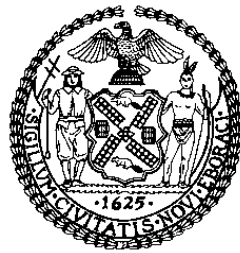


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**The Council of the City of New York**

**COMMITTEE REPORT AND BRIEFING PAPER OF THE JUSTICE AND  
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**COMMITTEE ON IMMIGRATION**

Hon. Carlos Menchaca, *Chair*

**COMMITTEE ON GOVERNMENTAL AFFAIRS**

Hon. Fernando Cabrera, *Chair*

**November 23, 2020**

**Oversight: Language Access and Emergency Preparedness**

**Int. No. 63-2018:** By Council Member Cornegy, Jr., (by request of the Manhattan Borough President)

**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 departments of consumer affairs and health and mental hygiene to be in the receiving business owner's language of choice

**Charter:** Amends section 15

**Int. No. 1868-2020:** By Council Member Torres, Ayala, Cabrera, Lander, Gjonaj and Chin

**Title:** A Local Law to amend the New York city charter, in relation to establishing an office of Puerto Rico-New York City affairs

**Charter:** Adds a new section 20-h

## I. INTRODUCTION

On November 23, 2020, the Committees on Immigration, chaired by Council Member Carlos Menchaca, and Governmental Operations, chaired by Council Member Fernando Cabrera, will conduct a joint oversight hearing titled “Language Access and Emergency Preparedness.” The Committee on Governmental Operations will also hear two pieces of legislation: Int. No. 63, sponsored by Council Member Cornegy, Jr. (by request of the Manhattan Borough President), in relation to requiring written communications regarding the results of inspections from the departments of consumer affairs and health and mental hygiene to be in the receiving business owner’s language of choice; and Int. No. 1868, sponsored by Council Member Torres, in relation to establishing an office of Puerto Rico-New York City affairs. Those invited to testify include the New York City Mayor’s Office of Operations, the Mayor’s Office of Immigrant Affairs, immigration advocates, and members of the public.

## II. BACKGROUND

### *Office of the Language Services Coordinator (“OLSC”)*

On November 7, 1989, the voters of the City approved a Charter referendum establishing an Office of the Language Services Coordinator within the Mayor’s Office.<sup>1</sup> 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

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<sup>1</sup> See NYC Charter §15(c); see also NYC CHARTER REVISION COMMISSION, *Summary of Final Proposals* at 29 (August 1989), [https://www1.nyc.gov/assets/charter/downloads/pdf/1989\\_final\\_report.pdf](https://www1.nyc.gov/assets/charter/downloads/pdf/1989_final_report.pdf).

library of written materials published by City agencies in such languages.<sup>2</sup>

#### *Mayor's Office of Immigrant Affairs*

An Office of Immigrant Affairs was established within the Mayor's executive office by a Charter referendum approved by the voters on November 6, 2001.<sup>3</sup> This office's mission is to "promote the utilization of city services by all its residents including... speakers of foreign languages."<sup>4</sup> 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.<sup>5</sup> It also manages a citywide list of translators and interpreters to facilitate communication between City agencies and foreign language speakers.<sup>6</sup>

#### *Executive Order ("EO") 120*

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.<sup>7</sup> It required that,

[a]ll City agencies that provide direct public services shall ensure meaningful access to such services by taking reasonable steps to develop and implement agency-specific language assistance plans regarding LEP persons... For agencies that provide services to the public that are not programmatic in nature, such as emergency services, the provisions of this order shall be implemented to the degree practicable.<sup>8</sup>

Under this EO, agencies were given flexibility to determine the appropriate language assistance for their service populations, but were required to designate a Language Access

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<sup>2</sup> NYC Charter §15(c).

<sup>3</sup> See NYC Charter §18(a); see also NEW YORK CITY CHARTER REVISION COMMISSION, *Making Our City's Progress Permanent* (September 2001), [http://www.nyc.gov/html/records/rwg/charter/pdf/report\\_090501\\_full.pdf](http://www.nyc.gov/html/records/rwg/charter/pdf/report_090501_full.pdf).

<sup>4</sup> NYC Charter §18(a).

<sup>5</sup> NYC Charter §18(b).

<sup>6</sup> *Id.*

<sup>7</sup> N.Y.C. Mayor. Exec. Order No. 120, available at [http://www.nyc.gov/html/om/pdf/2008/pr282-08\\_eo\\_120.pdf](http://www.nyc.gov/html/om/pdf/2008/pr282-08_eo_120.pdf).

<sup>8</sup> *Id.* at §1.

Coordinator, and develop a language access plan.<sup>9</sup> The plans were required to consider four factors: i) the number or proportion of limited English proficient (“LEP”) persons in the eligible service population, ii) the frequency with which LEP individuals come into contact with the agency, iii) the importance of the benefit or service to the LEP person, and iv) the resources available to the agency and the costs of providing various types of language services.<sup>10</sup> The agencies were to provide services in languages based on at least the top six LEP languages spoken in New York City, based on United States Census data, and as those languages were relevant to services offered by each agency.<sup>11</sup> 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.<sup>12</sup>

#### *Local Laws on Language Access and Local Law 30 of 2017*

Many local laws have included provisions for language access in specific instances. For example, during the last Council session alone, the Council enacted laws requiring translations of localized emergency preparedness materials;<sup>13</sup> translations of e-mail and text message notifications to voters;<sup>14</sup> oral summaries of the inmate bill of rights for persons whose preferred language is outside of the City’s language access plan;<sup>15</sup> the translation of lectures or educational

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<sup>9</sup> *Id.* at §2.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> Local Law 17 of 2015, *available at*

<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1946557&GUID=A1589FAB-AF94-49D1-A856-BE6C3372DF18&Options=ID|Text|&Search=2015%2f017>.

<sup>14</sup> Local Law 64 of 2016, *available at*

<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1891009&GUID=D2E74CB2-75AC-4479-AC5B-0854708379E3&Options=ID|Text|&Search=2016%2f064>.

<sup>15</sup> Local Law 91 of 2015, *available at*

<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=2272791&GUID=C8A1E464-2342-4CE3-AA8A-6BCA1D45DB4A&Options=ID|Text|&Search=2015%2f091>.

materials related to business education events;<sup>16</sup> the translation of a business owner's bill of rights;<sup>17</sup> the translation of elevator work occupant notifications into Spanish and other languages;<sup>18</sup> consumer protection educational materials;<sup>19</sup> disclosures in a campaign finance independent expenditure communication;<sup>20</sup> a housing information guide for tenants in Spanish and other languages;<sup>21</sup> and the collection of demographic data regarding ancestry and languages spoken.<sup>22</sup> Similar piecemeal language access laws were passed in prior sessions as well. 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, which was cited as one impetus for the issuance of EO 120.<sup>23</sup>

Nevertheless, none of the above laws was as wide-ranging in scope as EO 120, and so in 2017 the Council passed Local Law 30 to codify and expand on that EO.<sup>24</sup>

Local Law 30 requires covered agencies to provide language access services for all

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<sup>16</sup> Local Law 68 of 2015, *available at* <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=2253273&GUID=BBB1B769-6F2F-4AA9-B4DC-8DC210350D81&Options=ID|Text|&Search=2015%2f068>.

<sup>17</sup> Local Law 65 of 2015, *available at* <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=2253275&GUID=E2F69B3A-F58D-411D-A488-4DF4A702C907&Options=ID|Text|&Search=2015%2f065>.

<sup>18</sup> Local Law 47 of 2015, *available at* <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1687986&GUID=59F6D0E2-C1F1-4EAC-BD89-D1040BF9333E&Options=ID|Text|&Search=2015%2f047>.

<sup>19</sup> Local Law 28 of 2015, *available at* <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1891014&GUID=093875CD-9435-4A2A-82EE-E1FE2FE44828&Options=ID|Text|&Search=2015%2f028>.

<sup>20</sup> Local Law 41 of 2014, *available at* <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1681064&GUID=08A82B42-14F8-4A56-B7CD-501FA594C5FD&Options=ID|Text|&Search=2014%2f041>.

<sup>21</sup> Local Law 45 of 2014, *available at* <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1672671&GUID=0B58BF47-77A4-4DD4-AC47-EDA3BE05B825&Options=ID|Text|&Search=2014%2f045>.

<sup>22</sup> Local Law 126 of 2016, *available at* <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1709693&GUID=DF6A0998-A600-43B1-96FD-8C3F91F3A7B5&Options=ID|Text|&Search=2016%2f126>.

<sup>23</sup> N.Y.C. Mayor. Exec. Order No. 120, *supra* note 7, at 1.

<sup>24</sup> *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>.

designated citywide languages.<sup>25</sup> Covered agencies are defined as those that provide services directly to a program beneficiary, participant or applicant, or those who provide emergency services.<sup>26</sup> 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.<sup>27</sup> Six of these languages are the top six 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).<sup>28</sup> The current citywide designated languages are:<sup>29</sup>

1. Spanish
2. Chinese\*
3. Russian
4. Bengali
5. Haitian Creole\*\*
6. Korean
7. Arabic
8. Urdu
9. French
10. Polish

\* The Census Bureau includes all dialects of Chinese (Mandarin, Cantonese, Taiwanese, Fujianese, Hakka, etc.) under the umbrella term of Chinese.<sup>30</sup>

\*\* The Census Bureau specifies French Creole but in the NYC context this has been judged to mean Haitian Creole.<sup>31</sup>

The Administration periodically updates this list of designated languages based on updated

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<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> 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 Nov. 19, 2020).

<sup>30</sup> NYC MAYOR’S OFFICE OF IMMIGRANT AFFAIRS AND MAYOR’S OFFICE OF OPERATIONS, *Local Law 30 Report* (June 2019), [https://www1.nyc.gov/assets/immigrants/downloads/pdf/Local\\_Law\\_30.pdf](https://www1.nyc.gov/assets/immigrants/downloads/pdf/Local_Law_30.pdf).

<sup>31</sup> *Id.* At the time the languages were designated in 2017, there was a significant gap between the last of the census data languages (Korean) and the next most commonly spoken LEP language based on census data (Italian), in terms of the number of New Yorkers who speak those languages. There is, however, a much smaller gap between the last of the DOE data languages (Polish) and the next two most commonly spoken LEP languages based on DOE data (Punjabi and Albanian).

census and DOE data, and as the composition of the City changes in future years, the list of designated languages may change.

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.<sup>32</sup> 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.<sup>33</sup> 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.<sup>34</sup>

The OLSC, in consultation with MOIA, is responsible for coordinating and guiding the development of these plans. They are required to collect annual reports from covered agencies regarding the implementation of the 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.<sup>35</sup> They are also required to make

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<sup>32</sup> Local Law 30 of 2017, *supra* note 24.

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*



recommendations to agencies on specific programs for which the providing of service in a language not already required might be beneficial.<sup>36</sup> Finally, the law requires the OLSC, in consultation with MOIA, to submit an annual report on language access, which includes both data on language access and a copy of each agency’s implementation plan.<sup>37</sup> The first annual report was issued on June 30, 2018. The administration provided the next annual report in 2019, but thus far, has not done so in 2020, citing the COVID-19 pandemic.

### **III. LOCAL LAW 30 COMPLIANCE**

In 2018, the Governmental Operations and Immigration Committees held an oversight hearing to examine the first iteration of language access plans produced by City agencies.<sup>38</sup> While the agencies demonstrated considerable compliance with the core requirements of Local Law 30, there were several areas that were arguably lacking. Prior to this oversight hearing, City agencies did not consistently post the name and title of their designated language access coordinator on their agency website, as the law requires. Since 2018, this has largely been rectified. Prior to this oversight hearing, City agencies did not consistently post their updated language access plans on their website, as the law requires. To date, most covered agencies have posted a language access implementation plan pursuant to Local Law 30 of 2017. The exception is the New York City Housing Authority (“NYCHA”), whose most recent publicly posted plan is from 2015.<sup>39</sup>

The most recent Local Law 30 annual report, published in 2019, does not provide any

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<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> 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>.

<sup>39</sup> See NEW YORK CITY HOUSING AUTHORITY, *Language Assistance Services Implementation Plan* (September 2015), <https://www1.nyc.gov/site/nycha/about/language-access.page>.

indication as to whether OLSC and MOIA updated their analysis of census and DOE data to revise the citywide designated languages to adapt to changing LEP populations, if necessary, raising questions if an annual analysis was conducted.<sup>40</sup>

Local Law 30 requires agency language access plans to provide for the identification and translation of essential documents, or “those documents most commonly distributed to the public that contain or elicit important and necessary information regarding the provision of basic city services.”<sup>41</sup> Periodic reviews of agency websites have raised concerns that agencies were not providing services equally across all ten designated languages. In 2018, Committee staff reviewed covered agency websites and found that while many agencies stated in their plans that they translate documents in the ten designated languages, there were very few documents translated into all ten languages available on their websites. In the 2019 Local Law 30 annual report, agencies re-submitted implementation plans from 2018, and MOIA provided some highlights of language access accomplishments over the prior year, but did not go into detail about agency efforts to address this lack of sufficient translated documents.<sup>42</sup> In 2020, a Committee review of covered agency websites has revealed that the availability of translated documents still varies widely by agency and within agency. For example, the Department of Health and Mental Hygiene (“DOHMH”) only provides instructions for requesting a death certificate in Spanish, Haitian Creole, and Russian, but provides death certificate applications in 12 languages (Yiddish and Italian are included, in addition to the top 10 languages).<sup>43</sup> At the same time, DOHMH only provides applications for immunization records in Spanish, Chinese (simplified and traditional),

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<sup>40</sup> See NYC MAYOR’S OFFICE OF IMMIGRANT AFFAIRS AND MAYOR’S OFFICE OF OPERATIONS, *supra* note 30.

<sup>41</sup> Local Law 30 of 2017, *supra* note 24.

<sup>42</sup> See NYC MAYOR’S OFFICE OF IMMIGRANT AFFAIRS AND MAYOR’S OFFICE OF OPERATIONS, *supra* note 30, at 2.

<sup>43</sup> NYC DEPARTMENT OF HEALTH AND MENTAL HYGIENE (DOHMH), Death Certificates, *available at* <https://www1.nyc.gov/site/doh/services/death-certificates.page> (last visited Nov. 19, 2020).

and Russian.<sup>44</sup> While the Department of Buildings appears to offer one flyer on tenant safety in nine of the ten designated citywide languages (omitting French), and Yiddish,<sup>45</sup> the rest of the website is in English, relying on a widget to translate webpages, and there are no translations for hundreds of applications and forms.<sup>46</sup> The Department of Consumer and Worker Protection (“DCWP”) does not provide translations of all documents in the ten designated languages, making it difficult to determine which documents are considered essential. For example, of the 23 types of informational flyers about prevalent scams, only information about COVID-19-related scams was translated into the ten designated citywide languages, with three other flyers translated in three to six languages,<sup>47</sup> and the agency’s flyer relating to immigrant-targeted scams not available in French.<sup>48</sup>

Committee staff also observed in 2018 that the provision of Chinese language services seemed to vary according to agency discretion, as Local Law 30 does not distinguish between Chinese dialects (Mandarin, Cantonese, Hakka, Fujianese, and Taiwanese) or writing systems (simplified and traditional). The Department of Design and Construction (“DDC”) and the Department of Social Services (“DSS”), which includes the Human Resources Administration (“HRA”) and the Department of Homeless Services (“DHS”), are the only City agencies that updated their plans in 2019 to specify use of both character styles in their translated

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<sup>44</sup> NYC DOHMH, Vaccine Records, available at <https://www1.nyc.gov/site/doh/services/cir-parents-guardians.page> (last visited Nov. 19, 2020).

<sup>45</sup> NYC DEPARTMENT OF BUILDINGS (DOB), Tenant Resources, available at <https://www1.nyc.gov/site/buildings/renter/tenant-resources.page> (last visited Nov. 19, 2020).

<sup>46</sup> See NYC DOB, Licensing Forms, available at <https://www1.nyc.gov/site/buildings/industry/applications-forms.page> (last visited Nov. 19, 2020); see also NYC DOB, Homeowner Resources, available at <https://www1.nyc.gov/site/buildings/homeowner/resources.page> (last visited Nov. 19, 2020); NYC DOB, Construction Safety Resources, available at <https://www1.nyc.gov/site/buildings/safety/resources.page> (last visited Nov. 19, 2020).

<sup>47</sup> See NYC DEPARTMENT OF CONSUMER AND WORKER PROTECTION (DCWP), Consumers Tips on Scams, available at <https://www1.nyc.gov/site/dca/consumers/scams.page> (last visited Nov. 19, 2020).

<sup>48</sup> See NYC DCWP, Consumer Protection Tips for Immigrants, available at <https://www1.nyc.gov/site/dca/consumers/immigrants.page> (last visited Nov. 19, 2020).

documents.<sup>49</sup> Periodic reviews have also revealed that agencies vary in the quality of their assessments of their service populations and provisions of language services in relation to that assessment.<sup>50</sup> Some agencies did not appear to provide translated documents that matched their service population assessments, and some could have conducted a more robust analysis of the populations they serve.<sup>51</sup> Staff reviews of agency plans in 2020 reveal that agencies have not updated their plans to address this particular issue.

An additional concern raised in 2018 was the mechanism in place for resolving language access complaints via the City’s 311 Customer Service Center (“311”).<sup>52</sup> Local Law 30 requires 311 to forward every complaint about language accessibility or request for additional language services to the Office of the Language Services Coordinator, who is then required to include a report on these language complaints and requests and how they were resolved in their annual report.<sup>53</sup> The 2018 and 2019 reports showed very few language access complaints reported to 311. In 2019, only the New York Police Department (“NYPD”) (18), DSS/HRA (15), DSS/DHS (23), the Department of Housing Preservation and Development (“HPD”) (3), DOHMH (1), DOF (1), and the Administration for Children’s Services (“ACS”) (8), reported receiving language access complaints via 311. Given that 311 received over 42 million inquiries in Fiscal Year 2019,<sup>54</sup> these very low numbers of language access complaints raise concerns that individuals may not be aware

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<sup>49</sup> NYC MAYOR’S OFFICE OF IMMIGRANT AFFAIRS AND MAYOR’S OFFICE OF OPERATIONS, *supra* note 30, at 124, 151, 310, and 325.

<sup>50</sup> THE COUNCIL OF THE CITY OF NEW YORK, COMMITTEE ON GOVERNMENTAL OPERATIONS AND COMMITTEE ON IMMIGRATION, *supra* note 38 at 11-12.

<sup>51</sup> *Id.*

<sup>52</sup> THE COUNCIL OF THE CITY OF NEW YORK, COMMITTEE ON GOVERNMENTAL OPERATIONS AND COMMITTEE ON TECHNOLOGY, *Briefing Paper for Oversight: 311 Customer Experience and Operations* (January 17, 2019), <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3723063&GUID=82CF9499-67A5-48FB-BAF1-2E230611B69B&Options=&Search=>.

<sup>53</sup> Local Law 30 of 2017, *supra* note 24.

<sup>54</sup> NEW YORK CITY’S MAYOR’S OFFICE, *Mayor’s Management Report* at 144 (September 2019), [https://www1.nyc.gov/assets/operations/downloads/pdf/mmr2019/2019\\_mmr.pdf](https://www1.nyc.gov/assets/operations/downloads/pdf/mmr2019/2019_mmr.pdf).

of 311's complaint mechanism. 311's process for connecting LEP callers with an interpreter in their preferred language can be laborious, and sometimes fails to correctly identify a caller's language and connect them with the correct interpreter,<sup>55</sup> which can further inhibit LEP individuals from placing a language access complaint with 311, after facing language access hurdles at City agencies. In the complaint resolution reporting in the Local Law 30 annual reports, Committee staff are concerned that agencies did not adequately describe how issues were resolved or which languages were spoken by those filing complaints, making it difficult for staff and the public to assess the complaint resolution or identify where agencies need updates to their language access plans. The Administration has not yet provided a Local Law 30 annual report for 2020, so it is unclear whether this issue has been addressed.

Finally, the Committees noted in 2018 that some agencies' language access plans did not adequately address the incorporation of language access planning in their emergency preparedness and response plans, as required by Local Law 30.<sup>56</sup> No comprehensive 2020 report has been published to date.

Committee staff reviewed covered City agencies' current language access plans and found that only DSS/HRA/DHS, DCWP, the Landmarks Preservation Commission ("LPC"), the Mayor's Office the Taxi and Limousine Commission ("TLC"), and the Department of Transportation ("DOT") published updated plans in 2020.<sup>57</sup> All other agency plans date back to 2018 or early 2019, or are unclear as to whether they have been reviewed and/or updated in 2020.

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<sup>55</sup> See THE COUNCIL OF THE CITY OF NEW YORK, COMMITTEE ON GOVERNMENTAL OPERATIONS AND COMMITTEE ON TECHNOLOGY, *supra* note 52; see also Gabriel Sandoval, *311 Tone Deaf on Language Options for Non-Native English Speakers*, THE CITY (Dec. 16, 2009), available at <https://www.thecity.nyc/2019/12/16/21210634/311-tone-deaf-on-language-options-for-non-native-english-speakers>.

<sup>56</sup> THE COUNCIL OF THE CITY OF NEW YORK, COMMITTEE ON GOVERNMENTAL OPERATIONS AND COMMITTEE ON IMMIGRATION, *supra* note 38 at 11.

<sup>57</sup> Local Law 30 went into effect on July 1, 2017, requiring covered City agencies to immediately develop language access plans, and to update them at least every three years. At minimum, all covered agencies should have posted an updated language access plan on their websites by July 1, 2020. See Local Law 30 of 2017.

#### **IV. COVID-19 PANDEMIC AND EMERGENCY PREPAREDNESS**

##### *COVID-19 Crisis in New York*

The rapid transmission of COVID-19 has devastated New York City. On March 22, 2020, New York City was designated the epicenter of the pandemic, with approximately five percent of confirmed COVID-19 cases worldwide.<sup>58</sup> As of November 20, 2020, there have been more than 57,738,663 confirmed COVID-19 cases worldwide, and the disease had claimed the lives of 1,373,332 people.<sup>59</sup> In the United States, there were 12,195,875 confirmed COVID-19 cases and 259,645 deaths.<sup>60</sup> New York State had confirmed 579,382 positive COVID-19 cases, and 26,257 related deaths.<sup>61</sup> Of those, New York City had reported 275,986 positive COVID-19 cases, and 19,517 confirmed deaths.<sup>62</sup>

On March 7, 2020, Governor Cuomo issued an EO declaring a disaster emergency for the State of New York.<sup>63</sup> This declaration was followed by a series of EOs,<sup>64</sup> referred to collectively as “New York On PAUSE,” which “closed or otherwise restricted public or private businesses or places of public accommodation” in order to slow the spread of COVID-19 throughout the state.<sup>65</sup> Meanwhile, Mayor de Blasio issued a number of EOs suspending, postponing, and modifying City government operations to promote social distancing in the City.<sup>66</sup> Among other things, these State

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<sup>58</sup> Jesse McKinley, *New York City Region Is Now an Epicenter of the Coronavirus Pandemic*, N.Y. TIMES (Mar. 22, 2020), <https://www.nytimes.com/2020/03/22/nyregion/Coronavirus-new-York-epicenter.html>.

<sup>59</sup> Worldometer, *COVID-19 Coronavirus Pandemic*, <https://www.worldometers.info/coronavirus/> (last visited November 20, 2020).

<sup>60</sup> *Id.*

<sup>61</sup> NEW YORK STATE DEPARTMENT OF HEALTH, COVID-19 Tracker, <https://covid19tracker.health.ny.gov/views/NYS-COVID19-Tracker/NYSDOHCOVID-19Tracker-Map?%3Aembed=yes&%3Atoolbar=no&%3Atabs=n> (last visited November 18, 2020).

<sup>62</sup> NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE, *COVID-19: Data*, <https://www1.nyc.gov/site/doh/covid/covid-19-data.page> (last visited November 18, 2020).

<sup>63</sup> N.Y. Gov. Exec. Order No. 202.

<sup>64</sup> N.Y. Gov. Exec. Order No. 202.3, 202.4, 202.5, 202.6, 202.7, 202.8, 202.10, 202.11, 202.13, 202.14, 202.28, and 202.31.

<sup>65</sup> N.Y. Gov. Exec. Order No. 202.31.

<sup>66</sup> *See, e.g.*, N.Y.C Mayor Exec. Order No. 99 and 100.

and local orders closed schools and businesses, and required government agencies at the State and City levels to drastically reduce the number of staff working in offices. Faced with an unprecedented state of emergency, ensuring language access for New Yorkers primarily communicating with City agencies remotely became significantly more critical.

### *Emergency Preparedness in Language Access Implementation Plans*

In order to focus the discussion at this hearing on language access during the City's COVID-19 response, Committee staff have reviewed publicly available emergency preparedness languages access plans for agencies most involved in the public-facing COVID-19 response.

Five agencies included in Committee staff's emergency preparedness review published new language access plans in 2020: DSS (which includes HRA and DHS), DCWP, the Mayor's Office (which includes MOIA and 17 other Mayoral offices covered under Local Law 30), TLC, and DOT. DSS's plan states that it "has updated its Emergency Preparedness Plan ... to ensure that all LEP clients are able to access services during an emergency," but it is not clear if or where this separate emergency preparedness plan exists.<sup>67</sup> DSS states that its emergency preparedness plan provides for ensuring that documents are translated, appropriate multi-lingual signage and LEP identification tools are available at emergency sites, interpreters can be contacted, and staff are trained in the provision of language services.<sup>68</sup> DSS also states that it has worked closely with MOIA and NYCEM to develop a plan to improve citywide coordination around LEP access to services during an emergency.<sup>69</sup>

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<sup>67</sup> See NYC DEPARTMENT OF SOCIAL SERVICES (DSS), HUMAN RESOURCES ADMINISTRATION (HRA) AND DEPARTMENT OF HOMELESS SERVICES (DHS), *Annual Report on Implementation of Language Access* (May 2020), <https://www1.nyc.gov/assets/hra/downloads/pdf/DSS-Final-2019-Annual-Report.pdf>.

<sup>68</sup> *Id.*

<sup>69</sup> *Id.*

Similarly to DSS, although the Department of Small Business Services (“SBS”) did not provide an updated plan in 2020, SBS stated it had “incorporated an Emergency Preparedness Plan to ensure that LEP customers are able to access language services during an emergency,” but it is not clear if and where this separate plan exists.<sup>70</sup> SBS’s plan refers to ensuring there is appropriate multilingual signage and LEP identification tools at emergency sites, but it is unclear what these sites would be in the SBS context.<sup>71</sup>

DCWP’s emergency preparedness section in their language access plan provides for senior leadership assessment of the situation and determination of what information needs to be relayed to the public.<sup>72</sup> Its Communications and Marketing staff then determines the best ways to convey information to the public, which would include 311, the DCWP website, and social media channels.<sup>73</sup>

The Mayor’s Office’s emergency preparedness section states that MOIA coordinates language access in certain emergencies, in partnership with NYCEM and DSS.<sup>74</sup> Further, when the emergency is of a certain scale, NYCEM triggers the “Language Access Lead Team,” comprised of NYCEM, MOIA, DSS, and other key agencies, to assess language access needs, determine provision of language services, and identify whether additional resources are needed.<sup>75</sup> The Mayor’s Office provides that covered offices are responsible for ensuring the materials they use in emergencies are translated.<sup>76</sup>

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<sup>70</sup> See NYC DEPARTMENT OF SMALL BUSINESS SERVICES (SBS), *Language Access Implementation Plan* (May 2018), [https://www1.nyc.gov/assets/sbs/downloads/pdf/about/sbs\\_lap.pdf](https://www1.nyc.gov/assets/sbs/downloads/pdf/about/sbs_lap.pdf).

<sup>71</sup> *Id.*

<sup>72</sup> NYC DCWP, *Language Access Implementation Plan* (May 2020), <https://www1.nyc.gov/assets/dca/downloads/pdf/about/DCA-Language-Access-Plan.pdf>.

<sup>73</sup> *Id.*

<sup>74</sup> NYC MAYOR’S OFFICE, *Language Access Implementation Plan* (February 2020), <https://www1.nyc.gov/assets/immigrants/downloads/pdf/MO-LAIP-2020.pdf>.

<sup>75</sup> *Id.*

<sup>76</sup> *Id.*



TLC’s emergency preparedness section states that the agency has a translated bank of standard emergency messages in the ten designated languages, as well as Hindi and Punjabi, and relies on contracted vendors or MOIA for expedited translation services as necessary.<sup>77</sup> Finally, DOT reports that its Customer Service, Language Access, and Correspondence Unit (“CSLACU”) is still finalizing an emergency translation plan for agency-wide translation and interpretation services, which will also involve deploying interpreters to an emergency site to provide immediate assistance.<sup>78</sup> The agencies discussed in the remainder of this section all played a role in the COVID-19 public-facing response, but their emergency preparedness language plans were not updated in 2020. As the City agency responsible for coordinating citywide emergency planning and response for all types and scales of emergencies, NYCEM has a comprehensive language access plan for emergencies (though it is unclear if and when the plan was updated since 2018). NYCEM produces “Ready New York” guides on various emergency preparedness topics, translated into the ten designated languages as well as Italian and Yiddish.<sup>79</sup> It also has Ready New York guides for businesses, but these are provided only in English and Spanish.<sup>80</sup> NYCEM’s Community Emergency Response Team (“CERT”) includes over 50 community-based teams made up of local volunteers trained to engage communities in disaster preparedness and emergency response, and CERT tries to recruit non-English speaking members, though the plan does not detail what languages the team members speak or are able to provide outreach in.<sup>81</sup> NYCEM’s “Notify NYC” emergency messaging system provides pre-translated messaging in 13 languages<sup>82</sup> (but, as

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<sup>77</sup> NYC TAXI & LIMOUSINE COMMISSION (TLC), *2019 Annual Language Access Report* (April 2020), [https://www1.nyc.gov/assets/tlc/downloads/About/language\\_access/language-access-annual-report-2019.pdf](https://www1.nyc.gov/assets/tlc/downloads/About/language_access/language-access-annual-report-2019.pdf).

<sup>78</sup> NYC DEPARTMENT OF TRANSPORTATION (DOT), *Annual Report on Implementation of Language Access* (March 2020), <https://www1.nyc.gov/html/dot/downloads/pdf/dot-language-access-plan.pdf>.

<sup>79</sup> NYC EMERGENCY MANAGEMENT (NYCEM), *NYC Emergency Management Language Access Policy* (2018), [https://www1.nyc.gov/assets/em/downloads/pdf/nycem\\_language\\_access\\_policy.pdf](https://www1.nyc.gov/assets/em/downloads/pdf/nycem_language_access_policy.pdf).

<sup>80</sup> *Id.*

<sup>81</sup> *Id.*

<sup>82</sup> *Id.*

discussed below, only provides real-time COVID-19-related text messages in English and Spanish). During emergencies, NYCEM maintains situational awareness of language needs that arise in the field and coordinates with responsible service agencies to meet those needs, as well as relaying updated information to 311 on a regular basis (311 provides assistance in 160 languages).<sup>83</sup> NYCEM states that during emergencies, its staff monitors the need for language assistance and the provision of language services and shares information with relevant agencies, but an Interagency Language Access Task Force can be activated if the needs of the affected populations exceed the capacity of the responding agency.<sup>84</sup> NYCEM’s Language Access Coordinator maintains a list of bilingual/multilingual staff and volunteers that can conduct presentations in non-English languages when needed, and contracts with vendors to provide translations and interpretation in many languages, including sign language.<sup>85</sup> NYCEM also works with agencies to ensure multi-lingual signage is available in emergencies.<sup>86</sup> NYCEM’s language access plan also provides that after every emergency incident, it conducts an “after-action” discussion with staff to assess where gaps in service, include gaps in language access, occurred, and issues a report containing recommendations and corrective actions which is distributed to NYCEM staff and City agencies involved in the response.<sup>87</sup> NYCEM then tracks the implementation of corrective actions.<sup>88</sup> It says that the lead service agency, or the Interagency Language Access Task Force, if activated, is responsible for keeping records of language access services provided during each incident.<sup>89</sup>

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<sup>83</sup> *Id.*

<sup>84</sup> *Id.*

<sup>85</sup> *Id.*

<sup>86</sup> *Id.*

<sup>87</sup> *Id.*

<sup>88</sup> *Id.*

<sup>89</sup> *Id.*

DOHMH was a critical agency during the City’s COVID-19 response. According to their available language access plan (likely last updated in 2018), DOHMH has its own Office of Emergency Preparedness and Response (“OEPR”) to create and evaluate language access protocols for during and after an emergency.<sup>90</sup> This office employs canvassers to identify LEP residents and provide in-language services during and after a disaster, and its front-line staff are continually trained on how to engage in linguistically and culturally-appropriate interactions with LEP clients.<sup>91</sup> DOHMH’s plan states that it provides emergency notifications in the ten designated languages as well as Italian and Yiddish.<sup>92</sup>

FDNY/EMS’s language access plan (last updated in April 2019) provides for helpful emergency preparedness information in the ten languages, and reports that FDNY staff have image cards to help LEP individuals identify common problems by pointing to a picture.<sup>93</sup> The NYPD (whose language access plan was last updated in August 2018) states that its officers and the public have access to Language Line interpreters and maintains a corps of 2,452 volunteer interpreters from its uniformed and civilian staff that are available to interpret in over 85 different languages.<sup>94</sup> In its 2018 plan, the NYPD noted that a 2020 milestone was to test and certify all 911 call-takers who identify proficiency in a non-English language, but no update has been provided in 2020.<sup>95</sup>

OCME, an agency heavily involved in responding to the tens of thousands of COVID-19 deaths in the City, provides limited emergency preparedness details in their language access plan (last updated in June 2019), reporting that in the event of a mass fatality incident, OCME “is

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<sup>90</sup> NYC DOHMH, *Language Access Implementation Plan*, <https://www1.nyc.gov/assets/doh/downloads/pdf/language-access/language-access-implementation-plan.pdf>.

<sup>91</sup> *Id.*

<sup>92</sup> *Id.*

<sup>93</sup> NYC FIRE DEPARTMENT (FDNY), *Annual Report on Implementation of Language Access* (April 2019), <https://www1.nyc.gov/assets/fdny/downloads/pdf/about/laip-final.pdf>.

<sup>94</sup> NYC POLICE DEPARTMENT (NYPD), *NYPD Language Access Plan* (August 2018), [https://www1.nyc.gov/assets/nypd/downloads/pdf/public\\_information/language-access-plan-aug-2018.pdf](https://www1.nyc.gov/assets/nypd/downloads/pdf/public_information/language-access-plan-aug-2018.pdf).

<sup>95</sup> *Id.*

prepared to assist LEP individuals seeking information through the use of volunteer employee translators and Language Line.”<sup>96</sup>

The Department of Sanitation (“DSNY”), which was mobilized to assist with emergency food distribution during the pandemic, stated in its 2018 plan that it works with NYCEM as the primary conduit for urgent public notifications during emergencies, and provides press releases and alerts on its website which can then be translated into various languages.<sup>97</sup>

DFTA’s language access plan (last updated in June 2018) stated that materials produced by the agency’s Bureau of Emergency Preparedness (“BEP”) would be translated into the ten designated languages and stated that a list of commonly distributed BEP documents was included in an appendix to the plan, but no such appendix is posted online.<sup>98</sup> DFTA also stated that information on emergency preparedness provided to community partners would be translated into the appropriate languages, and that language access would be incorporated into the agency’s Continuity of Operations plan.<sup>99</sup>

DOB’s plan (last updated in July 2018) stated that a languages access representative would be added to DOB’s Continuity of Operations planning committee.<sup>100</sup> It also stated that DOB’s Emergency Response Team has access to Language Line and has received language access

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<sup>96</sup> NYC OFFICE OF THE CHIEF MEDICAL EXAMINER, *Language Access Policy and Implementation Plan* (June 2019), [https://www1.nyc.gov/assets/ocme/downloads/pdf/lap\\_ocme.pdf](https://www1.nyc.gov/assets/ocme/downloads/pdf/lap_ocme.pdf).

<sup>97</sup> NYC DEPARTMENT OF SANITATION (DSNY), *Language Access Plan* (2018), [http://dsny.cityofnewyork.us/wp-content/uploads/2018/07/Language\\_Access-Plan\\_2018.pdf](http://dsny.cityofnewyork.us/wp-content/uploads/2018/07/Language_Access-Plan_2018.pdf).

<sup>98</sup> NYC Department for the Aging (DFTA), *Department for the Aging (DFTA) Language Access Policy and Plan Fiscal Year 2018* (June 2018), <https://www1.nyc.gov/assets/dfta/downloads/pdf/about/LanguageAccessPlan2018.pdf>.

<sup>99</sup> *Id.*

<sup>100</sup> NYC DOB, *Language Access Implementation Plan* (July 2018), <https://www1.nyc.gov/assets/buildings/pdf/lap.pdf>.

training.<sup>101</sup> DOB’s 2018 plan indicated that it would provide communications to the public, including emergency notifications and alerts, in the ten designated languages by June 2019.<sup>102</sup>

HPD’s plan (last updated in May 2018), noted that it would rely on its bilingual staff and the City’s volunteer language bank for language access during emergency site visits, and on its existing contracted language services in the event of a general emergency.<sup>103</sup> It stated that during a large emergency incident, the Interagency Language Access Task Force would be activated via NYCEM, and HPD would channel its emergency language access requests through that body.<sup>104</sup> Finally, HPD’s plan stated that by the first quarter of 2018, it would create a “LEP-specific emergency plan,” the details or status of which are unknown.<sup>105</sup>

#### *MOIA’s COVID-19 Response*

On July 30, 2020, MOIA updated Committee staff on the City’s general efforts regarding language access in its COVID-19 response since early March 2020. By shifting priorities, MOIA exponentially increased the number of COVID-19 related translations completed and the timeliness of information published. MOIA worked with a vendor to ensure translations were completed in a 48-hour period for the ten designated citywide languages and a 24-hour period where possible. MOIA shared that once documents were translated, MOIA’s outreach team relied on a variety of digital platforms to disseminate information to affected communities.

Along with the Office of the Language Services Coordinator, MOIA collaborated with City agencies to improve language access throughout the pandemic. MOIA convened a working group with the Department of Information Technology (“DoITT”) specifically around language access

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<sup>101</sup> *Id.*

<sup>102</sup> *Id.*

<sup>103</sup> NYC DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT (HPD), *Language Access Plan* (May 2018), <https://www1.nyc.gov/assets/hpd/downloads/pdfs/about/hpd-language-access-plan.pdf>.

<sup>104</sup> *Id.*

<sup>105</sup> *Id.*

through City agency websites and 311 complaint processing, creating a new policy that routed complaints to MOIA in addition to the implicated City agency, for improved oversight. MOIA worked with OCME to overhaul their website and ensure that in-language materials were easily accessible. MOIA and DOHMH developed a glossary of terms with translations related to COVID-related health information and shared these with agencies and vendors. MOIA worked with SBS, the Mayor's Office of Tenant Protection, and other agencies to ensure that important COVID-19 related updates were translated, and increased access to telephonic interpretation. MOIA also helped create multilingual messaging on the Mayor's Office of Tenant Protection hotline.

### *Issues faced by LEP Communities During the COVID-19 Emergency*

The COVID-19 pandemic has exacerbated many language access issues and revealed additional gaps in the City's provision of appropriate and timely language access to its residents. For example, in March, the City quickly set up an official text-message notification service, under the City's pre-existing Notify NYC system, to relay rapidly changing COVID-19 information from City agencies to New Yorkers, but this service was initially only available in English, and thus vital public health and safety information was not reaching many immigrant communities in the first few weeks of the pandemic.<sup>106</sup> While MOIA ultimately adapted to translating important notices from the City and posting them to their Twitter and other social media, it was unclear whether the City was doing enough outreach in the channels traditionally used by immigrant communities, such as WeChat, WhatsApp, etc.<sup>107</sup> MOIA eventually participated in ethnic media outreach and began doing outreach with immigrant communities through apps and social media

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<sup>106</sup> Gabriel Sandoval, *Coronavirus Updates Slow to Reach NYC's Non-Native English Speakers*, THE CITY (March 13, 2020), <https://www.thecity.nyc/health/2020/3/13/21210455/coronavirus-updates-slow-to-reach-nyc-s-non-native-english-speakers>; Sarah Amandolare, Laird Gallagher, Jonathan Bowles, and Eli Dvorkin, *Under Threat & Left Out: NYC's Immigrants and the Coronavirus Crisis*, CENTER FOR AN URBAN FUTURE (June 2020) <https://nycfuture.org/research/under-threat-and-left-out>

<sup>107</sup> *Id.*

used by these communities. NYCEM, the City agency that operates Notify NYC, eventually made Notify NYC COVID-19-related text messages available in Spanish.<sup>108</sup>

In addition to public messaging, City agencies at the forefront of the pandemic were also facing significant issues related to language access. As the City was issuing new regulations and announcing new programs for small businesses in New York City, SBS was not promptly offering that information in the top 10 citywide languages, leading advocates to raise concerns regarding a lack of language access for Asian-American business communities, who were devastated by the pandemic.<sup>109</sup> For example, many business owners, who spoke limited English and whose sales were hurt by concerns of the virus, were originally not aware of the Mayor’s offer to provide no-interest loans of up to \$75,000 to struggling businesses, as that aid was first only advertised on the English-only text messaging service.<sup>110</sup> The City also had difficulties in supporting the language access needs of immigrants across the city in making funeral arrangements for their deceased loved ones, as many non-English speaking families struggled to navigate the system and were subjected to price gouging.<sup>111</sup>

The New York City Department of Education (“DOE”) has also struggled to provide interpretation and translation services to parents who are LEP and students who are English Language Learners (“ELL”), a group that comprises more than 40 percent of all families in the

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<sup>108</sup> NEW YORK CITY EMERGENCY MANAGEMENT, *NYC Emergency Management Language Access Policy*, [https://www1.nyc.gov/assets/em/downloads/pdf/nycem\\_language\\_access\\_policy.pdf](https://www1.nyc.gov/assets/em/downloads/pdf/nycem_language_access_policy.pdf) (last visited Nov. 20, 2020).

<sup>109</sup> Samar Khurshid, *Members of De Blasio’s Small Business Advisory Council Frustrated by Lack of Communication, Progress*, GOTHAM GAZETTE, Oct. 9, 2020, [https://www.gothamgazette.com/city/9810-de-blasio-small-business-advisory-council-coronavirus?mc\\_cid=ef45169e91&mc\\_eid=46585a506c](https://www.gothamgazette.com/city/9810-de-blasio-small-business-advisory-council-coronavirus?mc_cid=ef45169e91&mc_eid=46585a506c).

<sup>110</sup> Gabriel Sandoval, *Coronavirus Updates Slow to Reach NYC’s Non-Native English Speakers*, THE CITY, Mar. 13, 2020, <https://www.thecity.nyc/health/2020/3/13/21210455/coronavirus-updates-slow-to-reach-nyc-s-non-native-english-speakers>.

<sup>111</sup> Jessica Parks, *Undocumented immigrants face hardship in accessing funeral services during pandemic*, AMNEWYORK, Jun. 2, 2020, <https://www.amny.com/coronavirus/undocumented-immigrants-face-hardship-in-accessing-funeral-services-during-pandemic/>.

DOE.<sup>112</sup> As schools shifted to remote learning platforms during the COVID-19 pandemic, LEP parents reported that communication from schools only worsened, leaving thousands of LEP parents and students behind.<sup>113</sup> For example, in a study conducted by the Global Strategy Group, only 33 percent of New York City public school parents reported that they received technical assistance to prepare for distance learning—a failure that has an outsized impact on LEP parents who cannot readily access information online, as the DOE’s survey to parents to request computer or iPads was initially only sent to families in English.<sup>114</sup>

Additional language access issues were raised in the NYC Test and Trace program and the provision of healthcare. For example, until October, the program had fewer than six Yiddish speakers on staff, out of the approximately 3,600-person-strong contact-tracing corps it had recruited.<sup>115</sup> Such a small number of Yiddish speakers was problematic as the City tried to contain clusters of high COVID-19 infection rates in several neighborhoods with large Yiddish-speaking Orthodox Jewish populations in September.<sup>116</sup> Furthermore, for families turning to NYC Health + Hospitals (“H+H”), the City’s public hospital system, for free COVID-19 testing, many reported finding language interpretation services in short supply, even though H+H is supposed to offer assistance in more than 200 languages with the help of a phone service.<sup>117</sup> This language gap affected everything from the accurate recording of patient contact information to the discharge

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<sup>112</sup> Amy Leipziger, *Needed: School translation services for immigrant families*, NEW YORK DAILY NEWS, Sept. 17, 2020, <https://www.nydailynews.com/opinion/ny-oped-school-translation-immigrant-families-20200917-jtybrbpu5jhl5kv6nxsas7qh5u-story.html>.

<sup>113</sup> *Id.*

<sup>114</sup> *Id.*

<sup>115</sup> Nolan Hicks & Julia Marsh, *NYC tracing program has few speakers for Orthodox Jews amid COVID-19 outbreak*, NEW YORK POST, Sept. 30, 2020, [https://nypost.com/2020/09/30/nyc-covid-19-tracers-have-few-speakers-for-orthodox-jewish-outbreak/?mc\\_cid=1fbf62a1e4&mc\\_eid=37d5b46595](https://nypost.com/2020/09/30/nyc-covid-19-tracers-have-few-speakers-for-orthodox-jewish-outbreak/?mc_cid=1fbf62a1e4&mc_eid=37d5b46595).

<sup>116</sup> Nolan Hicks & Jorge Fitz-Gibbon, *Four NYC areas, including Brooklyn ‘cluster,’ have 20 percent of city COVID-19 cases*, NEW YORK POST, Sept. 22, 2020, <https://nypost.com/2020/09/22/four-nyc-areas-have-20-percent-of-citys-covid-19-cases/>.

<sup>117</sup> Anastassia Gliadkovskaya, *Many COVID Test-Seekers Lost in Translation at City-Run Testing Sites, Say Staff*, THE CITY, Aug. 24, 2020, <https://www.thecity.nyc/2020/8/24/21400207/covid-test-translation-return-to-school>.



instructions given to those tested.<sup>118</sup> According to media reports, while H+H claimed that their testing sites were equipped with at least one phone connected to interpretation services, given the need for language services one phone was insufficient to meet the need, and reported waits 30 minutes or longer to reach an interpreter.<sup>119</sup> Language access issues also posed additional hurdles for hospitals across New York City that were overwhelmed by the pandemic.<sup>120</sup> Research has shown that even in normal times, those who don't speak English have worse health outcomes for a range of routine procedures and can struggle to get access to interpreters.<sup>121</sup> These gaps were significantly magnified during the COVID-19 pandemic.<sup>122</sup> For example, the pandemic multiplied the logistical barriers for medical interpretation; in loud hospital rooms, filled with buzzing oxygen tanks and urgent staff conversations, with everyone speaking muffled through masks and medical workers trying to stay at a distance from patients where possible, and with family members who could help with translation prohibited from visiting—providing proper medical interpretation was all the more difficult.<sup>123</sup>

During the height of the pandemic and beyond, the City has largely struggled to provide proper and timely language access to immigrant communities. Some recurring issues raised by communities include a lack specificity around the timeliness of translated documents during an emergency, or shifts in prioritization of documents chosen for translation during an emergency; the use of Google Translate, or the use of overly formal translations that are inaccessible to

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<sup>118</sup> *Id.*

<sup>119</sup> *Id.*

<sup>120</sup> Joshua Kaplan, Hospitals Have Left Many COVID-19 Patients Who Don't Speak English Alone, Confused and Without Proper Care, PROPUBLICA, Mar. 31, 2020, <https://www.propublica.org/article/hospitals-have-left-many-covid19-patients-who-dont-speak-english-alone-confused-and-without-proper-care>.

<sup>121</sup> *Id.*

<sup>122</sup> *Id.*

<sup>123</sup> Emma Goldberg, *When Coronavirus Care Gets Lost in Translation*, NEW YORK TIMES, Apr. 17, 2020, <https://www.nytimes.com/2020/04/17/health/covid-coronavirus-medical-translators.html>.

immigrant communities; and the lack of video translations for LEP New Yorkers who may not be literate in their native language.

## **V. INT. NO. 63-2018**

### *Background*

Burdensome regulations and high regulatory compliance costs are commonly cited as among the biggest difficulties facing small businesses. According to the National Federation of Independent Businesses' most recent survey, 14% of small businesses list "government requirements and red tape" as their single most important problem – second only to 'quality of labor,' and tied with taxes.<sup>124</sup> The City Council has worked with the Administration to address this problem in the City, by passing legislation such as Local Law 45 of 2009, which created a Regulatory Review Panel to review the City's regulatory environment for small businesses and to recommend improvements that would make it easier to open and run a business in New York City by minimizing costs and regulatory burdens,<sup>125</sup> and Local Law 35 of 2013, which required DOB, DCWP, DOHMH, the Department of Environmental Protection, DSNY, FDNY, and DOT to conduct a retroactive review of the violations enforced by each agency, and submit a report to the Mayor and Speaker of the City Council that includes recommendations for those violations that could have a cure period or other opportunity for ameliorative action prior to the imposition of a penalty or fine. The ensuing report identified 83 infractions which were good candidates for a cure period for a first offense, and informed the passage of Local Law 153 of 2013, which codified a

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<sup>124</sup> NATIONAL FEDERATION OF INDEPENDENT BUSINESSES, *NFIB Small Business Economic Trends* (August 2019), <https://www.nfib.com/assets/SBET-August-2019.pdf>

<sup>125</sup> See THE COUNCIL OF THE CITY OF NEW YORK, COMMITTEE ON SMALL BUSINESS, *Committee Report on Proposed Int. No. 949-A* (April 8, 2013), <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1214571&GUID=BD7E4D12-46DB-4C9D-905F-1C434EE17539&Options=ID|Text|&Search=35>

cure provisions for a number of violations enforced by DCWP, DEP and DSNY.<sup>126</sup> By rule, covered agencies will issue an Offer of Settlement noting whether one or more violations are curable, and instructions to cure.<sup>127</sup> In most cases, a Cure Certification must be submitted within 30 days of the summons' issue date and the summons hearing.<sup>128</sup>

For LEP communities, language access remains a persistent barrier to seeking available cures in a timely fashion. Int. No. 63-2018 would ensure that after a City inspection, the results of such inspection and the potential Offer of Settlement would be provided in the individual's preferred language of choice.

### Legislative Analysis of Int. No. 63

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. 63 (Corney) 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

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<sup>126</sup> See THE COUNCIL OF THE CITY OF NEW YORK, COMMITTEE ON SMALL BUSINESS, *Committee Report on Proposed Int. No. 1213-A* (December 19, 2013), <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1531346&GUID=FA71F477-A3B1-4E41-859C-D7F07865EF02&Options=Advanced&Search=>

<sup>127</sup> See NEW YORK CITY DEPARTMENT OF CONSUMER AFFAIRS, *Cure Law Frequently Asked Questions* (June 2020), <https://www1.nyc.gov/assets/dca/downloads/pdf/about/CureLaw-FAQs.pdf>

<sup>128</sup> See *id.*

offer to notify a violator of their option to cure, Int. No. 63-2018 would require such notification to be written in English and the violator’s preferred language, if any.

This bill would take effect 120 days after becoming law.

## **VI. INT. NO. 1868**

### *Background: United States – Puerto Rico relations*

Puerto Rico became a United States territory in 1898, when the U.S. acquired territory from Spain after the Spanish-American War.<sup>129</sup> Puerto Ricans were initially granted very little local autonomy, with the Governor, heads of executive departments, and Supreme Court all appointed by the U.S. president, with the advice and consent of the U.S. Senate.<sup>130</sup> They were granted representation in the U.S. Congress through a “Resident Commissioner.”<sup>131</sup> In 1917, Congress passed the Jones Act, which granted Puerto Ricans U.S. citizenship and expanded the scope of local self-government.<sup>132</sup> In 1947, Congress authorized Puerto Ricans to elect their own governor.<sup>133</sup> In 1952, following a popular referendum, the people of Puerto Rico adopted their own constitution and established the Commonwealth of Puerto Rico.<sup>134</sup> The U.S. president no longer appoints any official of the Puerto Rican government, and Puerto Rico has control over its local affairs, while still remaining a U.S. territory.<sup>135</sup>

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<sup>129</sup> See H.R.8113, 105th Cong. § 2 (2020), available at <https://www.congress.gov/bill/116th-congress/house-bill/8113/text>.

<sup>130</sup> U.S. DEPARTMENT OF STATE, OFFICE OF THE HISTORIAN, Foreign Relations of the United States, 1952-1954, United Nations Affairs, Volume II, Document 902, available at <https://history.state.gov/historicaldocuments/frus1952-54v03/d902> (last visited Nov. 19, 2020).

<sup>131</sup> *Id.*

<sup>132</sup> *Id.*

<sup>133</sup> *Id.*

<sup>134</sup> *Id.*

<sup>135</sup> *Id.*

Puerto Ricans today, despite being U.S. citizens, still cannot vote in presidential elections, and Puerto Rico does not have full representation in Congress. Its Resident Commissioner, currently Jenniffer Gonzalez-Colon, is a member of Congress who can sit on committees, introduce bills, and speak before the chamber.<sup>136</sup> However, she may only vote in the committees to which she belongs, and cannot vote for final passage of bills or for election of the Speaker or other officials.<sup>137</sup> Furthermore, there is only one representative for the entire island of Puerto Rico (population 3.2 million<sup>138</sup>), which means its Resident Commissioner represents approximately five times as many constituents as the average member of the House.<sup>139</sup> Owing to this lack of full democratic representation, many Puerto Ricans say the island is unfairly treated as a colony by the U.S. government.<sup>140</sup>

Puerto Ricans have been divided, however, on what the status of the island should be – a territory, a state, an independent country, or something else. There have been six referendums on the question of statehood in Puerto Rico, the most recent during the November 2020 General Election.<sup>141</sup> Puerto Ricans voted in favor of statehood in 2012 and 2017, but the legitimacy of the results was questioned due to the confusing wording of the question and low voter turnout.<sup>142</sup> The 2020 referendum passed in favor of statehood 52 percent to 47 percent, but like the other referendums, it is non-binding, and Puerto Rico cannot become a U.S. state without Congressional

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<sup>136</sup> U.S. CONGRESSWOMAN JENNIFFER GONZALEZ-COLON, What is the Resident Commissioner, *available at* <https://gonzalez-colon.house.gov/about/what-resident-commissioner> (last visited Nov. 19, 2020).

<sup>137</sup> *Id.*

<sup>138</sup> U.S. CENSUS BUREAU, QuickFacts Puerto Rico, *available at* <https://www.census.gov/quickfacts/PR> (last visited Nov. 19, 2020).

<sup>139</sup> U.S. CONGRESSWOMAN JENNIFFER GONZALEZ-COLON, *supra* note 137.

<sup>140</sup> See Cristina Corujo, *Puerto Rico votes in favor of statehood. But what does it mean for the island?*, ABC NEWS (Nov. 8, 2020), *available at* <https://abcnews.go.com/US/puerto-rico-votes-favor-statehood-island/story?id=74055630>.

<sup>141</sup> *Id.*

<sup>142</sup> *Id.*

action.<sup>143</sup> Resident Commissioner Gonzalez-Colon has vowed to push for statehood in the upcoming Congressional session, but experts believe Congress is unlikely to take up the issue, given its historic reluctance and the lack of an overwhelming mandate from the Puerto Rican people.<sup>144</sup> Representatives Nydia Velazquez (NY-7) and Alexandria Ocasio-Cortez (NY-14) introduced a bill in August 2020 to “recognize the right of the right of the People of Puerto Rico to call a status convention through which the people would exercise their natural right to self-determination, and to establish a mechanism for congressional consideration of such decision...”<sup>145</sup> It currently has 16 cosponsors in the House.<sup>146</sup>

#### *Puerto Rico Federal Affairs Administration*

The Government of Puerto Rico established the Puerto Rico Federal Affairs Administration (“PRFAA”) to represent and advance the interests of Puerto Rico before federal, state, and local governments, focusing on promoting Puerto Rico’s economic and public policy initiatives to achieve a better quality of life for Puerto Ricans.<sup>147</sup> The PRFAA’s duties and services include liaising with the Resident Commissioner and other elected officials in Washington, providing guidance and support to individuals, municipalities, and other organizations in navigating the federal grants process, providing birth, marriage, and death certificates, and other services for Puerto Ricans in the U.S.<sup>148</sup> It currently has two offices – one in Washington, D.C. and one in Florida.<sup>149</sup> There was a regional PRFAA office in New York City, but it closed within the past five years.

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<sup>143</sup> *Id.*

<sup>144</sup> *Id.*

<sup>145</sup> H.R.8113, 105th Cong. § 2 (2020), *supra* note 130.

<sup>146</sup> *Id.*

<sup>147</sup> GOVERNMENT OF PUERTO RICO, PUERTO RICO FEDERAL AFFAIRS ADMINISTRATION, Our Mission, *available at* <https://prfaa.pr.gov/our-mission/> (last visited Nov. 19, 2020).

<sup>148</sup> *Id.*; *see also* GOVERNMENT OF PUERTO RICO, PUERTO RICO FEDERAL AFFAIRS ADMINISTRATION, PRFAA Florida, *available at* <https://prfaa.pr.gov/prfaa-florida/> (last visited Nov. 19, 2020).

<sup>149</sup> *Id.*

## *Puerto Ricans in New York City*

Puerto Ricans have been a major part of the cultural, economic, and civic fabric of New York City since they began migrating to the City in large numbers after World War II. As of 2018, there were over 666,000 Puerto Ricans in New York City, comprising 27 percent of the City's Latinx population.<sup>150</sup> After Hurricanes Irma and Maria devastated the island in September 2017, many Puerto Ricans fled to the U.S. mainland.<sup>151</sup> Although there is no official City data on how many Puerto Ricans fled to New York City and received City services in the aftermath of the hurricanes, the City did report that from October 2017 to February 2018, it operated a service center at the Julia de Burgos Latino Cultural Center in Manhattan that connected more than 2,500 households with services including health insurance, food assistance, and mental health.<sup>152</sup> According to the Director of New York Interfaith Disaster services in an October 2019 *City Limits* article, there were approximately 200 displaced Puerto Rican families living in City shelters.<sup>153</sup> CUNY/Hunter College's Center for Puerto Rican Studies estimated that 411 Puerto Rican students enrolled in New York City schools in 2018 as a result of being displaced by the hurricanes.<sup>154</sup> Puerto Rico continues to face severe hardship after years of multiple natural disasters, a prolonged

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<sup>150</sup> Puerto Ricans represent the second largest share of New York City's Latinx population, after Dominicans at 29 percent. CENTER FOR PUERTO RICAN STUDIES, HUNTER COLLEGE, *Puerto Ricans in New York State, 2018* at 2 (February 2020), [https://centropr.hunter.cuny.edu/sites/default/files/data\\_sheets/ny-infographic-2018-ds2020-01.pdf](https://centropr.hunter.cuny.edu/sites/default/files/data_sheets/ny-infographic-2018-ds2020-01.pdf).

<sup>151</sup> See CENTER FOR PUERTO RICAN STUDIES, HUNTER COLLEGE, *New Estimates of Puerto Rico Migration Post Hurricane Maria in 2018: Florida Continues to Grow as the State with the Largest Puerto Rican Population* (September 2019), [https://centropr.hunter.cuny.edu/sites/default/files/data\\_sheets/2018\\_ACS\\_1YR\\_Datasheet-DS2019-02\\_CENTRO.pdf](https://centropr.hunter.cuny.edu/sites/default/files/data_sheets/2018_ACS_1YR_Datasheet-DS2019-02_CENTRO.pdf).

<sup>152</sup> Daniel Parra, *How Many Displaced by Hurricane Maria are Still Living in New York City?*, CITY LIMITS (Oct. 1, 2019), <https://citylimits.org/2019/10/01/how-many-displaced-by-hurricane-maria-are-still-living-in-new-york-city/>.

<sup>153</sup> *Id.*

<sup>154</sup> CENTER FOR PUERTO RICAN STUDIES, HUNTER COLLEGE, *Puerto Rican Post-Maria Relocation by States* (March 2018), <https://centropr.hunter.cuny.edu/sites/default/files/PDF/Schoolenroll-v4-27-2018.pdf>.

debt crisis, deteriorating infrastructure and public services,<sup>155</sup> and inadequate U.S. government support in responding to the Hurricane Maria disaster.<sup>156</sup>

Legislative Analysis of Int. No. 1868

Int. No. 1868 (Torres) would require the Mayor to establish an office of Puerto-Rico New York City affairs (PRNYC). This office would be headed by a director who would be appointed by the Mayor and would be responsible for providing services to former residents of Puerto Rico and the descendants of Puerto Rican residents. Such services would include, but need not be limited to, addressing the needs of person displaced from Puerto Rico, providing assistance in obtaining vital documents from Puerto Rico, providing assistance in completing applications for governmental programs, and making referrals to non-governmental organizations. In providing such services, the director would need to make reasonable efforts to coordinate with the government of Puerto Rico. This bill would take effect 120 days after becoming law.

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<sup>155</sup> See CENTER FOR PUERTO RICAN STUDIES, HUNTER COLLEGE, *Enduring Disasters: Puerto Rico, Three Years After Hurricane Maria* (September 2020),

[https://centopr.hunter.cuny.edu/sites/default/files/data\\_briefs/centro\\_3yr\\_maria\\_2020.pdf](https://centopr.hunter.cuny.edu/sites/default/files/data_briefs/centro_3yr_maria_2020.pdf).

<sup>156</sup> Ankur Banerjee, *U.S. Hurricane response slower in Puerto Rico than in Florida, Texas: study*, REUTERS (Feb. 5, 2019), <https://www.reuters.com/article/us-health-disasters-puerto-rico/u-s-hurricane-response-slower-in-puerto-rico-than-in-florida-texas-study-idUSKCN1PU1YU>.



Int. No. 63

By Council Member Cornegy (by request of the Manhattan Borough President)

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 departments of consumer affairs and health and mental hygiene to be in the receiving business owner's language of choice

Be it enacted by the Council as follows:

Section 1. Paragraph 3 of subdivision f of section 15 of the New York city charter 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 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 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 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 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 not more than \$500 for each violation; except that a person shall not be subject to such civil penalty for a first-time violation of section 20-270 or of subdivision a of section 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 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 of subdivision a of 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, by mail 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. Section 20-332 of the administrative code of the city of New York is amended to read as follows:

§ 20-332. Violation. 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 not more than five hundred dollars for each violation; except that a person shall not be subject to such civil penalty

for a first-time violation of subdivision b of section 20-324 of this subchapter and any rule or regulation issued 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 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 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 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 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 shall be subject to the penalty and enforcement provisions of either subchapter twenty-five 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 issued 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 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 20-327 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 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 not less than twenty-five nor more than one hundred dollars for each 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 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 added by local law number 31 for the year 2003, 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 or 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 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 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, partnership, 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 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 not to exceed two 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, 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 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 is amended to read as follows:

§ 20-753. Penalties. Any person who shall violate the provisions of this subchapter or the regulations promulgated pursuant to this subchapter shall, upon conviction thereof, pay a civil penalty or not less than fifty dollars and not more than two hundred and fifty dollars for the first offense and for each succeeding offense a penalty of not less than one hundred dollars nor more than five hundred dollars for each such violation; except that a person shall not be subject to the civil penalty described above for a first-time violation of subdivision c of section 20-750 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 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 20-750 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. 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 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 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. By May 30, 2016, the department of consumer affairs 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 affairs 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 affairs 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 protection's 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.

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

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By Council Members Torres, Ayala, Cabrera, Lander, Gjonaj and Chin

A Local Law to amend the New York city charter, in relation to establishing an office of Puerto Rico-New York City affairs

Be it enacted by the Council as follows:

Section 1. Chapter one of the New York city charter is amended by adding a new section 20-h to read as follows:

§ 20-h. Office of Puerto Rico-New York City affairs. a. The mayor shall establish an office of Puerto Rico-New York City affairs, which may be known as PRNYC. Such office may be established within any office of the mayor or within any department the head of which is appointed by the mayor. The office shall be headed by a director of Puerto Rico-New York City affairs, who shall be appointed by the mayor.

b. The director of Puerto Rico-New York City affairs shall have the power and the duty to provide services to former residents of Puerto Rico and descendants of residents of Puerto Rico.

Such services shall include:

1. Addressing the needs of persons displaced from Puerto Rico;
2. Assistance in completing applications to obtain vital documents from Puerto Rico, including birth, marriage and death certificates;
3. Assistance in understanding and completing applications for governmental programs that may be available to offer assistance to such individuals;
4. Referrals to non-governmental organizations that may be able to offer additional assistance; and
5. Any other services the director deems necessary to provide.

c. The director of Puerto Rico-New York City affairs shall make reasonable efforts to work with the government of Puerto Rico to provide the services required pursuant to subdivision b.

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

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