Governmental Operations Committee Staff

Christopher Murray, *Senior Legislative Counsel*

Erica Cohen, *Policy Analyst*



## THE COUNCIL

# **COMMITTEE REPORT OF THE GOVERNMENTAL AFFAIRS Division**

Andrea Vazquez*, Legislative Director*

Rachel Cordero*, Deputy Director, Governmental Affairs*

**COMMITTEE ON GOVERNMENTAL OPERATIONS**

*Hon. Sandra Ung, Chair*

#### December 21, 2022

**Proposed Int. No. 382-A**: By Council Members Brewer, Yeger, Hanif, Louis, Ung, Nurse, Krishnan, Abreu, Restler, Sanchez, Menin, Velázquez, Hudson, Narcisse, Brannan and Lee

**Title**: Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to requiring certain agencies to publish guidance on responding to settlement offers, translate such guidance into the designated citywide languages, and notify settlement offer recipients about such guidance

**Proposed Int. No. 697-A**: By Council Members Ung, Hanif, Hudson, Sanchez, Louis, Won, Gutiérrez, Velázquez, Narcisse, Menin, Brannan and Lee

**Title**: A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to providing supplemental language access services in connection with temporary language needs

**Proposed Int. No. 700-A**: By Council Members Won, Restler, Hanif, Hudson, Sanchez, Louis, Gutiérrez, Velázquez, Narcisse, Menin and Brannan

**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 December 21, 2022 the Committee on Governmental Operations, chaired by Council Member Ung, will hold a second hearing and vote on the following legislation: Proposed Int. No. 382-A, sponsored by Council Member Brewer, in relation to requiring certain agencies to publish guidance on responding to settlement offers, translate such guidance into the designated citywide languages, and notify settlement offer recipients about such guidance; Proposed Int. No. 697-A, sponsored by Council Member Ung, in relation to providing supplemental language access services in connection with temporary language needs; and Proposed Int. No. 700-A, sponsored by Council Member Won, in relation to translation services for compliance materials.

# **Background**

* 1. ***MOIA***

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. MOIA also 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***

In 2017, the Council enacted Local Law 30 (“Local Law 30” or “Language Access Law”)[[10]](#footnote-11) which requires covered agencies to provide language access services for all designated citywide languages.[[11]](#footnote-12) 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 Covered agencies are defined as those that provide services directly to a program beneficiary, participant or applicant, or those who provide emergency services.[[12]](#footnote-13) Under the law, there are ten designated citywide languages, which are determined by the Mayor’s Office of the Language Service Coordinator.[[13]](#footnote-14) 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).[[14]](#footnote-15) The current citywide designated languages are:[[15]](#footnote-16)

1. Spanish
2. Chinese[[16]](#footnote-17)
3. Russian
4. Bengali
5. Haitian Creole[[17]](#footnote-18)
6. Korean
7. Arabic
8. Urdu
9. French
10. Polish

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.[[18]](#footnote-19) 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.[[19]](#footnote-20) 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.[[20]](#footnote-21) Links to those plans are available on MOIA’s website.[[21]](#footnote-22)

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.[[22]](#footnote-23) 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.[[23]](#footnote-24) 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.[[24]](#footnote-25) 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,[[25]](#footnote-26) 311 wait times,[[26]](#footnote-27) and interpretation services.[[27]](#footnote-28) In the previous legislative session the Council passed laws enhancing language access for certain retirement savings accounts,[[28]](#footnote-29) 311 customer satisfaction surveys,[[29]](#footnote-30) supportive housing tenant rights,[[30]](#footnote-31) emergency assistance grants,[[31]](#footnote-32) and election information.[[32]](#footnote-33) 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.[[33]](#footnote-34)

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.[[34]](#footnote-35) 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.[[35]](#footnote-36) 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.[[36]](#footnote-37) 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.[[37]](#footnote-38) 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.[[38]](#footnote-39)

Two years later, in November 2020, the Governmental Operations and Immigration Committees held another hearing to review how Local Law 30 compliance had progressed.[[39]](#footnote-40) 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.[[40]](#footnote-41) 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.”[[41]](#footnote-42)

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.[[42]](#footnote-43) 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.[[43]](#footnote-44) 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.[[44]](#footnote-45) 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.[[45]](#footnote-46) 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,[[46]](#footnote-47) 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.”[[47]](#footnote-48) 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.[[48]](#footnote-49) 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.[[49]](#footnote-50) The Local Law 30 annual reports do not indicate when or whether the Administration plans on revisiting this assessment based on new data.[[50]](#footnote-51)

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.[[51]](#footnote-52) Commissioner Mistofi testified that no final decision on this question had been made at the time.[[52]](#footnote-53)

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.[[53]](#footnote-54) 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.[[54]](#footnote-55) In 2017, about 3.2 million immigrants ran their own businesses, accounting for one in every five entrepreneurs in the country.[[55]](#footnote-56) Immigrant entrepreneurs create about a quarter of new business in the U.S.[[56]](#footnote-57) 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.[[57]](#footnote-58) 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.[[58]](#footnote-59) Immigrant business owners generate millions of jobs and bring in billions of dollars in revenue, reviving neighborhoods and revitalizing regional economies.[[59]](#footnote-60)

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.[[60]](#footnote-61) Far exceeding national averages, immigrants in New York City up 31 percent of the workforce,[[61]](#footnote-62) and immigrant New Yorkers own one-half of New York City’s businesses.[[62]](#footnote-63) In some neighborhoods, immigrant-owned businesses employ up to 42 percent of the neighborhood population.[[63]](#footnote-64) 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.[[64]](#footnote-65) 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.[[65]](#footnote-66) For example, while immigrant New Yorkers collectively speak over 200 languages,[[66]](#footnote-67) half of them are considered Limited English Proficient (LEP).[[67]](#footnote-68) 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[[68]](#footnote-69) was fines and access to city resources[[69]](#footnote-70) 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.[[70]](#footnote-71)

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.[[71]](#footnote-72)

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

The U.S. Small Business Administration (SBA),[[72]](#footnote-73) New York State Government,[[73]](#footnote-74) and the City Department of Small Business Services (SBS)[[74]](#footnote-75) 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.[[75]](#footnote-76) 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.[[76]](#footnote-77) 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.[[77]](#footnote-78) There are 14 centers in NYC, and counseling is offered in English, Spanish, Mandarin, Cantonese, Russian, Uzbek and American Sign Language.[[78]](#footnote-79) 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.[[79]](#footnote-80) The federal SBA also offers educational programing on subjects including how to comply with federal, state, and local regulations, commercial leasing, and financing options.[[80]](#footnote-81)

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.[[81]](#footnote-82) 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.[[82]](#footnote-83) Certain immigrant businesses may also qualify for NYC Certification programs.[[83]](#footnote-84) 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.[[84]](#footnote-85) According to SBS, “no supplemental languages to the designated citywide languages are necessary to provide services.”[[85]](#footnote-86) 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,[[86]](#footnote-87) the American Asian Federation has conducted research on the Asian-American business sector,[[87]](#footnote-88) 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.[[88]](#footnote-89)

 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.[[89]](#footnote-90) 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.[[90]](#footnote-91) 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.[[91]](#footnote-92) Such translation and interpretation services can be especially valuable for speakers of languages of limited diffusion.

# **Legislative Analysis**

**Proposed Int. No. 382-A**

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.

Proposed Int. No. 382-A would require each settlement offer sent by DCWP and DOHMH to be accompanied by a notice that: (1) informs the recipient that they are receiving a settlement offer because they are being charged with a violation of the law; and (2) directs the recipient (via a QR code or similar mechanism) to a portion of the agency’s website with plain language information about the recipient’s options for responding to the settlement offer. Both the notice and the online information would need to be translated into each of the designated citywide languages.

The bill would require the online settlement offer information to include plain language summaries of: (1) the legal obligations and consequences of accepting a settlement offer, and the appropriate procedure for doing so; (2) a respondent’s right not to accept a settlement offer and the availability of a hearing to challenge the violation; (3) the relevant agency’s hearing process; and (4) the option to cure violations when permitted by law, including general information as to which violations are curable, the process for curing a violation, and the possible consequences of doing so.

This bill would become effective 180 days after becoming law.

**Proposed Int. No. 697-A**

Proposed Int. No. 697-A would expand upon Local Law 30 by requiring agencies to provide services in additional languages, as necessary, to respond to an emergency in which a large number of people who do not speak one of the designated citywide languages are arriving in the City and seeking city services. Specifically, section 1 of the bill would require OLSC to include in its annual report a list of any additional languages for which language access services were required pursuant to section 3 of the bill. Section 2 of the bill would require each covered agency’s language access implementation plan to incorporate planning to address a sudden increase in the need for language access services in a language other than a designated citywide language.

Section 3 of the bill would require OLSC, upon being informed of an event that is likely to cause a significant number of similarly situated individuals whose primary language is not English to arrive in the City and seek city services including shelter, food, or other urgent assistance, to identify the primary languages spoken by those individuals and list such languages online. City agencies serving such individuals would then need to translate relevant documents and make interpretation services available in the languages identified by OLSC. In addition, agency websites would need to include translations of relevant documents in the identified languages, to the extent practicable. Furthermore, any temporary location maintained by an agency for the purpose of providing services to impacted individuals would need to include signage in the identified languages.

This bill would become effective 120 days after becoming law.

**Proposed Int. No. 700-A**

Proposed Int. No. 700-A 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 those documents most commonly distributed to the public that contain or elicit 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 become effective 120 days after becoming law.

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Proposed Int. No. 382-A

By Council Members Brewer, Yeger, Hanif, Louis, Ung, Nurse, Krishnan, Abreu, Restler, Sanchez, Menin, Velázquez, Hudson, Narcisse, Brannan and Lee

..Title

A Local Law to amend the administrative code of the city of New York, in relation to requiring certain agencies to publish guidance on responding to settlement offers, translate such guidance into the designated citywide languages, and notify settlement offer recipients about such guidance

..Body

Be it enacted by the Council as follows:

Section 1. Chapter 11 of title 23 of the administrative code of the city of New York is amended by adding a new section 23-1103 to read as follows:

§ 23-1103 Multilingual settlement offer information. a. Definitions. For purposes of this section, the following terms have the following meanings:

Enforcement agency. The term “enforcement agency” means the department of health and mental hygiene, the department of consumer and worker protection, and any other agency issuing settlement offers that the office of the mayor so designates in consideration of the purposes of this chapter.

Settlement offer. The term “settlement offer” means a proposed offer made by an enforcement agency, in lieu of a hearing, to a person regarding a violation, alleged violation or notice of violation of any provision of this code or any rule promulgated thereunder.

b. Publication of multilingual settlement offer information. Each enforcement agency shall make available on its website in a format intended to be viewed with a mobile device, and update as appropriate, general information regarding the options for responding to a settlement offer made by such agency. Such information shall be published in English and each of the designated citywide languages and shall include, but need not be limited to, plain language summaries of:

1. The legal obligations and consequences of accepting a settlement offer, as well as the appropriate procedure for accepting such an offer;

2. A respondent’s right not to accept a settlement offer and the availability of a hearing by the relevant enforcement agency if a respondent chooses not to accept such offer;

3. The relevant enforcement agency’s hearing process, including a respondent’s right to present evidence at such hearing and be accompanied by an attorney or representative; and

4. The option to cure violations when permitted by law, including general information as to which violations are curable pursuant to this code and the rules promulgated thereunder, the process for curing a violation and possible consequences thereof.

c. Multilingual settlement offer information notice. 1. Each settlement offer shall include or be accompanied by a written statement in English and each of the designated citywide languages that:

(a) The recipient is receiving a settlement offer from the relevant enforcement agency because such recipient has been charged with a violation of law; and

(b) The recipient can find information regarding the options for responding to a settlement offer on the enforcement agency’s website.

2. The written statement required by paragraph 1 of this subdivision shall include the universal resource locator (URL) for the multilingual settlement offer information published on the enforcement agency’s website pursuant to subdivision b of this section, as well as a direct means of accessing such information using a properly equipped mobile device, such as a quick response code or a near field communication tag.

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

Session 12

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Session 11

DSS/JJ

LS #928

Int. #63-2018

Proposed Int. No. 697-A

By Council Members Ung, Hanif, Hudson, Sanchez, Louis, Won, Gutiérrez, Velázquez, Narcisse, Menin, Brannan and Lee

..Title

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to providing supplemental language access services in connection with temporary language needs

..Body

Be it enacted by the Council as follows:

Section 1. Paragraph 5 of subdivision c of section 15 of the New York city charter is amended by adding a new subparagraph (vii) to read as follows:

(vii) any languages identified pursuant to section 23-1105 of the code, as well as the circumstances and duration of the global event, occurrence, trend or pattern that required the identification of such languages.

§ 2. 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 (i) planning to address a sudden increase in the need for language access services in a language other than a designated citywide language, such as an increase due to an emergency within the city of New York that disproportionately impacts speakers of a particular language; and (ii) listing the types of materials that such agency may disseminate in an emergency;

§ 3. Chapter 11 of title 23 of the administrative code of the city of New York is amended by adding a new section 23-1105 to read as follows:

§ 23-1105 Temporary languages. a. The office of the language services coordinator, upon being informed by any relevant agency of a global event, occurrence, trend or pattern that leads to, is likely to lead to, or has led to a significant number of similarly situated individuals whose primary language is not English arriving in the city and seeking city services including shelter, food, or other urgent assistance, shall seek to identify the primary languages spoken by such similarly situated individuals. The office of the language services coordinator shall maintain a publicly available website listing such identified languages.

b. An agency that provides such services to such individuals shall translate relevant documents and other materials into such identified languages and make interpretation services available for such identified languages.

c. Any city website providing information regarding services available to such individuals shall include translations of relevant documents in such identified languages, to the extent practicable.

d. Any temporary location maintained by an agency for the purpose of providing a service to such individuals shall post signage in such identified languages about the availability of interpretation services.

§ 4. This local law takes effect 120 days after it becomes law, provided that nothing in this local law shall require a covered agency to update its language access implementation plan sooner than would be required by subdivision d of section 23-1102 of the administrative code of the city of New York.

JG/DS/cjm

LS #9151

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Proposed Int. No. 700-A

By Council Members Won, Restler, Hanif, Hudson, Sanchez, Louis, Gutiérrez, Velázquez, Narcisse, Menin and Brannan

..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, as added by local law number 30 for the year 2017, 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) those documents most commonly 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, as added by local law number 30 for the year 2017, 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 and the enforcement of laws and rules, 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, including inspectors and other enforcement staff, on language access policies and procedures;

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

JG/cjm

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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. *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-11)
11. *Id.* [↑](#footnote-ref-12)
12. *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-13)
13. Id. [↑](#footnote-ref-14)
14. Id. [↑](#footnote-ref-15)
15. 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 December 14, 2022). [↑](#footnote-ref-16)
16. 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-17)
17. The Census Bureau specifies French Creole but in the NYC context this has been judged to mean Haitian Creole. *Id.* [↑](#footnote-ref-18)
18. Local Law 30 of 2017, *supra* note 24. [↑](#footnote-ref-19)
19. *Id.* [↑](#footnote-ref-20)
20. *Id.* [↑](#footnote-ref-21)
21. 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-22)
22. *Id.* [↑](#footnote-ref-23)
23. *Id.* [↑](#footnote-ref-24)
24. *Id.* [↑](#footnote-ref-25)
25. Intro 458-A-2022 *available at https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5668979&GUID=B6CA7CCD-C397-48E9-B1DB-847D88E6C82E&Options=Advanced&Search=* [↑](#footnote-ref-26)
26. 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-27)
27. 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-28)
28. 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-29)
29. 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-30)
30. 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-31)
31. 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-32)
32. 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-33)
33. 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-34)
34. 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-35)
35. *Id.* [↑](#footnote-ref-36)
36. *Id.* [↑](#footnote-ref-37)
37. *Id.* [↑](#footnote-ref-38)
38. 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-39)
39. The Council of the City of New York, Committee on Governmental Operations and Committee on Immigration, *Briefing Paper for Oversight: Language Access and Emergency Preparedness* (October 2018), <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4678243&GUID=9917B57B-58CD-4362-8A52-66BB1E681838&Options=&Search>. [↑](#footnote-ref-40)
40. *Id.* [↑](#footnote-ref-41)
41. 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-42)
42. Local Law 30 Report for Calendar Year 2021. [↑](#footnote-ref-43)
43. *See id.* [↑](#footnote-ref-44)
44. *See id.* [↑](#footnote-ref-45)
45. *See id.* [↑](#footnote-ref-46)
46. 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 December 14, 2022) (noting that the American Community Survey releases new data every year). [↑](#footnote-ref-47)
47. Charter § 15(c)(5) [↑](#footnote-ref-48)
48. *See, e.g.,* Local Law 30 Report for Calendar Year 2021. [↑](#footnote-ref-49)
49. *Id.* [↑](#footnote-ref-50)
50. *See, e.g., id.*  [↑](#footnote-ref-51)
51. Hearing of the Committee on Governmental Operations and the Committee on Immigration, *supra* note 47. [↑](#footnote-ref-52)
52. *Id*. [↑](#footnote-ref-53)
53. Dan Kosten, *Immigrants as Economic Contributions: Immigrant Entrepreneurs,* National Immigration Forum, Jul. 11, 2018, <https://immigrationforum.org/article/immigrants-as-economic-contributors-immigrant-entrepreneurs/>. [↑](#footnote-ref-54)
54. *Id.* The percentage of adults, both U.S.-born and immigrant, who became entrepreneurs in any given month during 2016, was .31 percent, or 310 out of every 100,000. The entrepreneurship rate for immigrants during the same time period was higher at .52 percent, about twice the rate of the U.S.-born (.26 percent); *see also* Peter Dizikes, *Study: Immigrants in the U.S. are more likely to start firms, create jobs*, MIT News, May 9, 2022, <https://news.mit.edu/2022/study-immigrants-more-likely-start-firms-create-jobs-0509>*.*  [↑](#footnote-ref-55)
55. New American Economy, *New Data Shows Immigrant-Owned Businesses Employed 8 Million Americans; Immigrants Wield $1.1 Trillion in Spending Power*, Mar. 12, 2019, <https://www.newamericaneconomy.org/press-release/new-data-shows-immigrant-owned-businesses-employed-8-million-americans-immigrants-wield-1-1-trillion-in-spending-power/>; *see also* Peter Dizikes *supra* note 60 (finding that, on average, immigrant firms have 1 percent more employees than those founded by U.S. natives). [↑](#footnote-ref-56)
56. Dinah Wisenberg Brin, *Immigrants Form 25% of New U.S. Businesses, Driving Entrepreneurship In 'Gateway' States*, Forbes, Jul. 31, 2018, <https://www.forbes.com/sites/dinahwisenberg/2018/07/31/immigrant-entrepreneurs-form-25-of-new-u-s-business-researchers/#17cd3f93713b>. [↑](#footnote-ref-57)
57. New American Economy, *supra* note 61. [↑](#footnote-ref-58)
58. Rashaan Ayesh, *Immigrant-owned businesses contribute billions to U.S. economy*, Axios, Aug. 17, 2019, <https://www.axios.com/immigrant-owned-businesses-billions-economy-741f1790-db25-4da0-8950-9be174ee6689.html>. [↑](#footnote-ref-59)
59. Dan Kosten, *supra* note 59. In 2017, immigrant-owned businesses employed about 8 million American workers and generated $1.3 trillion in total sales. New American Economy, *supra* note 61. [↑](#footnote-ref-60)
60. Mayor’s Office of Immigrant Affairs, *State of Our Immigrant City: MOIA Annual Report for Calendar Year 2019*, (Mar. 2020), at 29, <https://www1.nyc.gov/assets/immigrants/downloads/pdf/MOIA-Annual-Report-for-2019.pdf>. (Demographic information for 2021 was not available due to disruptions in data collection caused by the COVID-19 pandemic). [↑](#footnote-ref-61)
61. Mayor’s Office of Immigrant Affairs, *State of Our Immigrant City: Annual Report*, (Mar. 2020), at 27, <https://www1.nyc.gov/assets/immigrants/downloads/pdf/MOIA-Annual-Report-for-2019.pdf>. [↑](#footnote-ref-62)
62. Mayor’s Office of Immigrant Affairs, *supra* note 66, at 21. [↑](#footnote-ref-63)
63. Lena Afridi, *The Displacement Crisis of Immigrant-Owned Small Businesses*, Shelter Force, Feb. 15, 2018, <https://shelterforce.org/2018/02/15/displacement-crisis-immigrant-owned-small-businesses/>. [↑](#footnote-ref-64)
64. Gregg Bishop, *Opinion: NYC immigrants mean business*, Queens Daily Eagle, Jun. 18, 2019, <https://queenseagle.com/all/opinion-nyc-immigrants-mean-business>. [↑](#footnote-ref-65)
65. Center for an Urban Future & The Center for Popular Democracy, *A City of Immigrant Workers: Building a Worforce Strategy to Support All New Yorkers* (Apr. 2016), <https://nycfuture.org/pdf/A-City-of-Immigrants.pdf>. [↑](#footnote-ref-66)
66. Mayor’s Office of Immigrant Affairs, *Mayor’s Office of Immigrant Affairs 2021 Report*, (Mar. 2021), at 8, <https://www1.nyc.gov/assets/immigrants/downloads/pdf/MOIA-2021-Report.pdf>. [↑](#footnote-ref-67)
67. Mayor’s Office of Immigrant Affairs, *supra* note 67at 19. [↑](#footnote-ref-68)
68. The neighborhoods engaged were the Lower East Side and Chinatown, Kingsbridge, and Jackson Heights. [↑](#footnote-ref-69)
69. Association for Neighborhood & Housing Development, *The Forgotten Tenants: New York City’s Immigrant Small Business Owners* (Mar. 2019), <https://anhd.org/report/forgotten-tenants-new-york-citys-immigrant-small-business-owners>. [↑](#footnote-ref-70)
70. *Id.* [↑](#footnote-ref-71)
71. *See* Committee on Small Business. Int. 116-2022. The New York City Council. <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5534259&GUID=C1D63171-F341-4D11-AD65-3A57F3DE92DB>. [↑](#footnote-ref-72)
72. *Small Business Resource Guide: New York City Edition 2019*, U.S. Small Business Administration, <https://www.sba.gov/sites/default/files/files/resourceguide_3135.pdf> [↑](#footnote-ref-73)
73. *Resources for Entrepreneurs,* Department of Labor, <https://www.labor.ny.gov/seap/entrepreneur-resources.shtm> [↑](#footnote-ref-74)
74. *Business Services,* NYC BUSINESS, <https://www1.nyc.gov/nycbusiness/topicpage/support-for-businesses> [↑](#footnote-ref-75)
75. *Business Courses*, NYC Business, <https://www1.nyc.gov/nycbusiness/article/business-courses>. [↑](#footnote-ref-76)
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77. *Get Free Financial Counseling*, NYC Consumer and Worker Protection, <https://www1.nyc.gov/site/dca/consumers/get-free-financial-counseling.page>. [↑](#footnote-ref-78)
78. *Id.* [↑](#footnote-ref-79)
79. *Entrepreneurship Assistance Centers*, Empire State Development,<https://esd.ny.gov/entrepreneurship-assistance-centers>. [↑](#footnote-ref-80)
80. *Learning Center*, U.S. Small Business Administration, <https://www.sba.gov/learning-center>. [↑](#footnote-ref-81)
81. *Immigrant Business Services*, NYC Business, <https://www1.nyc.gov/nycbusiness/article/immigrant-business-initiative>. [↑](#footnote-ref-82)
82. NYC Small Business Services, *Building Your Business in New York City*, <https://www1.nyc.gov/assets/sbs/downloads/pdf/about/reports/ibi_toolkit.pdf>. [↑](#footnote-ref-83)
83. Such as Minority and Women-owned Business Enterprise (M/WBE), Emerging Business Enterprise (EBE), and Locally-based Business Enterprise (LBE). [↑](#footnote-ref-84)
84. NYC Small Business Services, *Language Access Implementation Plan (Local Law 30)* (June 2021), <https://www1.nyc.gov/assets/sbs/downloads/pdf/about/sbs_lap.pdf>. [↑](#footnote-ref-85)
85. *Id.* [↑](#footnote-ref-86)
86. Center for an Urban Future & The Center for Popular Democracy, *supra* note 7171. [↑](#footnote-ref-87)
87. Asian American Federation, *NYC’s Economic Engine: Contributions & Challenges of Asian Small Businesses* (Dec. 2016), <http://www.aafny.org/doc/AAF_small_biz.pdf>. [↑](#footnote-ref-88)
88. Association for Neighborhood & Housing Development, *supra* note 75. [↑](#footnote-ref-89)
89. *Id.*  [↑](#footnote-ref-90)
90. Advocates have contended that oftentimes, the existing methods of language access, such as LanguageLine or Google Translate, are ineffective for business owners who may receive incorrect translations and, accordingly, incorrect instructions for complying with City requirements. Testimony before the Committees on Governmental Operations and Immigration on Oct. 25, 2018, <https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=639704&GUID=18F795AF-0518-459B-9921-44FDE2D093CD&Options=info&Search=> and Committee on Immigration on June 12, 2019, <https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=696617&GUID=25302E16-DDC6-4DD1-AB44-182AA8F1726A&Options=info&Search=>. [↑](#footnote-ref-91)
91. Association for Neighborhood & Housing Development, *supra* note 75. [↑](#footnote-ref-92)