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A BILL

23-147

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Disability Rights Protection Act of 2006 to establish the Office for the Deaf, Deafblind, and Hard of Hearing.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the “Office for the Deaf, Deafblind, and Hard of Hearing, Establishment Amendment Act of 2020”.

Sec. 2. The Disability Rights Protection Act of 2006, effective March 8, 2007 (D.C. Law 16-239; D.C. Official Code § 2-1431.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 2-1431.01) is amended as follows:

(1) A new paragraph (3A) is added to read as follows:

“(3A) “Certified interpreter” means a specialist who:

“(A) Provides interpreting, translation, and transliteration services in American Sign Language and other visual and tactile communication forms used by individuals who are deaf, deafblind, or hard of hearing, and is certified by the National Association of the Deaf or the Registry of Interpreters for the Deaf; and

“(B) Meets the Continuing Education Unit requirements of the Registry of Interpreters for the Deaf, Inc.’s Certification Maintenance Program.”.

28 (2) New paragraphs (3B), (3C), and (3D) are added to read as follows:

29 “(3B) “Deaf” means a severe or complete absence of auditory sensitivity,
30 where the primary effective receptive communication mode is visual, tactile, or both.

31 “(3C) “Deafblind” means a sensory disability resulting from a combination of
32 hearing and vision loss or impairment.

33 “(3D) “Deaf, deafblind, and hard of hearing community” means the cultural
34 minority of individuals who are deaf, deafblind, or hard of hearing .”.

35 (3) New paragraphs (5A) and (5B) are added to read as follows:

36 “(5A) “Hard of hearing” means permanent hearing loss which is severe
37 enough to necessitate the use of amplification devices to hear oral communications.

38 “(5b) “Interpreter services” means services that provide communications
39 access to members of the deaf, deafblind, and hard of hearing community through
40 certified interpreters or the use of assistive technology including, assistive listening
41 devices (“ALDs”) and communication access realtime translation (“CART”).”.

42 (2) A new paragraph (7A) is added to read as follows:

43 “(7A) “ODDHH” means the Office for the Deaf, Deafblind, and Hard of
44 Hearing established by section 4a.”.

45 (b) Section 3 (D.C. Official Code § 2-1431.02) is amended as follows:

46 (1) Subsection (a) is amended as follows:

47 (A) Paragraph (4) is amended by striking the phrase “; and” and

48 inserting a semicolon in its place.

49 (B) Paragraph (5) is amended by striking the period and inserting the
50 phrase “; and” in its place.

51 (C) A new paragraph (6) is added to read as follows:

52 “(6) Submit an annual self-evaluation and implementation plan to ODDHH
53 describing how the agency shall ensure that all programs and public information are
54 accessible to the deaf, deafblind, and hard of hearing community, including an evaluation
55 of the agency’s coordination with ODDHH to provide interpreter services.”.

56 (2) Subsection (b) is amended as follows:

57 (A) Paragraph (1) is amended by striking the phrase “; and” and
58 inserting a semicolon in its place.

59 (B) Paragraph (2) is amended by striking the period and inserting a
60 semicolon in its place.

61 (C) New paragraphs (3) and (4) are added to read as follows:

62 “(3) Establish and implement a plan to enhance existing programs or to create
63 new programs to ensure that all services provided by agencies are accessible to the deaf,
64 deafblind, and hard of hearing community; and

65 “(4) Establish and implement a plan to address particular areas of concern
66 identified by ODDHH.”.

67 (c) A new section 4a is added to read as follows:

68 “Sec. 4a. Establishment of the Office for the Deaf, Deafblind, and Hard of Hearing.

69 “(a) There is established an Office for the Deaf, Deafblind, and Hard of Hearing.

70 “(b) The purpose of ODDHH is to advance the civil rights of the deaf, deafblind,

71 and hard of hearing community by ensuring and overseeing District-wide compliance

72 with laws that affect the deaf, deafblind, and hard of hearing community.

73 “(c)(1) ODDHH shall be headed by a Director, who shall be a member of the deaf,

74 deafblind, and hard of hearing community and who shall be appointed by the Mayor with

75 the advice and consent of the Council in accordance with section 2(a) of the Confirmation

76 Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-

77 523.01(a)).

78 “(2) The Director shall serve as the Chief Administrative Officer and may

79 organize personnel, re-delegate authority, develop programs, and take other action

80 consistent with appropriations and other applicable law. Annual compensation for the

81 Director shall be fixed in accordance with Title X-A of the District of Columbia

82 Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C.

83 Law 2-139; D.C. Official Code § 1-610.51 *et seq.*).

84 “(3) If the position of Director is vacant or about to be vacant, the Mayor

85 shall seek and receive input on the selection of the Director from organizations

86 representing the interests of the deaf, deafblind, and hard of hearing community.

87 “(d) The Director shall endeavor to hire qualified individuals who are members of

88 the deaf, deafblind, and hard of hearing community.

89 “(e) ODDHH shall:

90 “(1) Advocate for the adoption of laws, policies, and programs that benefit
91 the deaf, deafblind, and hard of hearing community;

92 “(2) Provide community outreach, training, and education on issues affecting
93 the deaf, deafblind, and hard of hearing community;

94 “(3) Provide information about existing programs and services for the deaf,
95 deafblind, and hard of hearing community;

96 “(4) Refer members of the deaf, deafblind, and hard of hearing community
97 with problems or concerns to the appropriate District agency or organization;

98 “(5) Assist educational institutions, employment agencies, social service
99 agencies, and businesses comply with District and federal laws that affect the deaf,
100 deafblind, and hard of hearing community;

101 “(6) Provide members of the deaf, deafblind, and hard of hearing community
102 with access to specialized services, including case management, interpreter services,
103 technology services, such as assistive listening devices, independent living services, and
104 information services;

105 “(7) Maintain a registry of available certified interpreters in the District and
106 work to increase the number of certified interpreters in the District;

107 “(8) Create and distribute visor communication cards to the Metropolitan

108 Police Department containing instructions for how to effectively communicate with a
109 motorist from the deaf, deafblind, or hard of hearing community, along with images of
110 common traffic situations;

111 “(9) Assist agencies develop policies and practices that consider the needs of
112 the deaf, deafblind, and hard of hearing community;

113 “(10) Ensure District-wide compliance with laws and policies that protect the
114 civil rights of the deaf, deafblind, and hard of hearing community;

115 “(11) Assist agencies and the Council with referrals to certified interpreters;

116 “(12) Coordinate with the appropriate agencies to provide:

117 “(A) All members of the deaf, deafblind, and hard of hearing
118 community who are children with support and access, from birth, to all services
119 necessary to ensure language access and developmental support; and

120 “(B) The deaf, deafblind, and hard of hearing community with support
121 and access to workforce development opportunities;

122 “(13) Provide training to agencies and the Council on:

123 “(A) The needs of the deaf, deafblind, and hard of hearing community
124 as it relates to each agency’s and the Council’s functions and mission;

125 “(B) Cultural awareness of the deaf, deafblind, and hard of hearing
126 community; and

127 “(C) Basic sign language communication; and

128 “(14) Within one year of the effective date of this act, and annually thereafter,
129 submit to the Council and the Mayor a report that includes:

130 “(A) An analysis of the accessibility of District programs for the deaf,
131 deafblind, and hard of hearing community;

132 “(B) An evaluation of the availability of American Sign Language
133 interpretation, real-time captioning, assistive listening systems, and other language access
134 measures for the deaf, deafblind, and hard of hearing community, at agencies and the
135 Council; and

136 “(C) Recommendations for new laws, policies, or programs that
137 address the needs of the deaf, deafblind, and hard of hearing community.”.

138 (d) Section 6(b) (D.C. Official Code § 2-1431.05(b)) is amended by striking the
139 phrase “The Office shall” and inserting the phrase “The Office of Disability Rights and
140 the Office for the Deaf, Deafblind, and Hard of Hearing shall” in its place.

141 (e) Section 9(c) (D.C. Official Code § 2-1431.08(c)) is amended to read as follows:

142 “(c) All agencies assigned specific functions under the rules described in subsection
143 (b) of this section shall enter into a Memorandum of Agreement (“MOA”) or a
144 Memorandum of Understanding (“MOU”) with the Office of Disability Rights and with
145 the Office for the Deaf, Deafblind, and Hard of Hearing. Each MOA or MOU shall
146 describe operational and communication procedures for interaction with the Office of
147 Disability Rights and with the Office for the Deaf, Deafblind, and Hard of Hearing.”.

148 Sec. 3. Applicability

149 (a) This act shall apply upon the date of inclusion of its fiscal effect in an approved
150 budget and financial plan.

151 (b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal
152 effect in an approved budget and financial plan, and provide notice to the Budget
153 Director of the Council of the certification.

154 (c)(1) The Budget Director shall cause the notice of the certification to be published
155 in the District of Columbia Register.

156 (2) The date of publication of the notice of the certification shall not affect
157 the applicability of this act.

158 Sec.4. Fiscal impact statement.

159 The Council adopts the fiscal impact statement in the committee report as the fiscal
160 impact statement required by section 4a of the General Legislative Procedures Act of
161 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

162 Sec. 5. Effective date.

163 This act shall take effect following approval by the Mayor (or in the event of veto
164 by the Mayor, action by the Council to override the veto), a 30-day period of
165 congressional review as provided in section 602(c)(1) of the District of Columbia Home
166 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
167 206.02(c)(1)), and publication in the District of Columbia Register.