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BUREAU OF AUDIT

June 19, 2019

**By Electronic Mail**

Commissioner Melanie La Rocca  
New York City Department of Buildings  
280 Broadway, 7<sup>th</sup> Floor  
New York, NY 10007

**Re: Letter Report on the Compliance of the New York City Department of Buildings with Local Law 65 of 2015 Regarding Translation of Business Owners Bill of Rights as They Relate to Agency Inspections (Audit Number SZ18-126AL)**

Dear Commissioner La Rocca:

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 65 of 2015, which governs the translation of the *Business Owner's Bill of Rights* as it relates to inspections by New York City agencies. The objective of this audit was to determine whether DOB is complying with Local Law 65, which is intended to make City agencies' business-inspection protocols and interactions accessible to immigrants and non-English speakers. Our audit of DOB is one in a series of audits we are conducting of the City's compliance with Local Law 65.

**Background**

New York City, with a population of more than 8.5 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. According to the New York City Department of City Planning (DCP), 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. For individuals with limited English proficiency, interacting with City government can often be a challenge.<sup>1</sup>

Accordingly, in 2015, the City Council enacted and Mayor de Blasio signed Local Law 65 of 2015, amending section 15 of the City Charter to require: (1) translation of the *Business*

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<sup>1</sup> Mayor's Office of Immigrant Affairs, "State of Our Immigrant City" annual report, March 2018; New York City Department of City Planning <https://www1.nyc.gov/site/planning/about/language-access.page>

*Owner's Bill of Rights*, a “plain language” document, developed by the Mayor’s Office of Operations delineating standards of service for City inspections; and (2) training, also developed by the Mayor’s Office of Operations, in specific protocols for City inspectors to follow during their interactions with non-English speakers during agency inspections. Local Law 65 explicitly applies to six City inspectional agencies, including DOB, and provides for translation services in “at least” the six languages most commonly spoken by limited English proficient individuals as determined by DCP, based on census data (LEP languages).

Thereafter, with the City’s enactment of Local Law 30 of 2017, as of July 1, 2017 through the present, all City agencies that provide direct public services or emergency services, including DOB, must develop and implement language access plans, in consultation with the Mayor’s Office of the Language Services Coordinator and the Mayor’s Office of Immigrant Affairs, that include translation and interpretation services in the top 10 LEP languages—the 6 designated by DCP and 4 others determined by the Mayor’s Office of the Language Services Coordinator, based on language access data collected by the City Department of Education.<sup>2</sup> DOB’s Language Access Plan accordingly adopts Local Law 30’s 10-LEP language standard for purposes of both its business-inspection activities subject to Local Law 65, and the various other services it provides directly to the public.

DOB’s responsibility is to ensure the safe and lawful use of more than 900,000 buildings and properties by enforcing the Building Code, Zoning Resolution, and other applicable laws. Annually, DOB reviews over 60,000 construction plans, issues over 110,000 new and renew permits, performs over 300,000 inspections, and issues 12 types of licenses and registrations and certificates. DOB architects and engineers evaluate construction plans, verifying that they meet Building Code and zoning requirements. Inspectors monitor job sites to enforce Building Code and zoning regulations and issue violations when appropriate. DOB issues a certificate of occupancy (C of O), which documents the legal use or occupancy of a building when the required sign-offs are obtained. An inspection for DOB includes ensuring that building permits are issued, C of O enforcing building codes, providing public and worker safety information.

As required, the Mayor’s Office of Operations developed the standardized customer service training curriculum for City agency inspectors. As determined by the Department of City Planning, the Mayor’s Office of Language Services Coordinator, and data collected by the City Department of Education, the ten designated Citywide languages in New York City among residents with limited English proficiency are:

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<sup>2</sup> Local Law 30 of 2017 is codified at Title 23, Chapter 11 and at section 23-301 of the New York City Administrative Code and in amendments to sections 15(c) and 18(b), of the City Charter.



- 1) Spanish
- 2) Chinese (includes Cantonese, Mandarin, Taiwanese, and Formosan)
- 3) Russian
- 4) Bengali
- 5) Haitian Créole (also called French Créole)
- 6) Korean
- 7) Arabic
- 8) Urdu
- 9) French
- 10) Polish

The objective of this audit was to determine whether DOB is complying with Local Law 65, which is intended to make City agencies' business-inspection protocols and interactions accessible to immigrants and non-English speakers.

### **Findings and Recommendations**

Our audit found that DOB generally complied with Local Law 65. Our review of DOB's Language Access Plan dated 2018, which, as required by Local Law 30 of 2017, documents DOB's steps to provide services to the LEP population it serves, found that DOB had made continuous efforts to provide meaningful language access during inspections for LEP customers. Specifically, we found that DOB has a *Business Owner's Bill of Rights*, which is prominently displayed through a PowerPoint presentation on a large screen in the office area. The *Business Owner's Bill of Rights* notifies individuals of their right to consistent enforcement of agency rules; compliment or complain about an inspector or inspectors; contest a notice of violation before the relevant local tribunal; an inspector who behaves in a professional and courteous manner; an inspector that can answer reasonable questions relating to the inspection; an inspector with a sound knowledge of the applicable laws, rules and regulations; access information in languages other than English; and request language interpretation services for agency inspections of the business.

Furthermore, the *Business Owner's Bill of Rights* was fully translated into each of the 10 designated Citywide languages of LEP residents in New York City, and was available on DOB's website. We reviewed the *Business Owner's Bill of Rights* and found that it notifies owners of their rights to:

1. Courteous and professional treatment by employees
2. Inspectors who are polite, professionally dressed, and properly identified
3. Information about how long inspections will take and the cost of all related fees
4. Knowledgeable inspectors who enforce agency rules uniformly
5. Receive information about agency rules from inspectors or other employees
6. Contest a violation through a hearing, trial or other relevant process

7. Request a review of inspection results or re-inspection as soon as possible
8. Receive explanation from inspectors on violation details and instructions for viewing inspection results
9. Access information in languages other than English and request language interpretation services for inspections
10. Comment, anonymously and without fear of retribution, on the performance or conduct of our employees

We also found that DOB trains its inspectors on the agency's policies and procedures pertaining to providing language access services to individuals during inspections. DOB updated its training manual and procedures in June 2018, and employees received the training as required by Local Law 65. The training material describes DOB's language access policies and procedures and the Citywide Interagency Language Access Protocol. Additionally, DOB provides inspectors with *Language Access* flyers, which indicates the procedures to perform when interacting with LEP residents during inspections. Furthermore, inspectors are equipped with an *Interpretation Service Available* sheet, informing LEP individuals of their right to free Language Assistance services during agency inspections. We found that inspectors were trained on the use of the telephonic interpretation services through Language Line Services, LLC, and were able to communicate in languages other than English with the LEP clients during agency inspections.

During the auditors visits to DOB, when we communicated with inspectors in languages other than English we found that they were able to assist us. The inspectors asked us to indicate on the "I speak card" what language we spoke and then took us to the language access phones to answer our questions or call the language access line so that we could speak to an operator to translate our questions.<sup>3</sup>

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<sup>3</sup> The "I speak card" is a business card listing a minimum of 10 different languages that the inspectors carry.



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

COMPLIANCE SUMMARY		
Criteria	Compliance	Notes
<i>Business Owner's Bill of Rights</i> translates into the top 10 designated Citywide languages. (As specified in Local Law 65 of 2015 and Local Law 30 of 2017)	Yes	The <i>Business Owner's Bill of Rights</i> is fully translated into each of the 10 designated Citywide languages of New York City. . Additionally, DOB's <i>Business Owner's Bill of Rights</i> is available on DOB's website, where it can be viewed and downloaded in the top 10 designated Citywide languages.
Agency provides training for its inspectors interacting with LEP individuals based upon developed by the Mayor's Office of Operations (As prescribed by Local Law 65)	Yes	DOB updated its training manual and procedures June 2018 and employees received the training as required by Local Law 30, which provides for translation in the six languages required by Local Law 65 and four additional languages. Training materials are available via the agency's intranet. They describes DOB's language access policies and procedures and the Citywide Interagency Language Access Protocol. We reviewed a copy of DOB's employee-training material and training sign-in sheet, which is used to document that each inspector had signed his or her name to indicate that they have taken the mandatory training. This was done for the initial updated training of all inspectors. Recent hires perform the intranet training and email the course receipts.

We recommend that DOB continue to maintain its compliance with Local Law 65 to ensure it effectively meets the needs of individuals with limited English proficiency when interacting with city inspectors.

### 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 May 01, 2018 through April 12, 2019, 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 65.
- We reviewed and analyzed the *Business Owner's Bill of Rights and Standard Training Curriculum for Inspectors* developed by the Mayor's Office of Operations.
- We researched and determined the 10 designated Citywide languages in the City among residents with limited English proficiency, as determined by the Department of City Planning, the Mayor's Office of Language Services Coordinator, and data collected by the city Department of Education.
- We reviewed and analyzed DOB's website and tested its ability to translate the *Business Owner's Bill of Rights* into the top 10 designated Citywide languages for residents with limited English proficiency.
- We reviewed and analyzed DOB's July 2018 Language Access Plan to determine what steps DOB took to comply with Local Law 65.
- We reviewed the Language Access Plan to determine DOB's training protocol for its inspectors.
- We reviewed and analyzed the employee manual for language access training and/or written policies and procedures.
- We reviewed a copy of the employee-training material and training sign in sheet and verified that the employees were employed by DOB as of that time.
- We conducted interviews with DOB's staff members to discuss the agency's efforts and verify its compliance with Local Law 65.
- We asked inspectors various questions in different languages to determine whether they could communicate with the public in languages other than English to determine if they could use the language access phones or the "I speak cards".

Based on our understanding of the Local Law 65 requirements, we outlined the criteria necessary for agencies to be in compliance. The table below outlines the core criteria that agencies must meet to achieve compliance under Local Law 65. A summary of these core criteria forms the basis for the compliance summary reported for each audited agency.



<b>CORE CRITERIA</b>	
<b>Compliance</b>	<b>Detailed Criteria</b>
<b><i>Business Owner's Bill of Rights</i></b>	<p>Includes notice of business owners right to:</p> <ol style="list-style-type: none"> <li>1. Consistent enforcement of agency rules.</li> <li>2. Compliment or complain about an inspector or inspectors.</li> <li>3. Contest a notice of violation before the relevant local tribunal.</li> <li>4. An inspector who behaves in a professional and courteous manner.</li> <li>5. An inspector that can answer reasonable questions relating to the inspection.</li> <li>6. An inspector with a sound knowledge of the applicable laws, rules and regulations.</li> <li>7. Access information in languages other than English</li> <li>8. Request language interpretation services for agency inspections of the business.</li> </ol>
<b><i>Translated Business Owner's Bill Of Rights</i></b>	<p><i>Business Owner's Bill of Rights</i> is translated into the top ten designated citywide LEP languages (Spanish, Chinese, Russian, Haitian Creole/French Creole, Bengali, Korean, Arabic, Urdu, French &amp; Polish)</p>
<b><i>Training of Agency Inspectors</i></b>	<p>Agency trains its inspectors on language access policies and procedures of providing adequate services to and communicating effectively with limited-English speakers during agency inspections.</p>

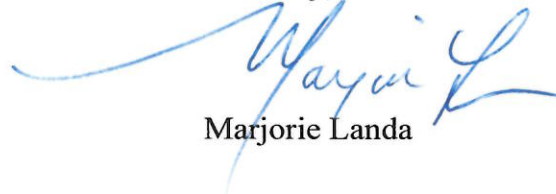
The matters covered in this letter report were discussed with DOB officials during and at the conclusion of this audit. DOB officials were notified of our findings during the course of the audit and agreed that an exit conference was not necessary. On May 24, 2019, we submitted a draft letter report to DOB with a request for comments.

We received a written response from DOB on June 13, 2019. In its response, DOB agreed with the audit and stated,

[t]he Department of Buildings agrees with your recommendation, and we are pleased that your audit determined that we are in compliance with Local Law 65. DOB will continue to maintain its compliance and continue to update our training manual and procedures to ensure the accessibility of our services.

The full text of DOB's comments is included as an addendum to this report.

Sincerely,



Marjorie Landa

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





Melanie La Rocca  
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June 13, 2019

Ms. Marjorie Landa  
Deputy Comptroller for Audits  
New York City Office of the Comptroller  
1 Centre Street, Room 1100  
New York, NY 10007-2341

**Re: Draft Letter Report on the Compliance of the New York City Department of Buildings with Local Law 65 of 2015 Regarding Translation of Business Owners Bill of Rights as They Relate to Agency Inspections (Audit Number SZ18-126AL)**

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 accessible interactions during agency inspections.

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 65 of 2015, which is intended to make City agencies' business-inspection protocols and interactions accessible to immigrants and non-English speakers.

**Response to Recommendation:**

**Recommendation 1:**

"DOB should continue to maintain its compliance with Local Law 65 to ensure it effectively meets the needs of individuals with limited English proficiency when interacting with city inspectors."

**DOB's Response:**

The Department of Buildings agrees with your recommendation, and we are pleased that your audit determined that we are in compliance with Local Law 65. DOB will continue to maintain its compliance and continue to update our training manual and procedures to ensure the accessibility of our services.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Melanie La Rocca".

Melanie La Rocca  
Commissioner

cc: George Davis III  
Archana Jayaram  
Jody Kaplan  
Germain Difo  
Frank Torres  
Kerry Castro