



February 13, 2025

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Filed At: <https://accessibilityplans.cityofnewyork.us/dob/>

Re: New York City Department of Buildings' Proposed
Five-Year Accessibility Plan, Posted On Or About January
15, 2025

Dear Ms. Atkinson,

Disabled In Action of Metropolitan New York, Inc. ("DIA") submits these comments in response to the New York City Department of Buildings' ("Buildings Department") request for comments concerning its Proposed Five-Year Accessibility Plan ("Accessibility Plan" or "Plan"), posted online on or about January 15, 2025.

DIA is a fifty-one (51) year old, 501(c) (3), grassroots, civil rights organization run by and for people with disabilities. DIA's mission is to eliminate discrimination for people with all kinds of disabilities.

Significantly, the Buildings Department does not provide any reason for its Accessibility Plan being a year late. The Buildings Department needs to explain to the public and the City Council what the excuse is for not filing this Accessibility Plan last year as required by Local Law No. 12 for the year 2023.

We noticed that you do provide an email address for the EEO Officer/Disability Service Facilitator on pages seventeen and eighteen of the Accessibility Plan but do not provide it on page three of this Plan. Please provide her email address on the first page where you first refer to the Disability Service Facilitator and all the contact information for this person.

Significantly, when a person calls the number provided in the Accessibility Plan, that is 212-393-2544, it directs you to another number for Ms. Atkinson, that is 212-393-2718. Why is the public given a general number where you cannot leave a message and are forced to state the Disability Service Facilitator's name and then directed to another telephone number that you have to write down? When you call this second telephone number, that is 212-393-2718, it states that there is no voicemail box that has been set up to receive messages.

First, please note that people with speech disabilities cannot even get the correct telephone number for the Disability Service Facilitator as this number requires you to state the name of the Disability Service Facilitator. Second, people with cognitive disabilities or manual dexterity disabilities will find it difficult, and in some instances, impossible to take down this additional telephone number. To add further to a person with a disabilities frustration, there is no working number to even leave a message for the Disability Service Facilitator.

Everyone needs to have an actual number that they can reach and be able to talk to the Disability Service Facilitator for the Buildings Department as well as be able to leave a message which will be answered in a reasonable time. This is a major flaw in this Accessibility Plan that needs to be rectified immediately. Further, the Buildings Department needs to provide a TTY and New York relay service number for people to be able to contact the Disability Service Facilitator.

Agency Mission Statement

Significantly, nowhere in the Buildings Department's Agency Mission Statement does it refer to the need for buildings to be accessible to people with disabilities. The mission statement talks about focusing on "safety," "service," and "integrity" and enforcing the "City's Construction Codes, Zoning Resolution, and the New York State Multiple Dwelling Law", (Accessibility Plan at p. 4), but nowhere mentions the Americans with Disabilities Act Accessibility Guidelines, Section 504 of the Rehabilitation

Act nor any state or local laws dealing with accessibility of facilities, this is very telling and may explain why so many facilities and buildings in New York City remain inaccessible.

The Buildings Department's Accessibility Plan does not address what, if anything, the Buildings Department does with respect to the accessibility of the facilities when reviewing building plans other than to give some general explanation of its training program for inspectors, see page fifteen of the Accessibility Plan. We know accessibility needs to be addressed since too many buildings in New York City are still not accessible in whole or in part to people with disabilities. Further, because of architects being able to self-certify, many renovations make a building inaccessible.

Accessible Areas

The Buildings Department states that it has relocated a Bronx location to "a more accessible location" (underline added.) (Accessibility Plan at p. 7), such a statement seems to indicate that this new location may be better but is not completely accessible as is required by law.

The Buildings Department merely lists the various facilities it has offices in but gives no indication as to how accessible any of these locations are to the public and to its own employees with disabilities. Significantly, several of the locations listed the Buildings Department state in parentheses "Not Open to the Public" (Accessibility Plan at p. 6), is the Buildings Department under the erroneous belief that by not being "open to the public" such facilities

do not have to be accessible to its own employees and others that are disabled? The mere fact that a building is not open to the public does not mean that it does not have to be accessible to people with disabilities, including guests, visitors and employees.

Eating Areas

In one sentence the Buildings Department states that it "provides accessible eating areas at each [of its] location for its employees" (Accessibility Plan at p. 7), but the Buildings Department does not state which of the locations that are listed earlier in the Plan have such eating areas so that a person can make their own judgment as to how accessible such areas are to employees.

Evacuation Procedures

We applaud the Buildings Department for having evacuation procedures for employees. However, it is not clear whether the evacuation procedures requires that an email from the Fire Safety person be sent each day to account if employees with disabilities are physically in the office; if this has not been implemented, it needs to be done immediately. This daily email should also include the assigned voluntary buddy so that everyone knows who is on the premises each day.

The Buildings Department's evacuation procedures need to include visitors with disabilities. Further, the Buildings Department's evacuation procedures should state that all Buildings Department staff need to be trained on what to do if a disabled person needs to evacuate in an emergency. Additionally, the Buildings Department's evacuation procedures should state that all employees need to be trained on how to evacuate people with different disabilities in emergencies and trained on how to safely transfer a person to an evacuation chair and how to safely operate an evacuation chair.

The Buildings Department's Accessibility Plan does not state anything about evacuation chairs. The Buildings Department's evacuation procedures need to require that an evacuation chair be provided in a location easily accessible and very near to the workstation/office of self-identified employees with mobility disabilities. An additional evacuation chair that could be used by other employees and visitors in an emergency evacuation should be required in the Buildings Department's evacuation procedures and such chairs need to be located in a visible and easily accessible place on every floor the Buildings Department occupies. The Buildings Department's evacuation procedures should state when evacuation chairs will be acquired, when all employees will be trained on what this is and how to properly operate it. All this critical information should be set forth in the Buildings Department's Accessibility Plan.

Finally, the Buildings Department's evacuation procedures should state that the Buildings Department will post signage instructing visitors on what to do in the case of an emergency evacuation in an easily seen location, in large print and Braille. So too, the Buildings Department's Accessibility Plan should include all this critical information including the date by which the posting of this necessary signage will be accomplished.

Digital Access

Please provide a definite date by which a Digital Inclusion Officer will be designated as well as a definite date this Digital Inclusion Officer will perform an evaluation of the agency's online resources and social media to determine if there is a need for any accessibility improvements (Accessibility Plan at p. 8). It is great that the Chief Marketing Officer presently evaluates and regulates the Buildings Department's digital content to make any necessary accessibility changes, however, the purpose of this Accessibility Plan is to explain how accessible is the digital information provided by the Buildings Department presently and what is planned to be done and by whom and when it is to be completed so that all of the Buildings Department's digital communications are accessible to people with disabilities. Please provide such information as well as the name and contact information for the Chief Marketing Officer referred to on page eight of the Buildings Department's Accessibility Plan.

Online Resources

Significantly, the Buildings Department refers to several online resources that it has for people to track construction in their neighborhood but does not state if such resources are completely accessible to people with disabilities (Accessibility Plan at pp. 8-9). We would like some clarification as to whether the Buildings Department has reviewed these online resources and considers them to be accessible?

Social Media

Looking at the Buildings Department's response with respect to social media it only refers to using alt text and does not talk about such things as having audio description for videos and other necessary features for accessibility. As previously stated, the Buildings Department needs to provide a date certain as to when the Digital Inclusion Officer will be designated and when the evaluation of the social media will occur and when will the Buildings Department's social media be made completely accessible.

Programmatic Access

It is not clear whether the Buildings Department has set forth here all the various programs that it provides to the public and whether such programs are accessible to people with disabilities (Accessibility Plan at p. 9).

With respect to those programs the Buildings Department has set forth in this Accessibility Plan, it seems that many do not provide more than one way to participate in a program or access the program. For instance, on page ten of the Building Department's Accessibility Plan, the Plan refers to New York City Loft Board's public hearing meetings and industry meetings and states that both of these types of meetings are in person (Accessibility Plan at p. 10). So too, the Buildings After Hours program requires people to appear in person (Accessibility Plan at p. 11). We submit that there should be a virtual alternative available for those who cannot attend in person these and other in person programs.

Additionally, Records Requests, requires that a person pick up the requested records during the Buildings After Hours program and does not provide any other method by which search records can be accessed (Accessibility Plan at p. 11).

In sum, there should be other ways people can participate in these programs such as through a phone number and a digital/virtual platform where they can also have CART and/or American Sign Language interpretation available on request. So too, there should be other ways to obtain records and documents such as by email or postal mail.

Effective Communications

With respect to the Language Access Implementation Plan, please provide the contact information, that is a direct working telephone number where a person can leave a message as well as an email address for Lisa Lewis, the Director of Customer Service (Accessibility Plan at p. 12). Further, the Accessibility Plan should state how a person can read the Language Access Implementation Plan referred to in this Plan.

Workplace Inclusion

We are glad that the Buildings Department is reaching out to people with disabilities. We suggest that the Buildings Department reach out to high schools to educate high school students with disabilities about careers in the Buildings Department.

Trainings

We are glad to see that the Buildings Department's agency head and the EEOC Officer have mandated Disability Awareness and Equity training for all employees (Accessibility Plan at p. 15). In the future will the Invisible Disabilities and Neurodiversity training be included with the Disability Awareness and Equity training? We recommend that both trainings should be given at the same time.

With respect to the Inspector Training Academy, please provide the contact information for the person who is in charge of this program, that is, the Code Development Architect, Mariya Zarankina (Accessibility Plan at p. 15).

We are concerned that under training you only refer to the New York City Building Code requirements for accessibility and do not specifically refer to any other federal or state statutes and regulations regarding accessibility.

It is puzzling that the Buildings Department in its Accessibility Plan reference to the second component of its training which concerns new residential buildings talks about "triggers" for accessible features in residential buildings - "[i]t teaches how to recognize the triggers for accessible features in residential buildings and identifies design requirements in common spaces of residential buildings", since by the mere fact that the building is "new" construction it needs to comply with federal, state and local accessibility standards.

It would be beneficial for this Accessibility Plan to include specific information on how inspectors are trained with respect to making sure that new construction, alterations, renovations, rehabilitation and improvements to buildings are evaluated to determine whether they comply with the laws and regulations governing making buildings accessible to people with disabilities as well as what is done when such evaluations and inspections show that these laws have not been complied with.

Methodology

The Buildings Department states in this Plan that "[a]ccessibility assessments will continue to be an ongoing process" (Accessibility Plan at p. 16), but it gives no specifics of how this will occur, who will be responsible for getting these accessibility assessments updated, when such will happen, including a definite start date and estimated completion date as well as whether these accessibility assessments will be available online for the public to review.

In this Accessibility Plan, it is stated that "[t]he Enforcement Inspections unit has a capability to run a report of public complaints relating to accessibility against private and public properties" and that in such a report the Buildings Department "has the ability to track any accessibility complaints/violations and identify any trends within the complaints/violations." (Accessibility Plan at p. 16). However, the Accessibility Plan does not state whether the Buildings Department has ever run such a report, tracked accessibility complaints/violations and identified any trends within these complaints/violations. It would be helpful to include such information in this Accessibility Plan. Finally, it would be helpful to know whether complaints regarding accessibility of buildings should be sent to the Disability Service Facilitator once we are provided with an actual working telephone number for the Disability Service Facilitator at which a person can leave a message.

Thank you for the opportunity to comment on the Buildings Department's Accessibility Plan since equal access to all New York City's services, activities and programs is important to all New Yorkers. If you would like additional information or have any questions, please do not hesitate to contact DIA at info@disabledinaction.org.

Thank you for your continued work on behalf of all of us.

Very truly yours,

Jean Ryan,
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