
SENATE COMMITTEE ON LOCAL GOVERNMENT

Senator Maria Elena Durazo, Chair

2025 - 2026 Regular

Bill No: AB 2341

Author: Fong

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Fiscal: No

Consultant: Peterson

LOCAL GOVERNMENT: EMERGENCY RESPONSE SERVICES: USE OF LANGUAGES OTHER THAN ENGLISH

Revises existing requirements for a local agency that provides emergency response services to translate information related to an emergency into non-English languages.

Background

According to the Los Angeles Times, over 200 languages are spoken in California and over 40% of California's residents speak a language other than English in their home. According to 2021 data from the American Community Survey analyzed by the California Research Bureau, twenty-seven California cities have resident populations where a third or more of the people speak English "less than very well." While Spanish is the primary language in many of these communities, a variety of other languages are also spoken. Data compiled and reported by the California Department of Human Resources suggest a substantial number of state recipients of public services speak Vietnamese, Mandarin, Cantonese, Korean, Punjabi, Arabic, Armenian, Hindi, Farsi, Portuguese, Russian, or communicate using American Sign Language.

Dymally-Alatorre Bilingual Services Act. The Legislature enacted the Dymally-Alatorre Bilingual Services Act (the Act) in 1973, which requires both state and local government to provide oral and written translation services whenever they serve "a substantial number of non-English speaking people." Though the Act mandates translation services, it also provides enormous discretion to local government entities to determine how to define what constitutes a "substantial number of non-English-speaking people." The Act also largely delegates decision-making to local government to determine when translated materials are necessary.

In contrast, the Act's requirements are far more prescriptive with respect to mandates on state agencies. Essentially, whenever 5% or more of those served statewide, or by a local office, or facility of an agency speak a common language but either do not speak English or are unable to communicate effectively in English, that agency is required to provide translation services in that language. Depending on circumstances, state agencies can meet this translation requirement by a variety of means, including through direct hiring of "public contact" classified merit staff who speak the specific language in question, by hiring interpreters in other merit job classifications who also speak the language, or by contracting for relevant telephonic interpretive services for that language. State agencies must make a determination of the need for translation services by conducting periodic assessments using a survey assessment tool to determine which languages they need to translate in order to effectively provide services. Under certain conditions, state agencies may be exempted from conducting this assessment, but only for a limited time. The

Act also requires the same level of service delivery for relevant non-English speaking populations as is provided to English-speaking service recipients.

In 1999, the State Auditor found deficiencies in the implementation of the Act at both the state and local level. The Auditor's findings suggested that at the time many state agencies were not aware of their responsibilities under the Act and were not translating materials as required. Additionally, the State Auditor found that most agencies surveyed were not regularly conducting needs assessment for translation services and were instead relying on outdated data to inform their decision-making. With respect to local agencies, the State Auditor found a wide variety of practices across jurisdictions, noting that many cities and counties were providing translation services through different means including staff, interpreters, and translated written materials. Nevertheless, the State Auditor also noted that local government's assessment of needs was not regularly based on a systematic data-driven assessment, often relying on anecdote, and for many of the languages for which there was an assessed need, translation services were not being provided. The Auditor recommended that local agencies conduct a more formal need assessment to make translated materials available.

California Emergency Services Act (ESA). The Legislature enacted the ESA in 1970, and established what is now known the Office of Emergency Services (OES) within the Governor's Office. Under the ESA, OES is charged with coordinating statewide emergency preparedness; post emergency recovery and mitigation efforts; and the development, review, approval, and integration of local emergency plans. In 2008, OES established the Office of Access and Functional Needs (AFN). The office identifies the needs of persons with AFN, defined as those with developmental, intellectual, or physical disabilities; chronic conditions or injuries; limited English proficiency or non-English speaking; older adults; children, or pregnant women; those living in institutional settings; who are low-income; homeless; and from diverse cultures. OES offers AFN-related training, guidance, and technical assistance to emergency managers, disability advocates, and other service providers. If requested, OES will review each county's emergency plans, in consultation with individuals with various AFNs, to determine whether the plans are consistent with best practices and guidance FEMA issues.

The Emergency Services Act contains several provisions pertaining to the need for translation services in times of emergency. It requires counties to update emergency plans to reflect how counties will use translators and interpreters for purposes of emergency communication. It also requires counties to integrate cultural competency considerations into their emergency planning efforts and requires that counties provide a forum for engaging with culturally diverse communities.

AB 1638 (Mike Fong, 2023) requires, commencing January 1, 2025, local agencies, in the event of an emergency in the jurisdiction of the agency, to provide information related to the emergency in all languages spoken jointly by 5% or more of the population whenever those same people also speak English less than very well. AB 1638 also requires:

- Local agencies to use data to determine which languages trigger the translation requirements and to update their data analysis every five years; and
- The Office of Land Use and Climate Innovation to oversee compliance with the requirements by surveying local agencies every three years and reporting their findings to the Legislature.

The author wants to clarify which languages local agencies must translate pursuant to AB 1638's requirements.

Proposed Law

Assembly Bill 2341 revises existing requirements for a local agency that provides emergency response services to translate information related to an emergency into non-English languages. Specifically, the measure:

- Provides that a local agency must translate information related to an emergency within its jurisdiction if 5% or more of the population within its jurisdiction speak English less than “very well;”
- Specifies that a determination of the 5% threshold must be based on data according to the American Community Survey or from an equally reliable source;
- Clarifies that a local agency must provide translated information related to the emergency in *each* language spoken by 5% or more of the population that speaks English less than “very well;”
- Deletes the existing requirement that the determination be made by January 1, 2025; and
- Clarifies that a local agency is not prohibited from adopting more expansive standards.

The measure also makes other minor technical and clarifying changes.

Comments

1. Purpose of the bill. According to the author, “Following a mass shooting that took place in my District in 2023, I introduced a bill to require translation to be provided in certain languages during an emergency situation. Translation is required if 5% of the population who speaks another language at home speaks English ‘less than very well’ according to the American Community Survey or an equally reliable source. Due to local agencies’ concerns that the law was not very clear on which languages are required to be translated, AB 2341 provides clarification and the steps for calculating the languages that meet the 5% threshold to help ensure accurate and consistent implementation of the law.”

2. Urgency. As an urgency statute, AB 2341 must be approved by 2/3 vote of each house of the Legislature. Regular legislation takes effect on January 1 following its passage, but urgency bills take effect as soon as they are passed, signed, and chaptered.

3. Incoming! The Senate Rules Committee has ordered a double referral of AB 2341: first to the Committee on Emergency Management, which approved the bill at its June 16th hearing on a vote of 9-0, and second to the Committee on Local Government.

Assembly Actions

Assembly Emergency Management Committee:

6-0

Assembly Floor:

77-0

Support and Opposition (6/26/26)

Support: California State Association of Counties (CSAC) (Sponsor)
Urban Counties of California (UCC)

Opposition: None Submitted

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