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BUREAU OF AUDIT

June 20, 2018

By Electronic Mail

Commissioner Lorelei Salas
New York City Department of Consumer Affairs
42 Broadway, 8th floor
New York, NY 10004

Re: Letter Report on the Compliance of the New York City Department of Consumer Affairs with Local Law 25 Regarding Translation of Agency Website (Audit #SZ18-132AL)

Dear Commissioner Salas:

This Letter Report concerns the New York City (City) Comptroller's audit of the New York City Department of Consumer Affairs' (DCA's) compliance with Local Law 25, which governs the translation of websites of New York City agencies. The objective of this audit was to determine whether DCA 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 DCA 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, *New York City Population*, <http://www1.nyc.gov/site/planning/data-maps/nyc-population/current-future-populations.page>, downloaded May 29, 2018; Department of City Planning, *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; Department of City Planning, *Limited English Proficient Population*, <https://www1.nyc.gov/site/planning/about/language-access.page>, downloaded April 12, 2017.

² Department of City Planning, *Limited English Proficient Population*, *op. cit.*; see also Department of City Planning, *Top Languages Spoken at Home by Limited English Proficiency (LEP), Universe: Population 5 Years and Over*,

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 residents' 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 DCA generally complies with Local Law 25. DCA's website, found at <http://www1.nyc.gov/site/dca/index.page>, includes a translation feature for viewing text and essential information in various languages, including the top seven noted languages. DCA's website also provides important information regarding its functions and services. This includes but is not limited to information pertaining to DCA's various divisions, office locations, contact information, free financial counseling services, consumer protections, tax preparation services, sidewalk café locations and information about how senior citizens and disabled residents can freeze rent. All this information and more can be translated and viewed in each of the top seven noted languages.

In addition, DCA provides numerous documents and guides on its website, such as consumers' complaint forms, workplace complaints forms, DCA license forms and guides to recognize consumer scams. According to DCA's Language Access Plan March 2009 and Draft

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 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 Department of City Planning report, issued in March 2016, entitled *Top Languages Spoken at Home by Limited English Proficiency (LEP) Universe: Population 5 Years and Over*.

Language Access Plan 2018, DCA's most frequently requested documents can be translated and downloaded into various languages including the seven most-requested languages (Spanish, Chinese, Russian, Bengali, Haitian Créole, Korean and Arabic). We reviewed and successfully translated the following essential documents and guides into DCA's seven most requested languages⁴:

- Ready to Rent - Free Financial Counseling
- Freeze Your Rent
- Consumer Protection Tips for Immigrants
- How Can the Office of Labor Policy & Standards Help You Today?
- Workers Bill of Rights
- Basic License Application (List of DCA License industries)
- 10 Things Every Consumer Should Know
- Protecting NYC's Freelance Workers
- Home Improvement Contractors and Salespersons
- Commuter Benefits Participation Forms
- Consumer Protection Tips for Older Adults
- Tips on Scams⁵

DCA provides translation and interpretation services at its main location in Manhattan at 42 Broadway, where DCA staff interacts with the general public. DCA also provides services at the Testing Station in Brooklyn and the NYC Small Business Support Center in Queens, where translation and interpretation services are also available.

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 its business purposes.

⁵ We note that DCA translates and provides downloadable copies of these documents into a number of additional languages, beyond the seven most commonly spoken in New York City.

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. DCA translates and provides downloadable copies of these documents into a number of additional languages, beyond the seven most commonly spoken in New York City. DCA's website also has a "Translate This Page" feature, which enables translation of DCA's website text into more than 90 languages.
Website translates essential documents into the top seven most commonly spoken languages. Key documents translate into DCA's top seven most requested languages of residents with limited English proficiency. (As prescribed by DCA standards)	Yes	We reviewed and successfully translated DCA's essential information into the top seven noted languages and translated key documents into DCA's seven most requested languages of residents with limited English proficiency.

We recommend that DCA 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 February 21, 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 DCA'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 DCA's Draft May 2018 Language Access Plan and August 2015 Language Access Plan to determine what steps DCA took to comply with Local Law 25.⁶
- We reviewed the Language Access Plan to determine which documents DCA deemed essential for the agency to provide direct public services and that needed to be translated.
- We reviewed and analyzed whether DCA'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.

⁶ DCA's Draft May 2018 Language Access Plan is expected to be finalized by June 30, 2018, as required by Local Law 30. DCA's March 2009 Language Access Plan is the most current plan available from the agency.

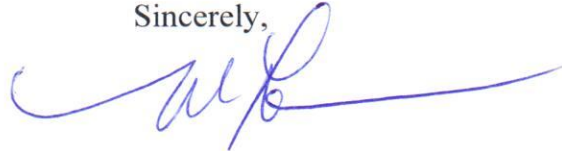
CORE CRITERIA	
Compliance	Detailed Criteria
Spanish	Agency's website includes a translation feature for viewing text, essential information and key documents in Spanish
Chinese	Agency's website includes a translation feature for viewing text, essential information and key documents in Chinese
Russian	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 DCA officials during and at the conclusion of this audit and DCA agreed that no exit conference was necessary. On June 4, 2018, we submitted a draft report to DCA with the opportunity to formally respond in writing. DCA's written response was received on June 18, 2018. In its response, DCA agreed with the report's recommendation that the agency 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. DCA stated, "We appreciate your office acknowledging our efforts regarding language access on the DCA website. DCA will continue to comply with

Commissioner Salas
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Local Law 25 in order to effectively meet the needs of New Yorkers with limited English proficiency when accessing City services online.”

Sincerely,



Marjorie Landa

c: Maureen Brooks, Deputy Commissioner for Administration
Kenny Minaya, Chief of Staff
Jordan Reisner, Senior Advisor, Policy and Project Management
Emily Newman, Acting Director, Mayor's Office of Operations
George Davis III, Deputy Director, Mayor's Office of Operations



**Consumer
Affairs**

**ADDENDUM
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Lorelei Salas
Commissioner

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nyc.gov/consumers

June 18, 2018

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Deputy Comptroller for Audit
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1 Center Street, Room 1100
New York, New York 10007

**RE: Draft Letter Report on the Compliance of the New York City Department of
Consumer Affairs with Local Law 25 Regarding Translation of Agency Website (Audit
#SZ18-132AL)**

Dear Deputy Comptroller Landa,

Thank you for the opportunity to respond to the Draft Letter Report, dated June 4, 2018, with respect to the compliance of the New York City Department of Consumer Affairs (DCA) with Local Law 25.

We appreciate your office acknowledging our efforts regarding language access on the DCA website. DCA will continue to comply with Local Law 25 in order to effectively meet the needs of New Yorkers with limited English proficiency when accessing City services online.

If you require further information, please contact Maureen Brooks, Deputy Commissioner for Administration, at (212) 436-0192.

Sincerely,

Lorelei Salas
Commissioner

cc: Mindy Tarlow, Director, Mayor's Office of Operations
George Davis, Mayor's Office of Operations
Maureen Brooks, Consumer Affairs
Jordan Reisner, Consumer Affairs