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**THE COUNCIL OF THE CITY OF NEW YORK**

COMMITTEE REPORT OF THE GOVERNMENTAL AFFAIRS DIVISION

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**COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS LICENSING**

Hon. Rafael Espinal, Chair

**April 11, 2019**

**INT. NO. 287:** By Council Member Rodriguez

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to permitting street vendors to vend within two feet from the curb

**INT. NO. 288:** By Council Member Rodriguez

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to permitting street vendors to vend 25 feet from a bus stop or taxi stand

**INT. NO. 292:** By Council Member Rodriguez

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to permitting food vendors to place items on their vending vehicle or pushcart

**INT. NO. 832:** By Council Members Chin, Levine, and Ayala

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to allowing ill or incapacitated street vendors to transfer their license to a family member

**PROPOSED INT. NO. 1116-A:** By Council Members Chin, Menchaca, Lander, Rose, Miller, Koslowitz, Reynoso, Dromm, Barron, Treyger, Levine, Ayala, Brannan, Diaz, Levin, Kallos, Public Advocate Williams, Rodriguez, Eugene, Ampry-Samuel, Perkins, Cornegy, Holden, Rivera, and Ulrich

**TITLE:** Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to expanding the availability of food vendor permits, creating an office of street vendor enforcement, and establishing a street vendor advisory board

**INT. NO. 1479:** By Council Member Chin

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to permitting food vending and general vending on certain streets

1. **INTRODUCTION**

On April 11, 2019, the Committee on Consumer Affairs and Business Licensing, chaired by Council Member Rafael Espinal, will hold a hearing on six bills related to street and mobile food vending in New York City: Introductory Bill Number 287 (Int. No. 287), in relation to permitting street vendors to vend within two feet from the curb; Introductory Bill Number 288 (Int. No. 288), in relation to permitting street vendors to vend 25 feet from a bus stop or taxi stand; Introductory Bill Number 292 (Int. No. 292), in relation to permitting food vendors to place items on their vending vehicle or pushcart; Introductory Bill Number 832 (Int. No. 832), in relation to allowing ill or incapacitated street vendors to transfer their license to a family member; Proposed Introductory Bill Number 1116-A (Int. No. 1116-A), in relation to expanding the availability of food vendor permits, creating an office of street vendor enforcement, and establishing a street vendor advisory board; and Introductory Bill Number 1479 (Int. No. 1479), in relation to permitting food vending and general vending on certain streets. The Committee has invited the Departments of Consumer Affairs, other officials from the Administration, street and mobile food vendors, advocates, business representatives and other stakeholders to provide testimony on these bills.

1. **BACKGROUND**

Street vendors in New York City have contributed markedly to the vibrancy of the City’s streets and to the City’s food and retail landscape. They often offer cheaper food and merchandise alternatives to that sold in traditional stores, or sell fresh fruit and vegetables in underserved areas that are considered food deserts. Street vending in this City has existed for centuries and has consistently been an avenue for newly arrived immigrants and those with minimal work opportunities to turn their skills and resources into making a living.[[1]](#footnote-1) However, whether it was the peddlers selling oysters and clams in the early 1800s or street vendors today selling hot dogs and halal food,[[2]](#footnote-2) over their centuries of operation in New York City, street vendors have consistently struggled to be seen as equal counterparts to other small business merchants. This quote from the 1906 Mayoral commission aptly captures the situation today as it did back then: “While adding materially to the picturesqueness of the city's streets and imparting that air of foreign life which is so interesting to the traveler, lending an element of gaiety and charm to the scene which is otherwise lacking, the practical disadvantages from the undue congestion of peddlers in certain localities are so great as to lead to a demand in many quarters for the entire abolition of this industry, if it may be dignified by that term*.*”[[3]](#footnote-3) As will be outlined in this Committee Report, the tensions between street vendors and other established businesses still exist. The illegal market for vending permits continues to cause prolific exploitation, and the various city agencies with oversight over the industry continue to struggle with enforcing the patchwork of regulations. The legislation being considered by the Committee aims to mitigate some of these problems, while balancing the competing needs of vendors, customers, residents and brick and mortar establishments.

**Current New York City Street Vending Regulations and Restrictions**

Selling food, merchandise or other items on the streets of New York City can involve adhering to a series of complicated rules and procedures. Separate regulations administered by different agencies apply depending on the item for sale, where the sale takes place, and who is doing the selling. Street vendors are regulated by Department of Consumer Affairs (DCA), the Department of Health and Mental Hygiene (DOHMH), the NYPD, as well as the Departments of Sanitation, Environmental Protection, Finance, and Parks and Recreation. This patchwork of laws and agencies often causes confusion for both vendors and enforcement agencies.

Broadly speaking, street vending falls into the following four categories: first amendment street vending; street vending by veterans; general merchandise vending; and mobile food vending (MFV). Each type of street vending is governed by specific laws and guidelines, and in the later cases, the number of licenses available are capped, as illustrated in the table below.

**Types of street vending in New York City[[4]](#footnote-4)**

|  |  |
| --- | --- |
| **General Merchandise**  Sell goods or services including newspapers, periodicals, books, pamphlets, art  **Capped number of licenses: 853** | **First Amendment**  *Exclusively* sell newspapers, periodicals, books, pamphlets, art  **No license required**  **No cap** |
| **Veterans**  Allowed unlimited general vending permits  **License required**  **No cap** (unless vending food, or disabled veterans who wish to vend in the midtown core) | **Mobile Food Vending (MFV)**  2,900 citywide permits  100 citywide permits for veterans and disabled veterans and persons  1,000 seasonal permits  200 borough specific permits  1,000 green cart permits  **Waiting list closed since 2007** |

First Amendment vendors – those who sell political or artistic product – do not require a license, but they must abide by various time, place and manner restrictions.[[5]](#footnote-5)

Pursuant to Section 32 of the General Business Law (GBL) of the State of New York, every honorably discharged member of the armed forces of the United States who is a resident of the state and a veteran of any war or has served overseas has the right to vend upon the streets or highways of the county of their residence.[[6]](#footnote-6) In the City of New York, all veteran vendor licenses are administered by DCA in accordance with state law. General vending licenses available to veterans under Section 32 of the GBL are unlimited and compel the veteran vendor to comply with all time, place and manner restrictions that regulate general vendors.[[7]](#footnote-7) Pursuant to State law, general vendor licenses are free of cost to the applicant.

Section 35-a of the GBL further provides that veterans who are disabled due to injuries sustained in the line of duty are eligible for a specialized vending license (SVL).[[8]](#footnote-8) Holders of an SVL may operate on many City streets where vending might be otherwise prohibited.[[9]](#footnote-9)

Disabled veterans eligible for an SVL who desire to vend in the “midtown core” of Manhattan must secure a midtown core specialized license (MSVL), which are capped at 105.[[10]](#footnote-10) The midtown core is defined by the GBL and incorporated into City rules as the area within 13th St (south) and 65th St (north), and 2nd Ave (east) and 9th/Columbus Ave (west).[[11]](#footnote-11) Pursuant to various city laws and regulations, many streets in the midtown core are fully restricted from vendors.[[12]](#footnote-12)

SVLs and MSVLs may vend anywhere street vendors are permitted to vend. When these SVLs and MSVLs vend in areas of the City that are available to all street vendors, they must comply with all time, place and manner restrictions found in local law.[[13]](#footnote-13) When specialized vendors vend in streets that are restricted from other street vendors, they must comply only with the time, place and manner restrictions contained GBL 35-a.[[14]](#footnote-14) These restrictions largely mirror those found in local law. In significant part, SVLs are limited to two per block face when vending on streets otherwise restricted to street vendors.[[15]](#footnote-15) MSVLs are limited to one per block face. When a third or second, as applicable, vendor arrives, the priority number on the license determines which vendors may remain.[[16]](#footnote-16)

As noted above, permits for a mobile food vending unit are capped and 100 permits are set aside exclusively for veterans. In addition to the permits provided in the Code, the Parks Department issues permits to disabled veterans to vend on the sidewalks surrounding the City parks, pursuant to agency rules.[[17]](#footnote-17)

General merchandise vendors do require a license that can be obtained through the Department of Consumer Affairs (DCA). However, since 1979 there has been a cap on these licenses (at 853).[[18]](#footnote-18) In 2016 DCA made efforts to re-establish the waiting list that previously had not accepted new names since 1993.[[19]](#footnote-19) The City’s Parks Department also offers vending opportunities, but this market operates much differently to the street vending covered by the legislation under consideration. Under the Parks Department model, specific locations are determined by the Parks Department and vendors bid for the opportunity to sell at these spots.[[20]](#footnote-20)

***Mobile food vending licenses and permits***

Selling food on the streets of New York City is known as mobile food vending (MFV) and it is regulated by a number of different agencies and provisions. The most vital aspect is securing a Mobile Food Vending Permit. Prior to commencing vending operations a food vendor must obtain a permit for the physical cart. Unlike personal *licenses* (discussed below) that are photo IDs required for the actual food seller, MFV *permits* are linked to the food cart. This means that the permit holder and licensed food vendor can be (and usually are), different people. Furthermore, because there are caps on these permits, the food vendor selling food on the street is rarely the owner of the MFV permit.

There are six different types of food cart permits:

Citywide permit: This is the most valuable and sought after food vending permit. It allows mobile food vendors to vend across all five boroughs, year round. The cap on these permits is 3,000 (100 are set aside for veterans or people with a disability), and the permit is valid for two years,[[21]](#footnote-21) upon which time it must be renewed in person. The cap has been in place since 1983[[22]](#footnote-22) and the waiting list to access one of these permits is so long that the Department of Health and Mental Hygiene has not accepted new names since 2007.[[23]](#footnote-23) If the foods for sale at these carts are prepared or processed on-site, the cost for this permit is $200. If the food is pre-packaged, the cost for the permit is $75.[[24]](#footnote-24)

Temporary (seasonal) permit: This allows vendors to sell food in all boroughs, but sales are only permitted from April 1 to October 31. This permit must be renewed each year and there are 1,000 permits in total.[[25]](#footnote-25) For food that is prepared on-site, the permit costs $35 and for prepared foods, the permit is $15.[[26]](#footnote-26)

Borough specific permit: This permit restricts food vendors from vending in Manhattan and only allows the carts in the other four boroughs. There are 200 of these permits in total (50 for each borough) and the permit is valid for two years.[[27]](#footnote-27)

Green cart permit: This limits food vendors to selling only fresh fruits and vegetables. Vendors with these permits are restricted to selling their produce in one borough only, and they are limited to certain areas within the specific borough. The designated areas are demarcated according to police districts.[[28]](#footnote-28) There are in total 1,000 of these permits available, 350 for Brooklyn, 350 for the Bronx, 150 for Manhattan, 100 for Queens and 50 for Staten Island.[[29]](#footnote-29) The green cart program was implemented under Mayor Bloomberg as a way to address New York City food deserts and to encourage healthy eating by New Yorkers.[[30]](#footnote-30) These permits are valid for two years and initially cost $75. The cost to renew the permit is $50.[[31]](#footnote-31)

Restricted area permit: These permits restrict MFVs to selling on private property and it requires a lease agreement from the property owner. There are no limits on the number of these permits and they are valid for two or less years, depending on the lease agreement.[[32]](#footnote-32) If the foods for sale at these carts are prepared or processed on-site, the cost for this permit is $200. If the food is pre-packaged, the cost for the permit is $75.[[33]](#footnote-33)

Specialized vendor permit: These permits allow year-round vending along the perimeters of New York City parks. Although there is no cap on the number of these permits, only veterans with a disability are eligible for these permits.[[34]](#footnote-34)

To vend on a cart, vendors in New York City must apply for personal licenses for MFV. The application for this license is made in person to New York’s Citywide Licensing Center (under the Department of Consumer Affairs), although the license is issued by the Department of Health and Mental Hygiene (DOHMH).[[35]](#footnote-35) A full-term license is valid for two years and costs $50, while a seasonal license (valid from April 1 to October 31) costs $10.[[36]](#footnote-36) There are no costs for honorably discharged U.S. veterans, or their surviving spouse/domestic partner. These licenses are issued as a photo ID. There are no caps on the number of Mobile Food Vendor Personal Licenses issued by DOHMH,[[37]](#footnote-37) and there are estimated to be about 19,000 vendors with these licenses.[[38]](#footnote-38)

As part of securing this personal license, all applicants must take a mobile food vending protection course.[[39]](#footnote-39) The course is run over two days with a four hour class each day. The course costs $53 and is available to take in multiple languages.[[40]](#footnote-40) Lastly, mobile food vendors also need to obtain a Certificate of Authority from the New York State Department of Taxation and Finance, which bestows the right to collect tax on applicable items.[[41]](#footnote-41)

***Mobile food vending cart regulations and placement***

In addition to the personal license and cart permit necessary to sell food in New York City, the cart used to sell food is also required to meet a long list of regulations. Like the permits, these regulations vary and are determined by the types of foods sold. For example, carts for prepacked foods require overhead structures (such as an umbrella or canopy), thermometers and both hot and cold storage (i.e. food warmers or refrigeration). Carts that sell grilled meats are also required to have these elements, in addition to potable water, sinks for washing food and cooking utensils as well as a handwashing sink and ventilation.[[42]](#footnote-42) The size of the cart is also restricted and regulated, as are the water and propane tanks.[[43]](#footnote-43) These tables below demonstrate the variety of regulations.

**Equipment requirments: MFV processing units[[44]](#footnote-44)**



**Equipment requirments: MFV non-processing units[[45]](#footnote-45)**



The DOHMH is required to inspect food vending carts at least once a year and before a permit is initially issued. The inspections are also conducted when the permit requires renewal, if modifications are made to the cart, if there have been complaints or reports made about potential violations, to follow up a Health Commissioner order, or to correct a violation.[[46]](#footnote-46) With the passage of Local Law 108 of 2017, mobile food vending carts are also required to be inspected in order to be issued a letter grade similar to restaurants and other food establishments. DOHMH expects that they will complete inspecting all of the City’s food carts within a two year timeframe.[[47]](#footnote-47)

Broadly speaking, mobile food vendors who have citywide permits are permitted to sell food on many New York City streets; however, there are many limitations. For instance, there are more than five hundred specific streets where vending is banned,[[48]](#footnote-48) while other streets are restricted to certain times and days of the year.[[49]](#footnote-49) This may be due to the width of the sidewalk, a need to keep the street clear from obstructions (for example, around security checkpoints), or because the area is overly congested. Once a suitable street has been located, food vendors must then navigate the sidewalk regulations. Listed below are but a few examples of where the cart can be set-up:

On a sidewalk that is at least 12 feet wide;

Within 6-12 inches of the curb;

At least 10 feet away from any crosswalk, driveway or subway entrance/exit; or

In an area that is not designated as a ‘no standing zone’, a bus stop or a hospital.[[50]](#footnote-50)

At the close of business, food vendors must remove their carts from the street, and the carts must be stored and cleaned in a DOHMH approved facility – usually a commissary or depot. Regulations also require MFVs to prepare their foods for the day at, or to purchase pre-prepared foods from the commissary.[[51]](#footnote-51) The cost to store a cart at a depot or commissary is in the hundreds of dollars per month.[[52]](#footnote-52)

**Street Vending Enforcement**

The abovementioned rules and regulations are not an exhaustive list of all the applicable rules, which is why there is often confusion from both vendors and enforcement agents, as well as the general public, as to where street vendors may legally vend. Street vendors are regulated by DCA, DOHMH, and the NYPD, as well as the Departments of Sanitation, Environmental Protection, Finance, and Parks and Recreation. Confusion over vending regulations has resulted in unwelcomed attention from law enforcement and many vendors claim that police, in enforcing the regulations, unlawfully confiscate goods without returning them. In fact, a settlement from the City is currently pending and it would require the City to pay more than 300 street vendors a total of nearly $190,000 after it confiscated their carts without documentation.[[53]](#footnote-53)

***Penalties***

Any person who vends without a license is guilty of a misdemeanor punishable by a fine of up to $1,000, by imprisonment of up to three months, or both. Unlicensed general vendors are subject to fines and imprisonment, in addition to penalties for each day of unlicensed business activity. General vendors who violate time, place and manner requirements set forth in the Code face fines of up to $500 for multiple offenses over a two-year period. Both licensed and unlicensed vendors may have their carts or goods seized for certain transgressions and face possible forfeiture of their possessions. Authorized officers and employees of DCA and the NYPD have the power to enforce the laws, rules, and regulations related to general vendors.

Any person who vends food without the appropriate license and permit is guilty of a misdemeanor punishable by a fine of up to $1,000, by imprisonment of up to three months, or both. Food vendors who violate time, place and manner the requirements set forth in the Code face fines of up to $500 for multiple offenses over a two-year period, possible forfeiture of their possessions, and may have their carts or goods seized for certain transgressions. They may also have their licenses suspended or revoked for certain fraudulent activity, or for three or more violations of the Code within a two-year period. Unlicensed food vendors are subject to additional fines and may have their carts and goods seized. Authorized officers and employees of DOHMH and NYPD have the power to enforce the laws, rules, and regulations relating to food vendors.

**The Illegal-Market and Informal Regulations**

Although not legally transferable, permits for mobile food vending carts are often rented through a highly prolific illegal-market. The City’s cap on cart permits, and the ability for owners of these permits to simply renew them every two years means that permit holders have a secure monopoly on mobile food vending in New York City. Through the DOHMH, a permit for a food cart is $200. However, in the illegal market it is alleged that the rental price for a cart permit can run between $15,000 and $30,000.[[54]](#footnote-54) Furthermore, since changes in the law were made so that the permit holder, rather than the actual food vendor on the street, is required to appear in person to contest violations, some permit holders now even charge a deposit to cover this responsibility.[[55]](#footnote-55)

The illegal market in New York City’s mobile food vending industry is estimated to be worth between $15 million and $20 million per year and approximately 70%-80% of permits are predicted to be illegally in use.[[56]](#footnote-56) The proliferation of the underground market means that it is “harder for immigrant entrepreneurs to build equity and take the first step up the economic ladder.”[[57]](#footnote-57) There are also reports of vendors engaging in ‘rent-a-vet’ where a vendor will pay a veteran vendor, whose license is not subject to a cap, to be present at the merchandise table, for example, while the unlicensed or unpermitted vendor makes their sale and handles the business.[[58]](#footnote-58) Similarly, if a licensed veteran vendor is selling on a restricted street, their presence means that first amendment vendors, who would normally be restricted, are also permitted to sell on that street, making them a valuable resource for other vendors.[[59]](#footnote-59)

According to individual stories from vendors, the Street Vendors Project and further confirmed by investigative reporting,[[60]](#footnote-60) the illegal market for permits operates primarily out of commissaries – garage-like facilities where carts and trucks are stored, supplies are bought and food is prepped. A food vendor who wishes to operate a cart talks with a broker to find a permit holder from whom to illegally lease the permit. The broker will also arrange for the vendor to lease space from a commissary, from which the vendor will be required to purchase supplies. Because these networks are so tightly controlled, and predicated on an illegal transaction, food vendors are restricted from innovating new menu items – they must purchase what is offered at the commissary where the permit holder has an arrangement with a broker. According to vendors and their advocates, diluting this illegal market would encourage innovation in the food vendor industry. Further, vendors argue, increasing the number of legally available permits would allow a greater proportion of the market to operate in compliance with the law and thus ensure more orderly streets while at the same time increasing the varieties of menu options at the mobile food units New Yorkers have enjoyed for decades.

**Available Data on Street Vendors in New York City**

Over the past few hundred years, the face of New York City’s street vendors has changed, although there are many similarities that connect vendors of today with their historical peers. For example, street vendors in New York City are still predominantly immigrants, although the countries that vendors stem from are different. According to research from the Street Vendor Project, “[a]t the turn of the century, 93% of all vendors were foreign-born; primarily Jewish and Italian, with a smaller number of Irish, German, Russian, and ‘Spanish’ vendors.” Their survey data from 2006 revealed that New York City’s street vendors are now “from more than 20 countries on four continents. The top represented nations are Bangladesh (18%), China (16%), and Afghanistan (12%). The average immigrant vendor surveyed had been in the United States for more than 11 years.”[[61]](#footnote-61)

Street vendors are also still “bootstrap entrepreneurs”[[62]](#footnote-62) who use street vending as an avenue for financial security, although turning a street vending enterprise into a more substantial business is becoming less and less common. From a historical perspective New York City does have its fair share of transformative success stories. For example, “D’Agostino’s supermarkets, Cohen Fashion Optical, and Odd Job Trading stores [all] got their start as pushcarts on the Lower East Side. Even Bloomingdale’s and Macy’s…were founded by door-to-door pack peddlers.”[[63]](#footnote-63) Given the price demands caused by the illegal permit market, however, such success stories are harder to come by for today’s street vendors.

Due to the illegal market it is difficult to accurately quantify both the numbers of street vendors in the City and the overall contribution that they make. However, research conducted by the Institute of Justice was able to model estimates based on data acquired through surveying a sample of street vendors in 2012. As a result, the study approximated that New York City’s street vendors directly contributed, through hiring and purchasing goods and services, to creating more than 16,300 jobs and generating more $78.5 million in wages.[[64]](#footnote-64) This research also estimated the indirect contributions of street vendors, as illustrated in the graphic below.

**Street Vendors’ Contributions to NYC’s Economy (2012 estimates)[[65]](#footnote-65)**



Comprehensive research that is able to accurately calculate the impact of street vendors is rare, although there have been some illuminating studies. One such example is from the mid-1990s and it focused on the street vendors around 14th Street in Manhattan. According to the findings, street vending in this area contributed to the diversity of retail options for customers and thus attracted more consumers. It was determined that this benefited both street vendors and their brick and mortar counterparts, suggesting that criticisms from these business owners that street vendors unfairly siphon off their customers is not always the case.[[66]](#footnote-66) Similar outcomes were evident in a multi-year study of street vendors in Los Angeles. The research “found that brick-and-mortar retail and restaurants that were located in close proximity to street vendors were more likely to grow their businesses during the recent recession, increasing their employment levels on average by five percent between 2007 and 2011.”[[67]](#footnote-67)

In addition to the direct and indirect economic contribution, New York City’s street vendors contribute to the fabric of the City. Street vendors provide a culturally diverse and vibrant street-scape that broadens the marketplace for consumers. MFVs, for instance, provide food options in traditionally underserved parts of the City, known as food deserts, while general merchandise vendors often provide more affordable products to their large chain-store competitors. In a survey of customers who frequent the vendors in Lower Manhattan, research found that the affordability and convenience of the products was most valued by customers. The full breakdown of their responses is illustrated in the chart below.

**Customer Attitudes to Vending in Lower Manhattan[[68]](#footnote-68)**



Despite their valuable contributions, New York City’s street vendors work incredibly hard for modest returns. “Today’s mobile food vending business is one of day laborers and shift workers who, despite hustling all week long, may not earn minimum wage.”[[69]](#footnote-69) The 2006 survey data from the Street Vendor Project indicated that, not including the time spent transporting the cart and goods to and from the garage, vendors work on average nearly nine hours a day. In the cooler months vendors work an average of nearly 4.5 days a week, while in the summer they reported working six or seven days a week.[[70]](#footnote-70) Using this information the Street Vendor Project estimated that this equated to an income of roughly $14,300 per year,[[71]](#footnote-71) which parallels national data from 2012 that calculated an average yearly income of less than $18,000.[[72]](#footnote-72) Generally speaking most (78%) of the surveyed New York City vendors were supporting a family on this income and half also reported sending money back to their home countries.[[73]](#footnote-73) The data also illustrated that while 43% of surveyed vendors had a college degree or higher,[[74]](#footnote-74) the most common reason (38%) that vendors chose this profession was because they were unable to find another job.[[75]](#footnote-75)

**Previous Efforts to Reform**

As discussed above, the caps on both general and food vendors, which have been in place since 1979 and 1983, respectively, have caused the illegal market to flourish and most street vendors in New York City work illegally. Recognizing this, Mayor Dinkins previously proposed lifting the cap, but the policy was never implemented.[[76]](#footnote-76) Under Mayor Bloomberg’s administration, the City did expand its vending opportunities by creating a green cart initiative that made 1,000 new permits available to vendors who exclusively sold raw and uncut/unprepared fruits and vegetables. Given the tight restrictions on the types of food that vendors could sell, this program has not attracted many vendors and, according to research from 2011, only 350 of these permits have been issued.[[77]](#footnote-77)

Enforcement has always been a troublesome issue for the City. During his term, Mayor Giuliani attempted to remedy this by establishing the Street Vendor Review Panel (SVRP). An advocate of the ‘broken windows’ theory of enforcement, Mayor Giuliani’s approach to restricting street vending was informed by the view that the “petty lawbreaking of previous regimes was precisely the sort of thing that led to more serious problems.”[[78]](#footnote-78) However, after many contentious street closures and numerous court cases, the SVRP came to be seen as fundamentally undemocratic, classist, and overly restrictive. Its last ruling was back in 2000.[[79]](#footnote-79)

Frustrations over vending in New York City exist for multiple reasons. Some vendors, for example, criticize excessive penalties for minor infractions and arbitrary enforcement of vendor regulations, and believe they are unfairly and disproportionately targeted by City government. A 2011 study by the Urban Justice Center’s Street Vendor Project found that of the 949 summonses issued to fruit and vegetable vendors in Forsyth Street market by the Environmental Control Board (“ECB”), 63% were written for two arguably trivial offenses – 50% for not keeping items in or under the cart and 13% for failing to display a food vendor license.[[80]](#footnote-80) In response to these concerns, in 2013, the Council reduced the maximum penalty that may be assessed for certain time place and manner restrictions from $1,000 to $500.[[81]](#footnote-81)

Street vendors themselves are also the subject of complaints. Various community boards, businesses, BIDs and individuals have voiced their concern to the City Council about unlawful activity by street vendors, including the frequent violation of time, place and manner restrictions, and congestion in certain locations that force pedestrians into the street—thus raising a public safety concern.In response to these concerns, the Council made several amendments to time, place and manner restrictions in 2013, such as prohibiting vending in hospital no standing zones,[[82]](#footnote-82) in taxi stands,[[83]](#footnote-83) near entrances and service entrances,[[84]](#footnote-84) and requiring that notice of violation issued to a food vendors contain the permit number of the mobile vending unit.[[85]](#footnote-85)

During the last session the New York City Council heard, but did not pass, a different iteration of Int. 1116-A. In 2018, the City enacted Local Law 180, which expanded the vendor restriction zone around the World Trade Center site due to new security booths coming online, and Local Law 180, which created new street and time restrictions for vending in downtown Flushing in response to concerns about extreme sidewalk congestion in the area.

1. **BILL ANALYSIS**
2. **Int. No. 287**

This bill allows both food and general vendors to place their pushcarts two feet from the curb. Currently, the law requires pushcarts to abut the curb, endangering the safety of vendors who must exit their carts onto the street, and potentially, into oncoming traffic. If passed, this bill would take effect 120 days after it becomes law.

1. **Int. No. 288**

This bill would clarify that street vendors must keep 25 feet from any sign identifying a bus stop or taxi stand, in the direction of the bus stop or taxi stand. The current provision is unclear as to how far street vendors must be from a bus stop or taxi stand. If passed, this bill would take effect 120 days after it becomes law.

1. **Into. No. 292**

Currently, food vendors must keep items either inside or under their food carts. This bill would allow vendors to keep items on the top of their food carts as well. If passed, this bill would take effect 120 days after it becomes law.

1. **Int. No. 832**

Under current law, a mobile food vending permit may, at the discretion of DOHMH, be transferred to a dependent spouse, domestic partner or child and general vending licenses may not ever be transferred. This bill would provide that both mobile food vendor permits and general vendor licenses shall, as of right, be transferrable to a dependent spouse, domestic partner or child upon the death or incapacitation of the permit or license holder. If passed, this bill would take effect 120 days after it becomes law.

1. **Proposed Int. No. 1116-A**

Proposed Int. No. 1116-A contains reforms that seek to address many of the fundamental issues relating to vending, namely, inadequate enforcement, the illegal market and increasing opportunities. Section 1 of the bill creates a dedicated enforcement unit, with specially trained workers who would exclusively enforce vending laws. The unit would be established in the office of the Mayor or an agency designated by the Mayor. The unit would:

* Enforce placement restrictions and other vending rules, as well as provisions related to sanitation, and air pollution;
* Focus first on those areas of the City with known vending enforcement challenges such as supermarkets and other congestion hot spots, as determined by the Department of Transportation;
* Be fully operational at least six months prior to the issuance of any new permits and be sufficiently staffed to touch at least 75% of all vendors once per year on the street; and
* Collaborate with the Department of Small Business Services (SBS) to provide training and education to street vendors on applicable laws, and to engage in other activities designated by the Mayor relating to enforcement of, and improving compliance with, vending laws in New York City.

The effective date for the enforcement unit is 90 days after the bill becomes law.

After the enforcement unit has been in place for approximately a year, the bill would allow up to 400 permits to become available each year for 10 years. These new permits would be distributed with priority to those working on a cart for at least three years and on the waitlist for a permit. Any remaining permits will be distributed by lottery. Forty-five new permits will be issued each year exclusively to veterans and disabled persons and veterans. These provisions take effect immediately after the bill becomes law.

The new permits will be called “supervisory licenses” and will require the licensee to be present at the cart at all times. This would address the illegal market and the proliferation of absentee permit holders who lease out their permits. This bill will not void existing permits, but it they would phase out over time through attrition. These provisions take effect immediately after the bill becomes law. The annual fee for a supervisory license will be $400. The fee for existing permits will be $475. The new fees will come into effect 90 days after the bill becomes law.

The bill also establishes a Street Vendor Advisory Board that consists of city officials from DCA, DOHMH, SBS, DOT, and NYPD; five members appointed by the Speaker, two of whom represent street vendors, one of whom represents the small business community, one of whom represents organizations representing workers at retail food stores, one of whom represents property owners and one of whom who represents a community organization; and two members appointed by the Mayor, two of whom represent street vendors and one of whom represents the small business community. The Street Vendor Advisory Board must monitor and make recommendations to the Mayor and the City Council regarding the performance of the enforcement unit and the expansion of vending licenses. These provisions come into effect immediately after the bill becomes law.

The bill also contains other minor reforms, including:

* The creation of a website and mobile application that would allow users to view a map of legal places to vend (effective 30 days after the bill becomes law);
* The creation of a mandatory training program for vendors on the rules and regulations applicable to vending (effective one year after the bill becomes law);
* An expansion of the fruit and vegetable vending program (or “Green Carts”) to allow these vendors to sell cut fruit, nuts, water and any other foods DOHMH designates as healthful (effective immediately after the bill becomes law); and
* A requirement that vendors stay at least 20 feet away from stoop line stands and sidewalk cafes to reduce congestion (effective 30 days after the bill becomes law).

1. **Int. No. 1479**

This bill opens up the easterly side of Broadway between Exchange Place and Beaver Street to food and general vendors, provided that the vendors comply with other laws and rules. If passed, this bill would take effect 60 days after it becomes law.

Int. No. 287

By Council Member Rodriguez

..Title

A Local Law to amend the administrative code of the city of New York, in relation to permitting street vendors to vend within two feet from the curb

..Body

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 17-315 of subchapter 2 of chapter 3 of title 17 of the administrative code of the city of New York is amended to read as follows:

a. No pushcart shall be placed upon any sidewalk unless said sidewalk has at least a twelve foot clear pedestrian path to be measured from the boundary of any private property to any obstruction in or on the sidewalk, or if there are no obstructions, to the curb. [In no event shall any pushcart be placed on any part of a sidewalk other than that which abuts the curb.] All pushcarts on the sidewalk must be placed within two feet from where the sidewalk abuts the curb.

§ 2. Subdivision a of section 20-465 of subchapter 27 of chapter 2 of title 20 of the administrative code of the city of New York is amended to read as follows:

a. No general vendor shall engage in any vending business on any sidewalk unless such sidewalk has at least a twelve-foot wide clear pedestrian path to be measured from the boundary of any private property to any obstructions in or on the sidewalk, or if there are no obstructions, to the curb. [In no event shall any pushcart be placed on any part of a sidewalk other than that which abuts the curb.] All pushcarts on the sidewalk must be placed within two feet from where the sidewalk abuts the curb.

§ 3. This law shall take effect 120 days after its enactment.

LUR

LS 3963.1/Int. 1334-A-2016

LS 826

12/22/2017

Int. No. 288

By Council Member Rodriguez

..Title

A Local Law to amend the administrative code of the city of New York, in relation to permitting street vendors to vend 25 feet from a bus stop or taxi stand

..Body

Be it enacted by the Council as follows:

Section 1. Subdivision e of section 17-315 of subchapter 2 of chapter 3 of title 17 of the administrative code of the city of New York is amended to read as follows:

e. No food vendor shall vend within 25 feet of the sign identifying any bus stop[,] or taxi stand, in the direction of the bus stop or taxi stand, within the portion of the sidewalk abutting any no standing zone adjacent to a hospital as defined in subdivision one of section 2801 of the New York state public health law, or within ten feet of any driveway, any subway entrance or exit, or any crosswalk at any intersection.

§ 2. Subdivision e of section 20-465 of subchapter 27 of chapter 2 of title 20 of the administrative code of the city of New York is amended to read as follows:

e. No general vendor shall vend within 25 feet of the sign identifying any bus stop[,] or taxi stand, ­in the direction of the bus stop or taxi stand, within the portion of the sidewalk abutting any no standing zone adjacent to a hospital as defined in subdivision one of section 2801 of the New York state public health law, or within ten feet of any driveway, any subway entrance or exit, or any corner. For the purposes of this subdivision, ten feet from any corner shall be measured from a point where the property line on the nearest intersecting block face, when extended, meets the curb.

§ 3. This law shall take effect 120 days after its enactment.

LUR/BAM

LS 3963.2/Int. 1335-A-2016

LS 827

12/22/2017

Int. No. 292

By Council Member Rodriguez

..Title

A Local Law to amend the administrative code of the city of New York, in relation to permitting food vendors to place items on their vending vehicle or pushcart

..Body

Be it enacted by the Council as follows:

Section 1. Subdivision c of section 17-315 of subchapter 2 of chapter 3 of title 17 of the administrative code of the city of New York is amended to read as follows:

c. All items relating to the operation of a food vending business shall be kept in, on or under the vending vehicle or pushcart[, except that samples of the non-perishable items sold may be displayed on the vending vehicle or pushcart]. No items relating to the operation of a food vending business other than an adjoining acceptable waste container shall be placed upon any public space adjacent to the vending vehicle or pushcart, and no food shall be sold except from an authorized vehicle or pushcart.

§ 2. This law shall take effect 120 days after its enactment.

LUR/BAM

LS 3963.3/Int. 1336-2016

LS 828

12/22/2017

Int. No. 832

By Council Members Chin and Levine

..Title

A Local Law to amend the administrative code of the city of New York, in relation to allowing ill or incapacitated street vendors to transfer their license to a family member

..Body

Be it enacted by the Council as follows:

Section 1. Paragraph 1 of subdivision d of section 17-314.1 of subchapter 2 of chapter 3 of title 17 of the administrative code of the city of New York is amended to read as follows:

1. the commissioner may[, in his or her discretion,] transfer a permit to a dependent husband, wife, domestic partner or child of [an incapacitated or deceased] a person to whom the permit was issued under this subchapter who is deceased, becomes incapacitated or is unable to vend due to a medical condition or illness.  A permitee who seeks to transfer his or her permit as such, must submit a request to the commissioner.  If such permitee is deceased or incapacitated, the request may be submitted by an agent, domestic partner, child or spouse of such permitee.  The commissioner shall approve such transfer where the permitee, or permitee’s agent, domestic partner, child or spouse has proven, in a manner to be determined by the commissioner, that: such permitee is deceased, incapacitated or unable to vend due to a medical condition or illness; and (ii) the prospective transferee is a dependent domestic partner, child, or spouse of the permitee.  Upon approval of such transfer, the department shall issue a permit to the transferee;

§ 2. Subdivision d of section 20-464 of subchapter 27 of chapter 2 of title 20 of the administrative code of the city of New York is amended to read as follows:

                     d. Not sell, lend, lease or in any manner transfer his or her license or any interest therein unless prior approval of the commissioner has been obtained. Notwithstanding the aforementioned, where a general vendor licensed pursuant to this subchapter is deceased, becomes incapacitated or is unable to vend due to a medical condition or illness, such general vendor may transfer his or her license to a dependent domestic partner, child, or spouse.  A general vendor who seeks to transfer his or her general vending license as such, must submit a request to the commissioner.  If a general vendor is deceased or incapacitated, such request may be submitted by an agent, domestic partner, child or spouse of such general vendor.  The commissioner shall approve such transfer where the general vendor, or general vendor’s agent, domestic partner, child or spouse has proven, in a manner to be determined by the commissioner, that: (i) such general vendor is deceased, incapacitated or unable to vend due to a medical condition or illness; and (ii) the prospective transferee is a dependent domestic partner, child, or spouse of the general vendor.  Upon approval of such transfer, the department shall issue a general vending license to the transferee.

                     § 3. This local law shall take effect 120 days after it has been enacted into law.

RC

LS1927/Int. No. 432-2014

LS 875

1/3/18

Proposed Int. No. 1116-A

By Council Members Chin, Menchaca, Lander, Rose, Miller, Koslowitz, Reynoso, Dromm, Barron, Treyger, Levine, Ayala, Brannan, Diaz, Levin, Kallos, the Public Advocate (Mr. Williams), Rodriguez, Eugene, Ampry-Samuel, Perkins, Cornegy, Holden, Rivera and Ulrich

..Title

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to expanding the availability of food vendor permits, creating an office of street vendor enforcement, and establishing a street vendor advisory board

..Body

Be it enacted by the Council as follows:

Section 1. Chapter 1 of the New York city charter is amended by adding a new section 13-e to read as follows:

§ 13-e Office of Street Vendor Enforcement. There shall be an office of street vendor enforcement, which shall consist of enforcement agents who are specially trained in local laws and rules related to vending on the streets and sidewalks of the city of New York. The office of street vendor enforcement shall be fully operational on or before September 1, 2019 and shall commence enforcement activities on or before such date. Such enforcement activities shall, at a minimum, include a sufficient number of street patrols to inspect or examine the vending activities of at least 75 percent of applicable permitees or licensees on an annual basis. For the purposes of this section, the term “applicable permitees or licensees” means persons issued full-term or temporary permits pursuant to section 17-307 of the code, or persons issued licenses to vend pursuant to sections 17-307 or 17-307.1 of the code, or licenses issued pursuant to section 20-456 of the code. The mayor may establish such office in the executive office of the mayor, within any other office in the executive office of the mayor, or within any department, the head of which is appointed by the mayor. Such office shall have the power and duty to:

a. enforce all local laws and rules related to vending on the streets and sidewalks of the city of New York, other than such local laws and rules related to food safety, including, but not limited to: section 16-118, subchapter 2 of chapter 3 of title 17, subchapter 27 of chapter 2 of title 20 and chapter 1 of title 24 of the administrative code; article 89 of the health code; and any rules of the city of New York implementing such laws;

b. focus its enforcement efforts on areas including, but not limited to, areas in the designated vending locations pilot program created by the local law that added this section, areas adjacent to retailers that dedicate substantial floor area to the sale of fresh fruits and vegetables, and any other areas identified by the department of transportation as excessively congested and featuring a high level of complaints about vendor activity, if any;

c. collaborate with the department of small business services to provide training and education to all street vendors on all applicable local laws and regulations, with a focus on areas including, but not limited to, areas in the designated vending locations pilot program created by the local law that added this section, as well as other areas identified by the department of transportation as excessively congested and featuring a high level of complaints about vendor activity, if any; and

d. engage in such other activities related to enforcement of laws related to vending on the streets and sidewalks of the city of New York, or related to improving compliance with such laws, as may be designated by the mayor. For the purposes of this section, “excessively congested” areas include, but are not limited to, areas where pedestrian volume regularly approaches or exceeds the capacity of the sidewalk.

§ 2. Subdivisions q, r and s of section 17-306 of the administrative code of the city of New York, as added by local law number 9 for the year 2008, are amended to read as follows:

q. "Fresh fruits and vegetables". [Unprocessed unfrozen] Unfrozen raw fruits and vegetables that have not been combined with other ingredients.

r. "Fresh fruits and vegetables permit". A full-term permit for the vending at retail solely of fresh fruits or vegetables, [or both,] water, raw single ingredient nuts and any other food designated by the commissioner as healthful pursuant to section 17-324.1, from a pushcart or vehicle in a public place. Unless otherwise specified, a fresh fruits and vegetables permit shall be a permit in accordance with the provisions of this subchapter.

s. "Green cart". A pushcart or vehicle used exclusively by those issued fresh fruits and vegetables full-term permits pursuant to section 17-307 of this subchapter [and which, in addition to being in compliance with all other legal requirements applicable to non-processing pushcarts, must also have a distinctive and easily recognizable appearance in accordance with rules to be established by the commissioner].

§ 3. Paragraph 1 of subdivision b of section 17-307 of the administrative code of the city of New York, as amended by local law number 9 for the year 2008, is amended to read as follows:

1. (a) It shall be unlawful to vend food [from any vehicle or pushcart] in a public space from any vehicle or pushcart not bearing a decal issued by the department demonstrating that it has been inspected and approved, and without:

(i) having first obtained a fresh fruit or vegetables permit, or a permit issued prior to June 1, 2020, or such a permit that has been transferred by the commissioner in accordance with subdivision d of section 17-314.1, for such vehicle or pushcart from the commissioner in accordance with the provisions of this subchapter; or

(ii) having first been issued a supervisory license pursuant to section 17-307.1; or

(iii) working alongside a food vendor at such vehicle or pushcart who has been issued a supervisory license pursuant to section 17-307.1.

(b) The commissioner shall establish standards relating to the size and design of such vehicles and pushcarts. No vendors shall vend from any vehicle or pushcart which does not comply with the standards established by the commissioner. No vendor shall vend from other than a vehicle or pushcart.

(c) No food vendor issued a fresh fruits and vegetables permit shall vend from other than a vehicle or a green cart. No food vendor issued a fresh fruits and vegetables permit shall vend any food other than fresh fruits and vegetables, water, raw single ingredient nuts and other food designated by the commissioner as healthful pursuant to section 17-324.1 from the green cart or vehicle for which the permit was issued.

§ 4. Subparagraph (a) of paragraph 2 of subdivision b of section 17-307 of the administrative code of the city of New York is amended to read as follows:

(a) [On] Except for permits issued to persons holding supervisory licenses pursuant to section 17-307.1, on and after July thirtieth, nineteen hundred eighty-three, no new full-term permits shall be issued until the number of such permits which are in effect is less than three thousand. Thereafter, the maximum number of such permits which may be in effect shall be three thousand and no new permits shall be issued in excess of such maximum number. Notwithstanding the limitations on the issuance of new full-term permits, a permit issued prior to July thirtieth, nineteen hundred eighty-three which is in effect shall be renewable by the licensee to whom the permit was issued subject to the provisions of subparagraph (f) of this paragraph and provided that all other requirements for renewal under the provisions of this subchapter and any rules promulgated pursuant thereto are complied with, the license of the person to whom the permit was issued or the permit has not been revoked or suspended and the licensee has not committed a violation or violations which could be a basis for permit or license revocation or suspension.

§ 5. Subparagraph (a) of paragraph 3 of subdivision b of section 17-307 of the administrative code of the city of New York is amended to read as follows:

(a) Notwithstanding the provisions of paragraph two of this subdivision limiting the number of full-term permits that are authorized to be issued, and not including permits issued to persons holding supervisory licenses pursuant to section 17-307.1, the commissioner may issue up to a maximum of one hundred additional full-term permits authorizing the holders thereof to vend food from any vehicle or pushcart in any public place in the city of New York where food vendors are not prohibited from vending. Such permits shall be issued only to natural persons who at the time of application for a permit hereunder are not holders of a full-term permit issued pursuant to paragraph two of this subdivision and who have not had a full-term permit revoked or suspended. No person shall be issued more than one permit. Such permits shall be issued in the order in which applications for such permits are received in accordance with the preferences specified in subparagraph (b) of this paragraph and the procedures established by the commissioner. The issuance or renewal of a full-term permit pursuant to this paragraph shall be subject to the permittee within three months after the certification of a complete application therefor presenting a pushcart or vehicle for inspection by the department and, within six months after such certification, passing such inspection, except that such deadlines shall not apply to an applicant for a full-term permit who has been issued a supervisory license pursuant to section 17-307.1. After the initial issuance of such permits, the commissioner shall establish a waiting list, not to exceed four hundred in number, to be administered in accordance with procedures to be established by rules of the commissioner.

§ 6. Subparagraph (a) of paragraph 4 of subdivision b of section 17-307 of the administrative code of the city of New York, as amended by local law number 9 for the year 2008, is amended to read as follows:

(a) Notwithstanding the provisions of paragraph two of this subdivision limiting the total number of full-term permits that are authorized to be issued, the commissioner may issue up to a maximum of one thousand fresh fruits and vegetable permits, as that term is defined in subdivision r of section 17-306 of this chapter. [The initial issuance of these one thousand fresh fruits and vegetables permits shall be phased in over a two-year period. No more than five hundred permits shall be issued during the first year of permit availability, nor shall more than one-half of the number of fresh fruits and vegetables permits designated for use in a borough be issued during the first year of permit availability. During the second year of permit availability the commissioner may issue the remaining five hundred permits along with any permits from the initial five hundred not issued during the first year of permit availability. Thereafter, the maximum number of such permits which may be in effect shall be one thousand and no new permits shall be issued in excess of such number.] Each of the one thousand fruits and vegetables permits to be issued pursuant to this paragraph shall be designated for use exclusively in a specified borough as follows:

(i) three hundred fifty of such fruits and vegetables permits shall authorize the holders thereof to vend fresh fruits and vegetables, water, raw single ingredient nuts and any other food designated by the commissioner as healthful pursuant to section 17-324.1 from any vehicle or any green cart in the borough of the Bronx in the areas designated in clause (i) of subparagraph b of this paragraph.

(ii) three hundred fifty of such fruits and vegetables permits shall authorize the holders thereof to vend fresh fruits and vegetables, water, raw single ingredient nuts and any other food designated by the commissioner as healthful pursuant to section 17-324.1 from any vehicle or any green cart in the borough of Brooklyn in the areas designated in clause (ii) of subparagraph b of this paragraph.

(iii) one hundred fifty of such fresh fruits and vegetables permits shall authorize the holders thereof to vend fresh fruits and vegetables, water, raw single ingredient nuts and any other food designated by the commissioner as healthful pursuant to section 17-324.1 from any vehicle or any green cart in the borough of Manhattan in the areas designated in clause (iii) of subparagraph b of this paragraph.

(iv) one hundred of such fresh fruits and vegetables permits shall authorize the holders thereof to vend fresh fruits and vegetables, water, raw single ingredient nuts and any other food designated by the commissioner as healthful pursuant to section 17-324.1 from any vehicle or any green cart in the borough of Queens in the areas designated in clause (iv) of subparagraph b of this paragraph.

(v) fifty of such fresh fruits and vegetables permits shall authorize the holders thereof to vend fresh fruits and vegetables, water, raw single ingredient nuts and any other food designated by the commissioner as healthful pursuant to section 17-324.1 from any vehicle or any green cart in the borough of Staten Island in the areas designated in clause (v) of subparagraph b of this paragraph.

§ 7. Subdivision d of section 17-307 of the administrative code of the city of New York, as amended by local law number 9 for the year 2008, is amended to read as follows:

d. A food vendor's license shall entitle the holder thereof to vend any food which the commissioner or board may authorize or otherwise approve, except that a food vendor vending from a green cart or vehicle with a fresh fruits and vegetables permit shall only be authorized to vend fresh fruit and vegetables, water, raw single ingredient nuts and any other food that has been designated by the commissioner as healthful pursuant to section 17-324.1. No food vendor while acting as such shall vend any item which the commissioner or board has not authorized or otherwise approved.

§ 8. Section 17-307 of the administrative code of the city of New York is amended by adding a new subdivision h to read as follows:

h. On and after June 1, 2020, any newly issued permit to vend from a vehicle or pushcart, full-term or temporary, that is issued pursuant to this section shall require that such vehicle or pushcart be operated only when a person who has been issued a supervisory license pursuant to section 17-307.1 is present.

§ 9. Subchapter 2 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-307.1 to read as follows:

§ 17-307.1 Supervisory Licenses

a. Eligibility for supervisory license.

1. Any natural person may apply for a supervisory license who satisfies the qualifications described in at least one of the following categories:

(a) such person has been on a waiting list for a full-term permit or temporary permit pursuant to this subchapter since on or before October 1, 2012 and remains on such list as of the date of issuance; or

(b) such person has held a food vendor license continuously since on or before March 1, 2015.

2. Any natural person may apply for a supervisory license who has been issued a permit, on or after June 1, 2020, pursuant to paragraphs 2 or 3 of subdivision b, or subdivision f, of section 17-307.

b. Issuance of supervisory licenses.

1. For persons described in paragraph 1 of subdivision a, the department shall make available up to 400 supervisory licenses on the following dates:

(a) On June 1 of each calendar year beginning in 2020 until June 1, 2022;

(b) On June 1 of each calendar year beginning in 2023 until June 1, 2026; and

(c) On June 1 of each calendar beginning in 2027 until June 1, 2029.

(d) If more than 400 persons apply by June 1 of any such calendar year, such licenses shall be distributed first to those persons defined in paragraph 1 of subdivision a of this section by order of applicant submission . To the extent the number of persons that apply for such licenses exceeds the number of available supervisory licenses, and the list of persons defined in paragraph 1 of subdivision a has been exhausted, the distribution required by this paragraph shall be determined by lottery.

2. For persons described in paragraph 3 of subdivision b of section 17-307, the department shall make available up to 45 supervisory licenses on the following dates:

(a) On June 1 of each calendar year beginning in 2020 until June 1, 2022;

(b) On June 1 of each calendar year beginning in 2023 until June 1, 2026; and

(c) On June 1 of each calendar beginning in 2027 until June 1, 2029.

(d) If more than 45 persons apply by June 1 of any such calendar year, such licenses shall be determined by lottery.

3. The department shall not issue a supervisory license to any person who at the time of application had a permit issued pursuant to subdivision b or f of section 17-307 revoked or suspended or who is not fit and able to conduct, maintain or operate a food vending business.

4. The department shall not issue a supervisory license to any person who is a minor.

5. Any supervisory license issued pursuant to this section shall include, at minimum, the full name and address of the licensee.

6. No person shall be issued more than one supervisory license.

7. Any supervisory license issued pursuant to this section shall be valid for two years unless suspended or revoked.

c. Issuance of permit. Notwithstanding the numerical limitations on the number of full-term permits described in paragraphs 2 and 3 of subdivision b of section 17-307, the department shall make available a full-term or temporary permit to any natural person holding a supervisory license pursuant to this section, provided that such person meets all other requirements for issuance of such permit.

d. Regulation of supervisory licenses.

1. Any vehicle or pushcart that has a decal issued by the department, which has been obtained by a person issued a permit on or after June 1, 2020, shall not be operated without the presence of a supervisory licensee.

2. A person issued a supervisory license is authorized to vend food from any vehicle or pushcart that has a decal issued by the department.

e. The department is authorized to promulgate any rules necessary to implement the provisions of this section.

§ 10. Subdivision b of section 17-308 of the administrative code of the city of New York is amended to read as follows:

            b. The annual fee for a license or renewal thereof shall be twenty-five dollars, except that the annual fee for a supervisory license shall be four hundred dollars; provided, however, that for an initial license issued for more than two years the applicable license fee shall be increased proportionally to the nearest quarter year.

§ 11. Paragraph 2 of subdivision c of section 17-308 of the administrative code of the city of New York, as amended by local law 9 for the year 2008, is amended to read as follows:

2. For a vehicle selling foods prepared or processed therein: one hundred dollars for a person with a supervisory license, and four hundred seventy-five dollars for a person without a supervisory license.

§ 12. Paragraph 1 of subdivision b of section 17-309 of the administrative code of the city of New York is amended to read as follows:

1. The name, home and business address of the applicant. If the applicant is applying for a permit to vend food from a vehicle or pushcart in a public place, the name, home address and license number of every food vendor who will be authorized to operate such applicant's vehicle or pushcart, if such operation is permitted by the terms of such permit, and the legal relationship between such applicant and such food vendor.

§ 13. Subdivision d of section 17-315 of the administrative code of the city of New York, as amended by local law 18 for the year 2013, is amended to read as follows:

d. No vending pushcart shall be located against display windows of fixed location businesses, nor shall they be within twenty feet of any licensed stoop line stand, licensed sidewalk cafe, or any entranceway to any building, store, theatre, movie house, sports arena or other place of public assembly, or within twenty feet from exits, including service exits, to buildings that are exclusively residential at the street level.

§ 14. Section 17-315 of the administrative code of the city of New York is amended by adding new subdivisions m and n to read as follows:

m. No license or permit shall be issued to a person required to have a license or permit pursuant to this subchapter, and no license or permit shall be renewed for such a person, unless they obtain a certificate issued by the department subsequent to successful completion of a training developed by the department on the vending restrictions contained in this section, and passage of an examination administered by the department. A permitee or licensee shall not be required to retake the training and examination for subsequent license or permit renewals unless such person has been issued one or more violations of the provisions of this subchapter and any rules promulgated thereunder within a two year period. Any examinations, lectures or educational materials designed for such training program shall be made available in English and in the six most common languages spoken by limited English proficient individuals in the city according to the department of city planning. Such educational materials shall be available on the department's website.

n. The department, or such other agency designated by the mayor, shall provide a website and mobile application that allows the user to view a map of block faces on which food vending is not permissible pursuant to this section or any other law or rule, based on the day and hour entered.

§ 15. Paragraph 5 of subdivision a of section 17-317 of the administrative code of the city of New York, as amended by local law number 9 for the year 2008, is amended to read as follows:

5. A licensee issued a "fresh fruits and vegetables" permit, pursuant to paragraph 4 of subdivision b of section 17-307 of this subchapter, is found to be vending food [other than fresh fruits and vegetables] they are not permitted to sell or is found to be vending in a police precinct other than one in which the licensee is authorized to vend in accordance with his (her) borough-specific permit.

§ 16. Subdivision e of section 17-321 of the administrative code of the city of New York is amended to read as follows:

e. Any notice of violation issued to a food vendor by an officer or employee described in subdivision a of this section that is returnable to [the environmental control board] a tribunal established within the office of administrative trials and hearings or within any agency of the city of New York designated to conduct such proceedings shall state the permit number of the vehicle or pushcart associated with such notice of violation. Any fine, penalty or judgment duly imposed by such tribunal shall be considered to have been issued against the permittee associated with such permit number for the purposes of the non-issuance or renewal of a food vendor permit pursuant to subdivision b of section 17-317.

§ 17. Title 17 of the administrative code of the city of New York is hereby amended by adding a new section 17-324.1 to read as follows:

§ 17-324.1 Other Foods. The commissioner may designate by rule a list of additional healthful foods that are in compliance with the recommendations in the most recent dietary guidelines for americans issued by the United States department of agriculture. Such healthful foods may be sold by vendors who have been issued fresh fruits and vegetables permits pursuant to subdivision b of section 17-307 of this code.

§ 18. Subdivision a of section 20-454 of the administrative code of the city of New York is amended to read as follows:

a. All licenses issued pursuant to this subchapter shall be valid for [one year] two years unless sooner suspended or revoked. The commissioner shall establish by regulation the expiration date of such licenses.

§ 19. Subdivision q of section 20-465 of the administrative code of the city of New York, as added by local law 12 for the year 1989, is amended to read as follows:

q. No general vendor shall vend:

1. within twenty feet from sidewalk cafes or licensed stoop line stands; and

2. within five feet from (a) bus shelters, (b) newsstands, (c) public telephones or (d) disabled access ramps[; and].

§ 20. Section 20-465 of the administrative code of the city of New York is amended by adding a new subdivision r to read as follows:

r. The department, or such other agency designated by the mayor, shall provide a website and mobile application that allows the user to view a map of the block faces on which general vending is not permissible pursuant to this section or any other law or rule, based on the day and hour entered.

§ 21. Subchapter 27 of chapter 2 of title 20 of administrative code of the city of New York is amended by adding a new section 20-465.2 to read as follows:

§ 20-465.2 Street vendor advisory board. a. There is hereby established a street vendor advisory board consisting of the commissioner of consumer affairs, the commissioner of health and mental hygiene, the commissioner of small business services, the commissioner of transportation, and the police commissioner, or their designees, five members appointed by the speaker, two of whom represent street vendors, one of whom represents the small business community, one of whom represents organizations representing workers at retail food stores, one of whom represents property owners and one of whom who represents a community organization, and two members appointed by the mayor, two of whom represent street vendors and one of whom represents the small business community.

b. In addition to its other duties, the street vendor advisory board shall, prior to May 1 of each year from 2021 through 2029, issue to the speaker of the council a recommendation on whether the department of health and mental hygiene’s authority to issue any or all of the supervisory licenses authorized to be issued by such department should be restricted, expanded, or otherwise altered based on an analysis of the results of the increased number of mobile food vendor permits issued pursuant to the local law that created this section.

c. The street vendor advisory board shall review and evaluate all state and local laws and rules related to street vendors, including placement restrictions such as the minimum distance of 20 feet from any building entrance or exit, and the process for obtaining a street vendor license or permit pursuant to titles 17 and 20 of the administrative code. In conducting such review and evaluation the board shall consider whether such laws and rules should be clarified, are overly burdensome, or are duplicative. On or before January 1, 2020, the board shall submit to the speaker of the council and the mayor a report containing the board’s recommendations in relation to amendments to local laws and/or rules based on such review and evaluation and the basis for each recommendation. Such report shall also include recommendations for the creation of designated community spaces where street vendors can congregate to vend, including specific recommendations concerning appropriate locations for food trucks and the availability of commissary space throughout the city.

§ 22. The department of transportation shall operate a designated vending locations pilot program. Such pilot program shall, no later than June 1, 2019, identify at least five areas in the city that contain a high level of vendor activity and generate a high number of vending-related complaints. The boundaries of such areas shall be posted on such department’s website and may be modified at any time. Until June 1, 2021, the department of transportation may, after consultation with affected community boards and business improvement districts, waive or modify restrictions on the placement of food and general vendors contained in sections 17-315 and 20-465 in such areas. Modifications to restrictions made pursuant to this section shall not result in a net decrease of more than twenty percent in permissible vending areas in any area in the designated vending locations pilot program. The department of transportation shall issue a report to the mayor and council on or before October 1, 2021 on the results of any such waivers or modifications.

§ 23. Nothing in this local law limits the authority of any agency granted elsewhere in law to enforce any law or rule.

§ 24. The commissioners of health and mental hygiene and consumer affairs, and the board of health, may promulgate rules as may be necessary for the purposes of carrying out the provisions of this local law.

§ 25. Sections one, ten, eleven, and sixteen of this local law take effect 90 days after they become law. Sections two, three, four, five, six, seven, eight, nine, twelve, fifteen, seventeen, twenty-one, twenty-two, twenty-three and twenty-four of this local law take effect immediately. Sections thirteen, nineteen and twenty of this local law take effect 30 days after they become law. Section nineteen of this local law takes effect 180 days after it becomes law. Section fifteen of this local law takes effect one year after it becomes law.

RC/LUR/DSS/BAM/BJR

LS 1334/Int 1303/2016

LS 634 9/4/18

Int. No. 1479

By Council Member Chin

..Title

A Local Law to amend the administrative code of the city of New York, in relation to permitting food vending and general vending on certain streets

..Body

Be it enacted by the Council as follows:

Section 1. Subdivision k of section 17-315 of the administrative code of the city of New York is amended by adding a new paragraph 3 to read as follows:

3. A food vendor may vend on specified portions of the following streets, provided that such food vendor complies with all applicable laws and rules:

(a) The easterly side of Broadway between Exchange Place and Beaver Street.

§ 2. Subdivision g of section 20-465 of the administrative code of the city of New York is amended by adding a new paragraph (5) to read as follows:

(5) A general vendor may vend on specified portions of the following streets, provided that such general vendor complies with all applicable laws and rules:

(a) The easterly side of Broadway between Exchange Place and Beaver Street.

§ 3. This local law takes effect 60 days after it becomes law.

NAB

LS #9363

3/27/19

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2. Devin Gannon “From oysters to falafel: The complete history of street vending in NYC”, *6sqft*, August 10, 2017, available at: <https://www.6sqft.com/from-oysters-to-falafel-the-complete-history-of-street-vending-in-nyc/>. [↑](#footnote-ref-2)
3. NYC Mayor’s Push-Cart Commission “Report of the Mayor’s Push-Cart Commission”, September 10, 1906, available at: <http://www.archive.org/stream/reportofmayorspu00newyrich/reportofmayorspu00newyrich_djvu.txt>. [↑](#footnote-ref-3)
4. Information from: N.Y.C. Admin. Code §17-307; Kathryn G. Wheeler “Street vending policy and partnership opportunities in New York City”, Pratt Institute, February 2018, available at: <http://www.academia.edu/36961528/Street_Vending_Policy_and_Partnership_Opportunities_in_New_York_City>, p. 13; Street Vendor Project “Peddling uphill: A report on the conditions of street vendors in New York City”, 2006, available at: <https://www.scribd.com/document/18948529/Peddling-Uphill>, p. 6; and Ilya Marritz “Broken permitting system forces food trucks into the black market”, *WNYC*, June 6, 2012, available at: <https://www.wnyc.org/story/214757-food-trucks/>, and re-tabulated by the author. [↑](#footnote-ref-4)
5. NYC Business Solutions “Street Vending” available at: <http://www.nyc.gov/html/sbs/nycbiz/downloads/pdf/educational/sector_guides/street_vending.pdf>. [↑](#footnote-ref-5)
6. N.Y. Gen. Bus. Law §32. [↑](#footnote-ref-6)
7. Id. [↑](#footnote-ref-7)
8. Id. [↑](#footnote-ref-8)
9. N.Y. Gen. Bus. Law §35-a. [↑](#footnote-ref-9)
10. N.Y. Gen. Bus. Law § 35-a.7. and N.Y., Rules, Tit. 6, § 2-315(3). [↑](#footnote-ref-10)
11. Id. [↑](#footnote-ref-11)
12. Including streets closed by the Street Vendor Review Panel and published in N.Y. Rules., Tit. 6, §2-314. [↑](#footnote-ref-12)
13. N.Y. Gen. Bus. Law § 35-a.2. [↑](#footnote-ref-13)
14. N.Y. Gen. Bus. Law §35-a. [↑](#footnote-ref-14)
15. Id. [↑](#footnote-ref-15)
16. *See* Rossi v New York City Dep’t of Parks, 2015 WL 1565887. While the court deliberates the meaning of a “block face” for purposes of applying GBL 35-a, it plainly accepted that even a holder of a specialized vending license pursuant to state law must acquire a permit before vending food. [↑](#footnote-ref-16)
17. Rules of the City of New York, Title 24, Sec. 6-13. According to DOHMH and Parks, about 135 permits are issued pursuant to this program. [↑](#footnote-ref-17)
18. Local Law 50 of 1979. [↑](#footnote-ref-18)
19. NYC Department of Consumer Affairs “Consumer Affairs opens waiting list for general vendor licenses to sell goods and services on the street”, October 25, 2016, available at: <https://www1.nyc.gov/site/dca/media/pr102516.page>, last accessed March 21, 2019. [↑](#footnote-ref-19)
20. NYC Parks Department “Concessions”, available at: <https://www.nycgovparks.org/opportunities/concessions>, last accessed March 21, 2019. [↑](#footnote-ref-20)
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25. NYC Health, at note 21. [↑](#footnote-ref-25)
26. NYC Business, at note 24. [↑](#footnote-ref-26)
27. NYC Health, at note 21. [↑](#footnote-ref-27)
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