



Board of Standards and Appeals

**Local Law 12 Five-Year Accessibility Plan
(2024-2028)**

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Background

[Local Law 12 of 2023](#) requires every New York City agency to develop and implement a five- year accessibility plan, in consultation with the Mayor’s Office for People with Disabilities (“MOPD”). The legislation mandates that the accessibility plans outline the steps agencies are taking to “ensure that the agency’s workplace, services, programs and activities are accessible to and accommodating and inclusive of persons with disabilities” by improving physical, digital, and programmatic access, and providing effective communications for persons with disabilities. These efforts include, but are not limited to: any alterations or structural changes to facilities or premises that are owned and operated by the agency or contracted for use by the agency or otherwise under the agency’s jurisdiction; any planned upgrades or investments in technology or tools that will improve accessibility within the agency or access to such agency’s services and programs; and additional steps to make the agency’s programs and services more accessible to and inclusive of persons with disabilities.

Statement of Commitment

The New York City Board of Standards and Appeals (“BSA” or the “Board”) believes in an equitable, diverse, and inclusive environment. BSA is committed to providing persons with disabilities with access to the Board’s services; to identifying, preventing, and removing barriers to accessibility; and to meeting accessibility requirements in a manner that respects the dignity and independence of persons with disabilities.

Consistent with the purpose of the legislation, BSA strives to use reasonable efforts to ensure that its policies, practices, and procedures are consistent with the following principles:

- Receipt of complaints, investigations and other BSA services are provided in a manner that respects the dignity and independence of persons with disabilities to enable them to obtain, use or benefit from BSA resources and/or services;
- Persons with disabilities are given an opportunity equal to that given to others to obtain, use and benefit from BSA resources and/or services;

- When communicating with a person with a disability, the BSA will do so in a manner that considers the person's disability and preferred method of communication;
- Planned installation of assistive listening devices so that persons with disabilities may use assistive devices to support access to BSA resources and services; and
- Persons with disabilities and their service animals are accommodated in all aspects of service provision unless the animal is otherwise excluded by law.

Agency Mission

The Board of Standards and Appeals (BSA) is an integral part of the City's system for regulating land use, development, and construction and was established as an independent board to grant "relief" from the zoning code. When the City's first zoning regulations were enacted in 1916, they were intended to be generally applicable to large swaths of the City. However, the drafters had concerns that individual parcels of land might be unduly restricted by the regulations, subjecting the City to claims that the City had unconstitutionally taken private property. Historically, appeals boards have been created all over the country whenever municipalities establish land-use regulations. By providing an avenue for relief through the Board, the City significantly reduces the likelihood that any broad constitutional challenges to its overall zoning system could be successful, and the Board safeguards the City's ability to regulate the use and development of private property.

The Board is empowered by the City Charter to interpret the meaning and applicability of the Zoning Resolution, the New York City Construction Codes, and the Multiple Dwelling Law. This power includes the ability to vary in certain instances the provisions of these regulations.

Most of the Board's activity involves reviewing and deciding applications for variances and special permits, as authorized by the Zoning Resolution, and appeals by property owners whose proposals have been denied by the Department of Buildings, Fire Department, or Department of Small Business Services. The Board also reviews and decides applications from the Department of Buildings and Fire Department to modify or revoke certificates of occupancy.

The Board can only act upon specific applications brought by landowners or interested parties who have received prior determinations from one of the enforcement agencies noted above. The Board cannot offer opinions or interpretations generally, and it cannot grant a variance or a special permit to any property owner who has not first sought a proper permit or approval from an enforcement agency. Further, in reaching its determinations, the Board is limited to the specific findings and remedies set forth in state and local laws, codes, and the Zoning Resolution, including, where required by law, an assessment of potential environmental impacts.

Contact Information

BSA is responsible for preparing and updating BSA's Accessibility Plan.

Online Resources

BSA's website contains useful information for individuals with disabilities, including:

- Non-discrimination Policy and Notice of Rights
- Grievance Procedures
- Website Accessibility Statement
- Five-Year Accessibility Plan

To access BSA's online accessibility resources, please visit nyc.gov/site/bsa/about/bsa-website-accessibility-statement.page. A copy of this webpage is appended to this plan as Appendix A.

Accommodation Requests

Under Local Law 27 of 2016, every City agency is required to appoint a Disability Service Facilitator ("DSF"). The DSF coordinates agency efforts to comply with and carry out the agency's responsibilities under the Americans with Disabilities Act ("ADA") and other federal, state and local laws and regulations concerning access to agency programs and services by persons with disabilities. These individuals are liaisons to New Yorkers with disabilities, connecting people with disabilities to City government.

Employees and/or members of the public who need assistance accessing a particular program or service, should contact BSA's DSF Toni Matias at (212) 386-0009 or frontdesk@bsa.nyc.gov.

Availability

BSA's accessibility plan is publicly posted at: nyc.gov/site/bsa/about/bsa-website-accessibility-statement.page.

Individuals may request a copy of this document in an accessible alternative format by contacting the DSF at tmatias@bsa.nyc.gov or (212) 386-0085.

Executive Summary

BSA is committed to equity both in its workforce and in its service to the public. To comply with the ADA and Local Law 12 of 2023, BSA has designed this accessibility plan to identify priority areas to remove barriers to accessing BSA's services and to empower its workforce to better serve New Yorkers. This plan addresses access in the following areas:

1. Physical Access
2. Digital Access
3. Programmatic Access
4. Effective Communication
5. Workplace Inclusion

The purpose of this plan is to outline how BSA will identify, remove, and prevent barriers for persons with disabilities and comply with the ADA and other legal requirements. This plan was informed by consultations with MOPD, which, through its role in answering disability-related inquiries and processing reasonable accommodations requests, has a strong understanding of past, present, and future accessibility issues. BSA has developed this plan to address these issues, remove barriers, and prevent creation of new ones in the areas identified above. While BSA designed this plan to be comprehensive, a more thorough assessment will be required in some instances to identify effective long-term solutions and implementation strategies. As such, this plan will continue to evolve with the goal of achieving our accessibility objectives and keeping pace with changing accessibility standards and requirements.

Agency Plan

Physical Access

Implementation Timeframe: 2024-2028

BSA's office space is located at 22 Reade Street, 1st Floor, New York, NY 10007. BSA has begun implementation of several physical access improvements within its office space, including:

1. Two (2) accessible doors that automatically open and close have already been installed in BSA's office space.
2. Assistive listening systems: BSA plans to work with DCAS to install additional assistive listening systems in Spector Hall, 22 Reade Street.
3. Braille signage.
 - BSA has already installed braille signage in all bathrooms and office location signs.
 - BSA plans to install additional braille signage in all places where there is directional signage within the next year.

In addition to the above, BSA will continue to establish plans to make its facilities more accessible. BSA will take appropriate steps to prevent service disruptions to accessible parts of its public spaces. In the event of a service disruption, we will notify the public of the service disruptions and alternatives available. The BSA had coordinated with DCAS to upgrade our space to meet our needs but, due to budgetary constraints, this plan has not yet been implemented. BSA will, however, continue to seek budgetary approval to implement additional accessibility improvements in accordance with our five-year plan.

Digital Access

Implementation Timeframe: 2024-2028

BSA will continue to strive to meet Web Content Accessibility Guidelines 2.1 Level AA for both our internal and public facing websites. BSA's Web Accessibility Statement is posted on the Board's Accessibility webpage (nyc.gov/site/bsa/about/bsa-website-accessibility-statement.page) in compliance with Local Law 12.

Programmatic Access

Implementation timeframe: 2024-2028

Accessibility and inclusion of people with disabilities is a core value for BSA. Training is provided in a way that best suits the duties and needs of employees and anyone utilizing BSA's and DCAS's training space and/or programs. BSA is also committed to providing training on the requirements of accessibility as they apply to people with disabilities. Accessibility training for all employees will be launched in 2024 and will be conducted annually.

BSA has taken or will take the following steps to ensure employees are provided with the training needed to meet current standards and legislation:

1. Provide educational or training resources in an accessible format that considers the accessibility needs of a person with a disability.
2. Ensure new employees and volunteers complete Disability Etiquette and Awareness training within 30 days of employment or placement.
3. Keep and maintain a database of the training participant's names and dates of completion.

Effective Communications

Implementation timeframe: 2024-2028

Although BSA does not have customers in the same way that many other agencies do, we do have visitors to our offices. BSA is committed to providing accessible service to people with disabilities and making our information and communications accessible to people with disabilities. BSA is similarly committed to ensuring its digital content is accessible to and usable by people with disabilities.

To achieve greater digital accessibility and remove barriers to persons with disabilities, BSA will:

1. Upon request, provide or arrange for the provision of accessible formats and communication supports to persons with disabilities in a timely manner, taking into account the person's accessibility needs.
2. Provide, upon request, accessible formats and communication supports for receiving and responding to feedback from persons with disabilities.

3. Organize professional training sessions, including those offered by the Department of Citywide Administrative Services (DCAS).

Workplace Inclusion

Implementation Timeframe: 2024-2028

Accessibility Policies and Plans

BSA has developed and will implement and maintain a five-year accessibility plan that outlines the strategies and actions to identify, prevent and remove barriers for people with disabilities. Specifically:

1. BSA follows the Citywide EEO Policy in the DCAS Code of Conduct.
2. BSA will review, assess, and amend, where necessary, its internal policies and procedures to incorporate accessibility equity into BSA's core operations with respect to BSA employees and members of the public with whom BSA interacts.
3. BSA reviews internal policies on a regular basis and will integrate updates and/or amendments regarding accessibility to relevant laws, rules and regulations into the BSA Accessibility Plan. In conjunction with the commencement of its 5-year accessibility plan, BSA plans to do an accessibility review of agency policies to ensure they address any accessibility issues.

Employment Standard and Reasonable Accommodations

BSA is committed to ensure our recruitment, assessment and on-boarding processes are fair and accessible to all applicants and potential employees. BSA will also continue to provide reasonable accommodations to employees and applicants with disabilities.

BSA has taken the following steps to ensure compliance with this standard:

1. Specifying that accommodations are available for employees and applicants with disabilities.
2. When making offers of employment, successful candidates are notified that accommodations are available upon request to BSA's EEO Office.
3. EEO arranges interviews, if applicable, for requested accommodation(s) in a timely manner, in a format/forum that is preferable to the employee requesting/requiring the accommodation.

4. EEO informs employees of policies used to support employees with disabilities and notifies employees when there is a change in policy, as soon as practicable.

Documented Individual Accommodation Plans

Consistent with the Citywide EEO Policy and relevant laws and rules, BSA EEO shall produce and provide documented individual accommodations based on the following practices:

1. Cooperative dialogue with the employee or applicant requesting or requiring the accommodation;
2. Review of external medical evaluations to determine appropriate and effective accommodations that address the specific disability or condition;
3. High level of privacy;
4. Regular review and updates, where applicable;
5. Reasons for denial, if applicable;
6. The means of providing the accommodation in a format that considers the needs of the employee;
7. If required, include individualized workplace emergency response information.

Accessible Emergency Information

BSA has created a process for documenting challenges with accessibility in addition to recording and providing accommodation for individualized accessible emergency response information. BSA has provided and will continue to provide individual emergency response plans to employees with disabilities in order to ensure such employees can be safely evacuated from our premises in the event of emergency. If an employee who receives individualized workplace emergency response information requires assistance, with the employee's consent, the workplace emergency response information will be given to the designated employee(s) responsible for coordinating search and evacuation of BSA employees.

An individual emergency response plan shall include the employee's:

1. Location
2. Type of disability, if applicable
3. Special equipment required for safe transport and evacuation.

BSA will continue to review the individualized workplace emergency response plans to ensure the plans are updated and accurate.

Return to Work

BSA is committed to developing individual accommodation plans and return-to-work policies for employees that have been absent due to a disability. BSA has developed and maintained a return to work process for our employees who have been absent from work due to a disability and require disability-related accommodations in order to return to work. The process includes the steps to facilitate the return to work process which utilizes the documented individual accommodation plans.

Performance Management, Career Development, and Redeployment

BSA is committed to ensuring that the accessibility needs of employees with disabilities are taken into account with regard to performance management, career development and redeployment processes.

BSA will review and work with DCAS to update Human Resources policies and procedures taking the following elements into consideration:

1. Accessibility needs of employees with disabilities, as well as individual accommodation plans, shall be taken into account when using performance management processes.
2. Accessibility needs of employees with disabilities, as well as individual accommodation plans, shall be taken into account when providing career development and advancement opportunities.
3. Accessibility needs of employees with disabilities, as well as individual accommodation plans, shall be taken into account when redeploying employees with disabilities.

Methodology

Beyond meeting ADA compliance requirements, BSA is committed to identifying priorities to increase accessibility and inclusion. BSA has identified the following goals to remove and prevent accessibility barriers over the coming years:

1. Review existing accessibility policies and procedures and update, where necessary.
2. Gather staff demographic data to determine representation of people with disabilities and other diverse groups within BSA.
3. Increase employment and other opportunities for under-represented populations.
4. Commit to filing an accessibility report based on stated deadlines in § 23-1004.

The EEO Office, through the reasonable accommodations process, interacts with individuals with disabilities and has both a historical and a present understanding of disability-related inquiries and needs. This information was critical to informing BSA of the issues that should be addressed as part of this plan and will further serve as a guide for future amendments and additions to the plan. BSA did not receive any public comments during the public comment period on the proposed accessibility plan. BSA will work to achieve its goals by recognizing and addressing concerns from members of the public.

Appendix A - BSA Accessibility Webpage

BSA Website Accessibility Statement

The Board of Standards and Appeals is committed to ensuring its digital content is accessible to and usable by people with disabilities. We are continually improving the user experience for everyone and applying the relevant accessibility standards.

Conformance Status

The Web Content Accessibility Guidelines (WCAG) defines requirements for designers and developers to improve accessibility for people with disabilities. It defines three levels of conformance: Level A, Level AA, and Level AAA. Our digital content is partially conformant with WCAG 2.1 level AA. Partially conformant means that some parts of the content do not fully conform to this accessibility standard.

Feedback

We welcome your feedback on the accessibility of our digital content. Please let us know if you encounter accessibility issues by using the [Website Accessibility Feedback Form](#). If you need assistance accessing a particular program or service, please reach out to the Board of Standards and Appeals Disability Services Facilitator at (212) 386-0009 or [BSA frontdesk](#).

Assessment Approach

The Board of Standards and Appeals assesses the accessibility of its digital content through self-evaluation.

Grievance Procedure for Members of the Public Alleging Discrimination Based on Disability

Any member of the public alleging discrimination on the basis of disability in the provision of services by BSA may file a grievance with BSA, which should contain:

- the name, address, telephone number and/or email of the grievant and
- information about the alleged discrimination, such as the location, date, and description of the incident or alleged violation of the ADA, Rehabilitation Act, New York State Human Rights Law, or New York City Human Rights Law.

“Grievance” is the term for the allegation filed with BSA by a member of the public.

“Grievant” is the term for the person alleging discrimination in the grievance.

Notice: The following grievance and grievance appeal procedures are for reporting of disability-based discrimination in the provision of services by BSA only.

When and How to File a Grievance

The grievance should be submitted as soon as possible, but no later than sixty (60) calendar days after the alleged violation to:

Toni Matias
Board of Standards and Appeals
22 Reade Street, 1st Floor
New York, NY 10007
212-386-0085
Tmatias@bsa.nyc.gov

The grievance may be filed in one of two ways:

1. By submitting the grievance in writing by mail or email using the above address; or
2. Upon request, by an alternative means, such as an in-person interview or an audio recording, describing the incident or alleged violation of the ADA, Rehabilitation Act, New York State Human Rights Law, or New York City Human Rights Law. A request for an alternative means of filing may be granted as an accommodation for a grievant with a disability.

Timeline Following Filing of Grievance

Within fifteen (15) calendar days after receipt of the grievance, the Disability Service Facilitator or designee will contact the grievant to discuss the grievance and possible resolutions. Within fifteen (15) calendar days of this contact with the grievant, the Disability Service Facilitator or designee will provide a response in writing. Grievants may request the response in an additional format accessible to them, such as large print, Braille, or audio recording. This response will address the grievance, describe BSA’s position, and offer options for substantive resolution of the grievance, where applicable.

When and How to File an Appeal

The grievant may appeal BSA's decision within thirty (30) calendar days of receipt of BSA's response.

The appeal should be mailed to:

Commissioner Shampa Chanda
New York City Board of Standards of Appeals
22 Reade Street, 1st Floor
New York, NY 10007

The appeal may be filed in one of two ways:

3. By submitting the appeal in writing and by mail using the above address; or
4. Upon request, by an alternate means, such as an in-person interview or an audio recording, describing the incident or alleged violation of the ADA, Rehabilitation Act, New York State Human Law, or New York City Human Rights Law. A request for an alternative means of filing may be granted as an accommodation for a grievant with a disability.

Timeline Following Filing of Appeal

BSA's response to the appeal will be provided to the grievant in writing within thirty (30) days following receipt of the appeal. Grievants may request the response in an additional format accessible to them, such as large print, Braille, or audio recording. This response will address the appeal, describe BSA's decision, and offer options for substantive resolution of the appeal, where applicable. All written grievances, appeals, and responses in connection with a grievance made to BSA will be retained for at least three (3) years.

Note: Upon request to the Disability Service Facilitator, this page can be made available in an alternative format.

Five-Year Accessibility Plan

BSA's Plan can be viewed at: nyc.gov/site/bsa/about/bsa-website-accessibility-statement.page.