 “Interpretation” means a live service that communicates information from one language into
2 another language that is provided in the moment through oral or gestured means. The live service may
3 be provided either through simultaneous or consecutive interpretation of the original speech.

4 "Language Access Services" shall mean translation and interpretation of oral or spoken
5 information services that is accessible and enables communication with persons for whom English is
6 not their primary language or for persons who have a greater capacity for speaking or writing a
7 language other than English. This may also include, interpretation of communications provided
8 through oral, video, remote, or telephonic mediums. ~~for both verbal and written communication.~~

9 "Limited English ~~Proficient Speaking~~ Person" or “LEP Person” shall mean an individual
10 who does not speak, read, understand, or communicate English, ~~well~~ or is otherwise unable to
11 communicate effectively in English because English is not the individual's primary language,
12 or prefers to conduct the interaction in their native language.

13 "OCEIA" shall mean the Office of Civic Engagement ~~&and~~ Immigrant Affairs or any
14 successor agency.

15 "Public Contact or Public Information Position" shall mean a position, a primary job
16 responsibility of which consists of meeting, contacting, and dealing with the public in the
17 performance of the duties of that position.

18 “Public Service Announcement” means vital information to the public about the
19 Department’s services or programs.

20 “Required languages” shall mean Language Access Services in Chinese, Spanish, Filipino,
21 and any other language for which the requisite number of persons qualifies as a Substantial Number of
22 Limited English Proficient Persons.

23 "Substantial Number of Limited English ~~Proficient-Speaking~~ Persons" shall mean, prior
24 to January 1, 2026, 10,000 City residents with limited English proficiency ~~LEP Limited English~~
25 Speaking City residents, who speak a shared language other than English. The City will provide

1 Language Access Services to a Substantial Number of Limited English Proficient Persons. OCEIA
2 shall determine annually whether at least 10,000 ~~Limited English speaking~~ LEP Persons ~~City~~
3 ~~residents~~ speak a shared language other than English in order that their shared language will
4 render them eligible for Language Access Services in that language. OCEIA shall make this
5 determination by referring to the best available data from the United States Census Bureau or
6 other reliable source and shall certify its determination to Departments and the Commission
7 no later than January 31~~st~~ of each year or an annual date as determined by OCEIA. Prior to
8 certifying any new language as set forth in this ~~subsection~~ definition, OCEIA shall comply with
9 the provisions in ~~Chapter~~Section 91.16(~~de~~). Starting January 1, 2026, the number 6,000 shall
10 replace the number 10,000 as the annual threshold amount in this definition.

11 “Translation” means any written communication of information from one language into
12 another language.

13 **SEC. 91.4. UTILIZATION OF BILINGUAL EMPLOYEES.**

14 (a) Utilizing sufficient Bilingual Employees in public contact or public information
15 positions, Departments shall provide information and services to the public in ~~each~~ the required
16 languages, languages spoken by a Substantial Number of Limited English ~~Speaking~~ Proficient
17 Persons, or to the public served by ~~a Covered Department Facility~~ their respective Department in
18 each language spoken by ~~a Concentrated Number of Limited English Speaking~~ LEP Persons.
19 Departments comply with their obligations under this Section 91.4 if they provide the same
20 level of service to ~~Limited English Speaking~~ LEP Persons as they provide English speakers.

21 (b) Departments may consider hiring Bilingual Employees for public contact or public
22 information positions made available through retirement or normal attrition. Departments may
23 also consider recruiting culturally and linguistically qualified bilingual employees to provide language
24 services for both translation and interpretation. Nothing herein shall be construed to authorize the
25 dismissal of any City employee in order to carry out the Language Access Ordinance.

1 (c) Departments shall maintain an up-to-date list of employees and languages the
2 Department offers through the use of Bilingual Employees.

3 ~~(c) Prior to July 1, 2016, this Section 91.4 shall not apply to Departments that are required~~
4 ~~under Section 91.12(a) to submit their initial Compliance Plans on October 1, 2016. Thereafter, this~~
5 ~~Section shall apply to all City Departments.~~

6 **SEC. 91.5. TRANSLATION OF MATERIALS, ~~AND~~ SIGNAGE, AND DIGITAL**
7 **CONTENT.**

8 (a) ~~Except as provided in subsection 91.5(g),~~ **Translation of Materials.** Departments
9 shall translate the following written materials that provide vital information to the public about
10 the Department's services or programs into the require languages or language~~s~~^s spoken by a
11 Substantial Number of ~~Limited-English Speaking~~ **LEP** Persons: applications or forms to
12 participate in a Department's program or activity or to receive its benefits or services; written
13 notices of rights to, determination of eligibility for, award of, denial of, loss of, or decreases in
14 benefits or services, including the right to appeal any Department's decision; written tests that
15 do not assess English language competency, but test competency for a particular license or
16 skill for which knowledge of written English is not required; notices advising ~~Limited-English~~
17 ~~Speaking~~ **LEP** Persons of free language assistance; materials, including publicly-posted
18 documents, explaining a Department's services or programs; complaint forms; any other
19 written documents related to direct services to the public that could impact the community or
20 an individual seeking services from or participating in a program of a Department. Upon
21 request, a LEP Person may request written materials that provide vital information to the
22 public about the Department's services or programs into a language not captured by the
23 required languages. ~~Notwithstanding the requirements of this subsection 91.5(a), translation of~~
24 ~~public hearing notices, agendas, and minutes shall be governed by Section 91.7 of this Chapter.~~

1 (b) Signage. Departments that post signage that provides information to the public
2 ~~with respect to the~~ that relates to the Department's Service or Program shall ~~make good faith efforts~~
3 ~~to~~ translate those materials in the required languages or languages as prescribed by a
4 Substantial Number of ~~Limited English Speaking~~ LEP Persons.

5 (1) Departments shall prioritize the translation of written materials by giving highest
6 priority to vital information and materials ~~and information~~ that affects benefits, eligibility, public
7 safety, health, and critical services.

8 (2) Departments shall post translated notices in the public areas of their facilities in
9 the relevant language(s) indicating that Language Access Services ~~written materials in the~~
10 ~~language(s) and staff who speak the language(s)~~ are available.

11 (3) Departments shall translate all signage posted in their facilities that is intended to assist
12 members of the public utilizing the Department's services or programs. Departments shall also
13 translate all signage posted in public spaces that is meant to inform the community about a service or
14 program or a benefit or change that impacts the community. The translated notices shall be posted
15 prominently and shall be readily visible to the public. Departments shall also provide translated
16 written materials, in a conspicuous location, providing information about the OCEIA complaint
17 process described in Section 91.10.

18 (c) Digital Content. Departments shall translate digital content that meets the parameters of
19 subsection 91.5(a) that they provide on digital platforms such as web sites, social media platforms,
20 third-party digital content providers, or various on-line mediums. Departments shall also translate all
21 public service announcements or information that raises awareness about an issue of public interest or
22 affects the community that they publish on websites, social media platforms, third-party digital content
23 providers, or various on-line mediums.

1 (de) Departments shall take a community-focused approach to ensure ~~that their~~ all
2 translations are accurate and appropriate for the target audience. Translations should match
3 literacy levels of the target audience.

4 (ef) Each Department shall designate a staff member responsible for ensuring that
5 all translations of the Department's written materials meet the accuracy and appropriateness
6 standard set in subsection (de) of this Section 91.5. Departments are encouraged to have their
7 staff check the quality of written translations, but where a Department lacks biliterate
8 personnel, the responsible staff member shall obtain quality checks from external translators.
9 Departments may contact OCEIA for assistance in locating a qualified translator or translation
10 equipment. Departments are also encouraged to solicit feedback on the accuracy and
11 appropriateness of translations from bilingual staff ~~at~~of community groups whose clients
12 receive services from the Department.

13 (g) ~~Prior to July 1, 2016, subsection 91.5(a) shall not apply to Departments that are~~
14 ~~required under Section 91.12(a) to submit their initial Compliance Plans on October 1, 2016.~~
15 ~~Thereafter, Section 91.5(a) shall apply to all City Departments. But prior to July 1, 2016, any~~
16 ~~Department not subject to subsection 91.5(a) shall translate into the language(s) spoken by a~~
17 ~~Substantial Number of Limited English Speaking Persons all publicly posted documents that provide~~
18 ~~information (1) regarding the Department's services or programs, or (2) affecting a person's rights to,~~
19 ~~determination of eligibility of, award of, denial of, loss of, or decreases in benefits or services.~~

20 **SEC. 91.7. PUBLIC MEETINGS AND HEARINGS.**

21 (a) Notwithstanding the requirements of any other provisions of Chapter 91, City Boards,
22 City Commissions, advisory bodies, and Departments shall translate meeting notices,
23 agendas, and minutes upon written request. When a City Board, City Commission, and
24 advisory body receives a written request for translated meeting minutes, the body shall
25

1 translate the meeting minutes only after the body adopts them and within a reasonable time
2 thereafter.

3 (b) City Boards, City Commissions, advisory bodies, and Departments shall provide
4 Language Access Services ~~oral interpretation or translation services~~ in the language the member of
5 the public requests at any public meeting or hearing, if requested at least 48 hours in advance
6 of the meeting or hearing.

7 **SEC. 91.8. RECORDED TELEPHONIC MESSAGES.**

8 All Departments with recorded telephonic messages about the Department's
9 operation or services shall maintain such messages in each language spoken by a
10 Substantial Number of ~~Limited English Speaking~~ LEP Persons, or where applicable, a
11 Concentrated Number of ~~Limited English Speaking~~ LEP Persons. Such Departments are
12 encouraged to include in the telephonic messages information about business hours, office
13 location(s), services offered and the means of accessing such services, and the availability of
14 Language Access Services ~~language assistance~~. The requirements of this Section 91.8 shall apply
15 only to recordings prepared by a Department to provide general information to the public
16 about the Department's operations and services, and shall not apply to voicemail recordings
17 on City employees' telephone lines.

18 **SEC. 91.9. CRISIS SITUATIONS.**

19 (a) All Departments involved in health-related emergencies, including but not limited to
20 pandemics, refugee relief, disaster-related activities, and all other crisis situations, ~~including~~
21 ~~but not limited to pandemics, emergency response, and public safety incidents that impact~~
22 ~~and effect the community~~, shall work with OCEIA to include Language Access Services ~~language~~
23 ~~service~~ protocols in the Department's Annual Compliance ReportPlan. During these events, crisis,
24 ~~emergency, and public safety situations~~, all Departments involved shall prioritize Language
25 Access Services and to the extent feasible ensure bilingual staff are present and available to

1 assist *Limited English Speaking LEP* Persons with critical needs. If ~~the crisis, emergency or public~~
2 ~~safety~~ *these* situations require the posting of warning signs, the Department shall translate
3 those signs in the required languages.

4 (b) By January 1, 2025, all Departments providing emergency response services,
5 including but not limited to the Police Department, Fire Department, and Department of
6 Emergency Management in the event of crisis situations and disaster-related activities,
7 involving an immediate threat of serious harm, mass casualties, conditions of natural disaster,
8 or conditions posing extreme peril to the safety of persons and property shall: (1) provide
9 language access services related to the emergency in English and in all languages spoken
10 jointly by 5% or more of the population that speaks English less than “very well”; (2) ensure
11 that the quality of information translated and provided to individuals that speak English less
12 than “very well” is as comprehensive, actionable, and timely as the information provided to
13 LEP persons; and (3) endeavor to utilize community members with the cultural competencies
14 and language skills necessary to effectively communicate with those that speak English less
15 than “very well” using, whenever feasible, native speakers of the relevant languages who also
16 speak English fluently. OCEIA shall reassess the data every five years to ensure that the
17 language or languages in which the Departments provide information are consistent with the
18 requirements of subsection (b)(1).

19 (c) Subject to the budgetary and fiscal provisions of the Charter, OCEIA shall develop
20 strategies for Departments to use in deploying rapid response Language Access Services to advise First
21 Responders serving the public in crisis situations as listed in Section 91.9(a). OCEIA shall collaborate
22 with Departments to ensure a community-focused approach is incorporated in the operation of rapid
23 response Language Access Services.

24 **SEC. 91.10. COMPLAINT PROCEDURE.**
25

1 (a) Complaint Process. OCEIA shall be responsible for accepting, investigating, and
2 resolving complaints from persons alleging violations of this Chapter 91. A person alleging
3 that a Department violated a provision of this Chapter may submit a complaint to OCEIA by
4 either: (1) completing and submitting a complaint form; ~~or~~ (2) calling OCEIA and speaking with
5 an employee who will document the complaint; or (3) designating another person or entity to
6 lodge the complaint on their behalf. Within ~~5~~five days of receiving the complaint, OCEIA shall
7 notify the Department and commence an investigation. OCEIA shall resolve all complaints
8 within 30 days of their receipt unless OCEIA finds good cause to extend the time for resolving
9 the complaint. OCEIA shall prepare a summary report of its investigation that will include findings
10 and recommendations to address the issues raised in the complaint, including ~~make a record of the~~
11 ~~resolution of the complaint and~~ what action, if any, was undertaken by the Department in
12 response to the complaint to ensure the Department's compliance with this Chapter 91 and
13 whether a Department cooperated or failed to cooperate with OCEIA's investigation.

14 (b) Department and City Board, City Commission, and Advisory Body's Complaint
15 Procedure. If a Department, a City Board, a City Commission, or an Advisory Body receives a
16 complaint from an individual, it shall immediately forward a copy of the complaint to OCEIA. In
17 addition, ~~#~~City Boards, City Commissions, and Advisory Bodies, shall cooperate in good faith with
18 OCEIA in resolving the complaint within the applicable time frame.

19 (c) Annual Tracking of Complaints and Summary Reports. Annually, OCEIA shall track
20 the number of complaints received ~~each year~~ and summary reports in progress and completed.
21 OCEIA shall ~~and~~ maintain copies of all complaints and summary reports ~~documentation of their~~
22 ~~resolution~~ for a period of not less than ~~5~~ five years.

23 (d) Quarterly Reports. On a quarterly basis, OCEIA shall submit a written report to
24 the Board of Supervisors and the Commission containing the following information: (1) the
25 number of complaints filed during that quarter, including an analysis of individual cases with

1 departmental trends; (2) the number of complaints filed for the year-to-date; (3) a comparison
2 of those numbers with the filings for the previous year; ~~and~~ (4) a brief description of the nature
3 of each complaint filed, including the Department named in the complaint, and (5) OCEIA's
4 summary report of its investigation with findings and recommendations. ~~violation alleged, the proposed~~
5 ~~intervention, whether the complaint was resolved or remains open, and what, if any, measures were~~
6 ~~implemented by the Department in response to the complaint.~~

7 **SEC. 91.11. ANNUAL COMPLIANCE REPORTPLAN.**

8 Using information collected during the preceding fiscal year beginning July 1 and
9 ending June 30, each Department shall draft an Annual Compliance ReportPlan including the
10 following information:

11 (a) A description of the Department's language access policy;

12 (b) The language services offered by the Department;

13 (c) The number and percentage of people who are Limited English Speaking LEP
14 Persons who use the Department's services Citywide; ~~listed by language other than English,~~
15 ~~using a method described in the definition of Concentrated Number of Limited English Speaking~~
16 ~~Persons in Section 91.2 of this Chapter. Departments must include a description of the methodology or~~
17 ~~data collection system used to make this determination;~~

18 (d) A roster of bilingual employees, their titles, office locations, the language(s) other
19 than English that they persons speak; excluding those bilingual employees who are self-
20 designated as competent in a second language other than English;

21 (e) The name and contact information of the Department's language access
22 coordinator;

23 (f) A description of any use of telephone-based interpretation services, including the
24 number of times telephone-based interpretation services were used, the language(s) for which
25

1 they were used, and the number of times bilingual employees provided in-person
2 interpretation services;

3 (g) An explanatory assessment of the procedures used to facilitate communication
4 with ~~Limited English Speaking~~ LEP Persons, which shall include, but is not limited to, an
5 evaluation of the following (1) the content of recorded telephonic messages provided to the
6 public and the language of the message; (2) telephone requests for translation or
7 interpretation services; (3) in-person requests for translation or interpretation services; and (4)
8 public notices of the availability of translation or interpretation services upon request;

9 (h) Ongoing employee development and training strategy to maintain well trained
10 bilingual employees and general staff. Employee development and training strategy should
11 include a description of quality control protocols for bilingual employees; and a description of
12 language service protocols for ~~Limited English Speaking~~ LEP Persons in crisis situations as
13 outlined in Section 91.9;

14 (i) If the Department determines that additional bilingual employees are needed to
15 meet the requirements of Section 91.4 ~~of this Chapter~~, the Department must provide a
16 description of its plan for meeting those requirements;

17 (j) The name, title, and language(s) other than English spoken, if any, by the staff
18 member designated with responsibility for ensuring the accuracy and appropriateness of
19 Language Access Services ~~translations~~ for each language in which services must be provided
20 under this Chapter 91;

21 (k) A list of the Department's written materials that have been translated under this
22 Chapter 91, the language(s) into which they have been translated, and the persons who have
23 reviewed the translated material for accuracy and appropriateness;

24 (l) The Department's written policies on providing services to ~~Limited English~~
25 ~~Speaking~~ LEP Persons;

1 (m) A list of goals for the upcoming year and, for all Annual Compliance Reports
2 Plans except the first, an assessment of the Department's success at meeting last year's
3 goals;

4 (n) Annual expenditures from the previous fiscal year for services that are related to
5 language access, including:

6 (1) Compensatory pay for bilingual employees who perform bilingual services,
7 excluding regular annual salary expenditures;

8 (2) Telephonic interpretation services provided by City vendors;

9 (3) Document translation services provided by City vendors;

10 (4) On-site language interpretation services provided by City vendors;

11 (5) The *total projected Department's* budget for Language Access Services and
12 projected budget to support progressive implementation of the Department's Annual Compliance
13 Report language service plan;

14 (o) A summary of changes between the Department's previous Annual Compliance
15 ReportPlan submittal and the current submittal, including but not limited to: (1) an explanation
16 of strategies and procedures that have improved the Department's ~~language services~~ Language
17 Access Services from the previous year; and (2) an explanation of strategies and procedures
18 that did not improve the Department's language services and proposed solutions to achieve
19 the overall goal of this Language Access Ordinance; and

20 (p) Any other information OCEIA deems appropriate for the implementation of this
21 Chapter 91.

22 **SEC. 91.12. ANNUAL COMPLIANCE REPORTSPLANS SUBMITTALS, LANGUAGE**
23 **ACCESS ORDINANCE SUMMARY REPORT, AND RECOMMENDATIONS FOR**
24 **EMERGING LANGUAGE POPULATIONS.**

1 (a) Annual Compliance Reports Plans Submittals. All Departments shall submit their
2 Annual Compliance Report on October 1 of each year to OCEIA. All of the following entities shall
3 submit their 2014-2015 Annual Compliance Plan on October 1, 2015, and thereafter October 1st of
4 each year: Adult Probation Department, City Hall Building Management, Department of Building
5 Inspection, Department of Elections, Department of the Environment, Department of Emergency
6 Management, Department of Human Services, Department of Public Health, Department of Public
7 Works, District Attorney's Office, Fire Department, Human Services Agency, Juvenile Probation
8 Department, Mayor's Office of Economic and Workforce Development, Municipal Transportation
9 Agency, Office of the Assessor-Recorder, Office of the Treasurer and Tax Collector, Planning
10 Department, Police Department, Public Defender's Office, Public Utilities Commission, Recreation
11 and Park Department, Residential Rent Stabilization and Arbitration Board, San Francisco
12 International Airport, San Francisco Public Library, San Francisco Zoo, and Sheriff's Office. All other
13 Departments shall file their initial Compliance Plan on October 1, 2016, and thereafter October 1st of
14 each year. The Director of each Department or his or her designee shall approve and submit an Annual
15 Compliance Plan that includes the required data and budget information with OCEIA.

16 (b) Language Access Ordinance Summary Report. ~~Beginning on~~ On February 1 of each
17 year 1, 2016, and annually thereafter, OCEIA shall submit to the Mayor, Commission and the Clerk
18 of the Board of Supervisors, and the Commission a Language Access Ordinance Summary
19 Report which compiles and summarizes all departmental Annual Compliance ReportsPlans.
20 OCEIA shall also include in the Language Access Ordinance Summary Report a current
21 determination of: (1) the total number of Limited English Speaking LEP Persons in the City; (2)
22 the number of Limited English Speaking LEP Persons in the City delineated according to
23 language spoken; and (3) the number of Limited English Speaking LEP Persons for each District
24 delineated according to language spoken; ; (4) the number of complaints received; (5) the number
25 of complaints investigated; and (6) the number of investigative summary reports. ~~The Language~~

1 ~~Access Ordinance Summary Report shall be translated in the required languages. OCEIA~~
2 ~~shall translate in the required languages the key findings and recommendations of the~~
3 ~~Language Access Ordinance Summary Report within 30 days after its completion.~~

4 (c) OCEIA may include in the *Language Access Ordinance* Summary Report
5 recommended changes to all departmental Annual Compliance *Reports, including changes to*
6 *language access policies Plans* in order to meet the needs of Emerging Language Populations.

7 ~~—(d) By June 30 of each year, OCEIA may request a joint public hearing with the~~
8 ~~Board of Supervisors and the Commission to assess the adequacy of the City's ability to~~
9 ~~provide the public with access to Language Access Services language services.~~

10 ~~(e) By October 1, 2015, each Department required under subsection 91.12(a) to file an~~
11 ~~initial Compliance Plan on October 1, 2016 shall provide a written update to OCEIA regarding the~~
12 ~~Department's plans to ensure future compliance with Section 91.4 and Section 91.5(a) of this Chapter.~~
13 ~~The written update shall be in a format prescribed by OCEIA and shall include any information~~
14 ~~requested by OCEIA regarding the Department's plans.~~

15 **SEC. 91.13. RECRUITMENT.**

16 It shall be the policy of the City to publicize job openings for Departments' Public
17 Contact Positions *in an inclusive and appropriate manner as widely as possible* including, but not
18 limited to, in ethnic, *and* non-English language media, *and in multiple languages.*

19 **SEC. 91.14. DEPARTMENT RESPONSIBILITIES.**

20 In addition to the duties and responsibilities provided elsewhere in this Chapter 91,
21 Departments shall:

22 (a) *Provide Language Access Services in the required languages or languages spoken by a*
23 *Substantial Number of LEP Persons that provides vital information to the public about the*
24 *Department's services or programs;*

25 (b) Maintain data based on the Language Access Services provided to the public;

1 (c) Upon request, provide Language Access Services in languages not covered by
2 the required languages that provide vital information to the public about the Department's
3 services or programs. The Department shall acknowledge the request within 48 hours,
4 excluding weekends and holidays. Departments shall make good faith efforts to translate the
5 requested materials within a reasonable amount of time and provide the requester with a due
6 date.

7 (d b) Inform ~~Limited English Speaking~~ LEP Persons who seek services, in their native
8 tongue, of their right to request Language Access Services and their right to file a complaint
9 translation services;

10 (e e) Create a process where all persons may provide feedback on the Department's
11 Language Access Services;

12 (f) Use OCEIA's standardized vocabulary list;

13 (g d) Prominently post in main entrance or reception areas the availability of Language
14 Access Services and OCEIA's know-your-rights brochure translated in the required languages;

15 (h e) Create and maintain a language access policy and review it annually;

16 (i f-e) Designate a language access coordinator who is responsible for managing the
17 Department's Language Access Services; ~~and~~

18 (l g-d) Use a community-focused approach to language access services to ensure that
19 residents receive information about City programs and services, including public service
20 announcements;

21 (k h) Upon request, translate the investigative summary report;

22 (l i) Budget and plan for the Department's delivery of Language Access Services; and

23 (m j) Use good faith efforts to comply with the provisions of this Chapter 91 and
24 OCEIA's recommendations and directives. Departments shall prioritize Language Access
25

1 Services. ~~and comply with the provisions of this Chapter 91 that are readily achievable.~~ Over time,
2 Departments shall fully comply with the provisions of this Chapter 91.

3 **SEC. 91.15. COMMISSION RESPONSIBILITIES.**

4 In its advisory capacity, ~~the~~ Commission is responsible for evaluating the
5 ~~requirements set forth in this~~ may make recommendations to improve Chapter 91. The
6 Commission's duties shall include: (a) reviewing all OCEIA reports; (b) reviewing complaints
7 and OCEIA's resolution of them; (c) recommending policy changes to language access;
8 ~~including revisions to this Chapter or to the Rules and Regulations adopted under Section~~
9 ~~91.16 of this Chapter;~~ (d) identifying new trends that may present new challenges ~~for~~
10 language access; (e) identifying new practices that further the objectives of this Chapter; and
11 (f) conducting public hearings related to items (a) through (e).

12 **SEC. 91.16. OFFICE OF CIVIC ENGAGEMENT AND IMMIGRANT AFFAIRS'**
13 **RESPONSIBILITIES.**

14 Subject to the budgetary and fiscal provisions of the Charter, OCEIA shall work with
15 all Departments providing emergency response services under Section 91.9 to aid in their
16 compliance with its provisions and may provide *technical assistance to support the Departments'*
17 *Language Access Services, and investigate, a centralized infrastructure for the City's language services*
18 ~~and~~ monitor, and facilitate Departmental compliance with this Chapter 91. OCEIA may:

19 (a) Provide technical assistance for Language Access Services ~~language services~~ for all
20 Departments, including but not limited to, create a vocabulary list with standardized terms
21 applicable to all Departments, yearly trainings for department staff, consultations as needed, and
22 language access tools and resources;

23 (b) Coordinate Language Access ~~s~~ Services across Departments, including but not
24 limited to maintaining a directory of qualified language service providers for Departments to
25 utilize and carry out their responsibilities under this Chapter 91, maintaining Language Access

1 Services, translations, and interpretations contracts for all Departments, maintaining an
2 inventory of language services ~~translation~~ equipment, and providing assistance to Departments,
3 the Board of Supervisors, and the Mayor's Office in identifying bilingual staff;

4 ~~—(e) Compile and maintain a central repository for all Departments' translated documents;~~

5 (cd) Provide Departments with model Annual Compliance Reports and language
6 access policies ~~Plans~~;

7 (de) If OCEIA determines a new language meets the annual threshold amount in
8 section 91.2 ("Substantial Number of LEP Persons"), OCEIA ~~that at least 10,000 City~~
9 ~~residents who are Limited English Speaking LEP Persons share a language other than English~~
10 ~~and makes its determination pursuant to Section 91.2~~, it shall notify all affected Departments
11 of its determination. OCEIA shall also ~~and~~ post that determination on its website for 120 days
12 prior to certifying the new language. During that time period, OCEIA may conduct a study to
13 confirm its determination ~~that at least 10,000 City residents who are Limited English Speaking~~
14 ~~LEP Persons share a language other than English~~. If OCEIA conducts such a study, the 120
15 days shall commence the day the study is published. The certification of a new language as a
16 language spoken by a Substantial Number of ~~Limited English Speaking LEP~~ Persons shall take
17 effect after the conclusion of the process described in this subsection (~~de~~);

18 (ef) Maintain a complaint form on OCEIA's website in all certified languages spoken
19 by a Substantial Number of ~~Limited English Speaking LEP~~ Persons; ~~and~~

20 (fg) Create a know-your-rights brochure for Language Access Services, that at a minimum
21 explains the complaint process, provides information on how to file a complaint, and outlines
22 possible resolutions to the complaint. The know-your-rights brochure shall be translated and
23 made available in at least the top 20 languages spoken in San Francisco;

24 (g) Create and maintain a website for the posting of OCEIA's investigative summary
25 reports;

1 (h) Perform audits, as needed, for compliance with the provisions of this Chapter; and

2 (l h) Investigate all potential violations of this Chapter.

3 **SEC. 91.17. RULES AND REGULATIONS.**

4 In order to effectuate the terms of this Chapter, ~~OCEIA the Commission~~ may adopt
5 rules and regulations consistent with this Chapter.

6 **SEC. 91.18. ENFORCEMENT.**

7 OCEIA shall be responsible for enforcement of this Chapter 91. OCEIA may
8 investigate all potential violations of this Chapter. OCEIA may attempt to resolve
9 noncompliance with this Chapter by any Department through informal processes, including
10 mediation and conference and conciliation. OCEIA shall prepare a summary report of each
11 investigation that will include findings and recommendations to address the issues raised in the
12 complaint, including what action, if any, was undertaken by the Department in response to the
13 complaint to ensure the Department's compliance with this Chapter 91 and whether a Department
14 failed to cooperate with OCEIA's investigation. ~~If after an investigation and attempt to resolve an~~
15 incidence of Department non-compliance, ~~OCEIA the Commission is unable to resolve the matter, it~~
16 OCEIA shall transmit its investigative summary report ~~a written finding of non-compliance, specifying~~
17 the nature of the non-compliance and the recommended corrective measures, to the Department, the
18 Department of Human Resources, the Commission, the Mayor, and the Board of Supervisors.

19
20 Section 2. Article III, Chapter 1 of the Campaign and Governmental Conduct Code is
21 hereby amended by revising Section 3.1-251, to read as follows:

22 **SEC. 3.1-251. GENERAL SERVICES AGENCY – CITY ADMINISTRATOR.**

23 (a) **Disclosure Category 2.** Persons in this category shall disclose all investments
24 and business positions in business entities and income from any source which provides, or
25 contracts with the City and County of San Francisco and its Purchasing Department to

1 provide, or has provided within the last two years, commodities or services to the City and
2 County of San Francisco.

3 (b) **Disclosure Category 3.** Persons in this category shall disclose all investments
4 and business positions in business entities and income from any source which provides, or
5 contracts with the City and County of San Francisco to provide, or has provided within the last
6 two years, commodities or services to either the Division of the Purchasing Department to
7 which the person is assigned or the Department (other than the Purchasing Department) to
8 which the person is assigned.

9 (c) **Disclosure Category 4.** Persons in this disclosure category shall disclose all
10 investments and business positions in any business entity, as well as income or gifts received
11 from any business entity, which does business subject to Delegated Departmental Purchasing
12 (Prop Q) with the City Administrator’s Office, or has done business subject to Prop Q
13 (Proposition Q, November 1993) with the City Administrator’s Office within the reporting
14 period covered by the disclosure statement, or where the Person foresees the need to be a
15 Prop Q Purchasing Initiator or Approver for the City Administrator’s Office in the future and is
16 unable to be recused from a Prop Q purchasing transaction that would create a disclosure
17 event.

18 ***Designated Positions*** ***Disclosure Categories***

19 * * * *

20 **Civic Engagement and Immigrant Affairs**

21 Executive Director 1

22 ~~Member, Immigrant Rights Commission 1~~

23 ~~Senior Administrative Analyst 1~~

24 * * * *

25

LEGISLATIVE DIGEST
Revised 5/6/2024

[Administrative, Campaign and Governmental Conduct Codes - Language Access Ordinance]

Ordinance amending the Administrative Code to amend the Language Access Ordinance to clarify Departments' responsibilities to provide language access services to members of the public, and to clarify the role of the Office of Civic Engagement and Immigrant Affairs in administering the Language Access Ordinance; to require language access service be provided in Chinese, Spanish, Filipino, and any other language for which the requisite number of persons qualify as a Substantial Number of Limited English Proficient Persons; to lower the threshold amount for the requisite number of persons needed to meet the definition of Substantial Number of Limited English Proficient Persons; to amend the formula for determining when a language becomes eligible for language access services; to require Departments to translate signage; to require Departments to translate digital content provided on digital platforms; to clarify that crisis situations also includes but is not limited to pandemics, refugee relief, and disaster-related activities emergency response, and public safety incidents that impact and effect the community; to require departments that provide emergency response services in the event of a crisis situation or disaster-related services, involving an immediate threat of serious harm, mass casualties, conditions of natural disaster, or conditions posing extreme peril to the safety of persons and property to provide language access services; to rename the Annual Compliance Plan to Annual Compliance Report; to impose requirements for the Language Access Ordinance Summary Report; to require Departments to inform members of the public of their right to file a complaint, and of a process for providing feedback on the Department's Language Access Services; to require Office of Civic Engagement and Immigrant Affairs to create a know-your-rights brochure; to require Departments' posting notice of the availability of Language Access Services and a know-your-rights brochure; to require Departments to budget and plan for delivery of Language Access Services; to require Office of Civic Engagement and Immigrant Affairs to prepare an investigation summary report of each investigation that will include findings and recommendation to address the issues raised, and to create and maintain a website for the posting of investigation summary reports; and to delete the financial disclosure requirement for Immigrant Rights Commission members.

Existing Law

Currently, all City departments that provides information or services to the public or interacts with the public are required to provide language access services. All City departments are required to translate certain written materials. All City Boards, Commissions, advisory bodies,

and Departments are required to provide language access services at public meetings and hearings. All Departments are required to submit an annual compliance plan

Amendments to Current Law

If these amendments pass, this legislation would:

1. Update the findings;
2. Clarify Departments' responsibilities to provide language access services to members of the public, and to clarify the role of the Office of Civic Engagement and Immigrant Affairs in administering the Language Access Ordinance;
3. Require Department's to provide language access service in Chinese, Spanish, Filipino, and any other language for which the requisite number of persons qualify as a Substantial Number of Limited English Proficient ("LEP") Persons;
4. Amend the formula for determining when a language becomes eligible for language access services;
5. Require Departments to translate signage;
6. Require Departments to translate digital content provided on digital platforms;
7. Rename the Annual Compliance Plan to Annual Compliance Report;
8. Impose requirements for the Language Access Ordinance Summary Report;
9. Require Departments to inform members of the public of their right to file a complaint, and of a process for providing feedback on the Department's Language Access Services;
10. Require Office of Civic Engagement and Immigrant Affairs ("OCEIA") to create a know-your-rights brochure;
11. Clarify that crisis situation also includes pandemics, emergency response, and public safety incidents that impact and effect the community;
12. Require Departments' posting notice of the availability of Language Access Services and a know-your-rights brochure;
13. Require Departments to budget and plan for delivery of Language Access Services;
14. Require OCEIA to prepare an investigation summary report of each investigation that will include findings and recommendation to address the issues raised, and to create and maintain a website for the posting of investigation summary reports; and
15. Delete the financial disclosure requirement for Immigrant Rights Commission ("IRC") members.

On May 6, 2024, the following changes were made in Rules Committee:

1. Update the findings to reflect legislative changes to the Dymally-Alatorre Bilingual Services Act, California Government Code section 7299.7, which now requires language services in certain emergencies;
2. Expand the definition of LEP Person to include any person's preference to conduct the interaction in their native language;
3. Include a definition for Public Service Announcement;

4. Lower the annual threshold amount from 10,000 to 6,000 of City residents with limited English proficiency who will receive language access services;
5. Require Departments to maintain an up-to-date list of employees and languages they offer through the use of Bilingual Employees;
6. Require Departments to provide upon request certain written materials into a language not captured by the required languages;
7. Require the City's emergency response Departments to provide language access services in the event of crisis situations and disaster-related activities in compliance with Cal. Govt. Code section 7299.7;
8. Require OCEIA to translate the key findings and recommendations of the Language Access Ordinance Summary Report in the required languages;
9. Require Departments to maintain data based on the Language Access Services provided to the public;
10. Require Departments to provide upon request Language Access Services in languages not covered by the required languages that provide vital information to the public about the Department's services or programs;
11. Require OCEIA to maintain a standardized vocabulary list and require Departments to use it; and
12. Clarify the IRC's advisory role with respect to the Language Access Ordinance.

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2024 Language Access Compliance Summary Report

Presentation to the Rules Committee of the San Francisco Board of Supervisors

May 6, 2024

Jorge Rivas, Executive Director
Chloe Noonan, Policy and Civic Engagement Officer

OCEIA SAN FRANCISCO OFFICE OF
CIVIC ENGAGEMENT
& IMMIGRANT AFFAIRS



About OCEIA

The Office of Civic Engagement & Immigrant Affairs (OCEIA) is a policy, compliance, direct services and grantmaking City department.

OCEIA's mission is to promote inclusive policies and foster immigrant assistance programs that lead to full civic, economic and linguistic integration.



OCEIA's Program Areas



CIVIC ENGAGEMENT



COMMUNITY SAFETY



GRANTMAKING



**INTEGRATED
IMMIGRANT SERVICES**



LANGUAGE ACCESS

Frequently Used Terms

LAO - Language Access Ordinance

Administrative Code, Section 91, directs City agencies to ensure that public services and information are accessible to all people, regardless of language ability.

LEP - Limited English Proficient

Term used to refer to people who do not speak English as a primary language and who have a limited ability to read, write, speak, or understand English.

San Francisco's Required Languages

The current LAO requires City departments to provide language access services in Chinese, Spanish, and Filipino. Languages are certified by OCEIA once they reach a population threshold of 10,000 LEP residents.

LAO History

2001	2009	2015	Today
<p>Equal Access to Services (EAS) Ordinance passes.</p>	<p>EAS renamed the Language Access Ordinance (LAO) and OCEIA designated to oversee compliance.</p>	<p>LAO amended to extend services and reporting requirements to all Departments providing information and services to the public.</p>	<p>LAO amendments heard at BOS Rules Committee.</p>

Department Responsibilities

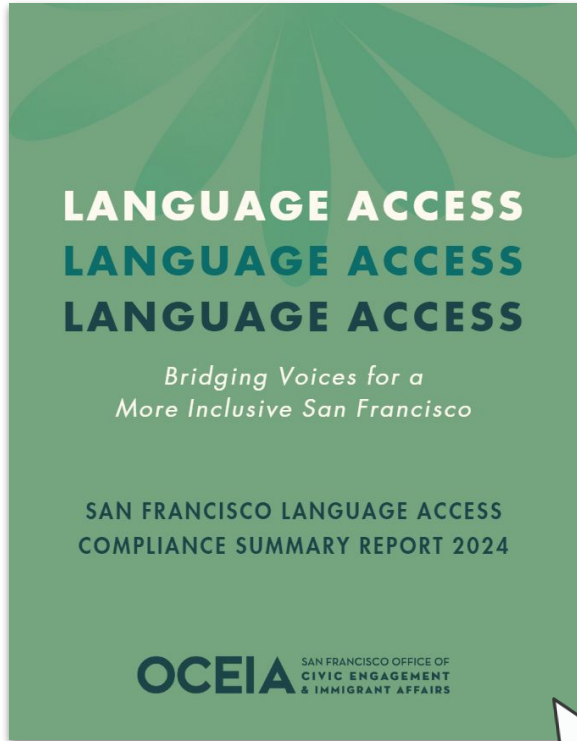
CITY DEPARTMENTS	OCEIA
<ul style="list-style-type: none">• Designate a language access liaison• Develop, adopt, and implement a Department-specific language access policy• Submit annual language access activity data through compliance reporting• Coordinate and provision for language services• Determine and budget for Departmental language needs• Comply with all requirements of the LAO	<ul style="list-style-type: none">• Train Departments on LAO compliance and reporting requirements• Develop guidance tools, style guides, and resources on best practices to assist Departments with implementation• Identify language services vendors and coordinate Citywide contracting with the Office of Contract Administration• Provide language access consultations and technical assistance to Departments• Monitor and report compliance to the Immigrant Rights Commission and the Board of Supervisors

Reporting Background

Under the LAO, public-facing City departments must collect data about their language access activities and submit an **annual compliance report** to OCEIA by October 1.

- Departmental goals
- Barriers and proposed solutions
- Data preview:
 - Total LEP client interactions by language
 - Total interpretations conducted and documents translated
 - Roster of bilingual staff
 - Budget for language access

2024 Compliance Summary Report



Report available to view at:
sf.gov/languageaccess

Snapshot of SF and District Data

Snapshot of San Francisco

1 in 3 San Francisco residents is an immigrant.

With **33.9%** of its residents born outside of the U.S., San Francisco remains one of the most **culturally and linguistically diverse** cities in the country.

851,036

Total population*

33.9%

Foreign-born residents

18.9%

Residents identify as LEP

42.9%

Residents (over age of 5) speak a language other than English at home

40+

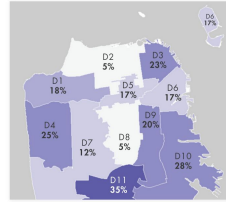
Languages spoken in San Francisco**

* United States Census Bureau's 2018-2022 American Community Survey

** These estimated numbers represent a departure from previous reports due to a change in how the United States Census Bureau categorizes and codes language data. In 2016, the code list was revised to match the ISO 639-3 standard. The Census Bureau also reports that the ACS estimates are samples of the total population and there may be languages spoken that are not recorded. A detailed list and explanation of how the Census Bureau defines and uses language coding and tabulation are available [here](#).

District Data

San Francisco's Supervisorial Districts, from the highest to lowest percent LEP population



Source: United States Census Bureau's 2018-2022 American Community Survey

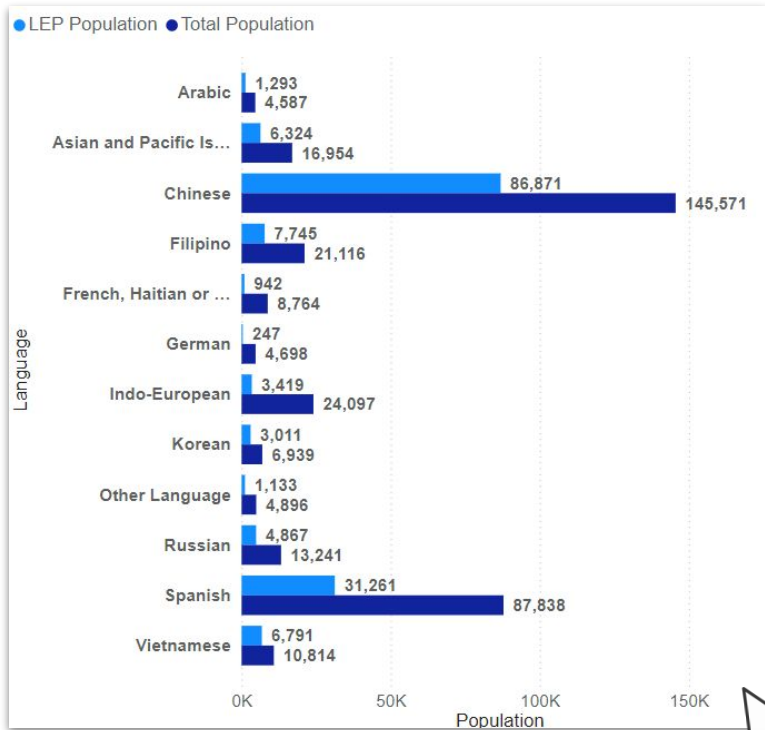
District	Total Population	LEP Population	% LEP
11	82,911	28,796	35%
10	71,994	19,972	28%
4	75,082	18,746	25%
3	73,064	16,917	23%
9	79,916	16,036	20%
1	72,305	12,942	18%
5	85,921	14,463	17%
6	59,037	9,961	17%
7	78,432	9,778	12%
2	62,541	2,990	5%
8	73,306	3,303	5%

1 in 3 San Francisco residents is an immigrant

18.9% of residents identify as Limited English Proficient (LEP)

District 11 has the highest LEP population, at **35%**

Language Diversity Dashboards



Dashboards available to view
at: sf.gov/languageaccess

Key Data Points

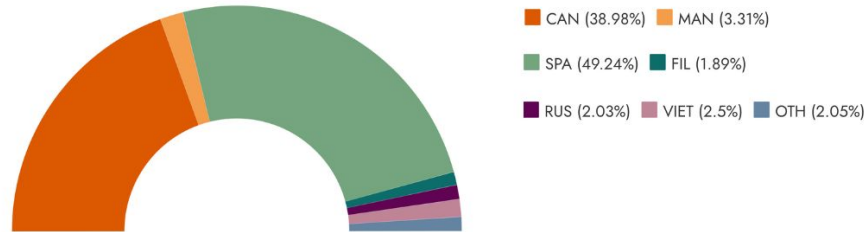
- Data Collection Method
- Total LEP Client Interactions
- Translated Materials
- In-person Interpretations
- Telephonic Interpretations
- Bilingual Staff
- Language Services Budgets

Findings

INCREASES

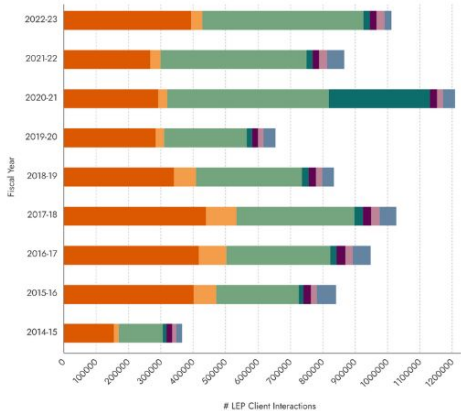
- Use of Intake Method of Data Collection
- Total LEP Client Interactions
- Translated Materials
- In-person Interpretations

Total LEP Client Interactions by Language



Total LEP Client Interactions by Language, Over Time

- CAN
- MAN
- SPA
- FIL
- RUS
- VIET
- OTH



Total Translated Materials by Language

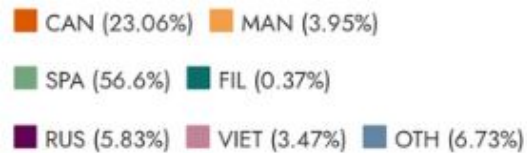


Findings

DECREASES

- Telephonic Interpretations
- Bilingual Staff
- Language Services Budgets

Total Telephonic Interpretations by Language



Recommendations

Language Access Capacity-Building

- Increase Department-specific language access instruction and training for public-facing City staff.

Resource Planning

- Hire and retain more bilingual staff to ensure sufficient internal resources for addressing the needs of LEP community members served by City Departments.
- Explore future opportunities to supplement language access activities with new tools and emerging technologies.

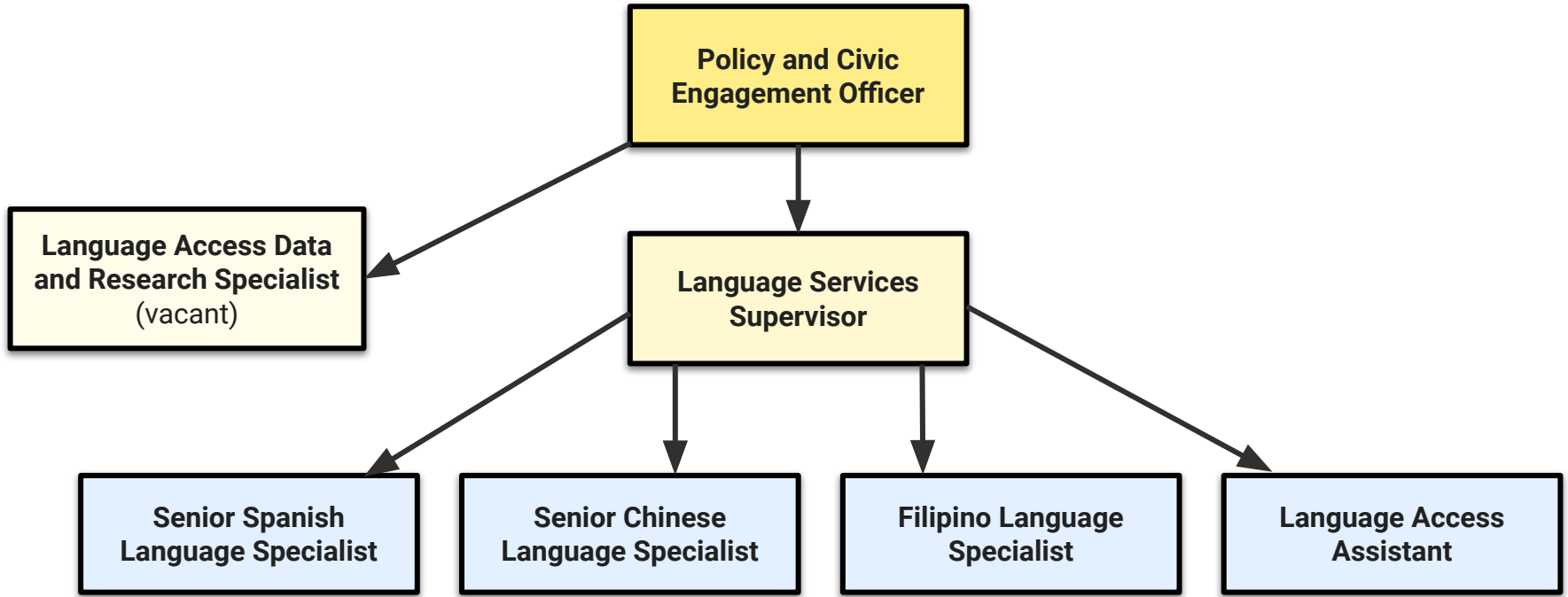
Language Services Budgets

- Increase Department language services budgets and support for community partners serving LEP individuals.

Data Collection and Analysis

- Continue improvement of current compliance data collection processes, track language access activities consistently, and refine multiple data sources for a more diverse data landscape.

Current LAU Capacity



Resource Needs

New or Upgrade	Classification	Working Title	Brief Summary of Duties
<p>Upgrade - \$34,049 Current Classification: 1823 Senior Administrative Analyst (Policy and Civic Engagement Officer)</p>	<p>0922 Manager I</p>	<p>Director of Language Access Policy and Programs</p>	<p>Managing expanded Language Access Unit team with additional staff; oversight of city language access amendments implementation strategy; managing increased engagement with policymakers under LAO amendments.</p>
<p>Upgrade - \$91,701 Current Classification: 1840 Junior Management Assistant (Language Access Data and Research Specialist)</p>	<p>1824 Principal Administrative Analyst</p>	<p>Language Access Data Analyst and Compliance Lead</p>	<p>Analyzing annual compliance data from 50+ departments and divisions; analyzing Census Bureau language population data; lead complaint investigation activities.</p>
<p>New - \$179,142</p>	<p>1232 Training Officer</p>	<p>Lead Trainer and Compliance Support</p>	<p>Training for Departments on LAO amendments implementation; capacity-building and individualized technical assistance provision; assisting compliance lead in communications and administrative tasks.</p>
<p>New - \$158,434</p>	<p>1842 Management Assistant</p>	<p>Language Specialist</p>	<p>Direct translation and interpretation; style guides and written resources; language-specific technical advising.</p>

Stay connected with us:

Additional questions?

Email: language.access@sfgov.org
Call OCEIA at: 415-581-2360

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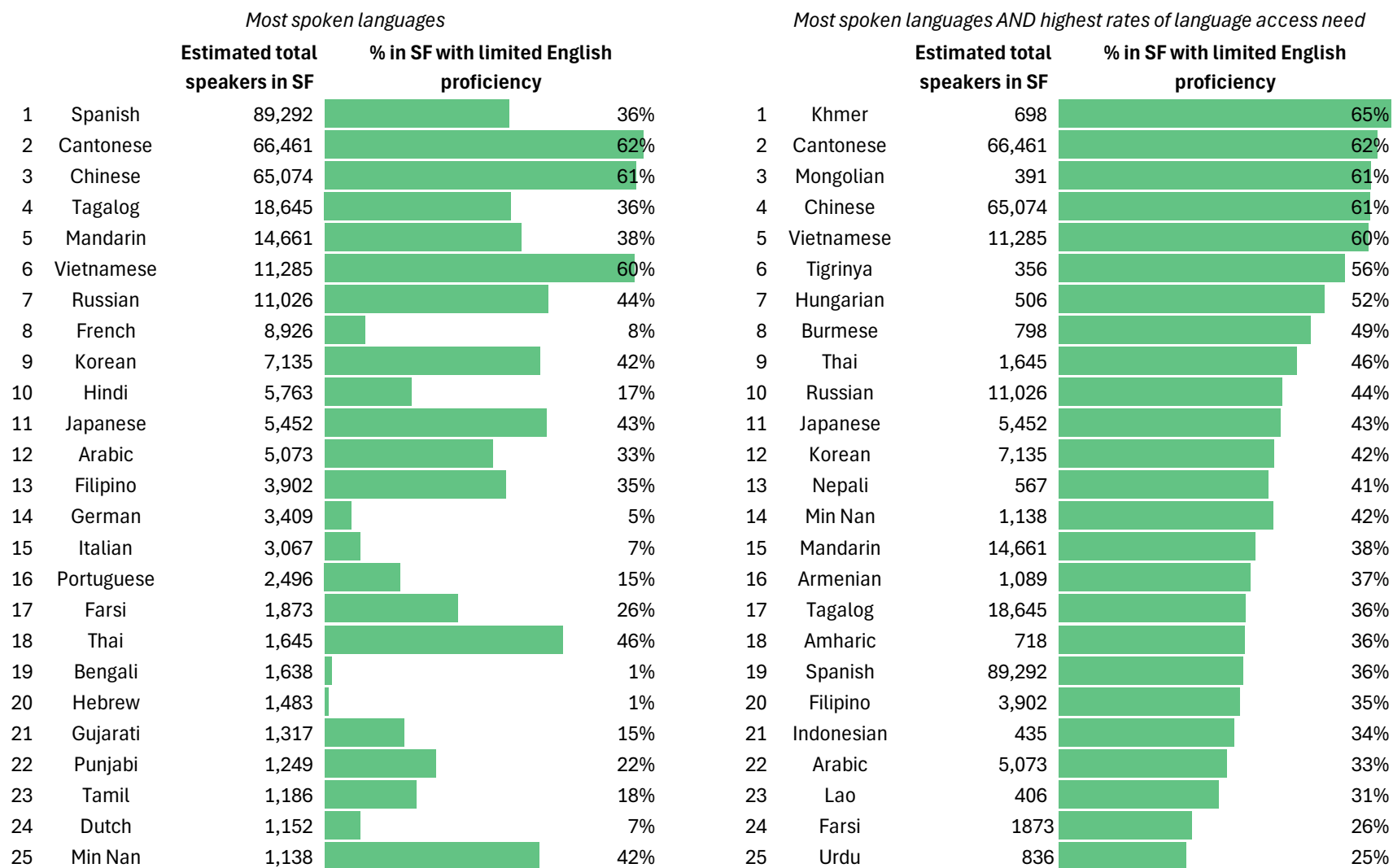
Recommendations

- Align statewide crisis/disaster response threshold to local threshold:
 - Replace “5% of population” with “**required languages and languages with a substantial number of LEP persons in San Francisco, as well as any additional languages in the district that are most spoken and have the highest rates of language access need.**”
- Refine requirement for translating Know Your Rights information:
 - Replace “20 most spoken languages in San Francisco” with “20 languages in San Francisco **that are most spoken and have the highest rates of language access need.**”
- Refine definition of “vital information” to include: “**bills, fees, fines, penalties.**”
- Emphasize support for American Indian, Central and South American, and Oceanian languages.

Key issues for consideration

- **City information is shared most efficiently when we serve communities that have the highest rates of language access need, not just the most individual speakers.**
 - Departments should be encouraged to focus on communities with **high percentages of limited English proficiency** and **linguistic isolation** (a federal measure of households where no adult speaks English “very well”). Social service organizations have expressed that language access is a matter of “life and death” for these communities. *See attachment for comparison.*
- **The new statewide language threshold for crisis/disaster response is less robust than the existing San Francisco language threshold.**
 - The new statewide requirement is “5% of the population.” At the citywide population level, this would include **only Spanish and Chinese**; at a district population level, this would include **only Chinese in most districts, and no languages in others.** *See attachment for estimates by district.*
- **Language access for American Indian, Central and South American, and Oceanian communities is an important part of restoring their right to self-determination.**
 - In California, households that speak Indigenous languages have the highest rates of linguistic isolation (e.g., **53% for Central and South American languages; 15% for Native North American languages**). However, the American Community Survey – the most frequently used source of language data – samples only a small number of people and undercounts these households in San Francisco. *See attachment for California-wide estimates.*
- **The most impactful update to the ordinance is requiring departments to translate vital information into additional languages upon request.**
 - This amendment creates a pathway for everyone who lives, works, or attends school in San Francisco to receive vital information in their language.
 - In contrast, changing the required language threshold from “10,000 LEP persons” to “6,000 LEP persons” would likely add only a single language – Vietnamese – because of the ongoing displacement of communities of color from San Francisco to the wider Bay Area.

RELATIVE LANGUAGE ACCESS NEED IN SAN FRANCISCO (2021 5-YEAR AMERICAN COMMUNITY SURVEY)



Note: Chart excludes languages where 2021 ACS has estimated there are fewer than 300 speakers in San Francisco.

PROJECTED LANGUAGES REQUIRED FOR CRISIS / DISASTER RESPONSE GIVEN 2.5% AND 5% THRESHOLDS FOR SAN FRANCISCO DISTRICT POPULATION (2022 5-YEAR AMERICAN COMMUNITY SURVEY VIA OCEIA)

Estimated people with limited English proficiency by Supervisorial District (number and % of District residents)

	District 1		District 2		District 3		District 4		District 5		District 6	
Arabic	161	0.2%	5	0.0%	99	0.1%	63	0.1%	573	0.7%	282	0.4%
Chinese	8,128	10.7%	768	1.0%	13,468	17.0%	14,316	18.8%	3,450	4.1%	4,997	6.6%
Filipino	274	0.4%	93	0.1%	211	0.3%	560	0.7%	1,039	1.2%	548	0.7%
French	61	0.1%	117	0.2%	64	0.1%	214	0.3%	179	0.2%	99	0.1%
German	21	0.0%	8	0.0%	45	0.1%	12	0.0%	37	0.0%	0	0.0%
Korean	517	0.7%	83	0.1%	410	0.5%	237	0.3%	1,077	1.3%	131	0.2%
Russian	1,325	1.7%	315	0.4%	524	0.7%	416	0.5%	1,049	1.3%	177	0.2%
Spanish	481	0.6%	614	0.8%	1,118	1.4%	883	1.2%	2,112	2.5%	2,297	3.0%
Vietnamese	664	0.9%	111	0.1%	109	0.1%	781	1.0%	1,670	2.0%	403	0.5%
Population	75,727		75,950		79,301		75,998		83,506		76,009	

	District 7		District 8		District 9		District 10		District 11	
Arabic	43	0.1%	0	0.0%	4	0.0%	0	0.0%	63	0.1%
Chinese	5,938	7.5%	812	1.0%	5,280	6.5%	12,250	14.9%	17,464	21.1%
Filipino	399	0.5%	168	0.2%	1,047	1.3%	951	1.2%	2,455	3.0%
French	13	0.0%	96	0.1%	49	0.1%	27	0.0%	23	0.0%
German	27	0.0%	61	0.1%	10	0.0%	6	0.0%	20	0.0%
Korean	290	0.4%	53	0.1%	26	0.0%	111	0.1%	76	0.1%
Russian	671	0.9%	161	0.2%	25	0.0%	114	0.1%	90	0.1%
Spanish	925	1.2%	1,262	1.5%	8,418	10.3%	4,765	5.8%	6,785	8.2%
Vietnamese	529	0.7%	175	0.2%	474	0.6%	1,127	1.4%	748	0.9%
Population	78,689		83,420		81,563		82,146		82,684	

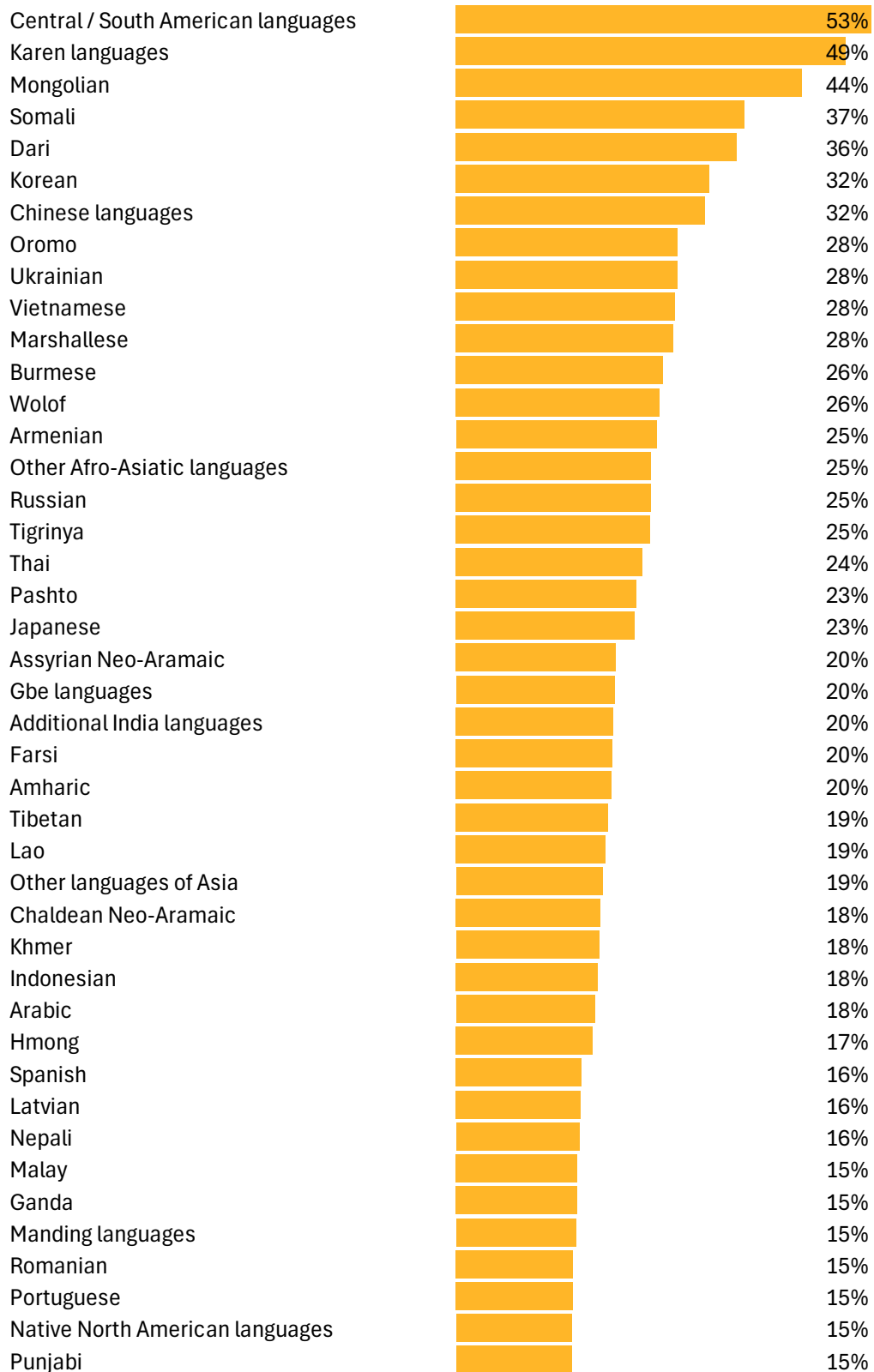
Legend

Meets 5% of District threshold

Meets 2.5% of District threshold

MOST LINGUISTICALLY ISOLATED COMMUNITIES IN CALIFORNIA (2021 5-YEAR AMERICAN COMMUNITY SURVEY)

**% of households that are linguistically isolated
(no adult in household speaks English "very well")**



BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

TO: Jorge Rivas, Executive Director, Office of Civic Engagement and Immigrant Affairs

FROM: Victor Young, Assistant Clerk

A handwritten signature in black ink that reads "Victor Young".

DATE: August 3, 2023

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Rules Committee received the following proposed legislation:

File No. 230868

Ordinance amending the Administrative Code to amend the Language Access Ordinance to clarify Departments' responsibilities to provide language access services to members of the public, and to clarify the role of the Office of Civic Engagement and Immigrant Affairs in administering the Language Access Ordinance; to require language access service be provided in Chinese, Spanish, Filipino, and any other language for which the requisite number of person qualifies as a Substantial Number of Limited English Proficient Persons; to amend the formula for determining when a language becomes eligible for language access services; to require Departments to translate signage; to require Departments to translate digital content provided on digital platforms; to clarify that crisis situations also includes but is not limited to pandemics, emergency response, and public safety incidents that impact and effect the community; to rename the Annual Compliance Plan to Annual Compliance Report; to impose requirements for the Language Access Ordinance Summary Report; to require Departments to inform members of the public of their right to file a complaint, and of a process for providing feedback on the Department's Language Access Services; to require Office of Civic Engagement and Immigrant Affairs to create a know-your-rights brochure; to require Departments' posting notice of the availability of Language Access Services and a know-your-rights brochure; to require Departments to budget and plan for delivery of Language Access Services; to require Office of Civic Engagement and Immigrant Affairs to prepare an investigation summary report of each investigation that will include findings and recommendation to address the issues raised, and to create and maintain a website for the posting of investigation summary reports;

and to delete the financial disclosure requirement for Immigrant Rights Commission members.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: victor.young@sfgov.org.