



CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
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AUDIT

BUREAU OF AUDIT

May 25, 2022

By Electronic Mail

Annabel Palma
Chair and Commissioner
New York City Commission on Human Rights
22 Reade Street
New York, NY 10007

Re: Final Audit Letter Report on the Compliance of the New York City Commission on Human Rights with Local Law 30 Regarding Access to City Services for Residents with Limited English Proficiency (Audit #SZ22-067AL)

Dear Commissioner Palma:

This Final Audit Letter Report concerns the New York City Comptroller's audit of the New York City Commission on Human Rights' (CCHR's) compliance with Local Law 30, which governs access to City services for individuals with limited English proficiency (LEP). Local Law 30 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. This audit of CCHR is one in a series of audits the Comptroller's Office is conducting on the City's compliance with Local Law 30.

Background

New York City, with a population of more than 8 million people, is home to one of the most diverse populations in the world, with more than 3 million foreign-born residents from more than 200 countries. 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 aged five and over are not proficient in English. For residents with LEP, interacting with City government and receiving access to City services can be a challenge.

In 2017, the New York City Council enacted Local Law 30, effective July 1, 2017, which requires City agencies that provide direct public services or emergency services to have a Language Access Plan that allows residents meaningful access to City services regardless of their proficiency in English. These translation services must be provided in the top 10 designated Citywide languages, which are: Spanish, Chinese (includes Cantonese and

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Mandarin), Russian, Haitian/French Créole, Bengali, Korean, Arabic, Urdu, French, and Polish.

Specifically, Local Law 30 requires each agency to:

- Designate a Language Access Coordinator to oversee the creation and execution of an agency-specific internal language access policy and implementation plan.
- Develop such a plan using a four-factor analysis based on guidance issued by the U.S. Department of Justice including: the number or proportion of LEP persons in the eligible service population; the frequency with which LEP individuals come into contact with the agency; the importance of the benefit, service, information, or encounter to the LEP person; and the resources available to the agency and the costs of providing various types of language services.
- Provide services in languages based on the top 10 LEP languages spoken by the population of New York City.
- Ensure that the language access policy and implementation plan includes: identification and translation of the most commonly distributed public documents; interpretive services, including telephone interpretation; training of frontline workers on language access policies; posting of signage in conspicuous locations about the availability of free interpretation services; and the establishment of an appropriate monitoring and measurement system regarding the provision of agency language services.
- Incorporate consideration of language access in agency communications such as emergency notifications, public hearings, and events; and incorporate plain language principles for documents most commonly distributed to the public that contain important or necessary information.
- Update the Language Access Plan based on changes in the agency's service population or services at least every three years and publish the plan on the agency website.

CCHR is the agency responsible for enforcing the New York City Human Rights Law (City Human Rights Law), educating the public about their rights and responsibilities under the law, and encouraging positive community relations.¹ CCHR is divided into two major bureaus: Law Enforcement and Community Relations. The Law Enforcement Bureau is responsible for the intake, investigation, and prosecution of complaints alleging violations of the City Human Rights Law, while the Community Relations Bureau works to provide public education about the City

¹ The City Human Rights Law prohibits discrimination in employment, housing, and public accommodations based on race, color, religion/creed, age, national origin, immigration or citizenship status, gender (including sexual harassment), gender identity, sexual orientation, disability, pregnancy, marital status, and partnership status among other protections.

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Human Rights Law and to help cultivate understanding and respect among the City's many diverse communities through its borough-based Community Service Centers and numerous educational and outreach programs.

The objective of this audit was to determine whether CCHR is complying with Local Law 30, which requires that all City agencies that provide direct public services to create a language access implementation plan in order to ensure meaningful access to their services.

Findings and Recommendation

The auditors found that CCHR complied with Local Law 30. CCHR has developed and updated its Language Access Plan² and designated its Policy Analyst as its Language Access Coordinator. CCHR contracts with several language access vendors for language access services including Langalo and Human Touch for translations, Voiance for telephonic interpretation, and B&N Legal Interpreting Inc. for in-person/virtual interpretation. Additionally, CCHR has multilingual staff that provide language access services. Through its multilingual staff and contracted language access vendors, CCHR has the ability to provide on-site interpretation and document translation in the top 10 designated languages, and phone interpretation services in more than 100 languages.³

CCHR offers free interpretation services online, by telephone, or in person for information regarding the City Human Rights Law, CCHR's services/programs, events/workshops, scheduling appointments, mediation, and discrimination complaints. CCHR's designated email address for language assistance services allows the agency to continue to provide free language services including written translations and telephonic interpretation upon request to individuals requiring language access assistance. During outreach events, public hearings, or trainings, CCHR accommodates interpretation requests through the use of portable simultaneous interpretation headset equipment, and it provides invitations to events in multiple languages which includes notes on the invitation of how language interpretation can be requested.

CCHR's Community Service Centers use multilingual LEP signage to notify the public that LEP services are available. Moreover, the auditors found that CCHR's most commonly distributed documents, which it defines as documents that are regularly sent to parties in the investigation, enforcement, and mediation processes, have been translated to the top 10 designated NYC LEP languages. The following are examples of documents that are translated: *Law Enforcement Bureau "Core Document", Complainant Inserts, Respondents Inserts, Administrative Closure Letter, No Probable Cause Letter, Mediation Brochure, Agreement to Mediate, Notice to Mediate, Mediation Disclosure Letter and Mediation Initiation Letter.*

² CCHR's initial Language Access Plan was issued pursuant to Executive Order 120 of 2008 and CCHR's previous Language Access Plan was issued in 2018. The Language Access Coordinator reviews the plan at least annually, and modifies it as needed. The Language Access Plan was developed using the four-factor analysis and is current as of May 2021.

³ CCHR also uses the services of 311, which has telephonic capability for 175 languages.

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CCHR requires that all staff receive annual training on language access and how to provide appropriate services to LEP members of the public who are accessing its services. Newly hired staff are trained on language access during the on-boarding process. In addition, CCHR provides its staff instructions for language access services such as in-person interpretation, telephonic interpretation, and translation of written materials in the top 10 LEP languages.

CCHR works to increase its outreach to various immigrant communities throughout the City and partners with community-based organizations, houses of worship, sister agencies, local elected officials, and others to expand its reach and connect with immigrant and LEP communities. Additionally, the current Language Access Plan, contact information for the Language Access Coordinator, and email for language access complaints, questions or requests are available on CCHR's website. Moreover, CCHR's website provides a translation feature that allows for direct translation of the website into over 100 languages.

The auditors recommend that CCHR continue to maintain its compliance with Local Law 30 to ensure that it adequately meets the language needs of the communities it serves.

CCHR's Response: "The Commission agrees with the audit's recommendation, and to continue to maintain its compliance with Local Law 30 to ensure that it adequately meets the language needs of the communities it serves."

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 January 1, 2018 through March 4, 2022. The methodology for this audit consisted of the following steps; specifically, by the auditors:

- Reviewed Local Law 73 of 2003, EO 120 of 2008, and Local Law 30 of 2017.
- 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 Department of Education.
- Reviewed CCHR's initial Language Access Plan issued 2009 and Language Access Plans issued 2018 and 2021.

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- Reviewed and assessed whether CCHR's Language Access Plan was developed in accordance with Local Law 30, using the required four-factor analysis.
- Assessed whether CCHR provided direct public services in at least the top 10 LEP languages spoken by the New York City population by placing anonymous phone calls to CCHR's call center to determine whether the operator can assist the public in the required languages.
- Obtained and reviewed documentation and assessed whether CCHR identified and translated most commonly distributed public documents provided to or completed by the public.
- Obtained and reviewed a copy of language access procedure materials used by staff in the provision of language access services including language service instructions.
- Assessed whether interpretation services, including the use of telephonic interpretation services, are available.
- Obtained and reviewed the employee manual for language access training and/or written policies and procedures.
- Obtained and reviewed CCHR signage kits to determine whether they contained multilingual posters.
- Assessed whether CCHR established an appropriate monitoring and measurement system regarding the provision of agency language services.
- Assessed whether CCHR created appropriate public awareness strategies for the agency's serviced LEP population.
- Reviewed CCHR's website to determine whether CCHR's Language Access Plan, Language Access Coordinator contact information, and the email address for language access complaints, questions or requests are posted to its website, and to determine whether pertinent information can be translated into the top 10 languages spoken in New York City.
- Obtained and reviewed CCHR's language access statistics for clients that requested translation services and clients served between January 2018 and August 2021 to determine how many clients were served.
- Requested and reviewed photographs of the signage in CCHR's office, telephones used to provide interpretation services, and phone interpretation directions for staff as of March 2, 2022.

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The matters covered in this letter report were discussed with CCHR officials during and at the conclusion of the audit, and they agreed that a preliminary draft letter report and an exit conference were not necessary. On April 8, 2022, we submitted a draft letter report to CCHR officials with a request for comments. We received a written response from CCHR on April 20, 2022. In its response, CCHR agreed with the audit's findings and recommendation, stating, "We appreciate the acknowledgment of the Commission's efforts to provide meaningful language access to the agency's services for New Yorkers with limited English proficiency."

The full text of CCHR's response is included as an addendum to this report.

Sincerely,

DocuSigned by:

Maura Hayes-Chaffe

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Maura Hayes-Chaffe

cc: Damion Stodola, General Counsel, CCHR
David Rozen, Deputy General Counsel, CCHR
JoAnn Kamuf Ward, Deputy Commissioner for Policy and External Affairs, CCHR
Daniel Steinberg, Director, Mayor's Office of Operations
Doug Giuliano, Associate Director, Programs, Mayor's Office of Operations

April 20, 2022

Maura Hayes-Chaffe
Deputy Comptroller for Audit
Office of the Comptroller, Bureau of Audit
David N. Dinkins Municipal Building
One Centre Street
New York, NY 10007

Re: Draft Audit Letter Report on the New York City Commission on Human Rights' Compliance with Local Law 30 of 2017 Regarding Access to City Services for Residents with Limited English Proficiency (Audit #SZ22-067AL)

Deputy Comptroller Hayes-Chaffe:

Thank you for the opportunity to respond to the draft audit letter report dated April 8, 2022, which confirmed the Commission's compliance with Local Law 30 of 2017.

We appreciate the acknowledgment of the Commission's efforts to provide meaningful language access to the agency's services for New Yorkers with limited English proficiency. The Commission agrees with the audit's recommendation, and to continue to maintain its compliance with Local Law 30 to ensure that it adequately meets the language needs of the communities it serves.

If you require further information, please contact me at (212) 416-0135.

Best,

David A. Rozen

David A. Rozen
Deputy General Counsel