



THE CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
SCOTT M. STRINGER

February 20, 2015

The Honorable A. Gail Prudenti
Chief Administrative Judge
State of New York
Unified Court System
25 Beaver Street
New York, NY 10004

Re: Language Access in New York City Housing Courts

Dear Justice Prudenti,

On February 4, 2015, I took a tour of Bronx Housing Court with advocates from CASA New Settlement. It was truly extraordinary to witness the volume of cases that our court system handles on a daily basis—a feat made all the more remarkable by New York's unmatched diversity.

That same day, I announced my support for a bill in the New York City Council that would provide legal counsel to tenants in Housing Court earning below 125 percent of the federal poverty guidelines. I know that you have been a great champion for increased civil legal services¹, and I appreciate your support as we fight to secure representation for some of New York City's most vulnerable residents.

I write to you today on a different but equally important issue: Language access services and signage inside Housing Court buildings. In touring the Bronx Housing Court and speaking to advocates, I was dismayed to learn that non-English speaking litigants often must wait hours, or even days, before they can be connected to a court interpreter that speaks their language. In follow-up visits to every Housing Court in the city, my staff also found that signage directing individuals to interpreters and translators was spotty and haphazard, and often failed to lead Limited English Proficient (LEP) individuals in a clear and intelligible way to a useful point of contact.

I am certain you would agree that it is essential for our courthouses to be set up in manner that is navigable not just in English, but in many languages, especially given that 1.8 million city

¹ <http://assembly.state.ny.us/write/upload/files/testimony/20140205/20140205-PublicProtection-Prudenti.pdf>

residents are Limited English Proficient.² It is in that spirit that I make the following observations, based on my staff's recent visits to every Housing Court in the city.

Interpretation Services

Ensuring that proper interpretation services are in place to guide litigants is particularly important given that the courts are required to comply with Title VI of the Civil Rights Act of 1964 (prohibiting discrimination on the basis of national origin). As stated by the Federal Government's interagency LEP materials, "Examples of Title VI compliance can be found in states in which courts are providing interpretation free of cost to all LEP persons encountering the system...in important interactions with court personnel, as well as providing translations of vital documents and signage."³

Given this guidance, I was disheartened to learn from advocates that wait times for interpreters can often extend for many hours on any day, and that postponements of cases to another day because of a lack of interpretation services are not uncommon – requiring litigants with limited English language proficiency to miss another day or work, pay for another day of childcare, or both. One result is that litigants often end up being pressed by landlord attorneys to negotiate in hallways, without the benefit of an interpreter, a scene I saw playing out during my recent visit to the Bronx.

Help Centers

While the New York State Unified Court System has developed multi-lingual "We Speak Your Language" signs for courthouse use, it is important to recognize that many litigants are not literate. For these individuals – who have the same right to representation as anyone else – a sign on a wall is of little value.

There are court-supported Help Centers in each Housing Court with public access computers, information sheets and neutral attorneys who work for the court. But the ability of these centers to provide legal and other advice, especially in multiple languages, is limited. Some courthouses also provide space for privately run information desks that are typically staffed by Housing Court Answers and other non-profit providers. These privately run information desks provide excellent service under extreme conditions but obviously are dependent on private resources. In general, the court should consider ways to make these desks more visible to litigants as they enter the courthouse, and less dependent on private dollars.

² <http://www.nyc.gov/html/imm/html/news/stats.shtml>.

³ <http://www.lep.gov/faqs/faqs.html#OneQ12>.

Signage

In visiting Housing Courts in each borough, my staff made the following observations about signage:

- In Brooklyn, on the first floor there were none of the multi-lingual “We Speak Your Language” signs that have been developed by the New York State Unified Court System. Those signs on the second floor directed litigants in need of interpreters to a room that was poorly marked (Rm. 201). Other signs offering guidance were poorly placed, primarily in English, or nearly illegible.
- In Queens, the “We Speak Your Language” sign was prominently displayed in the area just beyond the security area. However, other critical signs were not translated and therefore could cause undue delay in proceedings in situations in which interpreters are needed.
- In Manhattan, the first sign a litigant sees after passing through security provides no guidance in any language other than English.
- In the Bronx, many signs that would be extremely useful for LEP litigants appear in English only, including the Housing Court Directory and directions regarding how to check in with the court clerk.
- In Staten Island, while the “We Speak Your Language” signs are prominently displayed, some are positioned so high on the walls as to make reading them difficult.

I know you feel strongly about ensuring that all litigants—*pro se* or otherwise—have equal access to the courts. However, it isn’t enough to provide interpretation services inside the courtroom. We have to design our entire courthouses—from the security line to the judge’s bench—to help people navigate the process from the moment they step in the door.

Tenants in housing court are anxious enough facing eviction or foreclosure against often experienced counsel on the landlord side of the table. The last thing they need when they walk through the doors of a courthouse in New York City is to be faced with the added stress of not knowing where to go or to whom to turn in order to secure services in their primary language.

To that end, I encourage you to explore the following:

- A comprehensive review of interpretation services and signage for LEP individuals in New York City courts -- both criminal and civil – to assure that all populations are adequately served at all times. As part of this comprehensive review, I would urge the court to consider:
 - Allocating additional resources to make more interpreters available, particularly in non-Spanish foreign languages common in New York City, and using

demographic data to tailor signage and interpretation services to the specific needs of particular boroughs (as the four-part test under section 67 FR 41455 requires).

For instance, while the vast majority of LEP residents in the Bronx speak Spanish, over 100,000 LEP residents of Queens speak Chinese and more than 35,000 speak Korean.⁴ Nevertheless, the signs for the Citywide Taskforce on Housing Court, Inc. in Queens are only in English and Spanish, and appropriate interpreters are often not available in a timely fashion.

- Expanding *pro se* litigant materials, which are generally available only in English and Spanish, to include the top six languages spoken in New York City.
 - Making court interpreters more available to help litigants *outside* courtrooms, as impromptu hallway negotiations are not uncommon in Housing Court and can result in litigants signing documents they don't understand or missing out on the opportunity for a beneficial settlement.
 - Ensuring that people are receiving interpretation services in the correct dialect. This could involve a quick and simple training for Help Desk and court clerk personnel in identifying dialects common to New York City.
- Expanding the use of Help Centers in every Housing Court facility to assure a more uniform and sustainable standard of service in multiple languages. At a minimum, printed information on court proceedings and tenants right should be made available in multiple languages through these Help Centers and other court offices.

Additionally, telephonic interpretation services (like Language Line or Ethnic Bridge) should be expanded to ensure that Help Centers and information desks never have to turn people away when an interpreter is not available. All City and State agencies now have a contract for telephonic interpretation to ensure that interpretation services are always available when in-person interpreters are not, and courthouses should follow suit.

- Expanding the use of the Unified Court System's "We Speak Your Language" signs, particularly as individuals enter the courthouse, and placing "We Speak Your Language" cards at security desks in a number of commonly-spoken languages so that individual litigants can have a physical card to guide them.

Over 40 years ago, the Supreme Court of the United States held that merely providing students with "the same facilities, textbooks, teachers, and curriculum" has the effect of foreclosing students who do not understand English from any meaningful education.⁵ Similarly, providing interpreters once litigants reach the courtroom is a necessary but insufficient step in ensuring

⁴ <http://www.nyc.gov/html/imm/downloads/pdf/map-qn-110302.pdf>.

⁵ *Lau v. Nichols*, 414 U.S. 563, 569 (1974).

equal access to justice. I urge you to take action immediately to improve signage in both civil and criminal courts throughout the five boroughs and the rest of the Empire State.

Thank you for your attention to this matter. I look forward to hearing from you soon.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Scott M. Stringer". The signature is fluid and cursive, with a large initial "S" and "M".

Scott M. Stringer
New York City Comptroller