

STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

**Testimony in SUPPORT of HB1762 HD1
RELATING TO LANGUAGE ACCESS.**

REP. SYLVIA LUKE, CHAIR
HOUSE COMMITTEE ON FINANCE

Hearing Date: February 24, 2022

Room Number: Videoconference

- 1 **Fiscal Implications:** Unspecified general fund appropriations.
- 2 **Department Testimony:** The COVID-19 pandemic demonstrated the immediate and long-term
- 3 detriments to persons and communities with Limited English Proficiency. More resources
- 4 should be dedicated to the Office of Language Access in particular, and to as many cabinet
- 5 agencies as possible for staff and funds for purchase of services contracts. An example of
- 6 activities that may be supported by additional resources is the implementation of the National
- 7 Standards for Culturally and Linguistically Appropriate Services in Health and Health Care
- 8 Standards, commonly referred to as the CLAS Standards, published by the The US Department
- 9 of Health and Human Services, Office of Minority Health. The CLAS Standards, the purpose of
- 10 which is to advance health equity, improve quality, and help eliminate health care disparities in
- 11 health and health care organizations, were revised in 2013 to account for the increasing diversity
- 12 of the U.S. population, the growth in cultural and linguistic competency fields, and the changing
- 13 landscape with respect to new national policies and legislation, including the Affordable Care
- 14 Act.
- 15 Thank you for the opportunity to testify.

DAVID Y. IGE
GOVERNOR

JOSH GREEN
LIEUTENANT GOVERNOR



ANNE E. PERREIRA-EUSTAQUIO
DIRECTOR

JOANN A. VIDINHAR
DEPUTY DIRECTOR

JOVANIE DOMINGO DELA CRUZ
EXECUTIVE DIRECTOR

STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
OFFICE OF COMMUNITY SERVICES

830 PUNCHBOWL STREET, ROOM 420
HONOLULU, HAWAII 96813
www.hawaii.gov/labor
Phone: (808) 586-8675 / Fax: (808) 586-8685
Email: dlir.ocs@hawaii.gov

IN REPLY, REFER TO:
OCS 22.1048

February 22, 2022

To: The Honorable Sylvia Luke, Chair,
The Honorable Kyle T. Yamashita, Vice Chair, and
Members of the House Committee on Finance

Date: Thursday, February 24, 2022

Time: 2:00 p.m.

Place: Conference Room 308 & Via Videoconference

From: Jovanie Domingo Dela Cruz, Executive Director
DLIR – Office of Community Services

Re: H.B. 1762 HD 1 – RELATING TO LANGUAGE ACCESS

I. OVERVIEW OF PROPOSED LEGISLATION

HB 1762, HD 1, would require the Executive Director of the Office of Language Access (OLA) to submit an annual report to the governor and legislature on compliance, complaints, resolution of complaints, and recommendations to enhance and promote language access. The bill would also appropriate for FY 2022-23 an unspecified sum to establish 3 Limited English Proficiency language coordinator positions “to work with all state departments and agencies to ensure compliance with all state and federal language access laws.” Each of these 3 positions would be 1 FTE.

II. CURRENT LAW

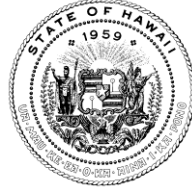
Currently, the statute that establishes the Office of Language Access, HRS Chapter 321C, does not require the Executive Director of OLA to submit annual reports to the Governor or the Legislature, nor is there currently a statutory requirement or funding to establish 3 Limited English Proficiency language coordinator positions to work with all state departments and agencies to ensure compliance with all state and federal language access laws. These would be new positions.

III. COMMENTS ON THE PRESENT BILL

The Office of Community Services (OCS) is pleased to support this bill, which would assist two of OCS's core constituencies, namely immigrants and refugees. OCS was created by the Legislature by Act 305, SLH 1985, codified as Chapter 371K, Hawaii Revised Statutes. The mission of OCS is to eliminate the causes and conditions of poverty for economically disadvantaged persons, immigrants, and refugees in the State of Hawaii, by facilitating and enhancing the development, delivery, and coordination of effective programs for these persons and communities to enable them to achieve and maintain greater economic self-sufficiency and integration into Hawaii's society.

Having OLA provide annual reports would be very helpful to keep all of us who serve the immigrant community in Hawaii apprised of new developments and new activities. We look forward to enhanced coordination with OLA, and to the opportunity to interact with the new Language Access coordinators.

As always, we look forward to helping the Legislature and our sister agencies in any way that we reasonably can. Thank you very much for the opportunity to testify.



DAVID Y. IGE
GOVERNOR

JOSH GREEN
LT. GOVERNOR

**STATE OF HAWAII
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS**

335 MERCHANT STREET, ROOM 310
P.O. BOX 541
HONOLULU, HAWAII 96809
Phone Number: 586-2850
Fax Number: 586-2856
cca.hawaii.gov

CATHERINE P. AWAKUNI COLÓN
DIRECTOR

JO ANN M. UCHIDA TAKEUCHI
DEPUTY DIRECTOR

Testimony of the Department of Commerce and Consumer Affairs

**Before the
House Committee on Finance
Thursday, February 24, 2022
2:00 p.m.
Via Videoconference**

**On the following measure:
H.B. 1762 H.D.1, RELATING TO LANGUAGE ACCESS**

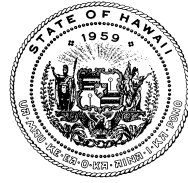
Chair Luke, and Members of the Committee:

My name is Catherine P. Awakuni Colón, and I am the Director of the Department of Commerce and Consumer Affairs (Department). The Department appreciates the intent of this bill and supports the revisions to the bill reflected in the House Draft 1 (HD1).

The HD1 requires the executive director of the office of language access (OLA) to submit an annual report to the governor and legislature on compliance, complaints, resolution of complaints, and recommendations to enhance and promote language access, and appropriates funds to establish three full-time equivalent (3.0 FTE) limited English proficiency language coordinator positions in the OLA.

The Department believes that the appropriation to the OLA set forth in the HD1 will better enable that agency to provide uniform guidance across all state agencies and assist agencies on an as-needed basis regarding specific language access questions.

Thank you for the opportunity to testify on this bill.



STATE OF HAWAII
DEPARTMENT OF HEALTH
OFFICE OF LANGUAGE ACCESS
1177 Alakea Street, Room B-100
Honolulu, HI 96801-3378
doh.ola@doh.hawaii.gov

APHIRAK BAMRUNGRUAN
EXECUTIVE DIRECTOR

**Testimony COMMENTING on HB 1762 HB 1
RELATING TO LANGUAGE ACCESS**

REPRESENTATIVE SYLVIA LUKE, CHAIR
HOUSE COMMITTEE ON FINANCE

Hearing Date: 2/24/2022

Room Number: Via Videoconference

- 1 **Fiscal Implications:** This measure may impact the priorities identified in the Governor's
- 2 Executive Supplemental Budget Request.

- 3 **Agency Testimony:** The Office of Language Access (OLA) appreciates the intent of this
- 4 measure, provided the measure's passage does not replace or adversely impact priorities in the
- 5 Governor's Executive Supplemental Budget Request. We offer the following comments.

- 6 This measure would require the executive director of OLA to submit an annual report to the
- 7 governor and legislature on compliance, complaints, resolution of complaints, and
- 8 recommendations to enhance and promote language access. It also appropriates funds to
- 9 establish three Limited English Proficiency (LEP) language coordinator positions in OLA.

- 10 English proficiency, or lack thereof, has strong impacts on people's economic and social
- 11 activities; health literacy and wellness; as well as access to education, employment, and
- 12 important public assistance, benefits, programs, and services. Under Chapter 321C, Hawaii
- 13 Revised Statutes (HRS), OLA's task is to provide highly specialized technical assistance and to
- 14 coordinate resources to reduce the burden of implementing language access obligations. OLA is
- 15 charged with providing oversight, central coordination, and technical assistance to all state and
- 16 state-funded agencies in their implementation of language access compliance, which is a civil
- 17 right under both state and federal law.

1 OLA has no objection to submitting an annual report with information related to compliance,
2 complaints, resolution of complaints, and recommendations to enhance and promote language
3 access as outlined under Chapter 321C, HRS.

4 Currently, OLA is operating with five authorized full-time equivalent positions. Additional
5 staffing can enable OLA to better assist state agencies in complying with language access laws.
6 Nevertheless, OLA only occupies 523 square feet of office space in the basement of Keoni Ana
7 building. Adding three more positions would require additional space that meets the Department
8 of Accounting and General Services' (DAGS) Revised Office Standards (ROS).

9 Thank you for the opportunity to comment on this measure.

DAVID Y. IGE
GOVERNOR

JOSH GREEN
LIEUTENANT GOVERNOR



STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
www.labor.hawaii.gov

ANNE PERREIRA-EUSTAQUIO
DIRECTOR

JOANN A. VIDINHAR
DEPUTY DIRECTOR

February 24, 2022

To: The Honorable Sylvia Luke, Chair,
The Honorable Kyle T. Yamashita, Vice Chair, and
Members of the House Committee on Finance

Date: Thursday, February 24, 2022

Time: 2:00 p.m.

Place: Conference Room 308, State Capitol

From: Anne Perreira-Eustaquio, Director
Department of Labor and Industrial Relations (DLIR)

Re: H.B. 1762 HD1 RELATING TO LANGUAGE ACCESS

The department supports HB1762 HD1 that requires the Executive Director of the Office of Language Access (OLA) to submit an annual report to the Legislature and provides staffing to help OLA ensure compliance with state and federal language access laws, provided that it does not conflict with the priorities identified in the Governor's Executive Supplemental Budget request.

During the interim between the 2021 and 2022 Legislatures, the DLIR convened a Working Group pursuant to HCR169 to improve access to government services for immigrants and increase immigrant opportunities to make civic and economic contributions to the community. The report¹ detailed the absolutely vital role that immigrants, especially those with Limited English Proficiency (LEP), play in Hawaii's economy, workforce and community. However, despite immigrants' integral contributions, foreign-born residents still encounter significant barriers to full integration into Hawai'i as they encounter barriers across a variety of domains, including legal, language, financial, citizenship, and cultural literacy ones, amongst others. Therefore, the Working Group identified bolstering the state's language access law and provision of language access resources as another important component to addressing current immigrant needs in accessing state services.

Requiring OLA to annually report to the Legislature will furnish the Legislature with crucial, timely information on the status of the State's efforts to enhance and promote language access. Strengthening OLA's ability to help assure compliance with state and federal language access laws will help the agency effectuate implementation and delivery of state agencies' language access plans.

¹ <http://labor.hawaii.gov/wp-content/uploads/2021/12/HCR169-Report20211200.pdf>

DAVID Y. IGE
GOVERNOR



CRAIG K. HIRAI
DIRECTOR

GLORIA CHANG
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER

STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
P.O. BOX 150
HONOLULU, HAWAII 96810-0150

ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

WRITTEN ONLY
TESTIMONY BY CRAIG K. HIRAI
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE HOUSE COMMITTEE ON FINANCE
ON
HOUSE BILL NO. 1762, H.D. 1

February 24, 2022
2:00 p.m.
Room 308 and Videoconference

RELATING TO LANGUAGE ACCESS

The Department of Budget and Finance (B&F) offers comments on this bill.

House Bill No. 1762, H.D. 1:

- Amends Chapter 321C, HRS, to require the Executive Director of the Office of Language Access (OLA) to submit an annual report to the Governor and Legislature on compliance, complaints, resolution of complaints, and recommendations to enhance and promote language access.
- Appropriates an unspecified amount of general funds in FY 23 to OLA for the establishment of 3.00 full-time equivalent Limited English Proficiency Language Coordinator positions.

B&F notes that, with respect to the general fund appropriation in this bill, the federal Coronavirus Response and Relief Supplemental Appropriations Act requires that states receiving Elementary and Secondary School Emergency Relief (ESSER) II funds and Governor's Emergency Education Relief II funds must maintain state support for:

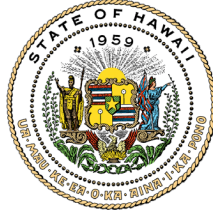
- Elementary and secondary education in FY 22 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

Further, the federal American Rescue Plan (ARP) Act requires that states receiving ARP ESSER funds must maintain state support for:

- Elementary and secondary education in FY 22 and FY 23 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 and FY 23 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

The U.S. Department of Education has issued rules governing how these maintenance of effort (MOE) requirements are to be administered. B&F will be working with the money committees of the Legislature to ensure that the State of Hawai'i complies with these ESSER MOE requirements.

Thank you for your consideration of our comments.



STATE OF HAWAII
DEPARTMENT OF DEFENSE
HAWAII EMERGENCY MANAGEMENT AGENCY

TESTIMONY ON HOUSE BILL 1762, HD1
RELATING TO LANGUAGE ACCESS

BEFORE THE HOUSE COMMITTEE ON
FINANCE
BY

Luke P. Meyers
Administrator, Hawaii'i Emergency Management Agency (HI-EMA)

FEBRUARY 24, 2022

Aloha Chair Luke, Vice-Chair Yamashita, and Members of the Committee:

Thank you for the opportunity to submit testimony to provide **COMMENTS** on HB 1762, HD1.

House Bill 1762, HD1 requires the executive director of the office of language access to submit an annual report to the governor and legislature on compliance, complaints, resolution of complaints, and recommendations to enhance and promote language access. Appropriates funds to establish three full-time equivalent (3.0 FTE) limited English proficiency language coordinator positions in the office of language access.

Limited English Proficiency (LEP) is a barrier that directly impacts one in nine persons living in Hawaii'i. This barrier creates limitations for the LEP population to access lifesaving and property-protecting information in the event of natural and human-caused emergencies and disasters. Communication to those impacted during incidents is among the biggest challenges facing emergency managers; building capability and capacity prior to an incident is greatly needed and a best practice among the emergency management profession.

Recent incidents, including the COVID-19 pandemic have thrown into sharp relief the vital need for the Hawaii'i Emergency Management Agency's (HI-EMA) to quickly communicate emergency information to a large portion of the population.

The newly created language access coordinator positions would benefit the HI-EMA and provide valuable support to emergency management spokespersons' efforts to identify and improve ways to communicate with the

LEP population on how to prepare for, mitigate against, respond to, and recover from emergencies and disasters.

The HI-EMA takes no position on the reporting elements of this bill, deferring to the office of language access, but is in support of its other provisions provided it does not interfere with the Governor's budget priorities.

Thank you for the opportunity to provide comments on House Bill 1762, HD1.

Luke P. Meyers: Luke.P.Meyers@hawaii.gov; 808-733-4300



February 22, 2022

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Rep. Kyle T. Yamashita, Vice Chair

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Hearing Date: February 24, 2022, 2:00 pm
Via Videoconference; Conference Room 308

**Testimony in Support of House Bill 1762, HD 1
Relating to Language Access**

Chair Luke, Vice-Chair Yamashita, and Members of the Committee:

The Legal Clinic (“TLC”) submits this testimony in support of HB 1762, HD 1, which would require the executive director of the office of language access to submit an annual report to the governor and legislature on compliance, complaints, resolution of complaints, and recommendations to enhance and promote language access; and would appropriate funds to establish limited English proficiency language coordinator positions in the departments of commerce and consumer affairs, health, and agriculture, and the Hawai'i emergency management agency.

TLC provides legal services to Hawai'i's low- and moderate- income immigrant community. In the course of our work, we encounter on a daily basis the difficulties that a significant portion of our immigrant community faces in virtually all aspects of their public lives. This can range from the mundane, such as accessing public transportation, to the dire, such as obtaining health care and public benefits like unemployment insurance. Passage of House Bill 1762, HD 1, would be an important step in helping overcome these difficulties by assuring compliance with federal and state laws, which require the provision of language services to those who lack proficiency in the English language.

Nearly one in five Hawai'i residents is an immigrant. According to the 2020 Census, immigrants (those born outside the United States) make up 19.3% of our population (273,012 of our residents). This is a significantly higher proportion than for the United States as whole, where immigrants comprise 13.7% of the total U.S. population. Moreover, according to the 2020 State of Hawai'i Data Book, 354,344 of our residents, or 27% of our population, speak a language other than English at home. And, over 158,100, or 45% of that portion of our population, speak English “less than ‘very well’.”

This growing segment of our population has a civil right to language access. This is guaranteed them by both federal law (Title VI of the Civil Rights Act of 1964 and Executive Order 13166 (2000)) and state law (Chapter 321C, Hawai'i Revised Statutes). As such, they are entitled to language services, such as for interpretation and translation, in order to ensure meaningful access to government services, programs and activities.

Unfortunately, Hawai'i has not fulfilled its obligations to the those with limited English proficiency. This was most recently evidenced by the U.S. Department of Labor's recent consent decree with the State's Department of Labor and Industrial Relations compelling it to provide required language access services in its unemployment insurance program.

Moreover, there are good reasons beyond legal compulsion for the State to provide language services to our immigrant community and, additionally, to do all that it can to strengthen the immigrant community because of the key role it plays in Hawai'i's economy. This was recently underscored in a report by New American Economy, "Immigrants and Migrants in Hawai'i, Essential Contributors to the State's Workforce and Economy," released in May 2021. Among its key findings were:

- **Immigrants are vital to industries and occupations that are essential to Hawai'i's economy.** Despite making up 18 percent of Hawai'i's population, immigrants accounted for nearly 40 percent of agricultural workers, and 33 percent of the workers in the tourism, entertainment, and hospitality industry. Within specific industries, immigrants are playing critical roles in certain occupations, accounting for 68 percent of housekeeping workers, over half of all chefs and head cooks, 47 percent of all nursing assistants, and 20 percent of all physicians.
- **Immigrants make significant economic contributions to Hawai'i's economy.** Alongside the \$1.55 billion that immigrants paid in federal taxes and \$874 million in state and local taxes, immigrants contributed \$780 million to Social Security and \$195 million to Medicare in 2018. After taxes, immigrants in the state had a spending power of \$5.8 billion, and contributed over \$17.5 billion to Hawai'i's GDP.
- **Immigrants are creating jobs in Hawai'i.** In 2018, immigrants accounted for over a quarter of all entrepreneurs in the state, making them 24.4 percent more likely to be entrepreneurs than their U.S.-born counterparts.

https://research.newamericaneconomy.org/wp-content/uploads/sites/2/2021/05/NAE_Hawaii_V7_FINAL.pdf

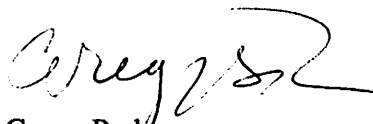
A recent New York Times analysis of new census data further emphasizes the need to support our immigrant community and develop its potential. That analysis shows that population growth fell to an historically low 0.1 percent. However, while the decline occurred in both the number of immigrants arriving in the U.S. and the number of births in excess of death, "[i]mmigration, even at reduced levels, is for the first time making up a majority of population growth." In fact, as of December 2021, immigrants made up the highest portion of our population (14.1%) since the record high reached in 1890 (14.8%). The analysis further noted that, "The movement of the baby boom generation out of the labor force amid a plummeting birthrate has put into sharper relief the need to reverse the decline in new immigration." (The problem of declining population is exacerbated in Hawai'i, where we face the additional concern of residents leaving "for less expensive pastures." (*Hawaii's Population Drain Outpaces Most States — Again, Hawai'i Civil Beat*, January 5, 2022, <https://www.civilbeat.org/2022/01/hawaiis-population-drain-outpaces-most-states-again/>.) Despite this clear need to support the immigrant community, the Times

analysis concluded that, “it will take bold political moves to harness the economic benefits of the existing foreign-born population.” (*Amid Slowdown, Immigration Is Driving U.S. Population Growth*, The New York Times, February 5, 2022, <https://www.nytimes.com/2022/02/05/us/immigration-census-population.html>.)

While not quite a “bold move,” passage of HB 1762, HD 1, would be an important step toward addressing the immediate problem of the lack of language access services and hopefully be part of a broader movement to enhance the ability fully to realize the potential offered by our more recently arrived immigrant community.

We urge you to pass HB 1762, HD 1, out of committee.

Thank you.

A handwritten signature in black ink, appearing to read 'Corey Park', written in a cursive style.

Corey Park
President, Board of Directors
The Legal Clinic



CATHOLIC CHARITIES HAWAII

TO: Representative Sylvia Luke, Chair
Representative Kyle T. Yamashita, Vice Chair
Committee on Finance

FROM: Rob Van Tassell, President and CEO

DATE: Thursday, February 24, 2022 (2:00 p.m., Via videoconference, Conference Rm. 308)

RE: **IN SUPPORT OF HB 1762, HD1, Relating to Language Access**

CCH supports HB 1762, HD1, which would require the Executive Director of the Office of Language Access (OLA) to submit an annual report to the Governor and Legislature, and appropriates funds to establish limited English proficiency language coordinator positions in specific State departments.

Catholic Charities Hawai'i (CCH) is a tax exempt, non-profit agency that has been serving people in need in the State of Hawaii since 1947. Our agency serves limited English proficient clients across all of our 40+ programs. We sought information on COVID safety and health for our elderly LEP clients to help them keep safe during the height of the pandemic. This information was slow to be provided in languages other than English. We tried to assist LEP clients who lost jobs or work hours and were trying to file for Unemployment. The challenges of online filing, combined with lack of language access made this extremely difficult for them. Some of them have still not received any Unemployment Compensation.

Language access was particularly important during the COVID pandemic, when already limited English as a Second Language (ESL) programs were temporarily closed, leaving LEP individuals with no alternatives to improve their English communication. Even CCH's ESL class was only able to continue on a Zoom platform, which not all students were able to access. This limited means to improve their English skills came at a time when the need for COVID information and resources was critical for everyone, including LEP residents.

Requiring State departments and agencies to provide information to the Office of Language Access on how they are ensuring compliance with language access requirements will provide the transparency that is needed to improve accountability on a regular, annual, basis.

Catholic Charities Hawai'i asks for your support of HB 1762, HD1. This bill will help improve compliance with Federal and State language access laws. Limited English proficient members of our community deserve equitable access to the benefits and services to which they are entitled.

For more information or questions, please feel free to email Diane Terada, Division Administrator, at diane.terada@catholiccharitieshawaii.org or call her via phone at (808) 527-4702.

Thank you for this opportunity to provide testimony.





Hawaii
Children's Action Network Speaks!
Building a unified voice for Hawaii's children

Hawai'i Children's Action Network Speaks! is a nonpartisan 501c4 nonprofit committed to advocating for children and their families. Our core issues are safety, health, and education.

To: House Committee on Finance

Re: **HB 1762, HD1 – Relating to Language Access**

Hawai'i State Capitol, Via Videoconference, Conference Room 308

February 24, 2022, 2:00 PM

Dear Chair Luke, Vice Chair Yamashita, and committee members,

On behalf of Hawai'i Children's Action Network Speaks!, I am writing in SUPPORT of HB 1762, HD1, relating to language access. This bill would require the executive director of the office of language access to submit an annual report to the governor and legislature on enhancing and promoting language access, as well as appropriate funds to establish limited English proficiency language coordinator positions in the office of language access.

During the past two years of the pandemic, non-profit organizations like ours have worked hard to help limited English proficiency (LEP) families access the federal pandemic relief benefits that they qualify for. We focused mostly on outreach to parents who qualify for Pandemic EBT (food purchasing funds when keiki are missing out on free or reduced price school meals due to COVID school closures) and the enhanced Child Tax Credit.

While working on this outreach, we learned that our state departments lack resources to provide meaningful language access, as well as that the federal government and national advocacy organizations do not provide translations of outreach materials and applications¹ in many of the languages that are the most spoken by LEP students in Hawai'i² – such as Ilocano, Marshallese, and Chuukese. While private funders were willing to support our outreach work in several languages, those funds were provided as one-time only pandemic relief grants.

As one of the states with the highest portion of foreign-born residents,³ combined with the lack of existing resources for translations of government documents and outreach materials into many of the languages that are spoken most here, Hawai'i arguably needs to devote more resources to ensure language access to our government services than most other states. That's why this bill so important.

Mahalo for the opportunity to provide this testimony. Please pass this bill.

Thank you,
Nicole Woo
Director of Research and Economic Policy

¹ United States Department of Agriculture Food and Nutrition Service, <https://www.fns.usda.gov/cn/translated-applications>

² Hawai'i Data Exchange Partnership, https://hawaiiidxp.org/quick_data/datastory/el

³ Statista, <https://www.statista.com/statistics/312701/percentage-of-population-foreign-born-in-the-us-by-state/>

Statement Before The
HOUSE COMMITTEE ON FINANCE
Thursday, February 24, 2022
2:00 PM
Via Video Conference and Conference Room 308

in consideration of
HB 1762, HD1
RELATING TO LANGUAGE ACCESS.

Chair LUKE, Vice Chair YAMASHITA, and Members of the House Finance Committee

Common Cause Hawaii supports of HB 1762, HD1, which (1) requires the executive director of the office of language access to submit an annual report to the governor and legislature on compliance, complaints, resolution of complaints, and recommendations to enhance and promote language access and (2) appropriates funds to establish three full-time equivalent (3.0 FTE) limited English proficiency language coordinator positions in the office of language access.

Common Cause Hawaii is a nonprofit, nonpartisan, grassroots organization dedicated to reforming government and strengthening our representative democracy - one that works for everyone.

The recent Decennial Census shows that Hawaii is the most diverse state in the nation with a diversity index of 76.0%. See <https://www.census.gov/library/visualizations/interactive/racial-and-ethnic-diversity-in-the-united-states-2010-and-2020-census.html> (retrieved Jan. 31, 2022). The April 2016 DBEDT Research and Economic Analysis Division report on Non-English Speaking Population in Hawaii indicates that non-English speakers at home in Hawaii increased by 44% from 1980 to 2014. See https://files.hawaii.gov/dbedt/economic/data_reports/Non_English_Speaking_Population_in_Hawaii_April_2016.pdf at Executive Summary (retrieved Jan. 31, 2022).

For limited English proficient residents of Hawaii to be able to fully engage with our government and participate in our democratic society, it is imperative that we know where the barriers are in government and how to address them. HB 1762, HD1 will work to achieve this end.

For these reasons, Common Cause Hawaii comments in support of HB 1762, HD1. If you have questions for me, please contact me at sma@commoncause.org.

Very respectfully yours,

Sandy Ma
Executive Director, Common Cause Hawaii



HAWAI'I FRIENDS OF CIVIL RIGHTS

February 24, 2022

TO: Representative Sylvia Luke, Chair
Representative Kyle T. Yamashita, Vice-Chair

FROM: Amy Agbayani, Co-Chair & Pat McManaman, Co-Chair

SUBJECT: **HB1758, HD2 – RELATING TO LANGUAGE ACCESS**

HEARING: February 24, 2022, 2:00 PM
Conference Room 308 & Via Videoconference, State Capitol

The **Hawai'i Friends of Civil Rights** stands in **Strong Support of HB1762, HD1**. We recommend an amendment: that in place of providing state departments with Language Access Coordinator positions the Finance Committee approve funding for Limited English Proficiency Coordinators staffing and program funds to the Office of Language Access (OLA). We believe that additional staff and resources appropriated to OLA will improve language access in the state.

Today, Hawai'i is home to more than a quarter of a million immigrants who make up 18% of Hawai'i's population. Within this population, 348,130 or one in four persons report speaking a language other than English at home. Of this cohort, one in nine Hawai'i residents or 161,055 persons is limited English proficient (LEP) having reported speaking English "less than very well."¹

Language is a clear and profound barrier for many of these New Americans. Many recently arrived asylees, refugees, or family-based immigrants work two to three jobs, often below minimum wage, to support their families leaving little or no time for language studies.

¹ Department of Business, Economic Development & Tourism, State Data Book (2019), <https://dbedt.hawaii.gov/blog/20-16/>, (accessed 2/5/2022).

The collateral costs of attending language classes such as transportation fees, child care costs, and tuition are often beyond the reach of many immigrants. Yet, virtually all immigrants want to learn English. They want better jobs. They want to succeed. And they want their children to succeed.

Section 2. Section 2 will strengthen the Office of Language Access's ability to assure compliance with an array of federal and state language laws. These laws require recipients of federal or state funding to provide interpreters, translation of vital documents, and digital access to LEP persons seeking federal or state-funded services.²

Hawai'i has been repeatedly sanctioned by the federal court, federal offices for civil rights (including the Department of Justice), and the Hawai'i Civil Rights Commission for its failure to provide language access services to LEP persons.³

In 2021, Hawai'i was again in the news for its failure to abide by federal and state language access laws. On September 20, 2021, the Department of Labor and Industrial Relations Unemployment Insurance Division(DLIR/UI) entered into a Settlement Agreement with the U.S. Department of Labor compelling the DLIR/UI to provide language access services.⁴ The Settlement Agreement followed well-documented efforts by Hawai'i's civil rights advocacy community to communicate and work with the DLIR/UI to resolve its substantial failures to provide access to LEP persons seeking benefits throughout the COVID-19 pandemic.

² Federal authorities include Title IV of the Civil Rights Act of 1966, 42 U.S.C. §§2000d to 2000d7; Executive Order 13166 issued by President Clinton on August 11, 2000, *Improving Access to Services for Persons with Limited English Proficiency*, 3 C.F.R 13166 (2000); and *Lau v. Nichols*, 414 U.S. 563 (1974). In 2006, the Hawai'i Legislature affirmed the State's commitment to civil rights and inclusive access to services regardless of national origin through the creation of the Office of Language Access (OLA). Hawai'i Revised Statutes, §321-C.

³ Hawai'i Department of Human Services, Consent Decree, Department of Health and Human Services (2008); Hawai'i Office of Elections, United States District Court for the District of Hawai'i, Settlement Agreement (2010); Hawai'i Department of Labor and Industrial Relations, Settlement Agreement (2014); Hawai'i Department of Transportation, FACE v. DOT, United States District Court for the District of Hawai'i Settlement Agreement (2015); Hawai'i Judiciary, Technical Assistance Agreement, Department of Justice (2015); Hawai'i Public Housing Authority, Settlement Agreement, Hawai'i Civil Rights Commission (2016).

⁴ Civil Beat, Hawaii to Update Unemployment Application after Federal Investigation, <https://www.civilbeat.org/beat/hawaii-to-update-unemployment-application-after-federal-investigation/>, (accessed 2/5/2022).

On April 30, 2021, the National Health Law Program filed a complaint against the Hawai'i Department of Health and 17 other states for failing to provide COVID-19 services to LEP individuals. Specifically, the complaint alleges that Hawai'i failed to provide interpreters in its contact tracing program for most of 2020, failed to translate testing information related to LEP persons, and often published inaccurately translated materials.

Thank you for the opportunity to testify.



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Testimony in SUPPORT of HB1762 HD1 RELATING TO LANGUAGE ACCESS

COMMITTEE ON FINANCE

Rep. Sylvia Luke, Chair

Rep. Kyle T. Yamashita, Vice Chair

Hearing Date: 2/24/2022

Dear Committee Members,

We write to SUPPORT **HB1762 HD1**. This bill will enable greater assurance of necessary compliance with state and federal language access laws.

Compliance with language access laws and regulations is essential for Hawai`i.

One out of nine persons in Hawai`i have limited English proficiency (LEP),¹ a clear and profound barrier that many are unable to change due to the exorbitant costs of language studies that the majority who are working and supporting families cannot afford. That is at least 161,055 people in our community unable to access essential information, necessary benefits, and earned benefits.² They are struggling on an everyday basis due to these language barriers.

The problem is exacerbated by the lack of compliance within government entities. The laws requiring language access for these individuals have already been in place for many decades. Nonetheless, Hawai`i has an extensive history of repeated sanctions by the federal court, federal offices for civil rights, and the Hawai`i Civil Rights Commission for its failure to provide language access services to LEP persons.³ These failures to provide what is required to asylees, refugees, and other immigrants have been broadcasted on the news and gave rise to multiple lawsuits. Some of these suits were brought due to specific Departments neglecting to provide COVID-19 services or information relating to LEP persons.

¹ *The State of Hawaii Data Book: A Statistical Abstract 2019*, Department of Business, Economic Development & Tourism, at 81 (Sept. 2020), https://files.hawaii.gov/dbedt/economic/databook/db2019/DB2019_final_rev09-2020.pdf.

² *Id.*

³ Examples include: Hawai`i Department of Human Services, Consent Decree, Department of Health and Human Services (2008); Hawai`i Office of Elections, United States District Court for the District of Hawai`i, Settlement Agreement (2010); Hawai`i Department of Labor and Industrial Relations, Settlement Agreement (2014); Hawai`i Department of Transportation, *FACE v. DOT*, United States District Court for the District of Hawai`i Settlement Agreement (2015); Hawai`i Judiciary, Technical Assistance Agreement, Department of Justice (2015); and Hawai`i Public Housing Authority, Settlement Agreement, Hawai`i Civil Rights Commission (2016).



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For example, on September 20, 2021, the U.S. Department of Labor (DOL) and the Hawai`i Department of Labor and Industrial Relations Unemployment Insurance Division (DLIR/UI) entered into a language access Settlement Agreement compelling DLIR/UI to come into compliance.⁴ Most recently, the National Health Law Program filed a language access complaint against Hawai`i and 17 other states, alleging failure to provide interpreters in its contact tracing program for most of 2020, failed to translate testing information related to LEP persons, and often published inaccurately translated materials.⁵

These lawsuits magnify how failure to provide language access services endangers the health and well-being of *all* people in our community.

Transparency through annual reports will ensure necessary compliance.

Requiring submission of a report to the governor and legislature on compliance, complaints, resolution of complaints, and recommendations to enhance and promote language access will facilitate needed accountability, encourage a more efficient community, and improve Hawai`i's standard of living.

Due to these repeated sanctions and failure to afford language access compliance, transparency on who is upholding their duty to follow the law is necessary. Passing legislation to require the Office of Language Access to submit an annual report to the Governor and Legislature will help facilitate obligatory accountability. The Governor and Legislature should be made aware of any lack of legal compliance from these reports—rather than from already-filed lawsuits—so that steps can be taken to prevent further legal action that can be very costly for the state.

Additional staff and resources appropriated to OLA will improve language access.

State agencies that provide essential information and services (including providing public-facing information on emergency and life-threatening situations) must be accessible to LEP persons. OLA should develop a comprehensive organizational state plan for language access, including capacity building for language proficiency testing and interpretation and translation costs.

This is critical for our public health, safety, and economy. Immigrants account for nearly 40% of agricultural workers, 33% of the workers in the tourism, entertainment, and hospitality industry,

⁴ Specifically, the settlement compelled compliance with the non-discrimination provisions of the Workforce Innovation and Opportunity Act, 29 U.S.C. §3248, Title VI of Civil Rights Act of 1964, and the DOL's regulations implementing Title VI at 29 C.F.R. part 31.

⁵ Civil Rights Complaint Filed over Discriminatory Provision of COVID-19 Services to Persons with Limited English Proficiency, National Health Law Program (Apr. 30, 2021), <https://healthlaw.org/news/civil-rights-complaint-filed-over-discriminatory-provision-of-covid-19-services-to-persons-with-limited-english-proficiency/>.



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and 47% of all nursing assistants.⁶ Furthermore, there are 18,000 immigrant entrepreneurs across Hawai`i, making up 22% of all business income in the state.⁷ Failing to ensure a percentage of those in our community are safe and healthy imperils everyone, not just LEP persons and their families. Additional resources for OLA will allow OLA to mitigate language access issues within the state, diminishing language access barriers and allowing our economy and workforce to strengthen. This will foster a safer and healthier community.

We fully SUPPORT **HB1762 HD1**. Thank you for your support and consideration.

Catherine Chen, Co-chair, Hawai`i Coalition for Immigrant Rights

Liza Ryan Gill, Co-chair, Hawai`i Coalition for Immigrant Rights

⁶ New American Economy, *Immigrants and Migrants in Hawai`i* (May 2021), at 13, https://research.newamericaneconomy.org/wp-content/uploads/sites/2/2021/05/NAE_Hawaii_V7_FINAL.pdf.

⁷ *Id.* at 23.



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Coalition for a
Tobacco-Free Hawai'i

Community Health
Worker Initiative

COVID-19 Response

Hawai'i Drug & Alcohol Free
Coalitions

Hawai'i Farm to School Hui

Hawai'i Oral Health Coalition

Hawai'i Public Health Training Hui

Healthy Eating + Active Living

Kūpuna Food Security Coalition

Date: February 23, 2022

To: Representative Sylvia Luke, Chair
Representative Kyle T. Yamashita, Vice Chair
Members of the Committee on Finance

Re: Support for HB1762, HD1, Relating to Language Access

Hrg: February 24, 2022 at 2:00 PM via videoconference

The Hawai'i Public Health Instituteⁱ (HIPHI) is in **support of HB1762, HD1, which requires the Office of Language Access to submit annual reports on compliance with language access laws, and funds Limited English Proficiency Language Coordinator positions within multiple state agencies.**

Despite being routinely named one of the healthiest states in the nation, Hawai'i sees stark racial disparities in myriad health outcomes, including life expectancy. These disparities long preceded the COVID-19 pandemic but were thrown into sharp relief as Pacific Islander and Filipino communities experienced disproportionately high rates of infection and hospitalization.ⁱⁱ HIPHI strives to eliminate racism, disparities and injustices to improve the health and wellness of all people. For us, this translates to moving beyond advocating *for* equity, but rather amplifying our work *against* inequity.

Addressing health equity is integral to the 10 Essential Services of Public Health, and enabling equitable access to care necessarily requires making information about health care and services available in a language that people understand. One in nine people living in Hawai'i has limited English proficiency and a lack of language access creates dangerous barriers to care. HB1762 will enhance compliance with federal and state language access laws, improve government transparency, and fund staff positions dedicated to improving language access across the state.

For these reasons, HIPHI respectfully requests that the Committee **PASS** HB1762. Thank you for the opportunity to provide testimony.

Mahalo,

A handwritten signature in black ink that reads 'Amanda Fernandes'.

Amanda Fernandes, JD
Policy and Advocacy Director

ⁱ Hawai'i Public Health Institute is a hub for building healthy communities, providing issue-based advocacy, education, and technical assistance through partnerships with government, academia, foundations, business, and community-based organizations.

ⁱⁱ Hawai'i State Department of Health (2021). COVID-19 in Hawai'i: Addressing Health Equity in Diverse Populations. Disease Outbreak Control Division: Special Report. Honolulu, Hawai'i.

HB-1762-HD-1

Submitted on: 2/22/2022 1:20:25 PM

Testimony for FIN on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Christy MacPherson	Individual	Support	No

Comments:

Aloha Chair Luke, Vice Chair Yamashita, and members of the House Committee on Finance,

I am in strong support of HB1762 HD1. Language access is crucial, especially here in Hawai`i with all of the different languages that are spoken. People need to be able to both communicate and receive important communication in their own languages!

Mahalo for your consideration.

HB-1762-HD-1

Submitted on: 2/22/2022 3:29:44 PM

Testimony for FIN on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Gerard Silva	Individual	Oppose	No

Comments:

This should not be needed if the Governor did his job and made sure every one that comes to Hawaii to live has to speak and understand English!!

HB-1762-HD-1

Submitted on: 2/22/2022 10:33:18 PM

Testimony for FIN on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Thaddeus Pham	Individual	Support	No

Comments:

Aloha Chair Luke, Vice Chair Yamashita, and FIN Committee Members,

I write to SUPPORT HB1762 HD1, which 1) requires the Office of Language Access to submit an annual report to the Governor and Legislature and 2) appropriates funds to establish limited English proficiency language coordinator positions in the Departments of Commerce and Consumer Affairs, Health, and Agriculture, and the Hawai`i Emergency Management Agency. This bill will enable greater assurance of necessary compliance with state and federal language access laws.

Compliance with language access laws and regulations is essential for Hawai`i, where one out of nine persons have limited English proficiency. Problems with language access have long been present and were exacerbated with COVID-19. As a public health professional working with foreign-born immigrants and refugees, language access is of tantamount importance to ensuring not only individual and community health, but also population health.

This bill offers an important step toward solving this problem. It allows for transparency on who is following the law and creates centralized administration for successful and efficient language access. This is crucial so that all members of the community can obtain essential resources to which they are entitled, strengthening our workforce and economy.

Thank you for your support and consideration,

Thaddeus Pham (he/him)