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AUDIT

BUREAU OF AUDIT

June 20, 2018

By Electronic Mail

Commissioner Rick Chandler
New York City Department of Buildings
280 Broadway 7th Floor
New York, NY 10007

**Re: Letter Report on the New York City Department of Buildings' Compliance with
Local Law 25 Regarding Translation of Agency Website
(Audit Number SZ18-125AL)**

Dear Commissioner Chandler:

This Letter Report concerns the New York City Comptroller's audit of the New York City Department of Buildings' (DOB's) compliance with Local Law 25 governing the translation of websites of New York City agencies. The objective of this audit was to determine whether DOB is complying with Local Law 25, which is intended to make City agencies, and ultimately the City as a whole, more accessible to foreign-born residents whose primary language is not English. Our audit of DOB is one in a series of audits we are conducting on the City's compliance with Local Law 25.

Background

New York City, with a population of more than 8.6 million people, is home to one of the most diverse populations in the world, with more than 3.2 million foreign-born residents from more than 200 countries.¹ According to the New York City Department of City Planning, nearly one-half of all New Yorkers speak a language other than English at home, and almost 25 percent of City residents age five and over, or 1.8 million persons, are not proficient in English.² For residents with limited English proficiency, interacting with City government and receiving access to City services can be a challenge.

¹ NYC Department of City Planning (DCP), *New York City Population*, <http://www1.nyc.gov/site/planning/data-maps/nyc-population/current-future-populations.page>, downloaded May 29, 2018; DCP, *NYC's Foreign-born, 2000 to 2015*, March 2017, <https://www1.nyc.gov/assets/planning/download/pdf/about/dcp-priorities/data-expertise/nyc-foreign-born-info-brief.pdf?r=2>, downloaded April 12, 2017; DCP, *Limited English Proficient Population*, <https://www1.nyc.gov/site/planning/about/language-access.page>, downloaded April 12, 2017.

² DCP, *Limited English Proficient Population*, *op. cit.*; see also DCP, *Top Languages Spoken at Home by Limited English Proficiency (LEP), Universe: Population 5 Years and Over*, February 2017, citing the U.S. Census Bureau, *2015 American Community Survey Public Use Microdata 1-Year Sample*. The U.S. Census Bureau also reported that

Most City agencies have a significant presence on the internet and rely on agency websites to both provide information to and interact with the public. Accordingly, in 2016, Mayor de Blasio signed Local Law 25, amending the City's Administrative Code in relation to citizens' ability to access translation of City websites. Local Law 25 requires that every website maintained by or on behalf of a City agency include a translation service enabling users to view the text of that website, wherever practicable, in languages other than English. It also requires that the translation service be identifiable in a manner that is comprehensible to speakers of the seven most commonly spoken languages in the City. As determined by the Department of City Planning, the seven most commonly spoken languages in New York City amongst residents with limited English proficiency are:

- 1) Spanish
- 2) Chinese (includes Cantonese, Mandarin, and Formosan)
- 3) Russian
- 4) Bengali
- 5) French Créole (also called Haitian Créole)
- 6) Korean
- 7) Arabic³

Findings and Recommendations

Our audit found that DOB generally complies with Local Law 25. DOB's website, found at <http://www1.nyc.gov/site/buildings/index.page>, includes a translation feature for viewing text and essential information in various languages, including the above-noted top seven languages. DOB's website also provides important information regarding its functions and services, which includes but is not limited to information pertaining to DOB's various divisions, office locations, contact information, benefits, forms, brochures, how to pay or dispute fines, tenants' rights, worker safety, OSHA requirements, buildings information, the Building Codes and how to search property records. All information can be translated and viewed in each of the top seven noted languages.

DOB's most frequently requested documents can be translated and downloaded in the seven most-requested languages according to DOB's Language Access Plan August 2015 and Draft Language Access Plan 2018 (Spanish, Chinese, Russian, Bengali, Haitian Créole, Korean

more than 75 percent of New York State's foreign-born population aged five and older spoke a language other than English at home and that more than 46 percent spoke English "less than very well." See: *English-Speaking Ability of the Foreign-Born Population in the United States: 2012*, American Community Survey Reports, June 2014, page 4.

³ According to the DCP report, issued in March 2016, entitled *Top Languages Spoken at Home by Limited English Proficiency (LEP) Universe: Population 5 Years and Over*.

and Arabic).⁴ We reviewed and successfully translated the essential documents and guides into DOB's seven most requested languages:

- Tenant Resources
- Building Codes
- OSHA Requirements
- Experience is Not Enough (Campaign Brochures for Construction Workers)
- Extension Cord Safety
- Good Housekeeping
- Construction Safety
- Harness Safety Brochures⁵
- Safety Brochures⁶

DOB provides translation and interpretation services in all of its locations that interact with the general public, including its five Borough Business Centers located in Manhattan, The Bronx, Brooklyn, Queens and Staten Island.

Our findings are outlined in the following table entitled Compliance Summary.

⁴ City agencies determine which documents are key, essential, frequently used and translated on City websites in the top languages for each agency's business purposes.

⁵ These documents are frequently requested in the following languages: English, Spanish, Russian, Chinese, Korean, Hindi and Urdu.

⁶ These documents are frequently requested in the following languages: English, Spanish, Russian, Chinese, Polish and Urdu.

COMPLIANCE SUMMARY		
Criteria	Compliance	Notes
Website translates into the top seven most commonly spoken languages. (As required by Local Law 25)	Yes	We reviewed and successfully translated the website text in all seven noted languages. DOB's website also has a "Translate This Page" feature, which enables translation of DOB's website text into more than 90 languages.
Website translates essential documents into the top seven most commonly spoken languages. Key documents translate into DOB's top seven most requested languages of residents with limited English proficiency. (As prescribed by DOB's standards)	Yes	We reviewed and successfully translated DOB's essential information into the top seven noted languages and translated key documents into DOB's seven most requested languages of residents with limited English proficiency.

We recommend that DOB continue to maintain its compliance with Local Law 25 to ensure it effectively meets the needs of residents with limited English proficiency when they access City services online.

Scope and Methodology

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. This audit was conducted in accordance with the audit responsibilities of the City Comptroller as set forth in Chapter 5, §93, of the New York City Charter.

The scope period for this audit was March 3, 2018 to May 22, 2018, the last day of our fieldwork. Our methodology for this audit consisted of the following steps:

- We reviewed applicable laws, rules, policies and procedures to determine our criteria in accordance with Local Law 25.
- We researched and determined the seven most commonly spoken languages in the City among residents with limited English proficiency, as determined by the Department of City Planning.

- We reviewed and analyzed DOB's website and tested its ability to translate documents into the top seven most commonly spoken languages for residents with limited English proficiency.
- We reviewed and analyzed DOB's Draft May 2018 Language Access Plan and August 2015 Language Access Plan to determine what steps DOB took to comply with Local Law 25.⁷
- We reviewed the Language Access Plan to determine which documents DOB deemed essential for the agency to provide direct public services and that needed to be translated.
- We reviewed and analyzed whether DOB's essential documents and forms could be downloaded on the website, and tested whether they translate to the seven most commonly spoken languages for residents with limited English proficiency.

Based on our understanding of the Local Law 25 requirements, we outlined all the criteria necessary for agencies to be in compliance. The table below outlines agencies' core criteria required to achieve compliance under Local Law 25. A summary of these core criteria forms the basis for the compliance summary reported for each audited agency.

CORE CRITERIA	
Compliance	Detailed Criteria
Spanish	Agency's website includes a translation feature for viewing text, essential information and key documents in Spanish
Chinese	Agency's website includes a translation feature for viewing text, essential information and key documents in Chinese
Russian	Agency's website includes a translation feature for viewing text, essential information and key documents in Russian
Bengali	Agency's website includes a translation feature for viewing text, essential information and key documents in Bengali
French Créole (Haitian Créole)	Agency's website includes a translation feature for viewing text, essential information and key documents in French Créole/Haitian Créole
Korean	Agency's website includes a translation feature for viewing text, essential information and key documents in Korean
Arabic	Agency's website includes a translation feature for viewing text, essential information and key documents in Arabic

The issues covered in this report were discussed with DOB officials during and at the conclusion of this audit, and DOB agreed that no exit conference was necessary. On May 30, 2018, we submitted a draft report to DOB with an opportunity for DOB to formally respond

⁷ DOB's Draft May 2018 Language Access Plan is expected to be finalized by June 30, 2018, as required by Local Law 30. DOB's August 2015 Language Access Plan was the most current plan available on the website.

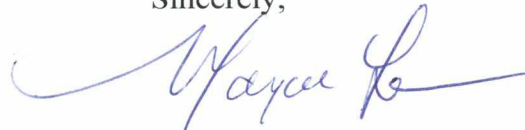
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in writing. DOB's written response was received on June 13, 2018. In its response, DOB agreed with the report's recommendation that the agency should continue to maintain its compliance with Local Law 25 to ensure it effectively meets the needs of residents with limited English proficiency when they access City services online. DOB stated that it "will continue to maintain its compliance, and provide language access in accordance with the Local Law."

Sincerely,

A handwritten signature in blue ink, appearing to read "Marjorie Landa", with a stylized flourish extending to the right.

Marjorie Landa

c: Archana Jayaram, Deputy Commissioner, Strategic Planning & Policy, DOB
Jody Kaplan, Chief Customer Officer, DOB
Kerry Castro, Analyst, DOB
Emily Newman, Acting Director, Mayor's Office of Operations
George Davis III, Deputy Director, Mayor's Office of Operations

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June 11, 2018

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**Re: Draft Letter Report on the Department of Buildings' Compliance with
Local Law 25 Regarding Translation of Agency Website
Audit Number SZ18-125AL**

Dear Ms. Landa:

Thank you for giving us the opportunity to respond to the recommendation in the above referenced audit report. We view your input as assistance in furthering our commitment to provide all of our customers with meaningful access to our services and materials.

As your report indicates, "the objective of the audit was to determine whether the New York City Department of Buildings (DOB) is complying with Local Law 25, which is intended to make City agencies, and ultimately the City as a whole, more accessible to foreign-born residents whose primary language is not English."

Your audit recommended that "DOB continue to maintain its compliance with Local Law 25 to ensure it effectively meets the needs of residents with limited English proficiency when accessing city services online."

The Department of Buildings agrees with your recommendation, and we are pleased that your audit determined that we are in compliance with Local Law 25. DOB will continue to maintain its compliance, and provide language access in accordance with the Local Law.

We appreciate the time and effort that you and your staff dedicated to performing this audit.

Sincerely,



Archana Jayaram
Deputy Commissioner, Strategic Planning and Policy

cc: George Davis III
Jody Kaplan
Germain Difo
Kerry Castro