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**THE COUNCIL**

# **BRIEFING PAPER OF THE GOVERNMENTAL AFFAIRS Division**

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**COMMITTEE ON GOVERNMENTAL OPERATIONS**

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COMMITTEE ON IMMIGRATION

Hon. Shahana Hanif, *Chair*

**COMMITTEE ON SMALL BUSINESS**

Hon. Julie Menin, *Chair*

#### November 2, 2022

**Oversight:** **Supporting Immigrant Small Businesses and Promoting Language Access**

**Int. No. 137**: By Council Members Won, Hanif, Hudson, Brewer, Ung, Krishnan, Stevens, Joseph, Ossé, Velázquez, Gennaro, Cabán, Nurse, Schulman, Williams, Menin, Avilés, Narcisse, Dinowitz, Louis, Farías, De La Rosa, Restler, Brannan, Ayala, Bottcher, Riley, Marte, Rivera, Sanchez and Vernikov

**Title**: A Local Law to amend the administrative code of the city of New York, in relation to requiring agencies to translate and distribute to community-based organizations emergency information in the designated citywide languages

**Int. No. 382**: By Council Members Brewer, Yeger, Hanif, Louis, Ung, Nurse, Krishnan, Abreu, Restler, Sanchez and Menin

**Title**: A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to requiring written communications regarding the results of inspections from the department of consumer and worker protection and the department of health and mental hygiene to be in the receiving business owner's language of choice

**Int. No. 570**: By Council Members Hanif, De La Rosa, Marte, Brannan, Narcisse, Brewer, Ung, Gutiérrez, Cabán, Louis, Brooks-Powers, Joseph, Avilés, Nurse, Hudson, Sanchez and Menin

**Title**: A Local Law to amend the New York city charter, in relation to establishing an office of translation and interpretation within the office of immigrant affairs

**Int. No. 685**: By Council Members Menin, Gutiérrez, Stevens, Schulman, Marte, Feliz, Hanks, Salamanca, Lee, Ossé, Ung, Dinowitz, the Public Advocate (Mr. Williams), Louis, Riley, Restler, Hudson, Brewer, Sanchez, Won, Velázquez, Cabán, Hanif and Ayala

**Title**: A Local Law to amend the New York city charter, in relation to establishing an office of small business digitalization and technical amendments in relation thereto

**Int. No. 697**: By Council Members Ung, Hanif, Hudson, Sanchez, Louis and Won

**Title**: A Local Law to amend the administrative code of the city of New York, in relation to requiring translations into languages that are not included in the language access law

**Int. No. 699**: By Council Members Ung, Menin, Brooks-Powers, Krishnan, Hanif, Hudson, Joseph, Brewer, Sanchez, Louis and Won

**Title**: A Local Law to amend the New York city charter and administrative code of the city of New York, in relation to enhancing language access for small business owners

**Int. No. 700**: By Council Members Won, Restler, Hanif, Hudson, Sanchez and Louis

**Title**: A Local Law to amend the administrative code of the city of New York, in relation to translation services for compliance materials

# **Introduction**

On November 2, 2022, the Committee on Government Operations, chaired by Council Member Sandra Ung, jointly with the Committee on Immigration, chaired by Council Member Shahana Hanif, and the Committee on Small Business, chaired by Council Member Julie Menin, will hold an oversight hearing on supporting immigrant small businesses and promoting language access. In addition, the Committees will hear the following legislation: Introduction Number 137, sponsored by Council Member Won, in relation to requiring agencies to translate and distribute to community-based organizations emergency information in the designated citywide languages; Introduction Number 382, sponsored by Council Member Brewer, in relation to requiring written communications regarding the results of inspections from the department of consumer and worker protection and the department of health and mental hygiene to be in the receiving business owner’s language of choice; Introduction Number 570, sponsored by Council Member Hanif, in relation to establishing an office of translation and interpretation within the office of immigrant affairs; Introduction Number 685, sponsored by Council Member Menin,, in relation to establishing an office of small business digitalization and technical amendments in relation thereto; Introduction Number 697, sponsored by Council Member Ung, in relation to requiring translations into languages that are not included in the language access law; Introduction Number 699, sponsored by Council Member Ung, in relation to enhancing language access for small business owners; and Introduction Number 700, sponsored by Council Member Won, in relation to translation services for compliance materials. Those invited to testify include the Mayor’s Office of Immigrant Affairs, the Department of Small Business Services, immigration advocates, and other members of the public.

# **Background**

## Mayor’s Office of Immigrant Affairs

The Mayor’s Office of Immigrant Affairs (“MOIA”) was established within the Mayor’s executive office by a Charter referendum approved by the voters on November 6, 2001.[[1]](#footnote-2) The office's mission is to “promote the utilization of city services by all its residents including... speakers of foreign languages.”[[2]](#footnote-3) It is empowered to “advise and assist the mayor and the council in developing and implementing policies designed to assist immigrants and other foreign-language speakers in the city,” as well as to establish programs to inform and educate foreign language speakers.[[3]](#footnote-4) It also manages a citywide list of translators and interpreters to facilitate communication between city agencies and foreign language speakers.[[4]](#footnote-5)

MOIA works collaboratively with other city agencies to improve language access. They assist city agencies in building their own language access infrastructure and expanding the availability of language access services.[[5]](#footnote-6) The primary work of the office is to bolster agencies' capacity to provide language access. To do this, MOIA has built an infrastructure that allows agencies to share materials, procedures and tools and even convenes twice yearly meetings of language access coordinators where they can share resources and best practices. MOIA worked with the Office of Emergency Management and the Vaccine Command Center to improve language access for the administration of COVID vaccines.[[6]](#footnote-7)

1. ***Office of the Language Services Coordinator***

The Office of the Language Services Coordinator (“OLSC”) was established within the Mayor’s Office by referendum in 1989.[[7]](#footnote-8) The OLSC was initially established in the Mayor's Office of Operations and is currently led by MOIA.[[8]](#footnote-9) This office is charged with establishing standards and criteria to be used by city agencies that provide services to the public to help them estimate and report on the need to provide services in languages other than English. The office is also charged with providing technical assistance to agencies in delivering such language services, developing testing materials for training, monitoring, and reporting on the performance of city agencies in delivering such services, and maintaining a centralized public library of written materials published by city agencies in languages other than English.[[9]](#footnote-10)

1. ***Local Law 30***

On July 22, 2008, then-Mayor Michael Bloomberg signed Executive Order No. 120, a Citywide Policy on Language Access to Ensure the Effective Delivery of City Services.[[10]](#footnote-11) The Executive Order (EO) required that all city agencies develop language assistance plans. Under the EO, agencies were given flexibility to determine the appropriate language assistance for their service populations, but were required to designate a Language Access Coordinator, and develop a language access plan. [[11]](#footnote-12) The agencies were to provide services in languages based on at least the top six LEP languages spoken in New York City.[[12]](#footnote-13) The plans were also required to provide for document translation, interpretation services, training of frontline staff, posting of signage, establishment of monitoring and measurement systems regarding the provision of agency language services, and the creation of public awareness strategies.[[13]](#footnote-14)

In 2017, the Council enacted Local Law 30 (“Local Law 30” or “Language Access Law”) to codify and expand on EO 120.[[14]](#footnote-15) Local Law 30 requires covered agencies to provide language access services for all designated citywide languages.[[15]](#footnote-16) Language access services must, at a minimum, include (i) providing translations of the documents most commonly distributed to the public, (ii) providing interpretation services, and (iii) posting signage about the availability of free interpretation services in all the citywide languages.[[16]](#footnote-17) Covered agencies are defined as those that provide services directly to a program beneficiary, participant or applicant, or those who provide emergency services.[[17]](#footnote-18) Under the law, there are ten designated citywide languages (an increase from the six languages covered by EO 120), which are determined by the OLSC.[[18]](#footnote-19) Six of these languages are the top six Limited English Proficiency (”LEP”) languages spoken in New York City, based on United States Census data, and the next four are the top four LEP languages spoken by the population served or likely to be served by city agencies, based on New York City Department of Education (“DOE”) data (and excluding the languages designated based on census data).[[19]](#footnote-20) The current citywide designated languages are:[[20]](#footnote-21)

1. Spanish
2. Chinese[[21]](#footnote-22)
3. Russian
4. Bengali
5. Haitian Creole[[22]](#footnote-23)
6. Korean
7. Arabic
8. Urdu
9. French
10. Polish

Local Law 30 contemplates that the Administration will periodically update this list of designated languages based on updated census and DOE data. Thus, as the composition of the City changes in future years, the list of designated languages may change as well.

Like the EO, Local Law 30 requires agencies to develop individual language access implementation plans, and requires the inclusion of certain elements in each plan, such as an evaluation of the languages access needs of the agency’s service populations, considerations of other relevant language data that may be available, incorporating plain language principles for documents, identifying important documents to be translated, considering language access in emergency preparedness plans, the training of frontline workers on language access policies, evaluation of the language access capacity (both internally and through contract) of the agencies, and other requirements.[[23]](#footnote-24) The law also requires agencies to consider providing services in languages beyond the designated citywide languages when there is a significant need among their service population.[[24]](#footnote-25) Agencies must update their language access plans, based on changes in their service populations or services, at least once every three years and publish those plans on their websites.[[25]](#footnote-26) Links to those plans are available on MOIA’s website.[[26]](#footnote-27)

The OLSC is responsible for coordinating and guiding the development of the language access plans. They are required to submit an annual report regarding the implementation of such plans. In addition, they are required to perform outreach in neighborhoods containing a significant number of persons who do not speak any of the languages already covered by most agencies’ implementation plans, but that might otherwise contain a likely service population, to inquire what direct public services might be used by such persons if such services were available in a language they speak.[[27]](#footnote-28) They are also required to make recommendations to agencies on specific programs for which the providing of service in a language not already required might be beneficial.[[28]](#footnote-29) Finally, the law requires the OLSC to submit an annual report on language access, which includes both data on language access and a copy of each agency’s implementation plan.[[29]](#footnote-30) The first annual report was issued on June 30, 2018. The administration issued its most recent annual report on June 30, 2022.

1. ***Other Local Laws on Language Access***

Many local laws have included provisions for language access in specific instances. For example, just this year, the Council has passed laws requiring that agencies report data on language access with regards to abortion,[[30]](#footnote-31) 311 wait times,[[31]](#footnote-32) and interpretation services.[[32]](#footnote-33) In the previous legislative session the Council passed laws enhancing language access for certain retirement savings accounts,[[33]](#footnote-34) 311 customer satisfaction surveys,[[34]](#footnote-35) supportive housing tenant rights,[[35]](#footnote-36) emergency assistance grants,[[36]](#footnote-37) and election information.[[37]](#footnote-38) One local law of particular note is Local Law 73 of 2003, in relation to the provision of language assistance services for persons receiving assistance from certain agencies in relation to health and human services,[[38]](#footnote-39) which was cited as one impetus for the issuance of EO 120.[[39]](#footnote-40)

1. **Local Law 30 Compliance**

Since the enactment of Local Law 30, the Governmental Operations and Immigration Committees have conducted two joint oversight hearings to review agency compliance with the law. The first of these hearings took place in October 2018, roughly one year after Local Law 30 took effect.[[40]](#footnote-41) In advance of this hearing, committee staff reviewed the websites and language access implementation plans of covered city agencies and identified a number of compliance issues. For instance, although the law requires agencies to translate common documents into the ten designated citywide languages, there were very few documents translated into all ten languages available on agency websites.[[41]](#footnote-42) Moreover, when providing services in Chinese, different agencies appeared to provide information in different dialects (Mandarin, Cantonese, Hakka, Fujianese, or Taiwanese) and writing systems (simplified or traditional) without clearly explaining these choices.[[42]](#footnote-43) In addition, a number of language access plans failed to address how the agency would incorporate language access services into its emergency preparedness and response planning, as required by Local Law 30.[[43]](#footnote-44) At the hearing, then-MOIA Commissioner Bitta Mistofi testified that since Local Law 30 had taken effect, MOIA had focused most of its energy on advising covered agencies on the details of the law, and that the office had only recently begun to focus on monitoring agency compliance.[[44]](#footnote-45)

Two years later, in November 2020, the Governmental Operations and Immigration Committees held another hearing to review how Local Law 30 compliance had progressed.[[45]](#footnote-46) A review of agency websites prior to the hearing revealed that while compliance had improved in certain respects, many of the issues identified in 2018 remained outstanding.[[46]](#footnote-47) In her testimony before the Committees, then-Commissioner Mistofi noted that that the Covid-19 pandemic, in particular, “showed that the City still faces tremendous challenges in quickly disseminating multilingual information to New Yorkers who do not speak English and in ensuring that information is accurate and accessible.”[[47]](#footnote-48)

Since this hearing, MOIA has released three annual reports detailing agency compliance with Local Law 30. The most recent report—published on June 30, 2022—indicates that city agencies have engaged in a number of important initiatives to expand language access.[[48]](#footnote-49) Nevertheless, questions remain as to how well Local Law 30 is being implemented. For instance, agencies do not consistently report the number of documents or forms that have been made available in the designated citywide languages.[[49]](#footnote-50) Furthermore, while many agencies rely on a combination of multilingual staff and third-party telephonic interpreters to provide real-time interpretation services, agencies generally do not report the number of multilingual staff in their employ or the languages spoken by those staff.[[50]](#footnote-51) Although Local Law 30 does not expressly require such information to be reported, it is difficult to determine how the law is being implemented without these kinds of metrics.

In addition, the City does not appear to have updated the list of designated citywide languages since Local Law 30 first took effect in 2017.[[51]](#footnote-52) As noted above, the designated citywide languages are supposed to represent the top ten languages spoken by New Yorkers with LEP, based on data from the United States Census Bureau and the NYC Department of Education. Such data is published annually,[[52]](#footnote-53) suggesting that the list of designated citywide languages could be updated as frequently as every year to reflect demographic shifts. Recognizing this possibility, Local Law 30 requires each annual report submitted by MOIA to include “the list of designated citywide languages” along with “the data relied upon for its creation.”[[53]](#footnote-54) Rather than submitting an updated list and fresh data each year, however, MOIA has simply re-submitted, year after year, its “preliminary assessment” of the designated citywide languages from May 15, 2017.[[54]](#footnote-55) This assessment is based on 2011-15 American Community Survey data from the Census Bureau and DOE data pertaining to school years 2011-2012 through 2015-2016.[[55]](#footnote-56) The Local Law 30 annual reports do not indicate when or whether the Administration plans on revisiting this assessment based on new data.[[56]](#footnote-57)

At the November 2020 oversight hearing discussed above, then-Immigration Committee Chair Carlos Menchaca asked Commissioner Mistofi when the Administration planned on updating the list of designated citywide languages.[[57]](#footnote-58) Commissioner Mistofi testified that no final decision on this question had been made at the time.[[58]](#footnote-59)

1. **Immigrant Owned Businesses and Language Access Challenges**
2. ***Background: Immigrant-Owned Businesses***

While immigrants make up only 13 percent of the United States (“U.S.”) population, immigrants make up 30 percent of new entrepreneurs.[[59]](#footnote-60) At a national level, immigrants are much more likely to start businesses than their U.S.-born counterparts, with refugees having the highest rate of entrepreneurship.[[60]](#footnote-61) In 2017, about 3.2 million immigrants ran their own businesses, accounting for one in every five entrepreneurs in the country.[[61]](#footnote-62) Immigrant entrepreneurs create about a quarter of new business in the U.S.[[62]](#footnote-63) In 2017 alone, households led by immigrants earned $1.5 trillion in total income and contributed $405 billion in tax revenues to federal, state, and local governments, leaving them with $1.1 trillion in spending power.[[63]](#footnote-64) Immigrant-owned businesses cross many sectors, with nearly half of all immigrant-owned startups in hospitality and food service, retail trade, and professional and technical services.[[64]](#footnote-65) Immigrant business owners generate millions of jobs and bring in billions of dollars in revenue, reviving neighborhoods and revitalizing regional economies.[[65]](#footnote-66)

Similarly, immigrant New Yorkers contribute significantly to the City’s economic health, contributing $232 billion to the City’s gross domestic product (GDP), or about 25 percent of the City’s total GDP.[[66]](#footnote-67) Far exceeding national averages, immigrants in New York City up 31 percent of the workforce,[[67]](#footnote-68) and immigrant New Yorkers own one-half of New York City’s businesses.[[68]](#footnote-69) In some neighborhoods, immigrant-owned businesses employ up to 42 percent of the neighborhood population.[[69]](#footnote-70) According to the Fiscal Policy Institute, in 2017, New York City’s immigrant business owners brought in $5.2 billion of the $13.2 billion in total individual earnings from incorporated businesses.[[70]](#footnote-71) These businesses are anchors in their communities, providing culturally relevant goods and services and a space for neighbors to convene.

1. ***Barriers to Doing Business: Language Access***

Immigrants are undeniably integral to the City’s economy and comprise a significant percentage of key industry sectors; however, many immigrant workers are trapped in lower-wage occupations within these sectors and lack opportunity or access to tools for advancement.[[71]](#footnote-72) For example, while immigrant New Yorkers collectively speak over 200 languages,[[72]](#footnote-73) half of them are considered Limited English Proficient (LEP).[[73]](#footnote-74) Therefore, although investments are made in reaching immigrant communities, the City’s diverse immigrant communities require comprehensive and robust assistance programs that reach all potential entrepreneurs in the various languages spoken in the City. Such programs should also be tailored to the specific needs of diverse immigrant business communities and the industries they are in, and outreach to them should be conducted widely, in-language, and through trusted entities like business associations and community-based organizations.

A report by the Association for Neighborhood and Housing Development, entitled “The Forgotten Tenants: New York City’s Immigrant Small Business Owners,” found through interviews, surveys, and focus groups with immigrant business owners that one of the major issues across three neighborhoods examined[[74]](#footnote-75) was fines and access to city resources[[75]](#footnote-76) with 49 percent ranking “tickets, fines, permits, and inspections” in their top three concerns and 36 percent stating that access to translation services also presented a challenge as the City did not provide enough resources in their language.[[76]](#footnote-77)

Note that since this report was published, the Council passed Int. No. 116-2022, creating a one-stop shop small business portal through which with all applications, permits, licenses, and related information needed to open and operate a small business in the City would be available in a single, easily accessible, and easy-to-navigate location.[[77]](#footnote-78)

1. ***Existing Supports and Services for Immigrant-Owned Businesses in New York City***

The U.S. Small Business Administration (SBA),[[78]](#footnote-79) New York State Government,[[79]](#footnote-80) and the City Department of Small Business Services (SBS)[[80]](#footnote-81) offer a plethora of programs to assist small business owners. SBS runs NYC Business Solutions Centers across the five boroughs that provide free courses to help city residents start and operate a business. These courses, which are offered through a partnership between SBS and Coursera, educate small business owners on business planning, financing, and business management.[[81]](#footnote-82) SBS’s free business courses are offered in Spanish, Chinese, Russian, Korean, Haitian Creole, French, Bengali, and Arabic, eight of the ten languages designated by the Language Access Law.[[82]](#footnote-83) The Department of Consumer and Worker Protection (DCWP) also runs NYC Financial Empowerment Centers that offer New York City residents free, business-related financial counseling.[[83]](#footnote-84) There are 14 centers in NYC, and counseling is offered in English, Spanish, Mandarin, Cantonese, Russian, Uzbek and American Sign Language.[[84]](#footnote-85) New York State offers educational programing for small businesses as well through the eleven Entrepreneurship Assistance Centers (EAC) located in New York City. EACs offer small business owners courses in a number of topics, including how to start a business and how to access capital and credit.[[85]](#footnote-86) The federal SBA also offers educational programing on subjects including how to comply with federal, state, and local regulations, commercial leasing, and financing options.[[86]](#footnote-87)

SBS offers some services that are specifically intended to assist immigrant small business owners. SBS has released two reports on immigrant-owned businesses, which are tailored to respond to the needs and barriers immigrant New Yorkers face in starting a business.[[87]](#footnote-88) The information in SBS’s report “Building Your Business in New York City: A Guide for Immigrant Entrepreneurs” came from a collaboration between SBS and local immigrant community-based organizations under the City’s Immigrant Business Initiative.[[88]](#footnote-89) Certain immigrant businesses may also qualify for NYC Certification programs.[[89]](#footnote-90) To comply with the Language Access Law, SBS’s language access implementation plan outlines how the agency is offering its services in more languages to allow a greater amount of non-native English speakers the ability to engage with city services. SBS offers its services in the top ten languages most requested within their consumer base: Spanish, Russian, Mandarin-Chinese, Cantonese-Chinese, Korean, Haitian (French) Creole, Fujianese-Chinese (Fuzhou), French, Polish, and Bengali.[[90]](#footnote-91) According to SBS, “no supplemental languages to the designated citywide languages are necessary to provide services.”[[91]](#footnote-92) However, the top ten languages SBS outlines in its language access implementation plan are not consistent with the languages required in Local Law 30 of 2017.

1. ***Gaps in Supports and Services***

While it is true that immigrant entrepreneurship is vital to the City’s economy, few comprehensive studies have been conducted to understand the needs of immigrant business owners in New York City. The Center for an Urban Future has conducted research on New York City’s immigrant workforce,[[92]](#footnote-93) the American Asian Federation has conducted research on the Asian-American business sector,[[93]](#footnote-94) and the Association for Neighborhood & Housing Development conducted a survey of 100 immigrant small-business owners throughout three City neighborhoods, to better understand current challenges.[[94]](#footnote-95)

The analysis of existing challenges for immigrant business owners and ensuing recommendations made by these organizations point to a series of gaps in support and services for this population of small business services, primarily in the realm of language access. The need for all existing small business services, information, and notices to be available in multiple languages cannot be overstated. As one example, in order for a new restaurant to open in the City, the owner will likely have to interact with up to eight city agencies in order to file all appropriate paperwork, pay fees, obtain licenses, and so on.[[95]](#footnote-96) Uniform language access across government agencies is paramount to this process. While many city agencies rely on the linguistic capabilities of their staff and contracts with LanguageLine Solutions to fill language needs, advocates have consistently raised concerns that these are not sufficient given the more than 200 spoken languages of immigrant New Yorkers.[[96]](#footnote-97) Inadequate or uneven language access places the burden of interpretation on the business owner when seeking out existing city services and undercuts the value of these services. Additionally, the enforcement of city and state regulations can be perceived as overzealous harassment by immigrant business owners who may not be apprised of recent changes to local and/or state laws. This is another area where lack of language access poses additional harm to immigrant business owners, as many of the notices of city and state regulations and violations are not translated beyond required languages, and inspectors are not required to bring interpreters with them. ANHD recommends that increased coordination between city and state agencies could reduce fines and bureaucratic hurdles, and increase translation and interpretation to provide for the needs of immigrant business owners.[[97]](#footnote-98) Such translation and interpretation services can be especially valuable for speakers of languages of limited diffusion.

1. **Legislative Analysis**

**Int. No. 137**

Int. No. 137 (Won), which is being heard by the Committee on Governmental Operations, would expand upon Local Law 30 by requiring each covered agency to translate into the designated citywide languages, and distribute to relevant community-based organizations, any document that the federal or state government provides to such agency that relates to a declaration of emergency affecting the City. In addition, the bill would require each covered agency’s language access implementation plan to consider providing emergency notifications in the designated citywide languages.

This bill would take effect 90 days after becoming law.

**Int. No. 382**

DCWP and DOHMH administer various licensing and permitting regimes in the City. In this role, these agencies are responsible for reviewing license applications, issuing licenses, and conducting inspections of licensed entities to ensure compliance with relevant laws. In general, if an inspection reveals a violation, the agency will mail the licensee a settlement offer. For some violations, the Administrative Code permits first-time violators to avoid monetary penalties by promptly curing the violation. In such cases, the settlement offer must notify the violator of their option to cure.

Int, No. 382 (Brewer), which is being heard by the Committee on Governmental Operations, would require DCWP and DOHMH to add a space on their license and permit applications for applicants to indicate their preferred language for mailings related to inspection results, including settlement offers. In addition, where the law requires the settlement offer to notify a violator of their option to cure, the bill would require such notification to be written in English and the violator’s preferred non-English language, if any.

This bill would take effect 120 days after becoming law.

**Int. No. 570**

Int. No. 570 (Hanif), which is being heard by the Committee on Immigration, would establish an Office of Translation and Interpretation within the Mayor’s Office of Immigrant Affairs. This bill would require that the office employ people proficient in the designated citywide languages in order to provide translation and interpretation services to city agencies. The office would also identify translation and interpretation services for languages that are not one of the designated citywide languages.

This bill would take effect 180 days after becoming law.

**Int. No. 685**

Int. No. 685 (Menin), which is being heard by the Committee on Small Business, would establish an Office of Small Business Digitalization. Among other tasks, this office would promote digitalization of small businesses,−including through website design assistance and online marketing−provide culturally responsive technical assistance to small business owners, develop digitalization plans, conduct outreach about digitalization in the designated citywide languages, and assess city programs and policies related to small business digitalization. The director of the office would be required to submit an annual report to the Mayor and the Speaker of the Council about the office’s activities and its plan for small business digitalization.

This bill would take effect 180 days after becoming law.

**Int. No. 697**

Int. No. 697 (Ung), which is being heard by the Committee on Governmental Operations, would expand upon Local Law 30 by requiring each covered agency to provide language access services in several additional languages beyond the ten designated citywide languages. These additional languages—which the bill refers to as “specialty languages”—would include any languages that the OLSC determines to be commonly spoken by residents of the City who: (i) have United States Refugee Admissions Program processing priority levels of 1, 2, or 3 according to the United States Department of State; (ii) are from a country designated for Temporary Protected Status by the United States Department of Homeland Security; (iii) are from a region for which the United Nations High Commissioner for Refugees has declared a level 3 emergency; or (iv) are geographically concentrated in an area of the city that is subject to an emergency or disaster declaration and do not speak any of the designated citywide languages.

The bill would also make a technical change to the Language Access Law to reflect the fact that covered agencies would be required to provide services in both the designated citywide languages and the specialty languages.

This bill would take effect 120 days after becoming law.

**Int. No. 699**

Int. No. 699 (Ung), which is being heard by the Committee on Small Business, would strengthen existing protections for immigrant small business owners, some of whom may have limited English proficiency. The bill would clarify and strengthen protections outlined in the Business Owner’s Bill of Rights and the Food Service Establishment Code of Conduct. It would also enhance the oversight and reporting duties of the Food Service Establishment Inspection Ombuds Office. Additionally, the bill would require SBS to work with all of the city agencies that inspect small businesses to increase the number of bi- and multi-lingual inspectors so that by July 1, 2024, a small business owner may request a bilingual inspector for all inspections. Finally, the bill would require that by March 1, 2023, SBS and the Office of Administrative Trials and Hearings (OATH) develop and implement a plan by that would provide a small business owner with a written translation of OATH’s final decision at the time such decision is issued. The translation must include a disclaimer stating that it is strictly an informational document and that nothing within the translated text can be construed to create a cause of action or a defense in legal proceedings.

This bill would take effect 60 days after becoming law.Ung) 2. 3g) ld take effect 180 days after becoming law.conduct outreach in the designtated citywide languagesns for complying w

**Int. No. 700**

Int. No. 700 (Won), which is being heard by the Committee on Governmental Operations, would expand upon Local Law 30 by requiring covered agencies to translate additional kinds of documents. Specifically, the bill would require each covered agency to translate any document it distributes to the public that contains or elicits important and necessary information regarding any laws or rules enforced by the agency. In addition, the bill would require each covered agency’s language access implementation plan to include plain language principles for documents most commonly distributed to the public that contain or elicit important and necessary information regarding enforcement actions, and incorporate the training of inspectors and other enforcement staff.

This bill would take effect 120 days after becoming law.

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Int. No. 137

By Council Members Won, Hanif, Hudson, Brewer, Ung, Krishnan, Stevens, Joseph, Ossé, Velázquez, Gennaro, Cabán, Nurse, Schulman, Williams, Menin, Avilés, Narcisse, Dinowitz, Louis, Farías, De La Rosa, Restler, Brannan, Ayala, Bottcher, Riley, Marte, Rivera, Sanchez and Vernikov

..Title

A Local Law to amend the administrative code of the city of New York, in relation to requiring agencies to translate and distribute to community-based organizations emergency information in the designated citywide languages

..Body

Be it enacted by the Council as follows:

Section 1. Paragraph 5 of subdivision b of section 23-1102 of the administrative code of the city of New York, as added by local law number 30 for the year 2017, is amended to read as follows:

5. incorporate planning to address language access needs in the agency’s emergency preparedness and response, including considering providing emergency notifications in the designated citywide languages;

§ 2. Section 23-1102 of the administrative code of the city of New York is amended to add a new subdivision e to read as follows:

e. Each covered agency shall translate into the designated citywide languages and distribute to relevant community-based organizations any document that the federal and state government provides to such agency that relates to a declaration of emergency affecting the city.

§ 3. This local law takes effect 90 days after it becomes law.

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Int. No. 382

By Council Members Brewer, Yeger, Hanif, Louis, Ung, Nurse, Krishnan, Abreu, Restler, Sanchez and Menin

..Title

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to requiring written communications regarding the results of inspections from the department of consumer and worker protection and the department of health and mental hygiene to be in the receiving business owner’s language of choice

..Body

Be it enacted by the Council as follows:

Section 1. Paragraph 3 of subdivision f of section 15 of the New York city charter, as amended by local law number 132 for the year 2013, is amended to read as follows:

3. To the extent practicable, the office of operations shall develop and implement a plan for each business owner to indicate the language in which such owner would prefer that agency inspections of the business be conducted, and in which such owner would prefer that mailed agency communications relating to the results of such inspections be written. To the extent practicable, the office of operations shall also develop and implement a plan to inform all relevant agencies of such respective language preference.

§ 2. Subdivision b of section 561 of the New York city charter, as amended by local law number 132 for the year 2013, is amended to read as follows:

b. Every application for a permit or a renewal of an existing permit issued by the commissioner pursuant to this section shall provide an opportunity for the applicant to indicate the language in which such applicant would prefer that inspections in connection with such permit be conducted, or alternatively for which language interpretation services be provided, and an opportunity for the applicant to indicate the language in which such applicant would prefer that mailed communications relating to the results of such inspection be written. Nothing in this subdivision nor any failure to comply with such preference shall be construed so as to create a cause of action or constitute a defense in any legal, administrative, or other proceeding.

§ 3. Section 17-301 of the administrative code of the city of New York, as amended by local law number 132 for the year 2013, is amended to read as follows:

§ 17-301. Language preference for inspections. Every application for a license or a permit, or the renewal of an existing license or an existing permit to be issued by the commissioner pursuant to this chapter shall provide an opportunity for the applicant to indicate the language in which such applicant would prefer that inspections in connection with such license or permit be conducted, or alternatively for which language interpretation services be provided, and an opportunity for the applicant to indicate the language in which such applicant would prefer that mailed communications relating to the results of such inspection be written. Nothing in this subdivision nor any failure to comply with such preference shall be construed so as to create a cause of action or constitute a defense in any legal, administrative, or other proceeding.

§ 4. Subdivision b of section 20-107 of the administrative code of the city of New York, as amended by local law number 132 for the year 2013, is amended to read as follows:

b. Every application for a license or the renewal of an existing license shall provide an opportunity for the applicant to indicate the language in which he or she would prefer that inspections in connection with such license be conducted, and in which such applicant would prefer that mailed agency communications relating to the results of such inspections be written. Nothing in this subdivision nor any failure to comply with such preference shall be construed so as to create a cause of action or constitute a defense in any legal, administrative, or other proceeding.

§ 5. Subdivision b of section 20-275 of the administrative code of the city of New York, as amended by local law number 80 for the year 2021, is amended to read as follows:

b. Except as otherwise provided in this subchapter, any person who violates any of the provisions of this subchapter or any rule or regulation issued thereunder shall be subject to a civil penalty of $175 for the first violation, $300 for the second violation and $500 for the third and any subsequent violation; except that a person shall not be subject to such civil penalty for a first-time violation of section 20-270 or 20-271 of this subchapter or any rule or regulation issued thereunder, if such person proves to the satisfaction of the department, within 30 days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-270 or section 20-271 of this subchapter or any rule or regulation issued thereunder. Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter or subdivision b of section 20-107 of the code. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 6. Subdivision a of section 20-332 of the administrative code of the city of New York, as amended by local law number 80 for the year 2021, is amended to read as follows:

a. Any person who violates any of the provisions of this subchapter or any rule or regulation promulgated thereunder shall be subject to a civil penalty of one hundred seventy-five dollars for the first violation, three hundred dollars for the second violation and five hundred dollars for the third and any subsequent violation; except that a person shall be subject to a civil penalty of zero dollars for a first-time violation of subdivision b of section 20-324, paragraph 1 of subdivision b of section 20-327.1, or subdivision g of section 20-327.1 of this subchapter and any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision b of section 20-324, paragraph 1 of subdivision b of section 20-327.1, or subdivision g of section 20-327.1 of this subchapter or any rule or regulation promulgated thereunder. Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter or subdivision b of section 20-107 of the code. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 7. Subdivision d of section 20-240.1 of the administrative code of the city of New York, as amended by local law number 98 for the year 2021, is amended to read as follows:

d. Any person who violates the provisions of this section or section 20-237 shall be considered to be an unlicensed general vendor or an unlicensed food vendor and, except as otherwise provided in subdivision c of section 20-237, shall be subject to the penalty and enforcement provisions of either subchapter twenty-seven of chapter two of this title or subchapter two of chapter three of title seventeen of the code, whichever is applicable; except that a person shall not be subject to the civil penalty described above for a first-time violation of subdivision b of section 20-237 and any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that he or she has cured the violation. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof of compliance shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision b of section 20-237 or any rule or regulation promulgated thereunder. Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter or subdivision b of section 20-107 of the code. The department shall permit such proof to be submitted to the department electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 8. Section 20-728 of the administrative code of the city of New York, as amended by local law number 80 for the year 2021, is amended to read as follows:

§ 20-728 Penalties. Violation of this subchapter or any rule or regulation promulgated thereunder, shall be punishable by payment of a civil penalty in the sum of twenty-five dollars for the first violation, fifty dollars for the second violation and one hundred dollars for the third and any subsequent violation; except that a person shall not be subject to the civil penalty described above for a first-time violation of any provision of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that he or she has cured the violation. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of any provision of this subchapter or any rule or regulation promulgated thereunder. Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 9. Section 20-743 of the administrative code of the city of New York, as amended by local law number 80 for the year 2021, is amended to read as follows:

§ 20-743 Penalties. Any person, partnership, corporation or other business entity who violates any provision of this subchapter or any of the regulations promulgated hereunder shall be liable for a civil penalty of not less than two hundred fifty dollars nor more than five hundred dollars for the first violation and for each succeeding violation a civil penalty of not less than five hundred dollars nor more than seven hundred fifty dollars; except that a person, partnership, corporation or other business entity shall not be subject to the civil penalty described above for a first-time violation of subdivision a of section 20-740 of this subchapter or any rule or regulation promulgated thereunder, if such person, partnership, corporation or other business entity proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person, partnership, corporation or other business entity who has received, for the first time, a notice of violation of subdivision a of section 20-740 of this subchapter or any rule or regulation promulgated thereunder. Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter. The department shall permit such proof to be submitted electronically or in person. A person, partners hip, corporation or other business entity may seek review, in the department's administrative tribunal, of the determination that the person or entity has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 10. Section 20-748 of the administrative code of the city of New York, as amended by local law number 80 for the year 2021, is amended to read as follows:

§ 20-748 Penalties. Violation of this subchapter, or any regulation promulgated pursuant to it, shall be punishable by payment of a civil penalty of one hundred fifty dollars; except that a person shall not be subject to a civil penalty described above for a first-time violation of section 20-746 of this subchapter or any rule or regulation promulgated thereunder or pursuant to section 20-747, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-746 of this subchapter or any rule or regulation promulgated thereunder. Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department’s administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 11. Section 20-753 of the administrative code of the city of New York, as amended by local law number 98 for the year 2021, is amended to read as follows:

§ 20-753 Penalties. Any person who violates the provisions of this subchapter or the regulations promulgated pursuant to this subchapter shall, upon conviction thereof, pay a civil penalty of fifty dollars for the first offense; one hundred dollars for the second offense; and two hundred fifty dollars for the third offense and any subsequent offense; except that a person shall not be subject to the civil penalty described above for a first-time violation of section 20-750 or 20-751 of this subchapter or any rule or regulation promulgated thereunder or pursuant to section 20-753, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-750 or 20-751 of this subchapter or any rule or regulation promulgated thereunder or pursuant to section 20-753. Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination. For the purposes of this section, if on any single day the current selling price list is not displayed in accordance with this subchapter or the regulations promulgated pursuant to this subchapter, it shall be considered a single violation.

§ 12. Section 20-810 of the administrative code of the city of New York, as amended by local law number 98 for the year 2021, is amended to read as follows:

§ 20-810 Violations. A person violating sections 20-808 or 20-809 of this subchapter shall be subject to a civil penalty of not less than two hundred fifty dollars nor more than five hundred dollars for the first violation; except that a person shall not be subject to the civil penalty described above for a first-time violation of section 20-809 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-809 of this subchapter or any rule or regulation promulgated thereunder. Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 13. Subdivision b of section 17-144 of the administrative code of the city of New York, as added by local law number 80 for the year 2021, is amended to read as follows:

b. A food service establishment that violates this section or any rule promulgated thereunder in a manner that does not present an imminent health hazard or public health hazard, as such terms are defined in section 81.03 of the health code of the city of New York, shall be subject to a civil penalty of $500; except that such food service establishment shall not be subject to a civil penalty for a first-time violation if such food service establishment proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a food service establishment that has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter. The department shall permit such proof to be submitted electronically or in person. A food service establishment may seek review, in the office of administrative trials and hearings, of the determination that the food service establishment has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 14. Subdivision f of section 17-192 of the administrative code of the city of New York, as added by local law number 80 for the year 2021, is amended to read as follows:

f. Cure permitted. Any food service establishment or mobile food unit commissary that violates this section or any rules promulgated thereunder shall not be subject to a civil penalty for a first-time violation if such establishment or commissary proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the office of administrative trials and hearings, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 15. Subdivision f of section 17-199.11 of the administrative code of the city of New York, as added by local law number 80 for the year 2021, is amended to read as follows:

f. Any food service establishment that violates this section or any rules promulgated thereunder shall not be subject to a civil penalty for a first-time violation if such person proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the office of administrative trials and hearings, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 16. Paragraph 4 of subdivision c of section 17-325 of the administrative code of the city of New York, as added by local law number 80 for the year 2021, is amended to read as follows:

4. Any person that violates section 17-311 or subdivisions a or b of section 17-315, or any rules promulgated thereunder, shall not be subject to a civil penalty for a first-time violation if such person proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 17-311 or subdivisions a or b of section 17-315, or any rules promulgated thereunder. Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the office of administrative trials and hearings, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 17. Subdivision c of section 17-381 of the administrative code of the city of New York, as added by local law number 80 for the year 2021, is amended to read as follows:

c. Any person that violates subdivision b of section 17-377 or any rule promulgated thereunder shall not be subject to a civil penalty for a first-time violation if such person proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision b of section 17-377 or any rules promulgated thereunder. Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the office of administrative trials and hearings, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 18. Paragraph 2 of subdivision e of section 17-508 of the administrative code of the city of New York, as added by local law number 80 for the year 2021, is amended to read as follows:

2. Where a person prohibits smoking and the use of electronic cigarettes in all indoor places of employment pursuant to subdivision a of section 17-504, and such person is in compliance with subdivision a of section 17-506 of this chapter, such person shall not be subject to a civil penalty for a violation of subdivision b of this section for failure to comply with subdivision f of section 17-504 through failure to post a smoking and electronic cigarette use policy if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision b of this section by failing to comply with subdivision f of section 17-504 through failure to post a smoking and electronic cigarette use policy or any rule or regulation issued thereunder. Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the office of administrative trials and hearings, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 19. Subdivision c of section 17-1307 of the administrative code of the city of New York, as added by local law number 80 for the year 2021, is amended to read as follows:

c. Any child care service that violates section 17-1303 or any rule promulgated thereunder shall not be subject to a civil penalty for a first-time violation if such child care service proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a child care service that has received, for the first time, a notice of violation of section 17-1303 or any rules promulgated pursuant thereto. Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter. The department shall permit such proof to be submitted electronically or in person. A child care service may seek review, in the office of administrative trials and hearings, of the determination that the child care service has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 20. Subdivision d of section 17-1507 of the administrative code of the city of New York, as added by local law number 80 for the year 2021, is amended to read as follows:

d. Any food service establishment that violates subdivision a of this section or any rules promulgated thereunder shall not be subject to a civil penalty for a first-time violation if such food service establishment proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a food service establishment that has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter. The department shall permit such proof to be submitted electronically or in person. A food service establishment may seek review, in the office of administrative trials and hearings, of the determination that the food service establishment has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 21. Subdivision c of section 17-1508 of the administrative code of the city of New York, as added by local law number 80 for the year 2021, is amended to read as follows:

c. Except as provided by subdivision b of this section, a food service establishment that violates this chapter, chapter 1 of this title or any rule or provision of the health code of the city of New York promulgated pursuant to either chapter, failing to post or conspicuously post a sign, poster, image, card or other required information, or by failing to display or conspicuously display any permit, license or certification, shall be subject to a civil penalty of $100; except that such food service establishment shall not be subject to a civil penalty for a first-time violation if such food service establishment proves to the satisfaction of the department, within 7 days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a food service establishment that has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter. The department shall permit such proof to be submitted electronically or in person. A food service establishment may seek review, in the office of administrative trials and hearings, of the determination that the food service establishment has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 22. Subdivision c of section 17-1511 of the administrative code of the city of New York, as added by local law number 80 for the year 2021, is amended to read as follows:

c. A food service establishment that violates this section or any rule promulgated pursuant to this section shall be subject to a civil penalty of $100; except that such food service establishment shall not be subject to a civil penalty for a first-time violation if such food service establishment proves to the satisfaction of the department, within 7 days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a food service establishment that has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter. The department shall permit such proof to be submitted electronically or in person. A food service establishment may seek review, in the office of administrative trials and hearings, of the determination that the food service establishment has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 23. Subdivision b of section 17-1513 of the administrative code of the city of New York, as added by local law number 80 for the year 2021, is amended to read as follows:

b. A food service establishment that violates this section or any rule promulgated pursuant thereto shall be subject to a civil penalty of $100; except that such food service establishment shall not be subject to a civil penalty for a first-time violation if such food service establishment proves to the satisfaction of the department, within 7 days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a food service establishment that has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter. The department shall permit such proof to be submitted electronically or in person. A food service establishment may seek review, in the office of administrative trials and hearings, of the determination that the food service establishment has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 24. Subdivision b of section 17-1514 of the administrative code of the city of New York, as added by local law number 80 for the year 2021, is amended to read as follows:

b. A food service establishment that violates this section or any rule promulgated pursuant to this section shall be subject to a civil penalty of $100; except that such food service establishment shall not be subject to a civil penalty for a first-time violation if such food service establishment proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a food service establishment that has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter. The department shall permit such proof to be submitted electronically or in person. A food service establishment may seek review, in the office of administrative trials and hearings, of the determination that the food service establishment has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 25. Subdivision b of section 17-1515 of the administrative code of the city of New York, as added by local law number 80 for the year 2021, is amended to read as follows:

b. A food service establishment that violates this section or any rule promulgated pursuant to this section shall be subject to a civil penalty of $100; except that such food service establishment shall not be subject to a civil penalty for a first-time violation if such food service establishment proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a food service establishment that has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter. The department shall permit such proof to be submitted electronically or in person. A food service establishment may seek review, in the office of administrative trials and hearings, of the determination that the food service establishment has not submitted proof of cure within 15 days of receiving written notification of such determination.

§ 26. Subdivision b of section 17-1516 of the administrative code of the city of New York, as added by local law number 80 for the year 2021, is amended to read as follows:

b. A food service establishment that violates this section or any rule promulgated pursuant to this section shall be subject to a civil penalty of $100; except that such food service establishment shall not be subject to a civil penalty for a first-time violation if such food service establishment proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a food service establishment that has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter. The department shall permit such proof to be submitted electronically or in person. A food service establishment may seek review, in the office of administrative trials and hearings, of the determination that the food service establishment has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 27. Subdivision b of section 17-1517 of the administrative code of the city of New York, as added by local law number 80 for the year 2021, is amended to read as follows:

b. A food service establishment that violates this section or any rule promulgated pursuant to this section shall be subject to a civil penalty of $100; except that such food service establishment shall not be subject to a civil penalty for a first-time violation if such food service establishment proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a food service establishment that has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter. The department shall permit such proof to be submitted electronically or in person. A food service establishment may seek review, in the office of administrative trials and hearings, of the determination that the food service establishment has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 28. Subdivision c of section 17-1707 of the administrative code of the city of New York, as added by local law number 80 for the year 2021, is amended to read as follows:

c. Any person that violates subdivision c of section 17-1703 or any rules promulgated pursuant thereto shall not be subject to a civil penalty for a first-time violation if such person proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision c of section 17-1703 or any rules promulgated pursuant thereto. Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the office of administrative trials and hearings, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 29. Subdivision a of section 20-630 of the administrative code of the city of New York, as added by local law number 80 for the year 2021, is amended to read as follows:

a. Any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty of: (i) one hundred seventy-five dollars for the first violation; (ii) three hundred dollars for the second violation; and (iii) five hundred dollars for the third and any subsequent violation; except that a person shall be subject to a civil penalty of zero dollars for a first violation of subdivision a or d of 20-629 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision a or d of section 20-629 of this subchapter or any rule or regulation promulgated thereunder. Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 30. Subdivision i of section 20-227.1 of the administrative code of the city of New York, as added by local law number 80 for the year 2021, is amended to read as follows:

i. Notwithstanding any inconsistent provision of this section, any person found to be operating an unlicensed sidewalk cafe or any holder of a license found to be operating a sidewalk cafe in violation of this subchapter, the terms and conditions of such license or a revocable consent, or rules promulgated by the commissioner pursuant to this subchapter shall be subject to a civil penalty of zero dollars for a first violation, if such person or holder of a license proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to such person or holder of a license who has received, for the first time, a notice of violation of this subchapter or any rule or regulation promulgated thereunder. Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter. The department shall permit such proof to be submitted electronically or in person. Such person or holder of a license may seek review, in the department's administrative tribunal, of the determination that such person or holder of a license has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 31. Subdivision b of section 20-241.1 of the administrative code of the city of New York, as amended by local law number 98 for the year 2021 and renumbered by local law number 128 for the year 2021, is amended to read as follows:

b. Notwithstanding any inconsistent provision of this section, a person shall be subject to a civil penalty of zero dollars for a first violation of: (i) restrictions imposed pursuant to section 20-231 relating to the display or offering for sale of merchandise from any public space adjacent to a newsstand or from any portion of a newsstand exterior, the affixation of materials to a newsstand or the location of sales made at a newsstand; (ii) paragraph 1 of subdivision h of section 20-231 or any rule or regulation promulgated thereunder; (iii) subdivision i of section 20-231 or any rule or regulation promulgated thereunder; (iv) subdivision b of section 20-233 of this subchapter or any rule or regulation promulgated thereunder, or (v) subdivision (a) of section 2-66 of title 6 of the rules of the city of New York, or any successor to such provision, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation for any violation described in clauses (i) through (v) of this subdivision. Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 32. Subdivision b of section 20-263 of the administrative code of the city of New York, as added by local law number 80 for the year 2021, is amended to read as follows:

b. Any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty of: (1) two hundred dollars for the first violation and for each additional violation committed on the same day; (2) five hundred dollars for the second violation committed, and each additional violation committed on the same day, within a one-year period; and (3) one thousand dollars for the third and any subsequent violation committed, and each additional violation committed on the same day, within a one-year period; provided that any person who violates section 20-253, paragraph 6 or 7 of subdivision b or subdivision d or e of section 20-259, or any rule or regulation promulgated thereunder, shall be subject to a civil penalty of: (1) five hundred dollars for the first violation; (2) one thousand dollars for the second violation committed, and each additional violation committed on the same day, within a one-year period; and (3) four thousand dollars for the third and any subsequent violation committed, and each additional violation committed on the same day, within a one-year period; and provided further that a person shall be subject to a civil penalty of zero dollars for a first violation of paragraph 13, 14 or 15 of subdivision a of section 20-254 or subdivision d or e of section 20-255 or any rule or regulation promulgated thereunder, or any rule or regulation promulgated pursuant to subdivision b of section 20-265 of this subchapter, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of paragraph 13, 14 or 15 of subdivision a of section 20-254 or subdivision d or e of section 20-255 of this subchapter or any rule or regulation promulgated thereunder, or any rule or regulation promulgated pursuant to subdivision b of section 20-265 of this subchapter. Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination. The pedicab business that authorizes the operation of such pedicab shall be jointly and severally liable with the pedicab driver thereof, for the penalties imposed by this section.

§ 33. Section 20-277.2 of the administrative code of the city of New York, as added by local law number 80 for the year 2021, is amended to read as follows:

§ 20-277.2 Penalties. Any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty of: (i) one hundred seventy-five dollars for the first violation; (ii) three hundred dollars for the second violation; and (iii) five hundred dollars for the third and any subsequent violation; except that a person shall not be subject to such civil penalty for a first-time violation of subdivision b or d of section 20-277.1 of this subchapter, or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision b or d of section 20-277.1, or any rule or regulation promulgated thereunder. Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 34. Subdivision a of section 20-359 of the administrative code of the city of New York, as added by local law number 80 for the year 2021, is amended to read as follows:

a. Any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty of: (i) one hundred seventy-five dollars for the first violation; (ii) three hundred dollars for the second violation committed; and (iii) five hundred dollars for the third and any subsequent violation committed; except that a person shall be subject to a civil penalty of zero dollars for a first violation of section 20-346 of this subchapter or any rule or regulation promulgated thereunder by failing to conspicuously display a license upon the premises where a game is to be conducted at all times during the conduct thereof, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-346 of this subchapter or any rule or regulation promulgated thereunder. Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 35. Subdivision b of section 20-415 of the administrative code of the city of New York, as added by local law number 80 for the year 2021, is amended to read as follows:

b. Notwithstanding subdivision a of this section, a person shall be subject to a civil penalty of zero dollars for a first violation of subdivision 6 of section 20-417 of this subchapter or any rule or regulation promulgated thereunder if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision 6 of section 20-417 of this subchapter or any rule or regulation promulgated thereunder. Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 36. Paragraph 3 of subdivision b of section 20-485.5 of the administrative code of the city of New York, as amended by local law number 80 for the year 2021, is amended to read as follows:

3. Notwithstanding the provisions of section 20-485.6 of this subchapter, the civil penalties imposed for a violation of this subdivision shall be those provided for violations of section 20-708 of this title; except that a person shall be subject to a civil penalty of zero dollars for a first violation of subdivision b of section 20-485.5 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision b of section 20-485.5 of this subchapter or any rule or regulation promulgated thereunder. Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 37. Subdivision b of section 20-485.6 of the administrative code of the city of New York, as amended by local law number 80 for the year 2021, is amended to read as follows:

b. Notwithstanding the provisions of subdivisions a and b of section 20-106 and except as provided in paragraph 3 of subdivision b of section 20-485.5, any person who violates any provision of this subchapter or any rules promulgated thereunder shall be subject to a civil penalty of one hundred seventy-five dollars for the first violation, three hundred dollars for the second violation and five hundred dollars for the third and any subsequent violation, to be recovered in a civil action; except that a person shall be subject to a civil penalty of zero dollars for a first violation of subdivision a of section 20-485.5 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision a of section 20-485.5 of this subchapter or any rule or regulation promulgated thereunder. Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 38. Section 20-593 of the administrative code of the city of New York, as amended by local law number 80 for the year 2021, is amended to read as follows:

§ 20-593 Punishment. Any person who shall violate any of the foregoing provisions for the regulation of weights and measures or any rule or regulation promulgated thereunder shall forfeit and pay a penalty of fifty dollars for the first violation, seventy-five dollars for the second violation and one hundred dollars for the third and any subsequent violation; except that a person shall be subject to a civil penalty of zero dollars for a first-time violation of section 20-595 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-595 of this subchapter or any rule or regulation promulgated thereunder. Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 39. Paragraph 3 of subdivision a of section 20-674 of the administrative code of the city of New York, as amended by local law number 80 for the year 2021, is amended to read as follows:

(3) In addition to the penalties prescribed by paragraph one of subdivision a of this section, any person who violates the provisions of this subchapter or any rules or regulations promulgated thereunder, other than sections 20-673.1 and 20-673.2 and any rules or regulations promulgated thereunder, shall be liable for a civil penalty of not less than five hundred dollars nor more than ten thousand dollars; except that a person shall be subject to a civil penalty of zero dollars for a first violation of section 20-672 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-672 of this subchapter or any rule or regulation promulgated thereunder. Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 40. Section 20-683 of the administrative code of the city of New York, as amended by local law number 80 for the year 2021, is amended to read as follows:

§ 20-683 Punishment. Any person who shall violate any of the provisions of this subchapter shall be liable to forfeit and pay a civil penalty in the sum of three hundred dollars for the first violation, four hundred dollars for the second violation and five hundred dollars for the third and any subsequent violation; except that a person shall be subject to a civil penalty of zero dollars for a first violation of subdivision b of section 20-682 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision b of section 20-682 of this subchapter or any rule or regulation promulgated thereunder. Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 41. Subdivision a of section 20-692 of the administrative code of the city of New York, as amended by local law number 80 for the year 2021, is amended to read as follows:

a. Any person who shall violate any of the provisions of subdivisions a or b of section 20-691 shall be subject to a civil penalty of fifty dollars for the first violation, one hundred dollars for the second violation and one hundred fifty dollars for the third and any subsequent violation, except that a person shall be subject to a civil penalty of zero dollars for a first violation of subdivision a or b of section 20-691 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision a or b of section 20-691 of this subchapter or any rule or regulation promulgated thereunder. Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 42. Subparagraph (a) of paragraph 2 of subdivision f of section 20-708.1 of the administrative code of the city of New York, as amended by local law number 80 for the year 2021, is amended to read as follows:

(a) upon inspection, up to $25 for the first 20 violations and up to $50 for each successive violation, total violations not to exceed $2,000, except that a retail store shall not be subject to the civil penalty described above for a first-time violation or first-time violations of subdivision b of this section or any rule promulgated thereunder if such retail store proves to the satisfaction of the department, within 30 days of the issuance of the notice of violation or notices of violation and prior to the commencement of an adjudication of such notice or notices, that the violation or violations have been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation or violations have been cured shall be offered as part of any settlement offer made by the department to a retail store that has received a notice of violation or notices of violation for a first-time violation or first-time violations of subdivision b of this section or any rule promulgated thereunder. Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter. The department shall permit such proof to be submitted electronically or in person. A retail store may seek review, in the department, of the determination that proof of a cure was not submitted within 15 days of receiving written notification of such determination.

§ 43. Section 20-711 of the administrative code of the city of New York, as amended by local law number 80 for the year 2021, is amended to read as follows:

§ 20-711 Penalties. Any person who shall violate the provisions of section 20-708 or section 20-709 hereof or rules promulgated pursuant to this subchapter, other than the provisions of section 20-708.1 or rules promulgated under such section, shall pay a civil penalty of fifty dollars for the first violation, one hundred and seventy-five dollars for the second violation and two hundred fifty dollars for the third and each subsequent violation and shall, upon conviction thereof, be punished by a fine of not less than twenty-five dollars nor more than two hundred fifty dollars for each violation; except that a person shall be subject to a civil penalty of zero dollars for a first violation of section 20-708 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-708 of this subchapter or any rule or regulation promulgated thereunder. Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination. For the purposes of this section, each group of identical consumer commodities for which on any single day the total selling price or price per measure is not displayed in accordance with section 20-708 or section 20-709 or rules promulgated pursuant to this subchapter, other than the provisions of section 20-708.1 or rules promulgated under such section, shall be considered a single violation.

§ 44. Section 20-862 of the administrative code of the city of New York, as amended by local law number 98 for the year 2021, is amended to read as follows:

§ 20-862 Penalties. Any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty of: (i) $150 for the first violation; (ii) $250 for the second violation; and (iii) $350 for the third and any subsequent violation; except that a person shall be subject to a civil penalty of zero dollars for a first-time violation of section 20-861 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within 30 days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-861 of this subchapter or any rule or regulation promulgated thereunder. Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 45. Subdivision a of section 20-633 of the administrative code of the city of New York, as added by local law number 98 for the year 2021, is amended to read as follows:

a. Any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty of: (i) $175 for the first violation; (ii) $300 for the second violation; and (iii) $500 for the third and any subsequent violation committed; except that a person shall be subject to a civil penalty of zero dollars for a first violation of subdivision a or d of section 20-632 of this subchapter, or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within 30 days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision a or d of section 20-632 of this subchapter, or any rule or regulation promulgated thereunder. Such option shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of such inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 46. By May 30, 2023, the department of consumer and worker protection shall promulgate rules to the effect that the option of presenting proof that the violation has been cured as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of any signage mandate described in this section shall be written in English and in any other language that such person has indicated that they would prefer that mailed agency communications relating to the results of inspections be written pursuant to paragraph 3 of subdivision f of section 15 of the charter or subdivision b of section 20-107 of the code. This section shall apply to the following signage mandates:

1) requiring the posting of refund policies;

2) requiring the posting of a sign stating that individuals may complain to the department of consumer and worker protection about a business licensed by such department;

3) prohibiting signs stating that a business is not liable for such business’s negligence if such a statement is invalid under law;

4) requiring that parking lots and garages post a sign stating:

a) the business hours of such lot or garage;

b) the licensed capacity of such lot or garage;

c) such lot or garage is at full capacity for car or bicycle parking; and

d) minimum number of bicycle parking spaces;

5) requiring that parking lots and garages have separate entrances and exits, with the main entrance and exit clearly designated with illuminated signs marked “entrance” and “exit”;

6) requiring that all required signage is illuminated, clearly visible, and readable;

7) requiring that those lots and garages with waivers under section 20-327.1 of the administrative code post a sign with respect to bike parking;

8) requiring that auxiliary signs of parking lots and garages contain equally sized letters and numbers;

9) requiring that businesses that accept credit cards post a list of limitations that such businesses put on credit card usage at or near the entrance of each such business, and in all advertising indicating that credit cards are accepted;

10) requiring that electronic or home appliance service dealers include a notice in the department or area where electronic and home appliances are accepted for repair stating that customers are entitled to written estimates for repairs and other customer rights, and that the regulations of the department of consumer and worker protection relating to television, radio and audio servicing are available for review from the service dealer upon request;

11) requiring a tax preparer to display a sign:

a) identifying him or herself, including his or her address, telephone number, and qualifications;

b) stating that both the preparer and taxpayer must sign every tax return;

c) stating how his or her fees are calculated;

d) stating that he or she or his or her agency will not represent the taxpayer in an audit, if true; and

e) stating that he or she is not licensed by the state board of public accounting or the New York state bar, or both, if true;

12) requiring dealers of products for the disabled to post a sign summarizing any provisions of the New York city products for the disabled law;

13) requiring any bus to include a posted sign on the windshield and near the entrance door of such bus that designates the departure time and destination of such bus;

14) requiring laundries:

a) to distinguish in their advertising between services being offered at different prices;

b) to post an out-of-order sign on non-functioning machines on such laundry’s premises;

c) to post a notice that complaints and claims for refunds may be made to a certain person or persons; and

d) to post any sign in both English and Spanish, if applicable;

15) requiring sidewalk cafes to post a sign stating the maximum number of tables and chairs licensed for such sidewalk café, and prohibiting other signage at a sidewalk café except for signage meeting certain specifications;

16) requiring motor vehicle rental businesses to post a notice of the department of consumer and worker protection’s rules pursuant to the consumer protection law;

17) requiring any labeling declaration to be written in the English language;

18) requiring that amusement arcades and gaming cafes post a sign describing age restrictions during certain hours of operation; and

19) requiring signage at businesses that sell beverages for off-premises consumption in beverage containers that are covered by title ten of article twenty-seven of the environmental conservation law of the state of New York to be placed within a certain distance of cash registers or to be visible to consumers from any specific vantage point; and

20) requiring stores with weighing and measuring devices for customer use to post a sign informing customers that they may reweigh products using such weighing or measuring device or devices.

§ 47. This local law takes effect 120 days after it becomes law, except that the department of consumer and worker protection shall take such actions as are necessary for its implementation, including the promulgation of rules, before such date.

Session 12

CJM

LS #7732

4/26/2022\_5:30PM

Session 11

DSS/JJ

LS #928

Int. #63-2018

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Int. No. 570

By Council Members Hanif, De La Rosa, Marte, Brannan, Narcisse, Brewer, Ung, Gutiérrez, Cabán, Louis, Brooks-Powers, Joseph, Avilés, Nurse, Hudson, Sanchez and Menin

..Title

A Local Law to amend the New York city charter, in relation to establishing an office of translation and interpretation within the office of immigrant affairs

..body

Be it enacted by the Council as follows:

Section 1. Section 18 of the New York city charter is amended by adding a new subdivision h to read as follows:

h. There is hereby established an office of translation and interpretation within the office of immigrant affairs, the head of which shall be the director of the office of immigrant affairs. Within appropriations therefor, the office of translation and interpretation shall employ individuals who are proficient in the designated citywide languages, as defined in section 23-1101 of the administrative code, for the purpose of providing translation and interpretation services to the city and its agencies. The office of translation and interpretation shall have the power and duty to:

1. Upon request, translate documents created by agencies into the designated citywide languages;

2. Provide interpretation services to agencies for the designated citywide languages; and

3. Perform any other appropriate function related to providing translation and interpretation services to city agencies, including identifying translation and interpretation services for languages other than the designated citywide languages.

§ 2. This local law takes effect 180 days after it becomes law.

Session 12

IP

LS #8442

6/13/22 3:11pm

Session 11

NAB

LS #17770

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Int. #2468-2021

Int. No. 685

By Council Members Menin, Gutiérrez, Stevens, Schulman, Marte, Feliz, Hanks, Salamanca, Lee, Ossé, Ung, Dinowitz, the Public Advocate (Mr. Williams), Louis, Riley, Restler, Hudson, Brewer, Sanchez, Won, Velázquez, Cabán, Hanif and Ayala

..Title

A Local Law to amend the New York city charter, in relation to establishing an office of small business digitalization and technical amendments in relation thereto

..Body

Be it enacted by the Council as follows:

Section 1. Section 20-m of chapter 1 of the New York city charter, as added by local law number 164 for the year 2021, is renumbered section 20-o.

§ 2. Chapter 1 of the New York city charter is amended by adding a new section 20-p to read as follows:

§ 20-p. Office of small business digitalization. a. Definitions. For purposes of this section, the following terms have the following meanings:

Designated citywide languages. The term “designated citywide languages” means (i) the top six limited English proficiency languages spoken by the population of New York city as determined by the department of city planning and the office of the language services coordinator, based on United States census data; and (ii) the top four limited English proficiency languages spoken by the population served or likely to be served by the agencies of the city of New York as determined by the office of the language services coordinator, based on language access data collected by the department of education, excluding the languages designated based on United States census data.

Digitalization. The term “digitalization” means the process of moving towards a digital business, including, but not limited to, developing a digital presence and using digital technologies to update a business model and obtain new opportunities and revenue.

Director. The term “director” means the director of the office of small business digitalization.

Office. The term “office” means the office of small business digitalization.

b. Office established. The mayor shall establish an office of small business digitalization to coordinate and facilitate the digitalization of small businesses in the city. Such office may be established within the executive office of the mayor or as a separate office or within any other agency or office the head of which is appointed by the mayor. Such office shall be headed by a director, who shall be appointed by the mayor or by the head of such other agency or office.

c. Powers and duties of director. The director shall have the power and duty to:

1. Promote the digitalization of small businesses, including, but not limited to, developing and implementing culturally appropriate programs and policies regarding digitalization;

2. Provide culturally responsive technical assistance and mentoring to small business owners regarding digitalization on topics, including, but not limited to, creating websites, developing effective online practices and understanding digital privacy issues;

3. Develop and implement a culturally appropriate small business digitalization plan, which shall do the following:

(a) Outline a path to digitalization for small businesses;

(b) Assess the challenges small businesses face and the assistance small businesses need to digitalize; and

(c) Develop and monitor a set of metrics to assess the digitalization of small businesses;

4. Conduct outreach regarding the digitalization of small businesses in the designated citywide languages to limited English proficiency small business owners;

5. Assess programs and policies regarding the digitalization of small businesses adopted in the city and in other jurisdictions;

6. Advise the mayor on the digitalization of small businesses, including, but not limited to, the office’s efforts and progress on the small business digitalization plan as required by paragraph 3 of this subdivision; and

7. Consult with relevant agencies and stakeholders in carrying out the powers and duties set forth in this subdivision.

d. Reports. No later than one year after the effective date of this section, and annually thereafter, the director shall submit a report regarding the office as established by subdivision b of this section to the mayor and the speaker of the council and post such report on the office’s website. Such reports shall summarize the activities of the office and assess the digitalization of small businesses. The annual report shall include, but not be limited to, the following information for the previous year:

1. A summary of the office’s efforts to promote the digitalization of small businesses;

2. A description of the technical assistance and mentoring the office provided to small business owners regarding digitalization;

3. An update on the small business digitalization plan as required by paragraph 3 of subdivision c of this section; and

4. A summary of any new programs or policies implemented by the office to help small businesses digitalize.

§ 3. This local law takes effect 180 days after it becomes law.

NLB

LS #8425

8/30/2022

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Int. No. 697

By Council Members Ung, Hanif, Hudson, Sanchez, Louis and Won

..Title

A Local Law to amend the administrative code of the city of New York, in relation to requiring translations into languages that are not included in the language access law

..Body

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 23-1101 of the administrative code of the city of New York is amended by adding a new definition in alphabetical order to read as follows:

Specialty languages. The term “specialty languages” means languages commonly spoken, as determined by the office of the language services coordinator, by New York city residents who:

(1) Have processing priority levels 1, 2 or 3 according to the federal department of state; or

(2) Are from a country designated for temporary protected status by the federal department of homeland security; or

(3) Are from a region for which the United Nations High Commissioner for Refugees declared a level 3 emergency; or

(4) Are geographically concentrated in an area of the city that is subject to an emergency or disaster declaration and do not speak any of the designated citywide languages.

§ 2. The opening paragraph of subdivision a of section 23-1102 of the administrative code of the city of New York is amended to read as follows:

a. Every covered agency shall provide language access services for all designated city languages and all specialty languages. Such language access services shall include, but not be limited to:

§ 3. Paragraph 4 of subdivision b of section 23-1102 of the administrative code of the city of New York is amended to read as follows:

4. incorporate an evaluation of the language access needs of the service population, or likely service population, of such agency, and consider under what circumstances some or all of the direct public services of such agency should be provided in a language or languages supplemental to the designated citywide languages and specialty languages. Such evaluation should consider any available data on the service population of such agency, including but not limited to (i) relevant survey data collected pursuant to paragraph 1 of subdivision i of section 15 of the charter, (ii) language data collected by such agency through intake processes or other processes for collecting client, applicant or participant information, and (iii) the data collected by such agency on language access services rendered or requested. Such evaluation should also consider any information collected pursuant to paragraph 3 of subdivision c of section 15 of the charter.

§ 4. This local law takes effect 120 days after it becomes law.

JG/DS

LS #9151

8/4/22 4:10 PM

Int. No. 699

By Council Members Ung, Menin, Brooks-Powers, Krishnan, Hanif, Hudson, Joseph, Brewer, Sanchez, Louis and Won

..Title

A Local Law to amend the New York city charter and administrative code of the city of New York, in relation to enhancing language access for small business owners

..Body

Be it enacted by the Council as follows:

Section 1. Subdivision f of section 15 of the New York city charter, as amended by local law number 132 for the year 2013, is amended to read as follows:

f. 1. The office of operations shall develop a business owner's bill of rights. The bill of rights shall be in the form of a written document, drafted in plain language, that advises business owners of their rights as they relate to agency inspections. Such written document shall include translations of the bill of rights into at least the [six] ten languages most commonly spoken by limited English proficient individuals, as those languages are determined by the department of city planning. The bill of rights shall include, but not be limited to, notice of every business owner's right to: i) consistent enforcement of agency rules; ii) compliment or complain about an inspector or inspectors online, anonymously, if desired, through a customer service survey, and information sufficient to allow a business owner to do so, including but not limited to the url of such survey; iii) contest a notice of violation before the relevant local tribunal, if any; iv) an inspector who behaves in a professional and courteous manner; v) an inspector who can answer reasonable questions relating to the inspection, or promptly makes an appropriate referral; vi) an inspector with a sound knowledge of the applicable laws, rules and regulations; vii) access information in languages other than English; and viii) request language interpretation services for agency inspections and any subsequent administrative hearings and trials, including pre-trial conferences and settlement negotiations.

2. [To the extent practicable, the] The office of operations shall develop and implement a plan to distribute the bill of rights to all relevant business owners, including via electronic publication on the internet, and to notify such business owners if the bill of rights is subsequently updated or revised. The office of operations shall also develop and implement a plan in cooperation with all relevant agencies to [facilitate] require the distribution of a physical copy of the bill of rights to business owners, [or] managers, or relevant employee at the [time] beginning of [an] every inspection, except that if the inspection is an undercover inspection [or if the business owner or manager is not present at the time of the inspection], then a copy of the bill of rights shall be provided as soon as practicable. In the event that the business owner or manager is not present at the time of inspection, an electronic copy of the bill of rights shall be provided as soon as practicable in addition to the physical copy provided at the time of inspection.

3. [To the extent practicable, the] The office of operations shall develop and implement a plan for each business owner to indicate the language in which such owner would prefer that agency inspections of the business be conducted and agency procedural and informational documents be translated into. [To the extent practicable, the] The office of operations shall also develop and implement a plan to inform all relevant agencies of such respective language preference.

4. The bill of rights shall serve as an informational document only and nothing in this subdivision or in such document shall be construed so as to create a cause of action or constitute a defense in any legal, administrative, or other proceeding.

§2. Section 17-1502 of the administrative code of the city of New York is amended to read as follows:

§ 17-1502 Food Service Establishment Inspection Code of Conduct. a. The commissioner shall develop a code of conduct pertaining to sanitary inspections. The inspection code of conduct shall inform owners and operators of food service establishments of their rights as they relate to sanitary inspections.

b. The inspection code of conduct shall be in the form of a written document, drafted in plain language. The department shall distribute the inspection code of conduct to all food service establishment inspectors and food service establishments. Food service establishment inspectors shall also distribute the inspection code of conduct to food service establishment owners or operators prior to the beginning of [an initial] each inspection. Such written document shall include translations of the inspection code of conduct into at least the ten languages most commonly spoken by limited English proficient individuals, as those languages are determined by the department of city planning. The department shall make the inspection code of conduct available on the department's website in the covered languages.

c. The code of conduct shall include, but not be limited to, the following requirements:

(1) the food service establishment inspector shall behave in a professional and courteous manner;

(2) upon arriving at the food service establishment to perform a sanitary inspection, the food service establishment inspector shall immediately identify himself or herself to the staff of the food service establishment, [and] note the type of inspection, and disclose the availability of free interpretation services, in a manner that does not unreasonably interfere with the dining experience of patrons;

(3) the food service establishment inspector shall be as unobtrusive as possible during the inspection while conducting the inspection;

(4) the food service establishment inspector shall return any equipment he or she moved back to its original location, and reassemble any equipment he or she disassembled, during the course of the inspection;

(5) the food service establishment inspector shall have a sound knowledge of all relevant health code provisions and any other applicable laws and regulations.

(6) the food service establishment inspector shall meaningfully communicate with the food service establishment owner or operator, and if necessary, utilize language assistance services to facilitate meaningful communication;

(7) the food service establishment inspector shall answer reasonable questions relating to the inspection;

(8) the food service establishment inspector shall enforce agency rules in a fair and impartial manner;

(9) the food service establishment inspector shall, upon finding a violation, explain to the food service establishment owner or operator how to remedy such violation.

(10) the food service establishment inspector must provide information informing the food service establishment owner or operator how such owner or operator may contest a notice of violation before the relevant local tribunal, including information about the right to access language interpretation services; and

(11) the food service establishment inspector shall provide information on how the food service establishment owner or operator may file a comment, compliment, or complaint about an inspector[.], including information about filing in a language other than English.

d. The commissioner shall regularly, but no less frequently than every two years, review and update the inspection code of conduct, as necessary.

e. Nothing in this section or in the inspection code of conduct shall be construed to create a cause of action or constitute a defense in any legal, administrative, or other proceeding.

§ 3. Section 17-1505 of the administrative code of the city of New York is amended to read as follows:

§ 17-1505. a. Food service establishment inspections ombuds office; office established. There is hereby established within the food safety program of the department a food service establishment inspections ombuds office.

b. Food service establishment inspections ombuds office; duties and responsibilities. The food service establishment inspections ombuds office shall have, but not be limited by, the following duties and responsibilities:

1. establishing a system to receive questions, comments, complaints, and compliments with respect to any food service establishment inspection, including but not limited to, the establishment, operation, and dissemination of a central telephone hotline and website to receive such questions, comments, complaints, and compliments;

2. investigating complaints received pursuant to paragraph one of this subdivision and taking any action it deems appropriate regarding such complaints, including but not limited to, withdrawing violations that concern the physical layout and/or major fixtures within a food service establishment where the department finds that such physical layout or fixture existed at the time of a prior inspection but was not the subject of a violation and the condition has not been altered since the time of such prior inspection, and identifying egregious inspection errors that ought to be rectified by the department in lieu of submission to the administrative tribunal, including the lack of adequate language access;

3. issuing guidance letters providing informal advisory opinions on matters pertaining to food service establishment inspections, including but not limited to appropriate inspection methods and food handling techniques and best practices when engaging individuals with limited English proficiency during inspections, either upon request or the department's own initiative. Any such guidance letter issued by the ombuds office shall be posted on the department's website upon issuance and, to the greatest extent practicable, distributed to all food service establishment operators;

4. monitoring inspection results for trends and inconsistencies, including but not limited to, via the compilation and analysis on a quarterly basis of the type and number of violations issued by each inspector, and whether interpretation services were utilized during the inspection; and

5. making recommendations to the commissioner regarding improvements to the food service establishment inspection process.

c. Food service establishment inspections ombuds office; annual report. No later than July 1, 2014, and every July 1 thereafter, the ombuds office shall submit to the commissioner an annual report regarding its activities during the previous twelve months. The ombuds office shall forward a copy of such report to the mayor and the speaker of the council. Such report shall include, but not be limited to:

1. the number, nature, and resolution of questions, c#omments, complaints, and compliments received by the ombuds office;

2. the number and nature of guidance letter requested;

3. a copy of each guidance letter issued;

4. an analysis of trends and inconsistencies across inspection results; [and]

5. an analysis of the existing language access tools and policies and whether they effectively serve the needs of food service establishment operators and recommendations on how to improve and expand such services; and

[5] 6. recommendations for improvements to the food service establishment inspection process in accordance with paragraph five of subdivision b of this section.

§ 4. Chapter 56 of the New York city charter is amended by adding a new section 1309 to read as follows:

§ 1309. Language Access Enhancement. a. The department shall coordinate with the relevant agencies to increase the number of inspectors who speak English and at least one of the designated citywide languages, as defined in section 23-1102 of the administrative code, or any language spoken by at least ten percent of small business owners or managers such that a small business owner may request a bilingual inspector for all inspections beginning on July 1, 2024. For purposes of this subdivision, relevant agencies shall include the department of buildings, the department of consumer and worker protection, the department of health and mental hygiene, the department of environmental protection, the department of sanitation, the fire department, and the department of small business services.

b. By March 1, 2023, the department, in consultation with the office of administrative trials and hearings, shall develop and implement a plan to provide a business owner with a matter pending before the office of administrative trials and hearings with a written translation of the final decision of any matter before the tribunal. Such written translation shall contain a disclaimer stating that is shall serve only as an informational document and that nothing within the translated document shall be construed so as to create a cause of action or constitute a defense in any legal, administrative, or other proceeding. Such translation shall be issued at the same time as the tribunal’s final decision.

§ 4. This local law takes effect 60 days after it becomes law.

Session 12

IP

LS #8893

8/12/22 7:45pm

Int. No. 700

By Council Members Won, Restler, Hanif, Hudson, Sanchez and Louis

..Title

A Local Law to amend the administrative code of the city of New York, in relation to translation services for compliance materials

..Body

Be it enacted by the Council as follows:

Section 1. Paragraph 1 of subdivision a of section 23-1102 of the administrative code of the city of New York is amended read as follows:

1. identifying and translating:

(a) those documents most commonly distributed to the public that contain or elicit important and necessary information regarding the provision of basic city services; and

(b) documents distributed to the public that contain or elicit important and necessary information regarding enforcement of the laws and rules enforced by such agency;

§ 2. Paragraphs 7 and 8 of subdivision b of section 23-1102 of the administrative code of the city of New York are amended to read as follows:

7. incorporate plain language principles for documents most commonly distributed to the public that contain or elicit important and necessary information regarding the provision of basic city services, enforcement actions, and for other public communications, by using plain language, where possible, in place of technical, legal, or specialized terms, and by using layout and design strategies to make such documents and communications easier to read, understand, and act upon;

8. incorporate the training of frontline workers and managers, and inspectors and other enforcement staff, on language access pol

1. See NYC Charter §18(a); see also NEW YORK CITY CHARTER REVISION COMMISSION, Making Our City’s Progress Permanent (September 2001). [↑](#footnote-ref-2)
2. NYC Charter §18(a). [↑](#footnote-ref-3)
3. NYC Charter §18(b). [↑](#footnote-ref-4)
4. NYC Charter §18(b). [↑](#footnote-ref-5)
5. Testimony of Bitta Mostofi, then-Commissioner of Mayors Office of Immigrant Affairs at City Council Hearing on Language Access on November 23, 2020. [↑](#footnote-ref-6)
6. Local Law 30 Report for Calendar Year 2021. [↑](#footnote-ref-7)
7. See NYC Charter §15(c) [↑](#footnote-ref-8)
8. NYC Charter §15(c) [↑](#footnote-ref-9)
9. Id. [↑](#footnote-ref-10)
10. N.Y.C. Mayor. Exec. Order No. 120, *available at* <http://www.nyc.gov/html/om/pdf/2008/pr282-08_eo_120.pdf>. [↑](#footnote-ref-11)
11. *Id.* at §2. [↑](#footnote-ref-12)
12. *Id.* [↑](#footnote-ref-13)
13. *Id*. [↑](#footnote-ref-14)
14. *See* Local Law 30 of 2017, *available at* [https://legistar.council.nyc.gov/LegislationDetail.aspx](https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=2735477&GUID=D0A0ECA1-4D71-47EB-B44D-5919777ED818&Options=ID|Text|&Search=2017%2f030) [↑](#footnote-ref-15)
15. *Id.* [↑](#footnote-ref-16)
16. *Id.*  [↑](#footnote-ref-17)
17. *See* Local Law 30 of 2017, *available at* <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=2735477&GUID=D0A0ECA1-4D71-47EB-B44D-5919777ED818&Options=ID|Text|&Search=2017%2f030>. [↑](#footnote-ref-18)
18. Id. [↑](#footnote-ref-19)
19. Id. [↑](#footnote-ref-20)
20. NYC Mayor’s Office of Immigrant Affairs, *Language and Disability Access*, <https://www1.nyc.gov/site/immigrants/about/language-and-disability-access.page> (last visited October 7, 2022). [↑](#footnote-ref-21)
21. The Census Bureau includes all dialects of Chinese (Mandarin, Cantonese, Taiwanese, Fujianese, Hakka, etc.) under the umbrella term of Chinese. NYC Mayor’s Office of Immigrant Affairs and Mayor’s Office of Operations, *Local Law 30 Report* (June 2022) <https://www1.nyc.gov/assets/immigrants/downloads/pdf/CY2021-local-law-30-report.pdf> [↑](#footnote-ref-22)
22. The Census Bureau specifies French Creole but in the NYC context this has been judged to mean Haitian Creole. *Id.* [↑](#footnote-ref-23)
23. Local Law 30 of 2017, *supra* note 24. [↑](#footnote-ref-24)
24. *Id.* [↑](#footnote-ref-25)
25. *Id.* [↑](#footnote-ref-26)
26. See Language Access Coordinators and Language Access Implementation Plans updated February 2,2002 at <https://www1.nyc.gov/assets/immigrants/downloads/pdf/LAC-List-for-MOIA-Website.pdf> [↑](#footnote-ref-27)
27. *Id.* [↑](#footnote-ref-28)
28. *Id.* [↑](#footnote-ref-29)
29. *Id.* [↑](#footnote-ref-30)
30. Intro 458-A-2022 *availavble at https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5668979&GUID=B6CA7CCD-C397-48E9-B1DB-847D88E6C82E&Options=Advanced&Search=* [↑](#footnote-ref-31)
31. Intro. 0296-2022 *available at* <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5570541&GUID=219BD56E-A8F1-47B3-AA7C-D760A678AA9B&Options=Advanced&Search=> [↑](#footnote-ref-32)
32. Intro. 0206-2022 *available at* <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5555561&GUID=9C7C8735-7E0D-4057-957E-08D07BCD145B&Options=Advanced&Search=> [↑](#footnote-ref-33)
33. Local Law 41 of 2021 *available at* [https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3498476&GUID=6E78D2BB-A4BA-4FD8-8C03-ABA62C914AEB&Options=Advanced&Search](https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3498476&GUID=6E78D2BB-A4BA-4FD8-8C03-ABA62C914AEB&Options=Advanced&Search=)=) [↑](#footnote-ref-34)
34. Local Law 26 of 2021 *available at* [https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3923896&GUID=86783671-B200-46DF-9F5F-72811EE3737E&Options=Advanced&Search](https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3923896&GUID=86783671-B200-46DF-9F5F-72811EE3737E&Options=Advanced&Search=)*=)* [↑](#footnote-ref-35)
35. Local Law 15 of 2022, *available at* [*https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4726810&GUID=1B6852C4-B341-4229-8355-C3CDB4228C3C&Options=Advanced&Search=*](https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4726810&GUID=1B6852C4-B341-4229-8355-C3CDB4228C3C&Options=Advanced&Search=) [↑](#footnote-ref-36)
36. Local Law 30 of 2022 *available at* <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4642613&GUID=6D92640E-D2CF-45C0-BE27-474CA32BB97E&Options=Advanced&Search=> [↑](#footnote-ref-37)
37. Local Law 48 of 2002 *available at* [*https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5190185&GUID=FD8B72F0-7C38-4741-B183-260911724175&Options=Advanced&Search=*](https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5190185&GUID=FD8B72F0-7C38-4741-B183-260911724175&Options=Advanced&Search=) [↑](#footnote-ref-38)
38. Local Law 73 of 2003 *available at* <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=437168&GUID=482D9A0F-EB57-4D84-BFEA-B49CF178E778&Options=Advanced&Search=> [↑](#footnote-ref-39)
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40. The Council of the City of New York, Committee on Governmental Operations and Committee on Immigration, *Briefing Paper for Oversight: Local Law 30 of 2017: Language Access Implementation Plans* (October 2018), <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3698346&GUID=4AF91740-D6F9-4DCD-889F-8304E1776C68&Options=&Search>. [↑](#footnote-ref-41)
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44. Testimony of Commissioner Bitta Mostofi, NYC Mayor’s Office of Immigrant Affairs (October 25, 2018), *available at* <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3698345&GUID=D53B67F7-5F3F-47C5-B753-EC74797E5072&Options=&Search>. [↑](#footnote-ref-45)
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46. *Id.* [↑](#footnote-ref-47)
47. Testimony of Commissioner Bitta Mostofi, NYC Mayor’s Office of Immigrant Affairs (November 23, 2020), *available at*, <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4678243&GUID=9917B57B-58CD-4362-8A52-66BB1E681838&Options=&Search>. [↑](#footnote-ref-48)
48. Local Law 30 Report for Calendar Year 2021. [↑](#footnote-ref-49)
49. *See id.* [↑](#footnote-ref-50)
50. *See id.* [↑](#footnote-ref-51)
51. *See id.* [↑](#footnote-ref-52)
52. The Census Bureau data used for this purposes comes from the American Community Survey, which is published on an annual basis. *See id.* (noting that 2017 determination of designated citywide languages used American Community Survey data); US Census Bureau, American Community Survey, https://www.census.gov/programs-surveys/acs (last visited October 12, 2022) (noting that the American Community Survey releases new data every year). [↑](#footnote-ref-53)
53. Charter § 15(c)(5) [↑](#footnote-ref-54)
54. *See, e.g.,* Local Law 30 Report for Calendar Year 2021. [↑](#footnote-ref-55)
55. *Id.* [↑](#footnote-ref-56)
56. *See, e.g., id.*  [↑](#footnote-ref-57)
57. Hearing of the Committee on Governmental Operations and the Committee on Immigration, *supra* note 47. [↑](#footnote-ref-58)
58. *Id*. [↑](#footnote-ref-59)
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