

Legislative & Policy Updates

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Introductions

- Northwest Justice Project
- Northwest Immigrant Rights Project
- Today's Agenda

Federal Policy Changes

- Reset enforcement priorities – Executive Order “Enhancing Public Safety in the Interior of the United States” on Jan. 25, 2017
- Public Charge -
 - Department of Homeland Security – Final rule, effective on Oct. 15, 2019, **BUT** Preliminary Injunction issued on Oct. 11.
 - Department of State (Foreign Affairs Manual) – Jan. 2018, AND Interim Final Rule, published on Oct. 11 and effective on Oct. 15, 2019
 - Department of Justice – potential notice of proposed rulemaking (forwarded to the Office of Management and Budget on Jul. 3, 2019, the text is not public, expected to be similar to DHS’s rule

Federal Policy Changes, continued.

- Jul. 2019 – Executive Office of Immigration Review (DOJ) - Ending in-person interpreters at first hearings.
 - Announced in May 2019, rolled out in July and currently in effect in Los Angeles (non-detained), Miami (detained/non-detained), New York (detained/non-detained), and San Francisco (detained/non-detained)
- Jun. 2019 – Administration announcement of funding cuts for educational services for detained undocumented immigrant children
 - 1997 Flores Agreement (Central Dist. Of CA)– “educational services appropriate to the minor’s level of development...concentrates primarily on the development of basic academic competencies and secondarily on English language training. The educational program shall include instruction and educational and other reading materials in such languages as needed. ...The program shall provide minors with appropriate reading materials in languages other than English for use during the minor’s leisure time.”
 - Aug. 2019 – Administration announced plans to end the settlement agreement (20-day limit for holding children)

US Census – Citizenship Question

- U.S. Citizenship question – not included in 2020 Census.
 - Census determines how congressional seats and electoral college votes are distributed
 - Aug. 2019 - Federal courts issued orders permanently blocking the Administration from using the 2020 census to ask about people's U.S. citizenship status

Social Security Disability Determination

- Proposed Rule: Dependents RIN: 0960-AH86
- Notice Issued Feb. 2019
- Comment period closed
- No Final Rule yet

Removing Inability to Communicate in English as an Education Category.

Docket Folder Summary

 [View all documents and comments in this Docket](#)

Docket ID: SSA-2017-0046 **Agency:** Social Security Administration (SSA)

Summary:

This final rule would eliminate the education category "inability to communicate in English" when we evaluate disability claims for adults under titles II and XVI of the Social Security Act. Changes in the national workforce since we added this category to our rules in 1978 demonstrate that this education category is no longer a reliable indicator of an individual's educational attainment or the vocational impact of an individual's education. The rule would reflect research and data related to English language proficiency, work, and education; expansion of the international reach of our disability programs; and audit findings by our Office of the Inspector General. The rule would help us better assess the vocational impact of education in the disability determination process.

[less...](#)

RIN: 0960-AH86 **Impacts and Effects:** None **CFR Citation:** 20 CFR 404.1564, part 404 subpart P app, 20 CFR 416.964
Priority: Other Significant

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Primary Documents [View All \(1\)](#)

PR

[Removing Inability to Communicate in English as an Education Category](#) 

Proposed Rule Posted: 02/01/2019 ID: SSA-2017-0046-0001

Comment Period Closed

Apr 02, 2019 11:59 PM ET

Supporting Documents [View All \(2\)](#)

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Regulatory Timeline

 Pre Rule

 Proposed Rule

 Final Rule
Current Stage

Affordable Care Act Section 1557

Nondiscrimination in Health and Health Education Programs or Activities

Docket Folder Summary  [View all documents and comments in this Docket](#)

Docket ID: HHS-OCR-2019-0007 **Agency:** Department of Health and Human Services (HHS)

Summary:

This proposed rule implements section 1557 of the Patient Protection and Affordable Care Act (PPACA), which prohibits discrimination on the basis of race, color, national origin, sex, age, and disability under any health program or activity, any part of which is receiving Federal financial assistance, including credits, subsidies, or contracts of insurance, or under any program or activity that is administered by an Executive Agency or any entity established under Title I of the PPACA.

RIN: 0945-AA11 **Impacts and Effects:** None **CFR Citation:** 45 CFR 92 **Priority:** Economically Significant

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Primary Documents [View All \(1\)](#)

 **Nondiscrimination in Health and Health Education Programs or Activities**
Proposed Rule Posted: 06/14/2019 ID: HHS-OCR-2019-0007-0001

Comment Period Closed
Aug 13, 2019 11:59 PM ET

Supporting Documents [View All \(6\)](#)

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155,966
Comments Received*

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Regulatory Timeline

 Pre Rule

 Proposed Rule
Current Stage

 Final Rule

Washington State Legislation

- Keep Washington Working – protects the privacy and civil rights of WA residents by prohibiting local law enforcement from questioning about immigration status, notifying immigration officials that a noncitizen is in custody, and detaining someone from civil immigration enforcement
 - Language Access:
 - (8) Definition: "Language services" includes but is not limited to translation, interpretation, training, or classes."
 - (6) State and local law enforcement agencies may not give federal immigration authorities access to interview individuals about a noncriminal matter while they are in custody, except as required by state or federal law, a court order, or by (b) of this subsection.
 - (b) if the person consents in writing to be interviewed
 - "The form must be available at least in English and Spanish and explained orally to a person who is unable to read the form, using, when necessary, an interpreter from the district communications center "language line" or other district resources.
 - (13) No state or local law enforcement agency or school resource officer may enter into or renew a contract for the provision of language services from federal immigration authorities, nor may any language services be accepted from such for free or otherwise.

RLTA & Translated Notices in Housing Context

- SB 5600 – 14 Day notice to pay or vacate (replaces prior 3 day notice)
- RCW 59.18.057 – outlines what the notice must contain.
- RCW 59.18.058 – Requires the Attorney General to translated the notice in the top 10 languages.

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Washington State

Office of the Attorney General

Attorney General
Bob Ferguson

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LANDLORD-TENANT

English [\[click to expand/contract\]](#)

(Spanish) Haga clic aquí para español [\[click to expand/contract\]](#)

(Chinese) 点击此处查看中文 [\[click to expand/contract\]](#)

(German) Klicken Sie hier für Deutsch [\[click to expand/contract\]](#)

(Hindi) हिंदी के लिए यहां क्लिक करें [\[click to expand/contract\]](#)

(Korean) 인쇄 가능한 문서는 여기를 클릭하세요 [\[click to expand/contract\]](#)

(Tagalog) Mag-click dito para sa Tagalog [\[click to expand/contract\]](#)

(Vietnamese) Nhấp vào đây để xem tiếng Việt [\[click to expand/contract\]](#)

(Russian) Для перехода на русский язык, нажмите здесь [\[click to expand/contract\]](#)

(Ukrainian) Щоб перейти на українську мову, натисніть тут [\[click to expand/contract\]](#)

(Japanese) 日本語はこちらをクリック。 [\[click to expand/contract\]](#)

(Amharic) ለአማርኛ እዚህ ጋ ጫን ያድርጉ [\[click to expand/contract\]](#)

(Somali) Halkan guji haddii ay tahay Af-soomaali [\[click to expand/contract\]](#)

Mobile Homes: Translated Notices

- **RCW [59.21.033](#)**
- **Notice—Translated versions—Legal or advocacy resource information.**
- (1) The department shall produce and maintain on its web site translated versions of the notice under RCW [59.21.030](#) in the top ten languages spoken in Washington state and, at the discretion of the department, other languages. The notice must be made available upon request in printed form on one letter size paper, eight and one-half by eleven inches, and in an easily readable font size.
- (2) The department shall also provide on its web site information on where tenants can access legal or advocacy resources, including information on any immigrant and cultural organizations where tenants can receive assistance in their primary language.



Department of Commerce

To request the Notice in printed form or to make suggestions for improving Notice translation, please contact the Office of Manufactured/Mobile Home Relocation Assistance at omh@commerce.wa.gov, toll-free at 800-964-0852 , or 360-725-2971 .

If English is not your primary language, we will call you back with the help of a telephone interpreter in the language you are most comfortable with.

- <https://www.commerce.wa.gov/building-infrastructure/housing/mobile-home-relocation-assistance/>

The Notice is also available in the following languages:

[MODELO DE NOTIFICACIÓN DE CIERRE PARA LOS ARRENDATARIOS \(Spanish\)](#) (PDF)

[ШАБЛОН УВЕДОМЛЕНИЯ О ЗАКРЫТИИ ДЛЯ АРЕНДАТОРОВ \(Russian\)](#) (PDF)

[MẪU THÔNG BÁO ĐÓNG CỬA DÀNH CHO NGƯỜI THUÊ \(Vietnamese\)](#) (PDF)

[ШАБЛОН СПОВІЩЕННЯ ОРЕНДАРІВ ПРО ЗАКРИТТЯ \(Ukrainian\)](#) (PDF)

[OGEYSIINTA XIRITAANKA EE JADWALKA KIREYSTAYAASHA \(Somali\)](#) (PDF)

[임차인 수신 폐쇄 통보 템플레이트 \(Korean\)](#) (PDF)

[TEMPLATE NG ABISO NG PAGSASARA PARA SA MGA TENANT \(Filipino\)](#) (PDF)

[نموذج إشعار إغلاق المستأجرين \(Arabic\)](#) (PDF)

[ਵਿਰਾਏਦਾਰ ਨੂੰ ਨਵਾਂ ਵਿਰਾਏ ਦੀ ਸਹਾਇਕ ਛੱਡਣ ਦਾ ਨੋਟਿਸ \(Punjabi\)](#) (PDF)

[KOJELLA KIN KILÖK IN KEIN JERBAL EO AN ARMIJ RO REJ JOKWE \(Marshallese\)](#) (PDF)

[致承租人的关闭通知模板 \(Chinese-Simplified\)](#) (PDF)

[致租戶的結業通知模板 \(Chinese-Traditional\)](#) (PDF)

Healthcare

- SHB 1870 - enacting ACA protections into State Law
- OIC updating WAC 284-43 with new non-discrimination provision to include many of the roll backs from Section 1557

Charity Care - WAC 246-453-010

Notices in Languages other than English

(16) "Publicly available" means posted or prominently displayed within public areas of the hospital, and provided to the individual in writing and explained, at the time that the hospital requests information from the responsible party with regard to the availability of any third-party in any language spoken by more than ten percent of the population in the hospital's service area, and interpreted for other non-English speaking or limited-English speaking or other patients who can not read or understand the writing and explanation;

Emergency Services - EMD

- **RCW 38.52.070 Communication Plans**
 - Life Safety Information
 - Significant Population Segments

NEW SECTION. **Sec. 1.** The legislature finds that, as a matter of human dignity, all persons should be informed of emergency notifications in a manner in which they can understand. It is the intent of the legislature that all persons who may be in harm's way in an emergency are informed of their peril, and informed of appropriate actions they should take to protect themselves and their families.

Emergency Services - DNR

- **RCW 76.04.179 Wildland Fire Advisory Committee**
 - 2019: The committee must also develop plans to help protect non- English speaking residents during wildfire emergencies. The committee may enlist the assistance from the state ethnic and diversity commissions or any other organizations who have expertise in public outreach to non-English speaking people.

Education: ESHB 1130

RCW [28A.630.097](#)

Language access work group. (*Expires
December 31, 2020.*)

NEW SECTION. **Sec. 1.** The legislature finds that:

(1) It is the policy of the state to welcome and encourage the presence of diverse cultures and the use of diverse languages and modalities of communication in business, government, and private affairs in this state;

(2) Washington public schools' ability to effectively communicate with students and their family members who have language access barriers impacts the schools' ability to engage students and families effectively in the education process and contributes to inequalities and increased gaps in student achievement;

Education

- RCW [28A.155.230](#)

Student language.

(1) Beginning in the 2019-20 school year, school districts must document the language in which families of special education students prefer to communicate and whether a qualified interpreter for the student's family was provided at any planning meeting related to a student's individualized education program or plan developed under section 504 of the rehabilitation act of 1973 and meetings related to school discipline and truancy.

(2) For the purposes of this section, "qualified interpreter" means someone who is able to interpret effectively, accurately, and impartially, both receptively and expressively using any necessary specialized vocabulary.

[[2019 c 256 § 3.](#)]

SSSB 6245 – related to spoken language interpreter services in state government

Passed in the 2017/2018 legislative session

Implementation in 2020

2020

- Final Rules and possible litigation
- Implementation of SSSB 6245 – related to spoken language interpreter services in state government.
- Implementation of contracting systems for sign language interpreter services in state government
- Recommendations from the 1130 Work group
- Recommendations from the Office of Equity Task Force

Questions and Contact Information

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