



## CITY OF BOSTON IN CITY COUNCIL

### **An Ordinance Amending City of Boston Code, Ordinances, Chapter VI, Section 6-10, Language and Communications Access for City Services**

**WHEREAS**, There are over 140 languages spoken in the City of Boston, and the Boston Planning and Development Agency’s “At a Glance” information sheet states that 111,409 residents speak English “less than very well;” *and*

**WHEREAS**, While the top five languages other than English spoken in Boston are Spanish, Haitian Creole, Cabo Verdean Creole, Chinese, and Vietnamese, Boston is home to Russian speakers, Amharic speakers, Turkish speakers, Polish speakers, Arabic speakers, and so many others; *and*

**WHEREAS**, Boston residents who speak languages other than English often struggle to access City resources and information, especially those who speak a language other than the top five most spoken, and there is frequently a delay in translating information from English into other languages; *and*

**WHEREAS**, There is a need not only for information to be translated and interpreted, but for information to be conveyed in a culturally competent way that reflects its audience; *and*

**WHEREAS**, Adult illiteracy is a phenomenon that occurs across the City of Boston and needs to be addressed when discussing ways to better communicate information to residents; *and*

**WHEREAS**, The current administration created an office of Language and Communications Access, but this office was never codified into law, giving the people of Boston an opportunity to define for themselves how they would like to see the City communicate with them; *and*

**WHEREAS**, In 2016, the Boston City Council passed an ordinance establishing a language and communications access plan for the City of Boston’s departments which made accommodations for individuals who speak languages other than English; *and*

**WHEREAS**, The time has come to reevaluate that ordinance and strengthen that ordinance with a community-centered approach that takes into account the lessons learned over the past four years; ***NOW THEREFORE BE IT***

**ORDERED:** That the City of Boston Code, Chapter VI, Section 6-10 be amended as follows:

## SECTION 1.

Section 6-10.1(a) and Section 6-10(b) shall be stricken and replaced with the following new sections 6-10.1(a) and 6-10(b):

### 6-10.1(a) Establishment of the Office of Language and Communications Access.

There shall be established in the City of Boston a Department known as the Office of Language and Communications Access (hereafter known as the OLCA) which shall be under the charge of an Officer known as the Director of Language and Communications Access (hereafter called the Director). The goal of OLCA is to create pathways for meaningful participation, by way of meaningful access for groups and individuals who speak a Language Other than English and/or have a disability. The OLCA will work to ensure that communities of all language and communications backgrounds are not seen as obstacles, but rather play a critical, centralized role in decision making.

### 6-10.1(b) Responsibilities of the Director.

The Director shall have direct responsibility for the organization, administration, and operation of the Department, and potential agencies included within the Department. The Director shall also have the ability to hire staff or contract out services as required in order to provide sufficient and culturally competent translation and interpretation services and assistive technology.

- a. The purpose of the OLCA will be to coordinate with each city department's OLCA Liaison to develop a comprehensive departmental plan for how to accommodate people who speak languages other than English, people who cannot read in their native language, and persons with disabilities, through culturally competent translation and interpretation services and assistive technology. OLCA will also review and audit existing plans and make recommendations for ways to improve a department's accountability, transparency, and quality of services through a community-centered approach, which will include regular hearings, community conversations, and surveys.
- b. The Director shall work with their staff and the community to create a set of mandatory communications access guidelines for City departments and shall work with each department head in the City of Boston to build off of those guidelines to create a specific communications access plan for their department.
- c. The Department shall also work with external community members to help direct constituents to translation, interpretation, and assistive technology. The Department will handle constituent concerns and complaints regarding the language and communications access services of any given department.

Section 6.10.1(c) shall be stricken and replaced with the following:

### 6-10.1(c) Department Language Access Plans.

Every department shall designate a OLCA Liaison whose job it shall be to serve as a liaison between their department and the OLCA. On a biennial basis , each department shall notice its departmental plan---which may include what forms are translated, who the OLCA contact is, the goals and mission statements of the language access plan, etc.--- along with any necessary modifications and amendments

made to the previous year's plan to reflect the changing needs of their constituents. The plans will be sent to the Director of OLCA and an advisory committee which shall be composed of representatives from the Boston City Council, Office of Neighborhood Services, Mayor's Office for Immigrant Advancement, Mayor's Commission for Persons with Disabilities, Office of Fair Housing & Equity, the Department of Neighborhood Development, Office of Budget Management other public-facing City departments as well as members of the City Language Volunteer Pool. Community organizations which address language and communications access shall also be invited to play a role in this audit. This committee will be organized by the Director of the OLCA and will serve as the centralized implementation entity for the Communications Access ordinance.

Section 6.10.1(d)) shall be stricken and replaced with the following:

Section 6.10.1(d) Interpretation and Translation Requests.

The staff of the OLCA, under the guidance of the Director, shall work with community organizations that champion language and communications access for individuals who speak a Language Other than English and/or persons with disabilities to define a set of guidelines for what culturally competent interpretation and translation looks like to be used by contracted interpretation/translation services.

The OLCA will procure and manage any contracts for translating written documents, providing interpretation and assistive technology requested by city departments. The staff of the OLCA will coordinate with the OLCA liaison from each department to handle equipment, translation and interpretation requests, and serve as a liaison between city departments in consultation with the Office for Immigrant Advancement in matters of language access and cultural competency, the Commission on Persons with Disabilities in matters of assistive technology and disability access, and other departments.

Section 6.10.1(e) shall be stricken and replaced with the following:

Section 6.10.1(e) Annual Review and Online Dashboard.

- a. *Annual Review.* Each department will undergo an annual review to evaluate expenses, performance and frequency of service delivery to persons who speak languages other than English and residents with disabilities. In addition to this review, there will be a survey for all residents of Boston on the City of Boston website in the City-wide Threshold Languages where constituents can rate and review their interactions with city departments.
- b. *Online Dashboard.* The OLCA shall create an online dashboard, accessible to people in the City-wide Threshold Languages which shall publish the results of the annual survey as well as the departmental review. Each constituent-facing department shall track usage and requests for translation, interpretation and assistive technology. Every public facing department shall share their usage and request data with the OLCA in order to assess any changing language needs. Usage and request data shall also be published on the online dashboard. This dashboard will also contain each Department's language access plans made available in the City-wide Threshold Languages. At the end of every calendar year, the OLCA shall submit a report to the City Clerk of the City of Boston evaluating the results of the review. The City Clerk shall forward the report to the Mayor of the City of Boston and shall docket the report and include the docket on the agenda of the next-occurring meeting of the Boston City Council.

Section 6-10.1(g), *Definitions*, shall be amended by adding the following terms:

*“Plain Language”* means any written or oral communication that is easily understandable to the broadest possible audience, which means eliminating or omitting unnecessary and excessive words, jargon, technical language, or anything requiring an advanced reading level.

*“Babel Notice”* refers to a short notice included in a document or electronic medium in multiple languages informing the reader that the communication contains Vital information and explaining how to request translations and other accessible formats for the document.

*“Notice of Accommodations”* refers to a short notice included in all promotional materials in multiple languages informing the reader that for the identified program, service or activity, any needed accommodations will be made available upon request.

*“Covered entity or entities”* means employers with 15 or more employees, employment agencies, labor organizations, and joint labor-management committees.

*“Cultural Competence”* means any behavior or communication that effectively conveys information in a way that respects and accommodates a person’s lived experiences as it relates to their race, ethnicity, religion, national origin, economic status, and language capabilities.

*“Adult Illiteracy”* is defined by UNESCO as “the percentage of the population aged 15 years and over who cannot both read and write with understanding a short simple statement on their everyday life.”

*“Alternative Communication”* means replacing or substituting spoken or written language with symbols, signing, or spelling

*“Universal Design for Learning”* refers to guidelines that offer a set of concrete suggestions that can be applied to any discipline or domain to ensure that all people can access and participate in meaningful, challenging learning opportunities, such as providing multiple means of engagement, representation, and action & expression.

*“Meaningful Participation”* means that people who speak languages other than English and/or individuals with a disability are able to access, communicate and interact with City departments and obtain services in a way that fully satisfies their needs and concerns. Meaningful participation is also an expression of care on behalf of the Government to the people, that the City values centering constituents of all backgrounds and is committed to creating pathways to make those constituents heard.

*“Meaningful Access”* is language and communications assistance that results in accurate, timely and effective communication at no cost to the individual for which Language Other than English is the primary language spoken, or to an individual or group of individuals with a disability. Meaningful access denotes access that is not significantly restricted, delayed or inferior as compared to programs or activities provided to individuals or a group of individuals for which Language Other than English does

not apply, or to individuals or a group of individuals who do not experience a disability.

*City-wide Threshold Language:* Refers to any language spoken by individuals of the Language Other Than English population totalling 5% of the population or 1000 individuals, whichever is less, within the City of Boston.

*Neighborhood Threshold Languages:* Refers to any language spoken by individuals of the Language Other Than English population totalling 5% of the population or 1000 individuals, whichever is less, within a neighborhood in Boston.

*“Vital Documents”* refers to any form, permit, record, or other document that individuals applying for services or benefits from a covered entity must understand, respond to or complete in order to access the services/benefits or continue to receive the services or benefits. Vital Documents, produced by the City of Boston, may include, but are not limited to, certain: Administrative complaints, release, or waiver forms; Claim or application forms; Letter of findings; Forms or written material related to individual rights; Certain notices of community meetings or other case-related community outreach when specifically determined by a department to be of significant importance to groups of individuals with LOTE likely to be affected by the subject of the community meeting.

*“Financial constraints”* refers to circumstances which impede the full and optimal level of allocated funding being utilized by a specific department. Circumstances may include, but are not limited to public health emergencies, economic recessions, or the amount available in the department’s LCA allocation.

*“Constituent-facing Departments”* shall refer to any City Department that interacts with constituents, either through the provision of service, interactions in person or by telephone, or through community meetings.

Section 6.10.1(h) Interpretation shall be amended as follows:

Section 6.10.1(h) 2(b) in Departmental Interpretation Guidelines shall be stricken in its entirety and replaced with the following new paragraph:

- A. All Departments that directly provide services to the City of Boston residents and/or visitors shall post notices that indicate the availability of interpretation and provide a list of languages available for interpretation. In order to accommodate those who cannot read, the list of languages should utilize symbols to convey the services that are available. The OLCA shall work with external community partners to determine which symbols, icons, etc. work best for these applications. Each Department shall display this sign in areas where constituents would normally seek help, either in person or online.

Section 6.10.1(h) 2(c) in Departmental Interpretation Guidelines shall be stricken in its entirety and replaced with the following new paragraph:

- A. *Interpretation at Community Meetings.* Before community meetings, City Departments, in consultation with the OLCA shall determine the need for translation/interpretation services in a given neighborhood depending on Neighborhood Threshold Languages and work to provide

those services. The OLCA will determine which neighborhood requires certain translation/interpretation services for City Department's looking to conduct community outreach. All communication regarding the meeting, including posts on the Boston Public Notices board, and the meeting's language access and disability accommodations will have a contact phone number and email to the OLCA as well as the sponsoring department's point of contact so that the office may provide access to interpretation, subject to availability, by volunteer interpreters, phone interpreters or paid interpreters. Where possible, City Departments shall endeavor to hold in-language meetings.

Section 6.10.1(h) 2(e) in Departmental Interpretation Guidelines shall be stricken in its entirety.

Section 6.10.1(i), *Translation*, shall be stricken in its entirety and replaced with the following:

1. Each Department shall identify its Vital Documents and other such information that is a Vital communication, or any such other documents that include vital information. Other crucial information may be translated if after consideration of the factors outlined in the section entitled "Background" a City Department determines that such information should be translated. All Vital Documents produced by the City of Boston shall be standardized in their accessible formatting, and all Vital Documents shall:
  - a. Be translated into the identified City-wide or Neighborhood Threshold Languages, when applicable;
  - b. Include a Babel notice if such Vital Document has not yet been translated;
  - c. Be made digitally accessible in text readable formatting;
  - d. Include, as feasible, a Notice of Accommodation and/or accessibility symbols;
  - e. Be accompanied with context-specific image descriptions; and
  - f. Where the Vital Document is a Vital communication produced by the City of Boston and is available through audio or audiovisual input only, be accompanied with a written transcript that is checked for accuracy before it is posted.
2. *Departmental Translation Guidelines.*
  - a. If a City Department is unable to translate a document in accordance with the preceding paragraph due to lack of funding or otherwise, the Department shall make arrangements with the OLCA to contract out the service so that it may be translated. If financial constraints impede the City's ability to have a Vital document translated, the Vital document ~~it will put in its place~~ will include a Babel notice made available in the City-wide Threshold Languages. The document will also include an estimation of when the translation will be made available.
  - b. *Documents for the public shall be translated according to OLCA Guidelines.* City Departments shall endeavor to have translations of vital documents provided to the public completed and reviewed by certified and trained professionals. An exception to this guideline may arise when a translation is done for internal purposes and as to a document that is not considered a Vital Document.
  - c. *Contract with professional translators.* City Departments shall work with the OLCA to gain access to qualified translation vendors on City contract.
  - d. *Timeline of translation for Vital Documents and Vital information.* Any information that is deemed necessary to translate into the City-wide Threshold Languages shall be released at the same time that the information is released in English to the best effort possible.
3. *Glossary of City Terms.* To ensure consistency of translation, the City shall work with their constituency to develop a common glossary of terms that are used by various city departments. Once a common glossary of terms has been identified, it will be translated into the Threshold Languages and made accessible to all city departments. Every City department shall direct their

professional and volunteer translators to refer to the glossary while translating a document, to ensure consistency of translation across departments. Each city department may also develop a glossary of specialized terms that the particular department uses and make available this glossary to every translator that it uses to ensure consistent translation of all department materials. The city-wide and department glossaries of terms will also be made available to the public in the city-wide threshold languages, and members of the public will be able to submit to the OLCA terms which they feel will be helpful to add to the glossary.

4. *Plain Language Clause.* The documents and information that City Departments release shall endeavor to reflect principles of plain language communications. For example, signs and flyers shall be easy to understand, and not include arcane or technical language, unnecessary polysyllabic words, legal jargon or other text requiring an advanced reading level. An exception to this guideline may arise when the language of a document must remain the same as required by law.

5. *Cultural Competency Clause.* When translating a document or any other important information, City Departments are encouraged to call upon the cultural norms of any given audience, understanding that sometimes literal translations do not adequately convey information in languages other than English. Efforts should be made to accommodate not just the language spoken, but the language-speaking community it seeks to impact, understanding that not all language speakers interact with the language the same way. Should there be any question as to whether a document is translated within the framework of cultural competency, the Department shall work with the OLCA to consult with impacted communities and nongovernmental organizations which includes community resources, partnerships and other relationships to find a translation that best reflects the information being communicated.

5. City Departments will strive to provide information, vital documents, and city webpages in a way that accommodates individuals who cannot read or write in any language, based upon the recommendations of a literacy taskforce to be established formally by ordinance.

Section 6.10.1(j), *Customer Service*, shall be amended as follows:

Section 6.10.1(j) 2 shall be stricken and replaced with the following:

2. *List of common phrases and greetings.* All Departments that provide direct services to City of Boston constituents shall provide their front line employees with a document which contains helpful phrases, such as "Please wait. We are trying to locate an interpreter to assist you," in the City's City-wide Threshold Languages if said Departments receive direct or indirect federal financial assistance.

Section 6.10.1(k) shall be stricken and replaced with the following:

#### 6.10.1(k) *Record Keeping*

The City shall track the length and type of any telephonic interpretation call using the language line, as well as the accuracy and satisfactory provision of interpretation. Using a centralized database, Departments shall keep a record of all materials translated, as well as languages translated. This centralized dashboard shall be made available to the public and shall be included in the OLCA's annual report to the Clerk's office.

Section 6.10.1(m) *Compliance* shall be stricken and replaced with the following:

1. The OLCA will work with each department to provide the oversight and quality control of language access services and be the official point of contact for constituent complaints. The City

of Boston shall implement feedback mechanisms for constituents to log complaints related to communications access, via telephone, email, or survey form made available online.

2. Constituent-facing Departments shall identify a volunteer Communications Access Liaison who can provide a constituent with information how to file a complaint with the OLCA or can help resolve language access problems within their office provided that the responsibilities of such individual are not contrary to a pre-existing collective bargaining agreement to which the City employee is a party to. If possible, the liaison shall be a bilingual/multilingual staff member.
3. The OLCA for the City of Boston shall create an employee development, training strategy, and quality control protocols to be provided to all Department Heads during their communications access training. The OLCA shall conduct Department training on language and communications access protocols. Language and communications access protocols will include but not be limited to: communication with the OLCA, translation/interpretation requests, cultural sensitivity amongst monolingual staff, utilization and enforcement of the plain language clause, etc.
4. Department Heads will be tasked in ensuring the quality control protocols provided by the OLCA are consistently used in their offices and reporting any changes that should be made to these protocols in order to provide the most reliable and cost effective services to constituents. All constituent-facing City employees and personnel will be trained yearly on their Department's Language and Communications access plans, along with any other necessary materials.
5. The OLCA shall oversee the process to ensure that all volunteer language interpreter staff in public contact positions have been vetted as having sufficient language skills and that they are providing adequate interpretation. For volunteers who have been deemed not to have sufficient language skills, feedback and links to resources shall be provided by the OLCA so that they may hone their skills.
6. Every department must keep a list of all of their written materials that are required to be translated and must review this list on a yearly basis to ensure all Vital Documents that need to be translated are current. This list should be easily accessible to members of the public.
7. The OLCA shall hold a listening forum at least once a year to seek feedback from the community on language and communications access issues in the City. The OLCA will conduct outreach to community groups and the general public to invite them to the public listening meeting. Listening forums shall be offered in the City-wide Threshold Languages.

Section 6.10.1(n) *Available Funding* shall be stricken and replaced with the following:

Notwithstanding the provisions of this Ordinance, if a City Department determines that meeting the foregoing requirements, in whole or in part, is not possible due to financial constraints, the City Department shall identify a phased approach to meet such requirements. Said phased approach shall be provided to the OLCA and the Department shall work with that office to implement its departmental plan in accordance with its phased approach.

6.10.1(o) *Conflict with other Language Access Guidelines* shall be stricken and replaced with the following:

Notwithstanding the provisions of this Ordinance, if a City Department receiving federal financial assistance either directly or indirectly has developed and implemented a plan or policy pursuant to federal rules, regulations, guidelines or other policy directives to ensure communications access to its services, programs and activities that are substantially equivalent to or greater than the requirements pursuant to



this Ordinance, the City Department may utilize and implement said plan or policy in lieu of the requirements of this Ordinance. The City Department shall submit its communications access policy and the applicable federal rules, regulations, guidelines or policy directive to the OLCA. The submission shall be accompanied by a cover letter that attests that said access policy or plan meets the requirements of applicable federal rules, regulations, guidelines or other policy directives, and the aforesaid cover letter shall be signed by the Department head.

SECTION 2. Effective Date.

This ordinance shall be effective within twelve months of passage and upon realization of funds, with quarterly progress on the implementation to be submitted to the Boston City Council.

Filed in City Council: August 18, 2021