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# HOUSE CONCURRENT RESOLUTION

REQUESTING THE GOVERNOR TO CONVENE A WORKING GROUP TO DEVELOP  
RECOMMENDATIONS FOR EFFECTIVE COMMUNICATIONS WITH LIMITED  
ENGLISH PROFICIENT PERSONS AND PERSONS WITH DISABILITIES  
BEFORE, DURING, AND AFTER EMERGENCIES AND NATURAL  
DISASTERS.

1           WHEREAS, the 2019 State of Hawaii Data Book reported that  
2 the portion of Hawaii's total population that is five years old  
3 and above is 1,331,641; and  
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5           WHEREAS, roughly one in four people in the State, or  
6 348,139, speak a language other than English at home; and  
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8           WHEREAS, the 2019 State of Hawaii Data Book also reported  
9 that 161,055, or approximately one in nine of Hawaii's residents  
10 indicated that they speak English "less than very well",  
11 classifying them as limited English proficient persons; and  
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13           WHEREAS, Hawai'i has one of the highest proportions of  
14 non-English speakers in the United States; and  
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16           WHEREAS, language access is a civil right that derives from  
17 Title VI of the Civil Rights Act of 1964, which provides that  
18 "[n]o person in the United States shall, on the ground of race,  
19 color, or national origin, be excluded from participation in, be  
20 denied the benefits of, or be subjected to discrimination under  
21 any program or activity receiving Federal financial assistance";  
22 and  
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24           WHEREAS, in *Lau v. Nichols*, 414 U.S. 563 (1974), the United  
25 States Supreme Court held that failure to ensure meaningful  
26 access to services for limited English proficient persons is a  
27 form of national origin discrimination prohibited by Title VI of  
28 the Civil Rights Act of 1964; and



1 WHEREAS, Executive Order 13166 issued by President Clinton  
2 on August 11, 2000, directed all federal agencies and entities  
3 that received federal funding to examine their services and to  
4 develop and implement systems to provide meaningful access to  
5 limited English proficient persons; and

6  
7 WHEREAS, the Office of Language Access, established in  
8 2006, reaffirmed Hawaii's commitment to civil rights and  
9 inclusive access to services regardless of national origin; and

10  
11 WHEREAS, the State has been cited repeatedly by the federal  
12 court, federal offices of civil rights, including the Department  
13 of Justice, and Hawai'i Civil Rights Commission, for its failure  
14 to provide language accessible services for limited English  
15 proficient persons; and

16  
17 WHEREAS, during the pandemic, Hawaii's limited English  
18 proficient community has expressed concern and dismay regarding  
19 non-existent or limited access to essential state services,  
20 including health related information and unemployment benefits,  
21 in a language they understand; and

22  
23 WHEREAS, the 2018 Disability Status Report by Cornell  
24 University reported that 51,300 Hawai'i residents are hearing  
25 disabled and 25,100 Hawai'i residents are blind or experience  
26 serious difficulty seeing, even when wearing glasses; and

27  
28 WHEREAS, the Rehabilitation Act of 1973 bars entities  
29 receiving federal funds from discriminating against individuals  
30 with any disability in the provision of programs and requires  
31 that all electronic and information technology resources  
32 developed with federal funds be completely accessible; and

33  
34 WHEREAS, Title II of the American with Disabilities Act  
35 prohibits discrimination by state or local governments and  
36 requires that state and local governments ensure that their  
37 communications, including emergency communications, are fully  
38 accessible to people with disabilities; and

39  
40 WHEREAS, bridging the language divide experienced by the  
41 limited English proficient, deaf, blind, and disabled



1 communities is essential to ensuring equitable access to  
2 services, programs, and activities for all Hawai'i residents; and  
3

4 WHEREAS, effective and appropriate communication that  
5 reaches these communities during natural disasters or emergency  
6 events is critical to protecting lives, families, and the  
7 State's diverse communities; and  
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9 WHEREAS, providing accessible communication and services in  
10 emergency and disaster management services, health care  
11 services, public benefit services, unemployment benefits, and  
12 other services critical to ensuring the safety, health, and  
13 welfare of limited English proficient and disabled persons in  
14 natural disasters and emergency events is required by federal  
15 and state laws; and  
16

17 WHEREAS, convening a working group of stakeholders is a  
18 significant step toward sharing information and solutions,  
19 developing and leveraging resources, and formulating action  
20 steps to ensure meaningful access for limited English  
21 proficient, deaf, blind, and disabled persons; now, therefore,  
22

23 BE IT RESOLVED by the House of Representatives of the  
24 Thirty-first Legislature of the State of Hawai'i, Regular Session  
25 of 2021, the Senate concurring, that the Governor is requested  
26 to convene a working group to develop recommendations for  
27 effective communications with limited English proficient persons  
28 and persons with disabilities before, during, and after  
29 emergencies and natural disasters; and  
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31 BE IT FURTHER RESOLVED that the working group is requested  
32 to develop a plan to ensure that communication services,  
33 including translation, are accurate, culturally appropriate,  
34 meaningful, and timely; and  
35

36 BE IT FURTHER RESOLVED that the working group is requested  
37 to:  
38

39 (1) Assess the current status of communication access for  
40 persons with a disability and limited English  
41 proficient persons during natural disasters and  
42 emergencies;



- 1 (2) Assess the current communication needs and challenges
- 2 across government entities during natural disasters
- 3 and emergencies;
- 4
- 5 (3) Identify information technology resources and other
- 6 resources and costs; and
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- 8 (4) Identify and propose legislative solutions and submit
- 9 recommendations to the Legislature; and

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11 BE IT FURTHER RESOLVED that the working group is requested  
12 to comprise the following members:

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- 14 (1) One individual appointed by the Governor who shall
- 15 serve as the co-chair;
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- 17 (2) Two individuals appointed by the Hawai'i Coalition for
- 18 Immigrant Rights, one of which shall serve as
- 19 co-chair;
- 20
- 21 (3) The Attorney General or their designee;
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- 23 (4) The Director of Health or their designee;
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- 25 (5) The Director of Human Services or their designee;
- 26
- 27 (6) The Director of Labor and Industrial Relations or
- 28 their designee;
- 29
- 30 (7) The Administrator of Hawai'i Emergency Management
- 31 Agency or their designee;
- 32
- 33 (8) The Chief Information Officer of the Office of
- 34 Enterprise Technology Services or their designee;
- 35
- 36 (9) The Executive Director of the Office of Language
- 37 Access or their designee;
- 38
- 39 (10) The Director of the Office on Equality and Access to
- 40 the Courts or their designee;



- 1 (11) The Executive Director of the Disability and  
2 Communication Access Board or their designee;  
3
- 4 (12) The Executive Administrator of the Hawai'i State  
5 Council on Developmental Disabilities or their  
6 designee;  
7
- 8 (13) The Executive Director of the Hawai'i Civil Rights  
9 Commission or their designee;  
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- 11 (14) The Civil Defense Administrator of the Hawai'i County  
12 Civil Defense Agency or their designee;  
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- 14 (15) The Administrator of the Kaua'i Emergency Management  
15 Agency or their designee;  
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- 17 (16) The Administrator of the Maui Emergency Management  
18 Agency or their designee;  
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- 20 (17) The Director of the City and County of Honolulu  
21 Department of Emergency Management or their designee;  
22
- 23 (18) One representative from the Hawai'i State Council on  
24 Developmental Disabilities, to be appointed by the  
25 Council;  
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- 27 (19) One representative from the Inter-Agency Council for  
28 Immigrant and Refugee Services, to be appointed by the  
29 Council;  
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- 31 (20) One person with a disability appointed by the  
32 Disability and Communication Access Board;  
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- 34 (21) One person with a developmental disability appointed  
35 by the Hawai'i State Council on Developmental  
36 Disabilities; and  
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- 38 (22) One person with limited English proficiency appointed  
39 by the Inter-Agency Council for Immigrant and Refugee  
40 Services; and



1 BE IT FURTHER RESOLVED that the language and disability  
2 access working group is requested to submit to the Legislature a  
3 report of its findings and recommendations, including any  
4 proposed legislation, no later than October 31, 2021; and  
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6 BE IT FURTHER RESOLVED that certified copies of this  
7 Concurrent Resolution be transmitted to the Governor, Attorney  
8 General, Director of Health, Director of Human Services,  
9 Director of Labor and Industrial Relations, Administrator of the  
10 Hawai'i Emergency Management Agency, Chief Information Officer of  
11 the Office of Enterprise Technology Services, Executive Director  
12 of the Office of Language Access, Director of the Office on  
13 Equality and Access to the Courts, Executive Director of the  
14 Disability and Communication Access Board, Executive  
15 Administrator of the Hawai'i State Council on Developmental  
16 Disabilities, Executive Director of the Hawai'i Civil Rights  
17 Commission, Civil Defense Administrator of the Hawai'i County  
18 Civil Defense Agency, Administrator of the Kaua'i Emergency  
19 Management Agency, Administrator of the Maui Emergency  
20 Management Agency, Director of the City and County of Honolulu  
21 Department of Emergency Management, Head of the Hawai'i Coalition  
22 for Immigrant Rights, and President of the Inter-Agency Council  
23 for Immigrant and Refugee Services.

