



Providing Equal Access to Public Services for Limited English Proficient Residents
Intro38A: Equal Access to Health and Human Services Act, New York City, 2003

Overview

One in four New Yorkers, over two million people, are limited English proficient (LEP). Hundreds of thousands of families eligible for public assistance have historically been unable to fully access services. The New York City Human Resources Administration (HRA), which is responsible for administering government benefits such as Food Stamps, Medicaid, and welfare, was found to be in violation of Title VI of the Federal Civil Rights Act in 1999, but the agency failed to take corrective action.

The Policy

On December 22, 2003, New York City Mayor Bloomberg signed into law the Equal Access to Health and Human Services Act (Intro 38A). The legislation set a five-year phase-in for full compliance, and:

- Requires the HRA to provide equal access to Food Stamps, Medicaid, and public assistance to all limited English proficient (LEP) New Yorkers who seek or receive services. This includes free and prompt interpretation services regardless of language spoken and translation of all documents for the public in Spanish, Chinese, Russian, Arabic, Korean, and Creole;
- Mandates that the HRA must notify all LEP New Yorkers of their right to receive free language assistance services upon initial contact, post signs throughout HRA offices, and include fliers in every application and recertification packet; and
- Establishes strict, new reporting requirements for HRA, the Department of Health and Mental Health, the Administration of Children Services, and Department of Homeless Services to document the language access needs of all applicants, the staff capacity of each agency to provide language assistance services, and the availability of translated written materials in the most commonly requested languages. In addition, these agencies must publish an annual report detailing the need for language access services, the capacity of each agency to provide the services, and compliance with Intro 38A.

Impact

Intro 38 may be the strongest language access bill in the nation. An estimated 400,000 HRA clients will now have equal access to benefits and services. While the city has five years to fully implement the law, local advocates have already noted a difference. HRA has hired 200 additional bilingual staff serving over 30,000 LEP clients. “There has been a sea change in the city’s attitude to limited English speakers applying for assistance,” says Andrew Friedman, Co-Director of Make the Road by Walking. “In 1997, we tested welfare offices and found that only 14 percent of caseworkers who spoke another language were properly matched with LEP clients. Our most recent test found an over 90 percent match rate. We have found that the signs are

already up and that language is no longer an insuperable obstacle to accessing services.” In addition, the legislation creates organizing handles for expanding interpretation and translation services at other city agencies.

Key Players

Make the Road by Walking (MRBW) and the New York Immigrant Coalition (NYIC) were the primary organizations leading the campaign. MRBW is a community-based organization of low-income Latino and African American New Yorkers that is based in Bushwick, Brooklyn. The NYIC is an umbrella policy and advocacy organization for approximately 150 groups in New York State that work with immigrants and refugees. SEIU Local 32BJ, a progressive building trades union with a 65 percent immigrant membership, also played a strong ally role, as did the New York Civic Participation Project, which helped coordinate the 2003 culmination of the Immigrant Rights Freedom Rides in New York. After years of disputes over language access, the AFSME District Council 37 representing welfare caseworkers endorsed the legislation.

Winning the Policy

The equal access campaign took over five years from start to finish. In 1997, MRBW began documenting language discrimination at welfare offices and filed a civil rights complaint, along with the New York Immigration Coalition, with the U.S. Department of Health and Human Services Office for Civil Rights (OCR), which found the city to be in violation of federal civil rights law. In 2001, MRBW and civil rights advocates won a settlement of a federal class action lawsuit, *Ramirez v. Giuliani*, about New York City’s failure to provide LEP New Yorkers with meaningful access to the Food Stamp Program by failing to provide language interpreters. This legal strategy was coupled with a grassroots organizing campaign to bring public attention to the issue, change program implementation, and force the city to pass a comprehensive language access law.

The attack of September 11th and the ensuing fiscal crisis in New York City made City Council members shy away from the costs of providing new language assistance services. MRBW and allies, however, continued to mobilize around the issue and win public support. Throughout the campaign, the issue was framed as ending discrimination and protecting the civil rights of all New Yorkers. “In our media messaging, in our actions, and in our materials, we worked hard to say this was a civil rights issue and made sure that we did not polarize the issue,” reflects Friedman of MRBW. “We did not frame this as an immigrants’ rights issue or a poverty issue—it was an issue of fairness that had broad appeal in a city where one in four New Yorkers have limited English proficiency.”

The 2003 Immigrant Rights Freedom Rides gave the campaign the final push it needed to pass the Equal Access to Health and Human Services Act. The New York Civic Participation Project, which coordinated New York’s activities for the Freedom Rides, refused to let political candidates vying to win Latino and immigrant votes speak before a crowd of over 80,000 without agreeing to endorse the bill. When Mayor Bloomberg signed the bill into law in December 2003, he decided to tout its passage by giving a public speech in Spanish.

Challenges

Securing resources for language access at a time when New York City had fewer resources to allocate made it difficult to advance more ambitious reforms and to expand language access to other city agencies. With limited resources, organizations involved in this effort have found it challenging to secure institutional support and resources for monitoring, implementation, and replication of language access reforms. “When it comes to policy reform, funders seem to prefer supporting policy groups,” notes Andrew Friedman of MRBW, adding, “Democratically structured grassroots organizations often do not get the necessary resources to be able to spearhead policy campaigns.”

Replicability

Access to public services for people with limited English proficiency is an issue that is growing in importance across the nation as the immigrant population expands in both urban and rural settings. As the New York City campaign shows, even with a significant percentage of LEP residents, policy changes involve sustained efforts on a variety of fronts over an extended period of time. In areas where LEP residents make up a much smaller percentage of the population than in New York City, a key to success can be reframing this issue not as the need of a minority for special services but as the responsibility of the majority to ensure equality and fairness for all community members.