

CITY OF BALTIMORE
ORDINANCE **24 - 440**
Council Bill 24-0584

Introduced by: The Council President and Councilmember Ramos
At the request of: The Administration (Mayor's Office of Immigrant Affairs)
Introduced and read first time: September 16, 2024
Assigned to: Public Safety and Government Operations Committee
Committee Report: Favorable, with Amendments
Council action: Adopted
Read second time: November 18, 2024

AN ORDINANCE CONCERNING

Baltimore City Government Entities – Language Access

FOR the purpose of requiring a certain Baltimore government entity to appoint a language access liaison and adopt a Language Access Plan; requiring a Baltimore government entity to provide language access services to specified individuals; establishing certain reporting requirements; defining certain terms; providing for a special effective date; and generally relating to the provision of language access services by Baltimore government entities.

BY adding

Article 1 - Mayor, City Council, and Municipal Agencies
Sections 53-1 to 53-7 to be under the new subtitle designation,
“Subtitle 53. Language Access”
Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 1. Mayor, City Council, and Municipal Agencies

SUBTITLE 53. LANGUAGE ACCESS

§ 53-1. DEFINITIONS.

(A) *IN GENERAL.*

IN THIS SUBTITLE, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

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1 (B) *COVERED ENTITY.*

2 "COVERED ENTITY" MEANS ANY ~~BALTIMORE CITY GOVERNMENT DEPARTMENT, OFFICE,~~
3 ~~OR OTHER ORGANIZATION THAT ADMINISTERS A PUBLICLY FUNDED PROGRAM THAT~~
4 ~~DELIVERS A DIRECT PUBLIC SERVICE, REGARDLESS OF WHETHER THE DEPARTMENT,~~
5 ~~OFFICE, OR ORGANIZATION IS A RECIPIENT OF FEDERAL FINANCIAL SUPPORT. MUNICIPAL~~
6 ~~AGENCY, AS DEFINED IN ARTICLE 1, § 2(J) OF THE CITY CHARTER, THAT DELIVERS A~~
7 ~~DIRECT PUBLIC SERVICE.~~

8 (C) *DESIGNATED CITYWIDE LANGUAGE.*

9 "DESIGNATED CITYWIDE LANGUAGE" MEANS A LANGUAGE THAT, ACCORDING TO UNITED
10 STATES CENSUS DATA, IS THE PRIMARY LANGUAGE USED BY AT LEAST 3 PERCENT OF THE
11 CITY'S TOTAL POPULATION OR 500 LEP INDIVIDUALS, WHICHEVER IS LESS.

12 (D) *DIRECT PUBLIC SERVICE.*

13 "DIRECT PUBLIC SERVICE" MEANS THE PROVISION OF A GOOD OR SERVICE, INCLUDING
14 MONETARY GOODS, ~~TO A CITY RESIDENT~~ BY A COVERED ENTITY.

15 (E) *GRANT.*

16 "GRANT" MEANS FUNDS, REGARDLESS OF SOURCE, THAT ARE CONTROLLED BY THE CITY
17 AND ALLOCATED FROM THE CITY TO A GRANTEE FOR A SPECIFIC PURPOSE.

18 (F) *GRANTEE.*

19 "GRANTEE" MEANS A LEGAL ENTITY TO WHICH A GRANT IS MADE.

20 (G) *LANGUAGE ACCESS SERVICES.*

21 "LANGUAGE ACCESS SERVICES" MEANS THE METHODS USED BY A COVERED ENTITY TO
22 LIMIT LANGUAGE BARRIERS AND PROVIDE LEP INDIVIDUALS WITH MEANINGFUL ACCESS.

23 (H) *LIMITED ENGLISH PROFICIENT INDIVIDUAL.*

24 "LIMITED ENGLISH PROFICIENT INDIVIDUAL" OR "LEP INDIVIDUAL" MEANS:

25 (1) AN INDIVIDUAL WHO DOES NOT SPEAK ENGLISH AS THE INDIVIDUAL'S PRIMARY
26 LANGUAGE; AND

27 (2) AN INDIVIDUAL WHO HAS A LIMITED ABILITY TO READ, SPEAK, WRITE, OR
28 UNDERSTAND ENGLISH.

29 (I) *MAJOR PUBLIC CONTACT.*

30 "MAJOR PUBLIC CONTACT" MEANS THE EMPLOYEES AND REPRESENTATIVES OF A COVERED
31 ENTITY ~~REGULARLY WHO INTERACT WITH MEMBERS OF THE PUBLIC IN THE COURSE OF~~
32 ~~DAILY BUSINESS. AT LEAST TWICE IN AN AVERAGE WORKDAY.~~

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1 (J) *MEANINGFUL ACCESS.*

2 "MEANINGFUL ACCESS" MEANS AN LEP INDIVIDUAL HAS THE ABILITY TO USE TIMELY,
3 ACCURATE, AND EFFECTIVE LANGUAGE ACCESS SERVICES AT NO COST TO THE INDIVIDUAL
4 IN ORDER TO RECEIVE SERVICES AND BENEFITS COMPARABLE TO THOSE ENJOYED BY
5 ENGLISH PROFICIENT INDIVIDUALS.

6 (K) *MIMA.*

7 "MIMA" MEANS THE MAYOR'S OFFICE OF IMMIGRANT AFFAIRS OR ITS SUCCESSOR
8 AGENCY.

9 (L) *SUBGRANT.*

10 "SUBGRANT" MEANS AN ALLOCATION OF GRANT FUNDS BY A GRANTEE TO A SEPARATE
11 LEGAL ENTITY.

12 (M) *SUBGRANTEE.*

13 "SUBGRANTEE" MEANS A LEGAL ENTITY TO WHICH A SUBGRANT IS AWARDED.

14 (N) *VITAL DOCUMENT.*

15 "VITAL DOCUMENT" MEANS ANY FORM, PERMIT, RECORD, OR OTHER OFFICIAL
16 ~~GOVERNMENT~~ DOCUMENT PRODUCED BY THE CITY THAT AN INDIVIDUAL APPLYING FOR A
17 SERVICE OR BENEFIT FROM A COVERED ENTITY MUST UNDERSTAND, RESPOND TO, OR
18 COMPLETE TO ACCESS OR CONTINUE TO ACCESS A DIRECT PUBLIC SERVICE.

19 § 53-2. COVERED ENTITY WITH MAJOR PUBLIC CONTACT.

20 (A) *IN GENERAL.*

21 A COVERED ENTITY WITH MAJOR PUBLIC CONTACT SHALL PROVIDE AN LEP INDIVIDUAL
22 WITH MEANINGFUL ACCESS TO ALL OF THE COVERED ENTITY'S SERVICES AND PROGRAMS.

23 (B) *LANGUAGE ACCESS LIAISON.*

24 (1) *IN GENERAL.*

25 A COVERED ENTITY WITH MAJOR PUBLIC CONTACT SHALL ~~DESIGNATE~~ DESIGNATE, IN
26 CONSULTATION WITH THE DEPARTMENT OF HUMAN RESOURCES, WHERE REQUIRED,
27 AT LEAST 1 EMPLOYEE TO BE THE LANGUAGE ACCESS LIAISON FOR THE COVERED
28 ENTITY.

29 (2) *DUTIES.*

30 A LANGUAGE ACCESS LIAISON SHALL:

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- 1 (I) CONSULT WITH MIMA AND THE DIRECTOR OF THE COVERED ENTITY TO
2 DEVELOP A LANGUAGE ACCESS PLAN AS REQUIRED UNDER SUBSECTION (C) OF
3 THIS SECTION.
- 4 (II) CONTINUALLY ASSESS THE COVERED ENTITY'S LANGUAGE ACCESS PLAN FOR
5 EFFECTIVENESS AND INITIATE CHANGES, IF NEEDED; AND
- 6 (III) COORDINATE THE PREPARATION AND SUBMISSION OF THE ANNUAL REPORT
7 REQUIRED UNDER § 53-4 OF THIS SUBTITLE.

8 (C) *LANGUAGE ACCESS PLAN.*

9 (1) *IN GENERAL.*

10 IN CONSULTATION WITH MIMA, THE LANGUAGE ACCESS LIAISON AND DIRECTOR OF A
11 COVERED ENTITY WITH MAJOR PUBLIC CONTACT SHALL DEVELOP AND IMPLEMENT A
12 LANGUAGE ACCESS PLAN.

13 (2) *CONTENTS.*

14 A LANGUAGE ACCESS PLAN SHALL INCLUDE:

- 15 (I) A DESCRIPTION OF HOW THE COVERED ENTITY WILL IMPLEMENT ITS LANGUAGE
16 ACCESS SERVICES;
- 17 (II) THE METHODS THE COVERED ENTITY WILL USE TO MONITOR THE COVERED
18 ENTITY'S COMPLIANCE WITH:
- 19 (A) THE LANGUAGE ACCESS PLAN;
- 20 (B) THE PROVISIONS OF THIS SUBTITLE; AND
- 21 (C) ANY OTHER APPLICABLE LAWS, RULES, AND REGULATIONS REGARDING
22 LANGUAGE ACCESS;
- 23 (III) THE TYPES OF ORAL LANGUAGE SERVICES THAT THE COVERED ENTITY WILL
24 PROVIDE;
- 25 (IV) THE TITLES OF TRANSLATED DOCUMENTS THAT THE COVERED ENTITY WILL
26 PROVIDE;
- 27 (V) THE NAMES AND CONTACT INFORMATION OF EMPLOYEES WHO WILL SERVE AS
28 POINTS OF CONTACT FOR LEP INDIVIDUALS;
- 29 (VI) THE METHODS THE COVERED ENTITY WILL USE TO ASSESS AND EVALUATE THE
30 LANGUAGE ACCESS NEEDS OF A LEP INDIVIDUAL ATTEMPTING TO ACCESS THE
31 ENTITY'S SERVICES; AND
- 32 (VII) PROTOCOLS TO PROVIDE PUBLIC NOTICE OF THE AVAILABILITY OF LANGUAGE
33 SERVICES TO LEP INDIVIDUALS.

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1 (3) PUBLICATION.

2 A COVERED ENTITY SHALL MAKE THE ENTITY'S LANGUAGE ACCESS PLAN
3 AVAILABLE TO THE PUBLIC.

4 (4) BIENNIAL UPDATE.

5 A COVERED ENTITY SHALL UPDATE AND SUBMIT TO MIMA THE ENTITY'S
6 LANGUAGE ACCESS PLAN BY JANUARY 1 OF EVERY EVEN-NUMBERED YEAR.

7 § 53-3. GRANTEES AND SUBGRANTEES.

8 ~~A GRANTEE OR SUBGRANTEE~~ GRANTEE, SUBGRANTEE, OR CONTRACTOR WITH MAJOR PUBLIC
9 CONTACT SHALL ~~TAKE REASONABLE STEPS TO~~ PROVIDE LEP INDIVIDUALS WITH MEANINGFUL
10 ACCESS.

11 § 53-4. LANGUAGE ACCESS SERVICES.

12 A COVERED ENTITY SHALL PROVIDE THE FOLLOWING LANGUAGE ACCESS SERVICES TO AN LEP
13 INDIVIDUAL:

14 (1) TRANSLATE TO EACH DESIGNATED CITYWIDE LANGUAGE AND MAKE AVAILABLE ALL
15 CITY-CREATED VITAL DOCUMENTS, INCLUDING WEBSITE CONTENT AND OTHER
16 MATERIALS NEEDED TO ACCESS THE ENTITY'S SERVICES;

17 (2) MAKE AVAILABLE ORAL LANGUAGE SERVICES IN ALL DESIGNATED CITYWIDE
18 LANGUAGES AND, WHEN PRACTICABLE, OTHER LANGUAGES, TO AN LEP INDIVIDUAL
19 SEEKING TO PARTICIPATE IN A PROGRAM OR SERVICE OFFERED BY THE AGENCY; AND

20 (3) WHEN PRACTICABLE, HIRE QUALIFIED MULTILINGUAL INDIVIDUALS INTO EXISTING
21 BUDGETED VACANT POSITIONS THAT HAVE HIGH CONTACT WITH THE PUBLIC.

22 § 53-5. ANNUAL REPORT.

23 (A) IN GENERAL.

24 ON OR BEFORE OCTOBER 31 OF EACH YEAR, EACH COVERED ENTITY SHALL FILE AN
25 ANNUAL REPORT WITH MIMA AND THE DEPARTMENT OF LEGISLATIVE REFERENCE.

26 (B) CONTENTS.

27 THE REPORT REQUIRED UNDER THIS SUBSECTION SHALL INCLUDE:

28 (1) AN ASSESSMENT OF THE COVERED ENTITY'S PREPARATION AND IMPLEMENTATION
29 OF ITS LANGUAGE ACCESS PLAN; AND

30 (2) DATA AND PERFORMANCE METRICS AS REQUIRED BY THE DIRECTOR OF MIMA.

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1 **§ 53-6. ROLE OF MIMA OR ITS SUCCESSOR AGENCY.**

2 MIMA SUBJECT TO THE APPROPRIATION OF FUNDS IN THE ANNUAL ORDINANCE OF
3 ESTIMATES AND SUPPLEMENTARY APPROPRIATIONS, MIMA SHALL:

- 4 (1) PROVIDE OVERSIGHT, COORDINATION, AND TECHNICAL ASSISTANCE TO A COVERED
5 ENTITY WITH MAJOR PUBLIC CONTACT AS THE COVERED ENTITY PREPARES AND
6 IMPLEMENTS A LANGUAGE ACCESS PLAN;
- 7 (2) PROVIDE GUIDANCE TO COVERED ENTITIES AS THE COVERED ENTITIES ADHERE TO THE
8 REQUIREMENTS OF THIS SUBTITLE;
- 9 (3) IDENTIFY AND DESIGNATE CITYWIDE DESIGNATED LANGUAGES;
- 10 (4) DESIGNATE COVERED ENTITIES WITH MAJOR PUBLIC FACING CONTACT; AND
- 11 (5) MAKE EACH COVERED ENTITY'S LANGUAGE ACCESS PLAN AVAILABLE ON MIMA'S
12 WEBSITE AND, UPON REQUEST, PROVIDE INFORMATION ABOUT COVERED ENTITIES'
13 COMPLIANCE WITH THIS SUBTITLE AVAILABLE TO THE PUBLIC IN ALL DESIGNATED
14 CITYWIDE LANGUAGES.

15 **§ 53-7. RULES AND REGULATIONS.**

16 SUBJECT TO TITLE 4 {"ADMINISTRATIVE PROCEDURE ACT – REGULATIONS"} OF THE CITY
17 GENERAL PROVISIONS ARTICLE, THE DIRECTOR OF MIMA SHALL ADOPT RULES AND
18 REGULATIONS TO CARRY OUT THIS SUBTITLE.

19 **SECTION 2. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 180th
20 day after the date it is enacted.

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Certified as duly passed this 2 day of December, 2024



President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,
this 2 day of December, 2024



Chief Clerk

Approved this 2 day of December, 2024



Mayor, Baltimore City

Approved for Form and Legal Sufficiency
This 2nd Day of December, 2024.

Elena R. DiPietro

Chief Solicitor