

SENATE No. 2125**The Commonwealth of Massachusetts**

PRESENTED BY:

Sal N. DiDomenico

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to language access and inclusion.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>2/4/2025</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/11/2025</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>2/18/2025</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	<i>2/21/2025</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Norfolk</i>	<i>3/3/2025</i>
<i>Adam Gómez</i>	<i>Hampden</i>	<i>3/12/2025</i>
<i>Liz Miranda</i>	<i>Second Suffolk</i>	<i>3/19/2025</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>3/24/2025</i>
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>	<i>3/27/2025</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>4/2/2025</i>
<i>Robyn K. Kennedy</i>	<i>First Worcester</i>	<i>4/14/2025</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>4/30/2025</i>
<i>Lydia Edwards</i>	<i>Third Suffolk</i>	<i>5/21/2025</i>
<i>William J. Driscoll, Jr.</i>	<i>Norfolk, Plymouth and Bristol</i>	<i>6/4/2025</i>
<i>Pavel M. Payano</i>	<i>First Essex</i>	<i>6/30/2025</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>7/24/2025</i>

SENATE No. 2125

By Mr. DiDomenico, a petition (accompanied by bill, Senate, No. 2125) of Sal N. DiDomenico, Jason M. Lewis, James B. Eldridge, Joanne M. Comerford and other members of the Senate for legislation relative to language access and inclusion. State Administration and Regulatory Oversight.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1990 OF 2023-2024.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act relative to language access and inclusion.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 [Legislative Statement]

2 Consistent with Title VI of the Civil Rights Act of 1964, Executive Order No. 13166 and
3 federal rules and regulations adopted in implementation thereof, this legislation seeks to codify
4 and expand federally enacted protections for Limited English Proficient (LEP) and deaf or hard
5 of hearing persons to receive equal access to services, programs, and activities from public-
6 facing state agencies of the Commonwealth.

7 SECTION 1. Chapter 6 of the General Laws is hereby amended by inserting after section
8 222 the following section:-

9 Section 223. The office of access and opportunity.

10 (a) There shall be within the office of the governor an office of access and
11 opportunity (the “OAO”) to ensure ready access to the status of and advise on the work
12 conducted by the OAO.

13 (b) The OAO shall be led by a deputy chief, access and opportunity (the “deputy
14 chief”), who shall be appointed by the governor and directly report to the governor’s chief of
15 staff. The deputy chief shall advise the governor and the cabinet and work to foster within state
16 government non-discrimination and equal opportunity for all irrespective of race, color, age,
17 gender, ethnicity, sexual orientation, gender identity or expression, religion, creed, ancestry,
18 national origin, disability, veteran or active military status (including Vietnam-era veterans), or
19 socio-economic background.

20 (c) There shall be a steering committee on access and opportunity (the “steering
21 committee”) which the deputy chief will chair and convene regularly for advice on the state of
22 access and opportunity across the executive branch and how best to achieve goals of the OAO.
23 The steering committee shall include: the chief human resources officer, human resources
24 division; assistant secretary, operational services division; executive director of the
25 Massachusetts supplier diversity office; director of office of diversity and equal opportunity;
26 director of Massachusetts office on disability; commissioner, division of capital asset
27 management and maintenance; director, compliance unit, division of capital asset management
28 and maintenance; the chief operating officer, Massachusetts Department of Transportation;
29 deputy director, office on diversity and civil rights, Massachusetts Department of Transportation;
30 secretary of the Executive Office of Labor and Workforce Development or their designee;

secretary of the Executive Office of Veterans' Services or their designee; and representative(s) designated by the Secretary of the Executive Office of Education.

(d) The deputy chief shall have the following responsibilities:

(1) collaborate with and maximize relevant initiatives, work and potential of all existing executive branch agencies, offices and resources with the explicit goal of:

(i) increasing the total number of and dollar volume earned by MBEs, WBEs, and DBEs contracting with or doing business for the state; and

(ii) maintaining or increasing the number of minorities, veterans and individuals with disabilities who are state employees;

(2) develop with partnering agencies and offices, in consultation with the Steering Committee:

(i) an integrated body of policies and actions that reflect best practices and remove barriers to advance non-discrimination and equity in access to and opportunity in employment, procurement and the provision of services within state government;

(ii) ideas on how best to implement and incentivize compliance with such policies and procedures; and

(iii) performance metrics focused on outcomes, such as increasing the total number of and dollar volume earned by MBEs, WBEs, DBEs contracting with or doing business for the state; and maintaining or increasing the number of minority, veterans and individuals with disabilities who are state employees;

(3) convene meetings of key offices, individuals and external stakeholders as needed to accomplish specified objectives, resolve issues, and make and implement recommendations;

(4) identify state laws and regulations that obstruct or frustrate the state's ability to provide within its own operations equity in access and opportunity for all persons;

(5) serve as a liaison to pertinent commissions, councils, task forces and offices throughout state government as needed to accomplish and advance the OAO's goals; and

(6) develop for adoption administrative orders and bulletins to further the OAO's goals, and prepare such other reports necessary to keep the Governor appropriately apprised of the work of the OAO.

(e) All state agencies shall provide assistance to the OAO by sharing information and expertise, as requested.

SECTION 2. The General Laws are hereby amended by inserting after chapter 6E the following chapter:

CHAPTER 6F.

LANGUAGE ACCESS AND INCLUSION.

Section 1. Definitions. For the purposes of this Act, the following terms shall have the following meanings—

“Auxiliary aids and services” mean items, equipment or services that provide effective communication access for persons with communication disorders including but not limited to persons who are deaf, hard of hearing, late deafened or blind.

71 “Culturally competent” means having a set of behaviors, attitudes and policies that
72 enables effective work in cross-cultural situations which respects and responds to an individual
73 person’s culture and language, in a nonjudgmental and supportive manner, considering the
74 service recipient as an individual and not making assumptions based on perceived or actual
75 membership in any group or class.

76 “Equal access” means to be informed of, participate in, and benefit from public programs
77 or services offered by a public-facing state agency, at a level equal to English proficient persons.

78 “Language access plan” is an administrative blueprint that defines the obligations and
79 action plan of a public-facing state agency to comply with this Act. The plan shall outline all
80 policies, procedures, and guidance enacted to ensure the provision of language access services as
81 a constitutive element of equal access to state benefits, services, and activities. The plan shall
82 also establish deadlines by which remedial or proactive actions to ensure language access will
83 be taken, identify personnel responsible for implementation of the plan and establish priorities
84 relative to the implementation of these plans.

85 “Language access services” means oral language services and written translation
86 services, including auxiliary aids and services.

87 “Limited English proficient” or “LEP” are persons whose primary language is not
88 English or who have a limited ability to speak, read, write or understand English.

89 “Machine translation” is when computer software is utilized for the automated translation
90 of a text from one language to another and vice versa without human intervention.

91 “Oral interpretation” means the act of listening, understanding and analyzing a spoken
92 message in one language and re-expressing that message faithfully, accurately and objectively in
93 another language and vice versa, enabling communication between two or more persons who do
94 not speak one another’s languages.

95 “Oral language services” means the various methods of providing verbal information and
96 interpretation through staff interpreters, bilingual or multilingual staff, telephone interpreter
97 services, or private interpreter services.

98 “Outside service providers” include, but are not limited to, organizations or other persons
99 that formally or informally, through direct or in-kind compensation, contracts, provides, or
100 administers services which the relevant public-facing state agency is required to provide or
101 requires, recommends or refers its clients to utilize.

102 “Primary language” means the language in which an LEP person can most effectively
103 and comfortably communicate.

104 “Public contact position” means a position determined by the public-facing state agency
105 to be one that includes meeting, contacting and dealing with the public in the performance of the
106 agency's functions.

107 “Public-facing state agency” means a Massachusetts executive office, department, or
108 division thereof that provides assistance, services or information to the public. Any state agency
109 included in the implementation schedule of this Act shall be identified as a “public-facing state
110 agency” or when deemed as such under Section 9(a)(6) of this Act.

“Qualified bilingual employee” means a staff person who is proficient in both the English language and a non-English language. Qualified bilingual employees may be categorized as “Tier 1 Bilingual Employees” or “Tier 2 Bilingual Employees”.

“Qualified interpreter” is a person who is fluent in both the English language and a non-English language and who, by certification, training or experience, is able to (1) perform consecutive interpretation; (2) maintain the tone, style, and complex meaning of speech from one language to another and vice versa; (3) convey cultural nuances; and (4) remain impartial in all interpreted interactions.

“Qualified multilingual employee” means a staff person who is proficient in the English language and more than one non-English language. Qualified multilingual employees may be categorized as “Tier 1 Multilingual Employees” or “Tier 2 Multilingual Employees”.

“Qualified translator” means a person who is fluent in writing, reading and proofreading in both the English language and a non-English language and who, by certification, training or experience is able to (1) render a text from one language into another language and vice versa; (2) maintain the tone, style and complex meaning of the original text from one language to another and vice versa; (3) convey cultural nuances; and (4) remain impartial in the translation process.

“Vital document” means a document or communication, in print or digital form, containing information that, if not provided accurately or in a timely manner, affects a person’s rights or access to, retention in, denial or termination of services, benefits or programs, including, but not limited to, applications, consent forms; complaint forms; intake forms; informational material on eligibility for benefits; notices; requests for documentation or

133 information; documents that must be provided by law; and notices regarding the availability of
134 free language assistance services for LEP persons.

135 “Written translation” means the rendering of a written text from one language to an
136 equivalent written text of another language.

137 Section 2. Communications with the public.

138 (a) A public-facing state agency shall provide equal access to services, programs,
139 and activities serving limited English proficient and deaf or hard of hearing persons by the
140 provision of the following services:

141 (1) Oral interpretation and auxiliary aids and services

142 (i) A public-facing state agency shall provide timely, culturally competent oral
143 language services to all LEP persons or auxiliary aids and services to deaf or hard of hearing
144 persons who seek to access state services, programs, or activities or those of outside service
145 providers.

146 (ii) A public-facing state agency shall notify every person of their right to timely oral
147 interpretation in their primary language or auxiliary aids and services, regardless of their status
148 as an inquirer into, applicant for, recipient or beneficiary of a state service, program, or
149 information.

150 (iii) A public-facing state agency shall utilize qualified interpreters or Tier 1 bilingual
151 or multilingual employees to provide oral language services or auxiliary aids and services.

(iv) A public-facing state agency may contract with telephone-based interpretation services or community-based organizations to provide interpretation to LEP and deaf or hard of hearing persons or utilize Tier 1 bilingual or multilingual employees.

(v) A public-facing state agency that contracts or utilizes an outside service provider to fulfill the agency's responsibilities to the public shall ensure that the outside service provider implements the requirements of Section 2(a)(1) of this Act.

(2) Written translation

(i) A public-facing state agency shall issue vital documents in the following languages: Arabic, Cape Verdean Creole, Chinese (Simplified and Traditional), French, Haitian Creole, Khmer, Korean, Portuguese, Russian, Spanish, Vietnamese and any other languages deemed necessary by the agency's assessments required under Section 4 of this Act.

(ii) A public-facing state agency shall translate all notices and materials that explain its services in the languages stated in Section 2(a)(2)(i) of this Act..

(iii) A LEP person whose primary language is not required to be translated into writing under Section 2(a)(2)(i) of this Act is entitled to the oral interpretation of vital documents, notices and materials into their primary language.

(iv) A public-facing state agency shall utilize qualified translators or Tier 1 bilingual or multilingual employees, to translate vital documents.

A) State agencies shall not solely rely on machine translation to translate vital documents.

B) State agencies shall have qualified translators or Tier 1 bilingual or multilingual employees verify all translations of vital documents generated through machine translation before such documents are published, conveyed, sent, or posted.

(v) A public-facing state agency that contracts or utilizes an outside service provider to fulfill the agency's responsibilities to the public shall ensure that the outside service provider implements the requirements of Section (2)(a)(2) of this Act.

(3) Websites

(i) If a public-facing state agency maintains one or more websites for use by the public, the agency shall provide the website in the following languages: Arabic, Cape Verdean Creole, Chinese (Simplified and Traditional), French, Haitian Creole, Khmer, Korean, Portuguese, Russian, Spanish, Vietnamese and any other languages deemed necessary by the agency's assessments required under Section 4 of this Act.

A) The state agency shall ensure that its websites and online application materials are mobile compatible and that they satisfy or exceed the official Federal Plain Language Guidelines, March 2011, Rev. 1, May 2011 for the Plain Writing Act of 2010.

(ii) Agencies shall not solely rely on machine translation to translate its websites.

A) A public-facing state agency shall utilize qualified translators or Tier 1 bilingual or multilingual employees to verify the translation of its websites for accuracy.

(iii) A public-facing state agency that maintains one or more websites for use by the public shall (1) provide forms and instructions for submitting complaints of alleged violations of

this Act; (2) link such and instructions on the homepage of the state agency’s website; and (3) translate all such forms and instructions into the languages listed in Section 2(a)(3)(i) of this Act.

Section 3. Language access plan.

(a) A public-facing state agency shall develop a language access plan every 2 years based on community and agency assessments required by Section 4 of this Act, to guide the provision of language access services to LEP and deaf or hard of hearing persons. When drafting the language access plan, a public-facing state agency shall ensure that:

(1) a summary of the rights of LEP and deaf or hard of hearing persons to oral interpretation or auxiliary aids and services, respectively, and the public-facing state agency’s obligations to protect these rights are detailed at the outset of the language access plan;

(2) the mandated translated languages are listed, as required by Section 2(a)(2)(i) and Section 2(a)(3)(i);

(3) a plan of action is instituted for the implementation of all provisions of Sections 2, 4, 5 and 7 of this Act;

(4) the plan is made publicly available in the translated languages required by Section 2(a)(2) on the main page of the public-facing state agency’s website and in its central and local offices; and

(5) a complaint process is developed with complaint forms that are publicly accessible on the main page of the public-facing state agency’s website and in its central and local offices.

Section 4. Assessments.

(a) Community needs assessment.

(1) A public-facing state agency shall conduct a community needs assessment every 2 years that compiles data on the language composition of the agency's eligible populations, including American Sign Language. The community needs assessment shall also collect data on the engagement and interaction of eligible populations with the public-facing state agency. The agency shall determine:

(i) the percentage of the eligible service population who are LEP or deaf or hard of hearing;

(ii) the primary languages used by LEP or deaf or hard of hearing persons in all geographic areas the agency serves its eligible populations ;

(iii) the frequency with which the agency provides services to LEP or deaf or hard of hearing persons;

(iv) all points of contact whereby the eligible populations can engage with the public-facing state agency; and

(v) all potential language or language-related barriers that may arise in the engagement of eligible populations with the public-facing state agency.

(b) Internal state agency assessments.

(1) A public-facing state agency shall conduct a language services inventory every 2 years to identify available language services and staff to serve LEP persons and deaf or hard of hearing persons. A public-facing state agency shall:

(i) determine the number of qualified bilingual or multilingual employees in public contact positions in each central and local office, who can provide linguistically, culturally and technically proficient language access services. This data shall be disaggregated by language and by the Tier 1 and Tier 2 classification required by Section 5(b)(3) of this Act.

(ii) detail the language access services, including technology and equipment, available within the state's resources or under state contracts, including in-person interpretation, telephone interpretation, video interpretation, translation and auxiliary aids and services.

(2) A public-facing state agency shall generate a language access status report every 2 years of each of its statewide and local offices evaluating the agency's capacities in serving LEP and deaf or hard of hearing persons. This status report shall include the following:

(i) a calculation of the percentage of LEP and deaf or hard of hearing persons presently served by the public-facing state agency's central and local offices, categorized by primary language;

(ii) a determination of whether the current oral language and written translation services are effectively meeting the language needs of LEP persons served by the public-facing state agency;

(iii) a determination of whether the current auxiliary aids and services are effectively meeting the language needs of deaf or hard of hearing persons served by the public-facing state agency;

(iv) a description of the agency's procedures for identifying vital documents for translation;

(v) an evaluation of whether contracted interpreter services are effectively meeting the language needs of LEP and deaf or hard of hearing persons;

(vi) an evaluation of operational protocols for staff to effectively access language access services as outlined in Section 5(c) of this Act;

(vii) an evaluation of staff proficiency to effectively and appropriately utilize language access services as outlined in Section 5(c) of this Act;

(viii) a description of any language access training the public-facing state agency provides to its staff to ensure the agency is effectively serving provision of services to LEP and deaf or hard of hearing persons individuals, including the frequency of training, and date of most recent training;

(ix) a determination of whether the allocation and assignment of qualified bilingual and multilingual employees to central and local offices is effectively meeting the identified language needs in those offices;

(x) an evaluation of agency procedures for recruiting and retaining qualified bilingual or multilingual employees in central and local offices; and

(xi) a description of the public-facing state agency's procedures for receiving and resolving complaints regarding language access as well as the number of complaints received.

(c) The assessments in this Section shall be completed prior to the drafting of the language access plan as required by Section 3 of this Act. The results of these assessments shall inform all content, policies, recommendations and guidance in the language access plan.

Section 5. Personnel.

(a) Language access coordinator.

(1) A public-facing state agency shall designate a language access coordinator whose sole responsibility on a full-time basis shall be to address language access needs and the public-facing state agency's compliance with this Act, in consultation with the language access advisory board established in Section 6 of this Act.

(2) Language access coordinators shall maintain a centralized, electronic, searchable language access database of the following:

(i) all formal and informal requests for language access services and the status of those requests;

(ii) all language access-related complaints, including complaints of language discrimination and/or disability discrimination in cases of the deaf or hard of hearing;

(iii) the status and progress of all such requests and complaints;

(iv) the resolution of all such requests and complaints, including decisions by the regional and central offices;

(v) the reasons for full and partial denials of requests for language services; and

(vi) the office(s) handling the relevant case or request for service.

(3) A public-facing state agency may also designate regional language access coordinators to address the language access needs of relevant regions and train the regions' staff on compliance with this Act.

(i) Regional language access coordinators shall report to the language access coordinator of their respective public-facing state agency's central office.

(b) Staffing.

(1) A public-facing state agency shall employ a sufficient number of qualified bilingual or multilingual employees in public contact positions or as interpreters to assist employees in public contact positions, to ensure the provision of information and services in a person's primary language.

(2) A bilingual or multilingual staff member shall not provide interpretation in adversarial proceedings when the public-facing state agency that employs the bilingual or multilingual staff member is a party to the proceedings.

(3) A bilingual or multilingual staff member may provide language services to LEP and deaf or hard of hearing persons, in accordance with their skill level as determined by the language access coordinator. A state agency shall classify bilingual or multilingual employees into one of two tiers, and shall only provide interpretation services in accordance with that tier as follows:

(i) Tier 1 bilingual or multilingual employee: Tier 1 employees must have formal certification, training, or sufficient experience in interpretation in the specific subject matter. If the employer does not regularly employ a person that may be classified as a Tier 1 employee, the employer must hire a third-party contractor to fulfill the need for interpretation services. Tier 1 employees shall agree to abide by the ethical and confidentiality requirements for interpreters and translators in accordance with the American Translators Association Code of Ethics and Professional Practice.

(ii) Tier 2 bilingual or multilingual employee: Tier 2 employees have the language proficiency to communicate directly with LEP or deaf or hard of hearing persons regarding routine or common business matters. Tier 2 employees shall not serve as interpreters or translators.

(4) An employee of a public-facing state agency who regularly acts as an interpreter or translator shall be reasonably compensated for that additional work.

(5) A public-facing state agency shall ensure that all processes and procedures for staff to request language access services require minimal approval or documentation and are not overly burdensome.

(c) Training.

(1) Language access coordinators shall train employees about all processes and procedures needed to effectively obtain and utilize all language access services mandated by Section 2 of this Act as part of an employee's onboarding process and on an annual basis thereafter.

(i) Training shall include (1) instruction on process and procedures for requesting language access service, (2) guidance on how to effectively work with interpreters or translators and (3) explanation of procedures for reporting deficiencies to language access services.

(2) A public-facing state agency shall ensure the provision of language access training for an outside service provider.

Section 6. Language access advisory board.

(a) Mission, organization and institution.

(1) There shall be a language access advisory board to provide guidance and technical assistance to public-facing state agencies in order to ensure equal access for LEP and deaf or hard of hearing persons to services, programs, and activities offered by a public-facing state agency.

(2) The board shall be co-chaired by a staff member from the office of access and opportunity, and one other member of the advisory board elected by the board.

(3) The members of the advisory board shall be appointed within 6 months of the effective date of this Act, and shall serve 4-year terms. Members whose terms have expired may serve until a successor is appointed.

(4) The board shall meet no less than 4 times annually.

(b) Composition.

(1) The language access advisory board shall include: 3 members appointed by the Massachusetts Immigrant and Refugee Advocacy Coalition from prevalent LEP populations within Massachusetts, as determined by the most recent United States Census data; 1 member appointed by the Disability Law Center from the deaf or hard of hearing community; 1 member appointed by the Massachusetts Law Reform Institute; 1 member appointed by the Massachusetts Appleseed Center for Law & Justice; 1 member appointed by the Massachusetts Language Access Coalition; 1 member appointed by Greater Boston Legal Services; 1 member appointed by the Justice Center of Southeast Massachusetts; 1 member appointed by MetroWest Legal Services; 1 member appointed by the Central West Justice Center; and 1 member appointed by the Northeast Justice Center.

(c) Advisory board responsibilities.

(1) The advisory board shall support public-facing state agencies to achieve compliance with this Act by:

(i) providing guidance and technical assistance to the state agencies;

(ii) advising language access coordinators of public-facing state agencies in the development and review of language access plans;

(iii) reviewing all assessments and surveys from state agencies as required by Section 4 of this Act; and

(iv) providing recommendations to state agencies to reduce identified barriers for the LEP and deaf or hard of hearing persons.

(2) The language access advisory board, in formulating its recommendations, shall take into account the best practices and policies in other states and jurisdictions, and may undertake further steps to help state agencies achieve compliance with this Act.

Section 7. Reporting requirements.

(a) Upon a public-facing state agency's full implementation of this Act as required by Section 11 and every 2 years thereafter, the agency shall submit to the office of access and opportunity and the language access advisory board the following:

(1) the community needs assessment as stated in Section 4(a)(1);

(2) the language services inventory as stated in Section 4(b)(1); and

(3) the language access plan as stated in Section 3.

(b) Upon a public-facing state agency's full implementation of this Act as required by Section 11 and every 2 years thereafter, the agency shall submit the language access status report required by Section 4(b)(2) of this Act to the joint committee on ways and means, the joint committee on state administration and regulatory oversight, the office of access and opportunity and the language access advisory board.

(c) Upon a public-facing state agency's full implementation of this Act as required by Section 11 and every year thereafter, the agency shall submit the language access database as outlined in Section 5(a)(2) to the office of access and opportunity and the language access advisory board.

(d) A public-facing state agency shall ensure, in reporting of all materials outlined in this Section, that the following standards are maintained:

(1) all data is disaggregated and cross-tabulated by primary language, disability status, race, ethnicity, age, gender and low-income status;

(2) all materials are made publicly available in the list of translated languages required by Section 2(a)(2);

(3) all materials are presented in plain language; and

(4) all data is presented in a manner that protects the privacy of all surveyed persons.

Section 8. Relief.

(a) Any person claiming to be aggrieved by a public-facing state agency for failure in the provision of language access services in order to provide equal access to services, programs, and activities of a public-facing state agency according to the provisions of this Act shall have the right to initiate and prosecute a civil action in the district, superior, housing, probate and family, Boston municipal or land court department for injunctive and other appropriate equitable relief or an award of actual and consequential damages.

(1) Should the person or persons prevail, they shall be entitled to an award of actual and consequential damages, that is the costs of the litigation including expert witness fees, reasonable attorneys' fees in an amount to be fixed by the court, and prejudgment and post judgment interest.

(b) The Massachusetts commission against discrimination may commence a civil action to seek relief for a violation of this Act.

(c) The attorney general may also commence a civil action to seek relief for a violation of this Act.

Section 9. Office of access and opportunity.

(a) The office of access and opportunity within the governor's office shall have the following responsibilities:

(1) accept and investigate complaints submitted to the office of access and opportunity by persons who have been unable to obtain timely language access services in any public-facing state agency;

(2) provide copies of all complaints annually as required by Section 5(a)(2) of this Act to the language access advisory board;

(3) eliminate the language access barrier when an agency does not provide equal access using informal methods, including conference, conciliation, mediation, or persuasion. Where the language access barrier cannot be eliminated by informal methods, the office of access and opportunity shall submit written compliance requirements to the public-facing state agency. The office of access and opportunity may request the public-facing state agency to notify it within a specified time of any action taken on its requirements, and may require a public-facing state agency to increase the frequency of reporting required by Section 9(a)(2) of this Act every six months, as needed, or as requested by the language access advisory board;

(4) create, in consultation with the language access advisory board, multilingual signage informing LEP and deaf or hard of hearing persons of their right to free oral language services or auxiliary aids and services, for dissemination to state agencies

(5) shall promulgate regulations no later than 1 year after the effective date of this Act after receiving input from stakeholders and the language access advisory board; and

(6) identify additional state agencies that shall be subject to this Act upon its determination in consultation with the language access advisory board.

(i) This determination shall be made:

A) in the 5th year following the enactment of this Act and every 5 years thereafter or at the discretion of the office of access and opportunity in consultation with the language access advisory board; and,

B) by conducting an inventory and evaluation of newly formed and existing state agencies' engagement with the public.

Section 10. Conflicting law.

(a) In the event any law of the Commonwealth prescribes stronger protections, the services, programs and activities of public-facing state agencies required by this Act shall be subject to the stronger protections.

SECTION 3. Public-facing state agencies shall comply with the requirements set forth in Sections 2, 3, 4, 5 and 7 of SECTION 2 of this Act in the manner established by the following implementation schedule:

(a) On or before the second year after enactment, there shall be implementation by each of the following public-facing state agencies and their divisions thereof:

(1) MassHealth;

(2) the department of children and families;

(3) the department of transitional assistance;

(4) the department of unemployment assistance; and

(5) all departments, divisions and offices within the executive office of housing and livable communities that administer emergency shelter assistance, rental assistance, housing subsidies or other housing benefits to state residents.

(b) On or before the third year after enactment, there shall be implementation by each of the following public-facing state agencies and their divisions thereof:

456 (1) the department of early education and care

457 (2) the registry of motor vehicles;

458 (3) the department of public health; and

459 (4) the department of mental health.

460 (c) On or before the fourth year after enactment, there shall be implementation by each of
461 the following public-facing state agencies and their divisions thereof:

462 (1) the child support enforcement division of the department of revenue;

463 (2) the department of elementary and secondary education;

464 (3) the Massachusetts office on disability;

465 (4) the department of public utilities; and

466 (5) MassDigital.

467 (d) On or before the fifth year after enactment, there shall be implementation by each of
468 the following public-facing state agencies and their divisions thereof:

469 (1) the department of revenue;

470 (2) the executive office of health and human services, specifically,

471 (i) the department of youth services,

472 (ii) the department of developmental services,

473 (iii) the executive office of elder affairs,

474 (iv) MassAbility,
475 (v) the office for refugees and immigrants;
476 (3) the executive office of labor and workforce development, specifically,
477 (i) the department of family and medical leave,
478 (ii) the department of industrial accidents; and
479 (4) the executive office of public safety and security, specifically,
480 (i) the Massachusetts department of correction,
481 (ii) the department of fire services,
482 (iii) the Massachusetts state police,
483 (iv) the Massachusetts emergency management agency,
484 (v) the state 911 department.

485 SECTION 4. This Act shall take effect upon passage.