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# CHAPTER 91:

## LANGUAGE ACCESS

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### SEC. 91.1. PURPOSE AND FINDINGS.

(a) **Title.** This Chapter 91 shall be known as the "Language Access Ordinance."

(b) **Findings.**

(1) The City and County of San Francisco ("the City") seeks to ensure a safe, inclusive, and equitable environment where every person, regardless of immigration status or language spoken can readily access information about City services and programs.

(2) San Francisco provides an array of services and information that can be made accessible to persons who are not proficient in the English language, or for whom English is not their primary language.<sup>1</sup> The City of San Francisco is committed to providing equal access to information about City services and programs by providing language access services, including language interpretation and written translations.<sup>1</sup>

(3) Despite a long history of commitment to language access as embodied in federal, state, and local law, beginning with the landmark Civil Rights Act of 1964, there is still a significant gap in providing governmental services and programs to Limited English Proficient ("LEP") P<sup>1</sup>.

(4) In 1973, the Legislature adopted the Dymally-Alatorre Bilingual Services Act, which required certain state and local agencies to provide language services to LEP Persons whenever they serve a Substantial Number of Non-English Speaking People and to hire a sufficient number of bilingual staff.

(5) In 1999, the California State Auditor concluded that some state agencies were not in compliance with the Dymally-Alatorre Bilingual Services Act,<sup>1</sup> therefore, not providing equitable services to people who require bilingual assistance.<sup>1</sup>

(6) In 2001, in response to these findings, the City enacted the Equal Access to Services Ordinance, Ordinance No. 126-01, which required major departments to provide language access services to LEP Persons who comprise 5% or more of the total city population.

(7) In 2009, in Ordinance No. 202-09, the City enacted a number of significant changes to the ordinance, renaming it the Language Access Ordinance and assigning roles and responsibilities for implementation and compliance to the Office of Civic Engagement and Immigrant Affairs ("OCEIA") and the Immigrant Rights Commission. Since amendment of the Language Access Ordinance in 2009, City departments have made significant progress in providing language access services. However, as of 2023, significant gaps remain in language access consistency, quality, budgeting and implementation across departments.

(8) The COVID-19 pandemic and health emergency highlighted the barriers to language access services and inequities for many LEP Persons. The pandemic made it clear that City departments must prioritize language access services during health-related emergencies, disaster-related activities, and all other public safety crisis situations. A community-focused approach to language access services ensures that residents can receive information about City programs and services, including public service announcements, to

effectively communicate with City agencies, policymakers, and elected officials.

(9) Since the Covid-19 pandemic, the City's use of digital services, web-based content, and on-line mediums for providing information about City programs and services has increased. To meet the needs of City residents, the City's language access services must also expand to those media to make them accessible to LEP Persons.

(10) In 2023, the Legislature amended the Dymally-Alatorre Bilingual Services Act to require translation services in emergency situations, involving an immediate threat of serious harm or mass casualties, including conditions of natural disaster or conditions posing extreme peril to the safety of persons and property. The Legislature's amendments were in response to critical incidents that severely impacted communities. In January 2023, mass shootings in Half Moon Bay and Monterey Park impacted communities of color where English was not the primary language spoken and concerns were raised as to whether vital information was being effectively communicated. In March 2023, the broken levee in Monterey County flooded the entire town of Pajaro and forced more than 2,000 people to evacuate. Various news media documented the local agencies' failure to provide language services to communicate vital information on safety and access to recovery with impacted communities. The Legislature's amendments expanded the Act's application to cover all languages spoken jointly by 5% or more of the population whenever 5% of those affected also speak English less than "very well."

(11) Despite the City's progress in providing language access services, as of 2024 there are still gaps in language services affecting the City's ability to serve all of its residents and provide timely access to information to enable full participation in City services and programs.

(12) The United States Census Bureau's 2018 - 2022 American Community Survey reveals that 33.9% of San Franciscans are foreign-born and 42.9% over the age of five can speak a language other than English at home.

(13) Historically, the City has offered language access services in three languages <sup>1</sup> Chinese, Spanish and Filipino. According to the 2018-2022 ACS, 18.9% of the total City population who self-identify as LEP Persons, 56.4% are Chinese speakers, 20.3% are Spanish speakers, 5% are Filipino speakers, 4.4% are Vietnamese speakers, and 3.16% are Russian speakers.

(14) While the City remains a national leader in language access, much remains to be done to continue fighting for full inclusion of our LEP community. The City must continue to make every effort to ensure City departments comply with the Language Access Ordinance and removes barriers to participation in City processes by increasing bilingual staffing levels and language services budgets; improving accessibility through continued digital and telephonic language services; and increasing language services planning and coordination for public health crises, disasters, and emergencies.

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001; amended by Ord. 202-09, File No. 090461, App. 8/28/2009; Ord. [27-15](#), File No. 141149, App. 3/12/2015, Eff. 4/11/2015; Ord. [116-24](#), File No. 230868, App. 6/21/2024, Eff. 7/22/2024)

#### CODIFICATION NOTE

- 1. So in Ord. [116-24](#).

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## SEC. 91.2. DEFINITIONS.

As used in this Chapter 91, the following capitalized terms shall have the following meanings:

"Advisory Body" shall mean a body other than a City Board or City Commission that is created by ordinance for the purpose of providing policy advice to the Board of Supervisors, the Mayor, or City Departments.

"Annual Compliance Report" is set forth in Section 91.11 of this Chapter.

"Bilingual Employee" shall mean a City employee who is fluent in both English and a second language and who is able to conduct the department's business in both languages. A bilingual employee shall include a City employee who (i) is in a classification that provides information or direct services to the public requiring language proficiency in English and a second language; or (ii) is either a certified interpreter or translator by the Department of Human Resources or accredited training or academic institution; or (iii) receives premium pay and regularly uses the second language in their city employment; or (iv) is self-designated as competent in a second language for purposes of sporadic translation services.

"City" shall mean the City and County of San Francisco.

"City Boards" shall mean all boards listed in Campaign and Governmental Conduct Code Section 3.1-103(a)(1), as amended from time to time.

"City Commissions" shall mean all commissions listed in Campaign and Governmental Conduct Code Section 3.1-103(a)(1), as amended from time to time.

"Commission" shall mean the Immigrant Rights Commission.

"Department" shall mean any City department, agency, or office with a service or program that provides information or services directly to the public, or interacts with the public.

"Department's Service or Program" shall mean anything a Department, agency,<sup>1</sup> provides that involves direct services to the public as part of ongoing operations and those direct services administered by the Department for program beneficiaries and participants. Activities include, but are not limited to, information provided to or communication with the public, spaces or department facilities used by the public, and programs that provide Direct Services to the Public.

“Direct Services to the Public” shall mean any service that requires City employees to provide responses to inquiries about official documents, licenses, financial matters, and benefits that are related to the public’s health, safety, and general welfare.

“Districts” shall refer to the 11 geographical districts by which the people of the City elect the members of the Board of Supervisors.

“Emerging Language Population” shall mean any new or smaller language population that is at at<sup>1</sup> least 2.5% of persons who share a primary language other than English, or for whom there are identified language access needs.

“First Responders” shall mean all City Departments that respond to crisis situations as set forth in Section 91.9.

“Interpretation” means a live service that communicates information from one language into another language that is provided in the moment through oral or gestured means. The live service may be provided either through simultaneous or consecutive interpretation of the original speech.

“Language Access Services” shall mean translation and interpretation of oral or spoken information that is accessible and enables communication with persons for whom English is not their primary language or for persons who have a greater capacity for speaking or writing a language other than English. This may also include, interpretation of communications provided through oral, video, remote, or telephonic mediums.

“Limited English Proficient Person” or “LEP Person” shall mean an individual who does not speak speak,<sup>1</sup> read, understand, or communicate English, is otherwise unable to communicate effectively in English because English is not the individual’s primary language or prefers to conduct the interaction in their native language..<sup>1</sup>

“OCEIA” shall mean the Office of Civic Engagement and Immigrant Affairs or any successor agency.

“Public Contact or Public Information Position” shall mean a position, a primary job responsibility of which consists of meeting, contacting, and dealing with the public in the performance of the duties of that position.

“Public Service Announcement” means vital information to the public about the Department’s services or programs.

“Required languages” shall mean Language Access Services in Chinese, Spanish, Filipino, and any other language for which the requisite number of persons qualifies as a Substantial Number of Limited English Proficient Persons.

“Substantial Number of Limited English Proficient Persons” shall mean, prior to January 1, 2026, 10,000 City residents with limited English proficiency who speak a shared language other than English. The City will provide Language Access Services to a Substantial Number of Limited English Proficient Persons. OCEIA shall determine annually whether at least 10,000 LEP Persons speak a shared language other than English in order that their shared language will render them eligible for Language Access Services in that language. OCEIA shall make this determination by referring to the best available data from the United States Census Bureau or other reliable source and shall certify its determination to Departments and the Commission no later than January 31 of each year or an annual date as determined by OCEIA. Prior to certifying any new language as set forth in this definition, OCEIA shall comply with the provisions in Section 91.16(d). Starting January 1, 2026, the number 6,000 shall replace the number 10,000 as the annual threshold amount in this definition.

“Translation” means any written communication of information from one language into another language.

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001; amended by Ord. 187-04, File No. 040759, App. 7/22/2004; Ord. 202-09, File No. 090461, App. 8/28/2009; Ord. [27-15](#), File No. 141149, App. 3/12/2015, Eff. 4/11/2015 ; Ord. [116-24](#), File No. 230868, App. 6/21/2024, Eff. 7/22/2024)

#### CODIFICATION NOTE

- 1. So in Ord. [116-24](#)

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### **SEC. 91.3. SCOPE.**

This Chapter 91 shall apply to any Department, agency, or office program or service that provides direct services to the public.

(Added by Ord. [27-15](#), File No. 141149, App. 3/12/2015, Eff. 4/11/2015)

- (Former Sec. 91.3 redesignated as Sec. 91.4 and amended by Ord. [27-15](#), File No. 141149, App. 3/12/2015, Eff. 4/11/2015)

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### **SEC. 91.4. UTILIZATION OF BILINGUAL EMPLOYEES.**

(a) Utilizing sufficient Bilingual Employees in public contact or public information positions, Departments shall provide information and services to the public in the required languages, languages spoken by a Substantial Number of Limited English Proficient Persons, or to the public served by their respective Department in each language spoken by LEP Persons. Departments comply with their obligations under this Section 91.4 if they provide the same level of service to LEP Persons as they provide English speakers.

(b) Departments may consider hiring Bilingual Employees for public contact or public information positions made available through retirement or normal attrition. Departments may also consider recruiting culturally and linguistically qualified bilingual employees to provide language services for both translation and interpretation. Nothing herein shall be construed to authorize the dismissal of any City employee in order to carry out the Language Access Ordinance.

(c) Departments shall maintain an up-to-date list of employees and languages the Department offers through the use of Bilingual Employees.

☞ (Former Sec. 91.4 redesignated as Sec. 91.5 and amended by Ord. [27-15](#), File No. 141149, App. 3/12/2015, Eff. 4/11/2015)

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## SEC. 91.5. TRANSLATION OF MATERIALS, SIGNAGE AND DIGITAL CONTENT.

(a) **Translation of Materials.** Departments shall translate the following written materials that provide vital information to the public about the Department's services or programs into the the require languages languages<sup>1</sup> spoken by a Substantial Number of LEP Persons: applications or forms to participate in a Department's program or activity or to receive its benefits or services; written notices of rights to, determination of eligibility for, award of, denial of, loss of, or decreases in benefits or services, including the right to appeal any Department's decision; written tests that do not assess English language competency, but test competency for a particular license or skill for which knowledge of written English is not required; notices advising LEP Persons of free language assistance; materials, including publicly-posted documents, explaining a Department's services or programs; complaint forms; any other written documents related to direct services to the public that could impact the community or an individual seeking services from or participating in a program of a Department. Upon request, a LEP Person may request written materials that provide vital information to the public about the Department's services or programs into a language not captured by the required languages. However, the Public Utilities Commission and the Tax Collector shall make resources available for LEP Persons to understand their property tax and utility bills.

(b) **Signage.** Departments that post signage that provides information to the public that relates to the Department's Service or Program shall translate those materials in the required languages or languages as prescribed by a Substantial Number of LEP Persons.

(c)<sup>1</sup> Departments shall prioritize the translation of written materials by giving highest priority to vital information and materials that affect benefits, eligibility, public safety<sup>1</sup> health, and critical services.

(d)<sup>1</sup> Departments shall post translated notices in the public areas of their facilities in the relevant language(s) indicating that Language Access Services are available.

(3) Departments shall translate all signage posted in their facilities that is intended to assist members of the public utilizing the Department's services or programs. Departments shall also translate all signage posted in public spaces that is meant to inform the community about a service or program or a benefit or change that impacts the community. The translated notices shall be posted prominently and shall be readily visible to the public. Departments shall also provide translated written materials, in a conspicuous location, providing information about the OCEIA complaint process described in Section 91.10.

(c) **Digital Content.** Departments shall translate digital content that meets the parameters of subsection 91.5(a) that they provide on digital platforms such as web sites, social media platforms, third-party digital content providers, or various on-line mediums. Departments shall also translate all public service announcements or information that raises awareness about an issue of public interest or affects the community that they publish on websites, social media platforms, third-party digital content providers, or various on-line mediums.

(d) Departments shall take a community-focused approach to ensure all translations are accurate and appropriate for the target audience. Translations should match literacy levels of the target audience.

(e) Each Department shall designate a staff member responsible for ensuring that all translations of the Department's written materials meet the accuracy and appropriateness standard set in subsection (d) of this Section 91.5. Departments are encouraged to have their staff check the quality of written translations, but where a Department lacks biliterate personnel, the responsible staff member shall obtain quality checks from external translators. Departments may contact OCEIA for assistance in locating a qualified translator or translation equipment. Departments are also encouraged to solicit feedback on the accuracy and appropriateness of translations from bilingual staff of community groups whose clients receive services from the Department.

(Former Sec. 91.5 redesignated as 91.6 by Ord. [27-15](#), File No. 141149, App. 3/12/2015, Eff. 4/11/2015)

### CODIFICATION NOTE

☞ 1. So in Ord. [116-24](#).

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## SEC. 91.6. DISSEMINATION OF TRANSLATED MATERIALS FROM THE STATE AND FEDERAL GOVERNMENT.

If the State or federal government or any agency thereof makes available to a Department written materials in a language other than English, the Department shall maintain an adequate stock of the translated materials and shall make them readily available to persons who use the Department's services.

☞ (Former Sec. 91.6 redesignated as Sec. 91.7 and amended by Ord. [27-15](#), File No. 141149, App. 3/12/2015, Eff. 4/11/2015)

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## SEC. 91.7. PUBLIC MEETINGS AND HEARINGS.

(a) Notwithstanding the requirements of any other provisions of Chapter 91, City Boards, City Commissions, advisory bodies, and Departments shall translate meeting notices, agendas, and minutes upon written request. When a City Board, City Commission, and advisory body receives a written request for translated meeting minutes, the body shall translate the meeting minutes only after the body adopts them and within a reasonable time thereafter.

(b) City Boards, City Commissions, advisory bodies, and Departments shall provide Language Access Services in the language the member of the public requests at any public meeting or hearing, if requested at least 48 hours in advance of the meeting or hearing.

(Added as Sec. 91.6 by Ord. 126-01, File No. 010409, App. 6/15/2001; amended by Ord. 202-09, File No. 090461, App. 8/28/2009; redesignated and amended by Ord. [27-15](#), File No. 141149, App. 3/12/2015, Eff. 4/11/2015; amended by Ord. [116-24](#), File No. 230868, App. 6/21/2024, Eff. 7/22/2024)

■ (Former Sec. 91.7 redesignated as Sec. 91.8 and amended by Ord. [27-15](#), File No. 141149, App. 3/12/2015, Eff. 4/11/2015)

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## SEC. 91.8. RECORDED TELEPHONIC MESSAGES.

All Departments with recorded telephonic messages about the Department's operation or services shall maintain such messages in each language spoken by a Substantial Number of LEP Persons, or where applicable, a Concentrated Number of LEP Persons. Such Departments are encouraged to include in the telephonic messages information about business hours, office location(s), services offered and the means of accessing such services, and the availability of Language Access Services. The requirements of this Section 91.8 shall apply only to recordings prepared by a Department to provide general information to the public about the Department's operations and services, and shall not apply to voicemail recordings on City employees' telephone lines.

(Added as Sec. 91.7 by Ord. 126-01, File No. 010409, App. 6/15/2001; redesignated and amended by Ord. [27-15](#), File No. 141149, App. 3/12/2015, Eff. 4/11/2015; amended by Ord. [116-24](#), File No. 230868, App. 6/21/2024, Eff. 7/22/2024)

■ (Former Sec. 91.8 redesignated as Sec. 91.9 and amended by Ord. [27-15](#), File No. 141149, App. 3/12/2015, Eff. 4/11/2015)

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## SEC. 91.9. CRISIS SITUATIONS.

(a) All Departments involved in health-related emergencies, including but not limited to pandemics, refugee relief, disaster-related activities, and all other crisis situations shall work with OCEIA to include Language Access Services protocols in the Department's Annual Compliance Report. During these events, all Departments involved shall prioritize Language Access Services and to the extent feasible ensure bilingual staff are present and available to assist LEP Persons with critical needs. If these situations require the posting of warning signs, the Department shall translate those signs in the required languages.

(b) By January 1, 2025, all Departments providing emergency response services, including but not limited to the Police Department, Fire Department, and Department of Emergency Management in the event of crisis situations and disaster-related activities, involving an immediate threat of serious harm, mass casualties, conditions of natural disaster, or conditions posing extreme peril to the safety of persons and property shall: (1) provide language access services related to the emergency in English and in all languages spoken jointly by 5% or more of the population that speaks English less than "very well"; (2) ensure that the quality of information translated and provided to individuals that speak English less than "very well" is as comprehensive, actionable, and timely as the information provided to LEP persons; and (3) endeavor to utilize community members with the cultural competencies and language skills necessary to effectively communicate with those that speak English less than "very well" using, whenever feasible, native speakers of the relevant languages who also speak English fluently. OCEIA shall reassess the data every five years to ensure that the language or languages in which the Departments provide information are consistent with the requirements of subsection (b)(1).

(c) Subject to the budgetary and fiscal provisions of the Charter, OCEIA shall develop strategies for Departments to use in deploying rapid response Language Access Services to advise First Responders serving the public in crisis situations as listed in Section 91.9. OCEIA shall collaborate with Departments to ensure a community-focused approach is incorporated in the operation of rapid response Language Access Services.

(Added as Sec. 91.8 by Ord. 202-09, File No. 090461, App. 8/28/2009; redesignated and amended by Ord. [27-15](#), File No. 141149, App. 3/12/2015, Eff. 4/11/2015; amended by Ord. [116-24](#), File No. 230868, App. 6/21/2024, Eff. 7/22/2024)

■ (Former Sec. 91.9 redesignated as 91.10 and amended by Ord. [27-15](#), File No. 141149, App. 3/12/2015, Eff. 4/11/2015)

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## SEC. 91.10. COMPLAINT PROCEDURE.

(a) **Complaint Process.** OCEIA shall be responsible for accepting, investigating, and resolving complaints from persons alleging violations of this Chapter 91. A person alleging that a Department violated a provision of this Chapter may submit a complaint to OCEIA by either: (1) completing and submitting a complaint form; (2) calling OCEIA and speaking with an employee who will document the complaint; or (3) designating another person or entity to lodge the complaint on their behalf. Within five days of receiving the complaint, OCEIA shall notify the Department and commence an investigation. OCEIA shall resolve all complaints within 30 days of their receipt unless OCEIA finds good cause to extend the time for resolving the complaint. OCEIA shall prepare a summary report of its investigation that will include findings and recommendations to address the issues raised in the complaint, including what action, if any, was undertaken by the Department in response to the complaint to ensure the Department's compliance with this Chapter 91 and whether a Department cooperated or failed to cooperate with OCEIA's investigation.<sup>1</sup>

(b) **Department and City Board, City Commission, and Advisory Body's Complaint Procedure.** If a Department, a City Board, a City Commission, or an Advisory Body receives a complaint from an individual, it shall immediately forward a copy of the complaint to OCEIA. In addition, City Boards, City Commissions, and Advisory Bodies, shall cooperate in good faith with OCEIA in resolving the

complaint within the applicable time frame.

(c) **Annual Tracking of Complaints and Summary Reports.** Annually OCEIA shall track the number of complaints received and summary reports in progress and completed. OCEIA shall maintain copies of all complaints and summary reports for a period of not less than five years.

(d) **Quarterly Reports.** On a quarterly basis, OCEIA shall submit a written report to the Board of Supervisors and Commission containing the following information: (1) the number of complaints filed during that quarter, including an analysis of individual cases with departmental trends; (2) the number of complaints filed for the year-to-date; (3) a comparison of those numbers with the filings for the previous year; (4) a brief description of the nature of each complaint filed, including the Department named in the complaint, the,<sup>1</sup> and (5) OCEIA's summary report of its investigation with findings and recommendations..<sup>1</sup>

(Added as Sec. 91.8 by Ord. 126-01, File No. 010409, App. 6/15/2001; redesignated as Sec. 91.9 and amended by Ord. 202-09, File No. 090461, App. 8/28/2009; redesignated and amended by Ord. [27-15](#), File No. 141149, App. 3/12/2015, Eff. 4/11/2015; amended by Ord. [116-24](#), File No. 230868, App. 6/21/2024, Eff. 7/22/2024)

(Former Sec. 91.10 redesignated as Sec. 91.11 and amended by Ord. [27-15](#), File No. 141149, App. 3/12/2015, Eff. 4/11/2015; amended by Ord. [116-24](#), File No. 230868, App. 6/21/2024, Eff. 7/22/2024)

#### CODIFICATION NOTE

- 1. So in Ord. [116-24](#).

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## SEC. 91.11. ANNUAL COMPLIANCE REPORT.

Using information collected during the preceding fiscal year beginning July 1 and ending June 30, each Department shall draft an Annual Compliance Report including the following information:

- (a) A description of the Department's language access policy;
- (b) The language services offered by the Department;
- (c) The number and percentage of people who are LEP Persons who use the Department's services Citywide;
- (d) A roster of bilingual employees, their titles, office locations, the language(s) other than English that they speak; excluding those bilingual employees who are self-designated as competent in a second language other than English;
- (e) The name and contact information of the Department's language access coordinator;
- (f) A description of any use of telephone-based interpretation services, including the number of times telephone-based interpretation services were used, the language(s) for which they were used, and the number of times bilingual employees provided in-person interpretation services;
- (g) An explanatory assessment of the procedures used to facilitate communication with LEP Persons, which shall include, but is not limited to, an evaluation of the following (1) the content of recorded telephonic messages provided to the public and the language of the message; (2) telephone requests for translation or interpretation services; (3) in-person requests for translation or interpretation services; and (4) public notices of the availability of translation or interpretation services upon request;
- (h) Ongoing employee development and training strategy to maintain well trained bilingual employees and general staff. Employee development and training strategy should include a description of quality control protocols for bilingual employees; and a description of language service protocols for LEP Persons in crisis situations as outlined in Section 91.9;
- (i) If the Department determines that additional bilingual employees are needed to meet the requirements of Section 91.4, the Department must provide a description of its plan for meeting those requirements;
- (j) The name, title, and language(s) other than English spoken, if any, by the staff member designated with responsibility for ensuring the accuracy and appropriateness of Language Access Services for each language in which services must be provided under this Chapter 91;
- (k) A list of the Department's written materials that have been translated under this Chapter 91, the language(s) into which they have been translated, and the persons who have reviewed the translated material for accuracy and appropriateness;
- (l) The Department's written policies on providing services to LEP Persons;
- (m) A list of goals for the upcoming year and, for all Annual Compliance Reports except the first, an assessment of the Department's success at meeting last year's goals;
- (n) Annual expenditures from the previous fiscal year for services that are related to language access, including:
  - (1) Compensatory pay for bilingual employees who perform bilingual services, excluding regular annual salary expenditures;
  - (2) Telephonic interpretation services provided by City vendors;
  - (3) Document translation services provided by City vendors;
  - (4) On-site language interpretation services provided by City vendors;
- (5) The Department's budget <sup>1</sup> Language Access Services and projected budget to support progressive implementation of the Department's Annual Compliance Report;

(o) A summary of changes between the Department’s previous Annual Compliance Report submittal and the current submittal, including but not limited to: (1) an explanation of strategies and procedures that have improved the Department’s Language Access Services from the previous year; and (2) an explanation of strategies and procedures that did not improve the Department’s language services and proposed solutions to achieve the overall goal of this Language Access Ordinance; and

(p) Any other information OCEIA deems appropriate for the implementation of this Chapter 91.

(Added as Sec. 91.9 by Ord. 126-01, File No. 010409, App. 6/15/2001; redesignated as Sec. 91.10 and amended by Ord. 202-09, File No. 090461, App. 8/28/2009; redesignated and amended by Ord. [27-15](#), File No. 141149, App. 3/12/2015, Eff. 4/11/2015)

(Former Sec. 91.11 redesignated as Sec. 91.12 and amended by Ord. [27-15](#), File No. 141149, App. 3/12/2015, Eff. 4/11/2015; amended by Ord. [116-24](#), File No. 230868, App. 6/21/2024, Eff. 7/22/2024)

CODIFICATION NOTE

- 1. So in Ord. [116-24](#).

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## SEC. 91.12. ANNUAL COMPLIANCE REPORTS SUBMITTALS, LANGUAGE ACCESS ORDINANCE SUMMARY REPORT, AND RECOMMENDATIONS FOR EMERGING LANGUAGE POPULATIONS.

(a) **Annual Compliance Reports Submittals.** All Departments shall submit their Annual Compliance Report on October 1 of each year to OCEIA.

(b) **Language Access Ordinance Summary Report.** On February 1 of each year, OCEIA shall submit to the Mayor, the Board of Supervisors, and the Commission a Language Access Ordinance Summary Report which compiles and summarizes all departmental Annual Compliance Reports. OCEIA shall also include in the Language Access Ordinance Summary Report a current determination of: (1) the total number of LEP Persons in the City; (2) the number of LEP Persons in the City delineated according to language spoken; (3) the number of LEP Persons for each District delineated according to language spoken; (4) the number of complaints received; (5) the number of complaints investigated; and (6) the number of investigative summary reports. OCEIA shall translate in the required languages the key findings and recommendations of the Language Access Ordinance Summary Report within 30 days after its completion.

(c) OCEIA may include in the Language Access Ordinance Summary Report recommended changes to all departmental Annual Compliance Reports, including changes to language access policies in order to meet the needs of Emerging Language Populations.

(Added as Sec. 91.11 by Ord. 202-09, File No. 090461, App. 8/28/2009; redesignated and amended by Ord. [27-15](#), File No. 141149, App. 3/12/2015, Eff. 4/11/2015; amended by Ord. [116-24](#), File No. 230868, App. 6/21/2024, Eff. 7/22/2024)

- (Former Sec. 91.12 redesignated as 91.13 by Ord. [27-15](#), File No. 141149, App. 3/12/2015, Eff. 4/11/2015)

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## SEC. 91.13. RECRUITMENT.

It shall be the policy of the City to publicize job openings for Departments’ Public Contact Positions in an inclusive and appropriate manner including, but not limited to, in ethnic, and<sup>1</sup> and non-English language media, and in multiple languages.

(Added as Sec. 91.10 by Ord. 126-01, File No. 010409, App. 6/15/2001; redesignated as Sec. 91.12 by Ord. 202-09, File No. 090461, App. 8/28/2009; redesignated by Ord. [27-15](#), File No. 141149, App. 3/12/2015, Eff. 4/11/2015)

(Former Sec. 91.13 redesignated as Sec. 91.15 and amended by Ord. [27-15](#), File No. 141149, App. 3/12/2015, Eff. 4/11/2015; amended by Ord. [116-24](#), File No. 230868, App. 6/21/2024, Eff. 7/22/2024)

CODIFICATION NOTE

- 1. So in Ord. [116-24](#).

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## SEC. 91.14. DEPARTMENT RESPONSIBILITIES.

In addition to the duties and responsibilities provided elsewhere in this Chapter 91, Departments shall:

(a) Provide Language Access Services in the required languages or languages spoken by a Substantial Number of LEP Persons that provides vital information to the public about the Department’s services or programs;

(b) Maintain data based on the Language Access Services provided to the public;

(c) Upon request, provide Language Access Services in languages not covered by the required languages that provide vital information to the public about the Department’s services or programs. The Department shall acknowledge the request within 48 hours, excluding weekends and holidays. Departments shall make good faith efforts to translate the requested materials within a reasonable amount of time and provide the requester with a due date.

(d) Inform LEP Persons who seek services, in their native tongue, of their right to request Language Access Services and their right to file a complaint;

- e<sup>1</sup> Create a process where all persons may provide feedback on the Department’s Language Access Services;

- (f) Use OCEIA’s standardized vocabulary list;
- (g) Prominently post in main entrance or reception areas the availability of Language Access Services and OCEIA’s know-your-rights brochure translated in the required languages;
- (h) Create and maintain a language access policy and review it annually;
- (b)<sup>1</sup> Create and maintain a language access policy and review it annually;
- (i) Designate a language access coordinator who is responsible for managing the Department’s Language Access Services;
- (j) Use a community-focused approach to language access services to ensure that residents receive information about City programs and services, including public service announcements;
- (k) Upon request, translate the investigative summary report;
- (l) Budget and plan for the Department’s delivery of Language Access Services; and
- (m) Use good faith efforts to comply with the provisions of this Chapter 91<sup>1</sup> OCEIA’s recommendations and directives. Departments shall prioritize Language Access Services<sup>1</sup> Over time, Departments shall fully comply with the provisions of this Chapter 91 .

(Added by Ord. [27-15](#), File No. 141149, App. 3/12/2015, Eff. 4/11/2015)

(Former Sec. 91.14 redesignated as Sec. 91.16 and amended by Ord. [27-15](#), File No. 141149, App. 3/12/2015, Eff. 4/11/2015; amended by Ord. [116-24](#), File No. 230868, App. 6/21/2024, Eff. 7/22/2024)

CODIFICATION NOTE

- 1. So in Ord. [116-24](#).

## **SEC. 91.15. COMMISSION RESPONSIBILITIES.**

In its advisory capacity, the Commission may make recommendations to improve Chapter 91. The Commission’s duties shall include: (a) reviewing all OCEIA reports; (b) reviewing complaints and OCEIA’s resolution of them; (c) recommending policy changes to language access; (d) identifying new trends that may present new challenges for language access; (e) identifying new practices that further the objectives of this Chapter; and (f) conducting public hearings related to items (a) through (e).

(Added as Sec. 91.11 by Ord. 126-01, File No. 010409, App. 6/15/2001; redesignated as Sec. 91.13 and amended by Ord. 202-09, File No. 090461, App. 8/28/2009; redesignated and amended by Ord. [27-15](#), File No. 141149, App. 3/12/2015, Eff. 4/11/2015)

(Former Sec. 91.15 redesignated as 91.17 by Ord. [27-15](#), File No. 141149, App. 3/12/2015, Eff. 4/11/2015; amended by Ord. [116-24](#), File No. 230868, App. 6/21/2024, Eff. 7/22/2024)

## **SEC. 91.16. OFFICE OF CIVIC ENGAGEMENT AND IMMIGRANT AFFAIRS' RESPONSIBILITIES.**

Subject to the budgetary and fiscal provisions of the Charter, OCEIA shall work with all Departments providing emergency response services under Section 91.9 to aid in their compliance with its provisions and may provide technical assistance to support the Departments’ Language Access Services, and investigate, monitor, and facilitate Departmental compliance with this Chapter 91. OCEIA may:

- (a) Provide technical assistance for Language Access Services for all Departments, including but not limited to, create a vocabulary list with standardized terms applicable to all Departments, yearly trainings for department staff, consultations as needed, and language access tools and resources;<sup>1</sup>
- (b) Coordinate Language Access Services across Departments, including but not limited to maintaining a directory of qualified language service providers for Departments to utilize and carry out their responsibilities under this Chapter 91, maintaining Language Access Services, translations, and interpretations contracts for all Departments, maintaining an inventory of language services equipment, and providing assistance to Departments, the Board of Supervisors, and the Mayor’s Office in identifying bilingual staff;
- (c) Provide Departments with model Annual Compliance Reports and language access policies;
- (d) If OCEIA determines a new language meets the annual threshold amount in section 91.2 (“Substantial Number of LEP Persons”), OCEIA shall notify all affected Departments of its determination. OCEIA shall also post that determination on its website for 120 days prior to certifying the new language. During that time period, OCEIA may conduct a study to confirm its determination. If OCEIA conducts such a study, the 120 days shall commence the day the study is published. The certification of a new language as a language spoken by a Substantial Number of LEP Persons shall take effect after the conclusion of the process described in this subsection (d);
- (e) Maintain a complaint form on OCEIA’s website in all certified languages spoken by a Substantial Number of LEP Persons;
- (f) Create a know-your-rights brochure for Language Access Services, that at a minimum explains the complaint process, provides information on how to file a complaint, and outlines possible resolutions to the complaint. The know-your-rights brochure shall be translated and made available in at least the top 20 languages in San Francisco that are most spoken and have the highest rate of language access needs;



- (g) Create and maintain a website for the posting of OCEIA’s investigative summary reports;
- (h) Perform audits, as needed, for compliance with the provisions of this Chapter; and
- (I)<sup>1</sup> Investigate all potential violations of this Chapter.

(Added as Sec. 91.14 by Ord. 202-09, File No. 090461, App. 8/28/2009; redesignated and amended by Ord. [27-15](#), File No. 141149, App. 3/12/2015, Eff. 4/11/2015; amended by Ord. [116-24](#), File No. 230868, App. 6/21/2024, Eff. 7/22/2024)

(Former Sec. 91.16 redesignated as Sec. 91.18 and amended by Ord. [27-15](#), File No. 141149, App. 3/12/2015, Eff. 4/11/2015)

CODIFICATION NOTE

- 1. So in Ord. [116-24](#).

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## SEC. 91.17. RULES AND REGULATIONS.

In order to effectuate the terms of this Chapter, OCEIA may adopt rules and regulations consistent with this Chapter.

(Added as Sec. 91.12 by Ord. 126-01, File No. 010409, App. 6/15/2001; redesignated as Sec. 91.15 and amended by Ord. 202-09, File No. 090461, App. 8/28/2009; redesignated and amended by Ord. [27-15](#), File No. 141149, App. 3/12/2015, Eff. 4/11/2015; amended by Ord. [116-24](#), File No. 230868, App. 6/21/2024, Eff. 7/22/2024)

- (Former Sec. 91.17 added as Sec. 91.14 by Ord. 126-01, File No. 010409, App. 6/15/2001; redesignated and amended by Ord. 202-09, File No. 090461, App. 8/28/2009; repealed by Ord. [27-15](#), File No. 141149, App. 3/12/2015, Eff. 4/11/2015)

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## SEC. 91.18. ENFORCEMENT.

OCEIA shall be responsible for enforcement of this Chapter 91. OCEIA may investigate all potential violations of this Chapter. OCEIA may attempt to resolve noncompliance with this Chapter by any Department through informal processes, including mediation and conference and conciliation. OCEIA shall prepare a summary report of each investigation that will include findings and recommendations to address the issues raised in the complaint, including what action, if any, was undertaken by the Department in response to the complaint to ensure the Department’s compliance with this Chapter 91 and whether a Department failed to cooperate with OCEIA’s investigation <sup>1</sup> shall transmit <sup>1</sup> OCEIA shall transmit its investigative summary report to the Department, the Department of Human Resources, the Commission, the Mayor, and the Board of Supervisors.

(Added as Sec. 91.13 by Ord. 126-01, File No. 010409, App. 6/15/2001; redesignated as Sec. 91.16 by Ord. 202-09, File No. 090461, App. 8/28/2009; redesignated and amended by Ord. [27-15](#), File No. 141149, App. 3/12/2015, Eff. 4/11/2015; amended by Ord. [116-24](#), File No. 230868, App. 6/21/2024, Eff. 7/22/2024)

(Former Sec. 91.18 redesignated as 91.19 and amended by Ord. [27-15](#), File No. 141149, App. 3/12/2015, Eff. 4/11/2015)

CODIFICATION NOTE

- 1. So in Ord. [116-24](#).

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## SEC. 91.19. DISCLAIMERS.

(a) By providing the public with equal access to language services, the City and County of San Francisco is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

(b) The obligations set forth in the Language Access Ordinance are directory and the failure of the City to comply shall not provide a basis to invalidate any City action.

(c) The Language Access Ordinance shall be interpreted and applied so as to be consistent with Title VI and VII of the Civil Rights Act of 1964, California’s Fair Employment and Housing Act, and Article X of the San Francisco Charter and so as not to impede or impair the City’s obligations to comply with any court order or consent decree.

(Added as Sec. 91.18 by Ord. 202-09, File No. 090461, App. 8/28/2009; redesignated by Ord. [27-15](#), File No. 141149, App. 3/12/2015, Eff. 4/11/2015)