

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CONSUMER AFFAIRS AND  
BUSINES LICENSING

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April 11, 2019  
Start: 10:00 p.m.  
Recess: 3:00 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: Rafael L. Espinal, Jr.  
Chairperson

COUNCIL MEMBERS:  
Justin L. Brannan  
Margaret S. Chin  
Peter A. Koo  
Karen Koslowitz  
Brad S. Lander  
Keith Powers

## A P P E A R A N C E S

Lindsay Greene  
Senior Advisor to the Deputy Mayor for Housing  
and Economic Development

DOHMH's Corinne Schiff  
Deputy Commissioner for Environmental Health

DCA's Casey Adams  
Director of City Legislative Affairs

DOT's Michelle Craven  
Assistant Commissioner for Cityscape and  
Franchises

Jim Caras (representing the Manhattan Borough  
President) Gale Brewer

Mohamed Mohamad  
Street Vendor Project

Hakim EL Nagar  
Street Vendor Project

Maria Mari  
Street Vendor Project

Mohamad Attia  
Street Vendor Project

Michele Birnbaum  
CB8

Christine Berthet  
Community Board 4

## A P P E A R A N C E S (CONT.)

Andrew Rigie  
New York City Hospitality Alliance

Max Bookman  
New York City Hospitality Alliance

Robert Benfatto  
BID Association

Gladys Orduna  
A small business owner

Dr. Kathleen Dunn  
Pasadena City College

Marisa Alcaraz  
City Hall, LA

Melanie Benit  
Institute for Justice

Nikki Kateman  
Local 338 RWDSU

Matthew Shapiro

Steve Wasserman  
Legal Aid

Jay Peltz  
Food Industry Alliance of New York

Jose Geraldo  
National Supermarket Association

Avi Kaner  
Morton Williams Supermarket

Richard Lipsky  
Bodega Association

## A P P E A R A N C E S (CONT.)

David Diaz  
Bodega Association

Jessica Walker  
Manhattan Chamber of Commerce

Michael Brady  
Bronx BIDS

Kathleen Reilly  
New York State Restaurant Association

Jamie-Faye Bean  
Sunnyside BID

Theodore Moore  
New York Immigration Coalition

Krishnendu Ray  
Food Studies

Sean Basinski  
(Speaking for Krishnendu Ray)

Basma Eid  
Freedom to Thrive

Andrew Gustafson  
Turnstile Tours

Christine Lynch  
Street Vendor Turn Store owner

Olympia Kazi  
New York Artist Coalition and a member of the  
Nightlife Advisory Board

Milad Momeni  
Arab American Association of New York

## A P P E A R A N C E S (CONT.)

Asmondo Crescenzi  
Veteran Vendors

Dan Rossi  
A disabled veteran

Barbara Morris  
A disabled veteran

Matthew Bauer  
Madison Avenue Business Improvement District

Rob Byrnes  
East Midtown BID

Monica Blum  
Lincoln Square BID

Jeffery LeFrancois  
Executive Director of the Meatpacking District  
(BID)

Duncan Bryer  
State Senator Salazar's Office

Do Lee  
Biking Public Project

Suzanne Adely  
Food Chain Workers Alliance

Chris Ray  
Social Scientists

Aniqa Nawabi Muslic  
Community Network

Eric Zoondy[SP?]  
Pedicab Industry (Speaking for Aniq)

## A P P E A R A N C E S (CONT.)

Jonathan Hawkins  
Garment District BID

Avi Fertig  
Diamond District BID

Dan Biederman  
34<sup>th</sup> Street BID

Mark Caserta  
Park Slope BID

Jeffrey Lefrancois  
Meatpacking BID

Nowell Mountie  
Small Business Stout NYC

Dondi McKellar

David Estrada  
Director of Sunset Park 5<sup>th</sup> Avenue BID

Natashia Brannan  
Latino Justice

Fahd Ahmed  
DRUM

Ying Yu Situ  
MinKwon Center

Eliana Jaramillo  
Street Vendor Project

Evelia Coyotzi  
Street Vendor Project

Ryan Devlin

Kurt Wheeler

## A P P E A R A N C E S (CONT.)

Kathy Ewa[SP?]

Kelebohile Nkhereanye[SP?]

Charles Johnson

Ahmed Hassan

MD Alaim  
Immigrant in Bangladesh

Kevin Johnson  
Veteran

Nur Alam

Adelaida Simon

James Williams Senior

Godshelter Oluwalogbon

Yanki Tshering

Lo Van der Walk

Sari Kisilevsky

Maria Rose Gova

Maria Lucero

Luis Jaran

Armando Moritz

Manuel Villa

2 CHAIRPERSON CHIN: [Gavel] Good morning. My  
3 name is Margaret Chin and I will be Chairing the  
4 first half of this hearing today for the Committee on  
5 Consumer Affairs and Business Licensing.

6 The Chair of the Committee, Council Member Rafael  
7 Espinal has a scheduling conflict but will be joining  
8 us later in the hearing.

9 I am joined today by my colleagues on the  
10 Committee; Council Member Koo, Council Member  
11 Koslowitz; and I also have been joined by Council  
12 Member Rodriguez and Council Member Menchaca who are  
13 sponsors of some of the legislation that we are  
14 hearing today.

15 Street vendors in New York City have contributed  
16 significantly to the vibrancy of the city streets and  
17 to the city's food and retail landscape. They often  
18 offer food and merchandize alternative to those that  
19 are sold in traditional stores or sell fresh food and  
20 vegetables in underserved areas that are considered  
21 food deserts.

22 Street vending in this city has existed for  
23 centuries and has consistently been an avenue for  
24 newly arrived immigrants and those with minimal work  
25

1  
2 opportunities to turn their skills and resources into  
3 making a living.

4       There are four types of vending that exists in  
5 the city and each of them are for valuable  
6 contributions. General venders provide consumer  
7 goods including anything from belts, bags, books or  
8 much needed umbrellas as soon as the storm clouds  
9 roll in.

10       First amendment vendors sell their creative wears  
11 offering tours and locals unique piece of art and  
12 writing, while food and green cart ensure that our  
13 urban spaces don't become deserts to fresh or  
14 affordable food options.

15       Unfortunately, due to some bad actors, street  
16 vendors are also the subjects of complaints from some  
17 city residents as well as brick and mortars who see  
18 them as unwelcome competition. Furthermore, the  
19 complex and multi-layer state and local laws and  
20 rules that apply to vendors create confusions for  
21 everyone. Vendors, residents, businesses, and  
22 enforcement officers alike.

23       Compounding these challenges is the existing of  
24 the underground market for vending permits which  
25 exploit the city's most vulnerable workers because

1  
2 the city has capped food vending permits to  
3 approximately 3,000. Those wanting to vend who do  
4 not have a permit, must seek one out on the  
5 underground market, paying anywhere between \$10,000  
6 and \$30,000 for a permit for a single year.

7 The legislation we will hear about today will  
8 address many of these significant street vending  
9 challenges. On the agenda today, are six pieces of  
10 legislation related to street vending, three of which  
11 I am sponsoring.

12 The bills are following: Intro. 287; 288; and  
13 292 by Council Member Rodriguez. Are respectively in  
14 relation to permitting street vendors to vend within  
15 two feet of the curb, 25 feet from a bus stop or taxi  
16 stand and to place items on top of their food carts.

17 Intro. 832 would permit ill or incapacitated food  
18 vendors to transfer their license to an immediate  
19 family member.

20 Intro. 1479 would address recent street closures  
21 around the World Trade Center by opening up new  
22 streets area for street vending. And finally, the  
23 most significant legislation for this hearing is  
24 Intro. 1116-A, which lifts a nearly 40-year-old cap  
25 on food permits by gradually expanding the

1  
2 availability of food vendor permit, creates an office  
3 of street vendor enforcement and establishes a street  
4 vendor advisory board. Given the significance and  
5 complexity, I would like to spend some time  
6 explaining the provision of Intro. 1116-A, so that  
7 our dialogs today would be informed and constructive.

8       There are two primary goals for this legislation.  
9 The first is to promote more effective enforcement  
10 and reform of street vending laws by creating a  
11 dedicated enforcement unit and a street vendor  
12 advisory board. The second goal is to increase  
13 opportunities for street vendors by creating 4,000  
14 new permits that are non-transferable to address the  
15 illegal market. There will also be 450 more permits  
16 designated to veteran vendors.

17       Currently, street vendors are regulated by the  
18 Department of Consumer Affairs, the Department of  
19 Health and Mental Hygiene, the NYPD, as well as the  
20 Department of Sanitation, Environmental Protection,  
21 Finance, and Parks and Recreation.

22       The complex patchwork of laws and different  
23 agencies has resulted in a lack of affective  
24 enforcement. The street vending enforcement unit  
25 will consolidate all enforcement into a single

1 unified, well trained unit that will enforce all  
2 vending laws and rules, including provision related  
3 to sanitation and air pollution. The unit is to be  
4 fully operational several months to a year prior to  
5 the issuance of any new permits and it must be  
6 sufficiently staffed to touch at least 75 percent of  
7 all vendors, once per year on the street.

9 The unit will be tasked with training and  
10 outreach for street vendors. Once the enforcement  
11 unit has been up and running for about a year, 400  
12 food vending licenses, an additional 450 for veterans  
13 will be released each year for 10 years totaling  
14 4,450 permits. The permits will first go to those on  
15 the waiting list since October 2012 and have  
16 maintained a food handler license continuously since  
17 March 2015. Any remaining licenses will be  
18 distributed by lottery.

19 Veterans and disabled vendors will also receive  
20 45 new permits per year for 10 years totaling 450  
21 permits. The new permits will be called Supervisory  
22 Licenses and will attach to the person doing the  
23 actual vending, not the cart. It will contain a  
24 photo ID and be difficult to transfer. Thereby  
25 avoiding the pitfall of current permits that could be

1  
2 easily traded on the illegal market. The Supervisory  
3 Licenses must be at their cart. The Supervisory  
4 Licensees must be at their carts at all times. This  
5 ensures that those who are actually vending are the  
6 ones benefiting from this City License, not those who  
7 are illegally selling their licenses for thousands of  
8 dollars to vulnerable workers with no intention to  
9 vend.

10 The Street Vendor Advisory Board will evaluate  
11 all vending laws and make recommendation to the Mayor  
12 and the City Council on improvements and reforms to  
13 local laws to address duplicity, inefficiency, and  
14 burdensome regulations. The bill also requires the  
15 creation of a website and mobile application that  
16 would allow users to view a map of legal places to  
17 vend. The bill will also contain other minors reform  
18 including a DOT Pilot Project in five highly  
19 congested areas that would require DOT to evaluate  
20 vending restrictions and wave or modify them to ease  
21 congestions.

22 The creation of a mandatory training program for  
23 vendors on the rules and regulations applicable to  
24 vending and expansion of the fruit and vegetable  
25 vending program or green carts to allow those vendors

1  
2 to sell cut fruits, nuts, water and any other food  
3 Department of Health designates as helpful and a  
4 requirement that vendors stay at least 20 feet away  
5 from Stoop Line stands and Sidewalk Cafes to reduce  
6 congestions.

7 Street vending is an important part of the New  
8 York City Streetscapes contributing approximately  
9 16,300 jobs and \$78.5 million in wages. By creating  
10 new permits, those that are currently working as food  
11 vendors will have the opportunity to work their own  
12 carts. I believe Intro. 1116-A brings much needed  
13 reforms to street vending in this city. By doing  
14 nothing, we leave the city's most vulnerable workers  
15 and immigrants open to exploitation by the illegal  
16 market.

17 We look forward today to hear from the  
18 administration, street vendors, business and industry  
19 representatives, advocates, and other stakeholders  
20 about their recommendation regarding these six bills.

21 But first, I'd like to invite my colleague and  
22 Council Member Menchaca, my co-sponsor on Intro. 1116  
23 to give a statement and we have also been joined by  
24 Council Member Lander who is on this committee.  
25 Council Member Menchaca?

1  
2 COUNCIL MEMBER MENCHACA: Thank you.

3 CHAIRPERSON CHIN: Oh, and Council Member Powers,  
4 who is also on this Committee. Welcome, you are a  
5 new member, but we welcome you. Thank you.

6 COUNCIL MEMBER MENCHACA: Awesome and that's  
7 right, we welcome you Keith and we welcome all of you  
8 here today and I am just so proud to be here with Co-  
9 Prime Sponsor Margaret Chin.

10 There is a lot of work we want to get to today  
11 and the welcome here is not just welcoming your  
12 person but really the essence of what you all  
13 represent, whether you are a vendor, or you are a  
14 business improvement district, or you are a grocery  
15 store or a worker at a grocery store.

16 All of your voices will be heard today, and we  
17 are really excited about moving this question forward  
18 and dating back to New York City's earliest  
19 beginnings, vendors have been a vital and an  
20 indispensable part of our economy here in the city.  
21 And not just the economy but the actual landscape.

22 The texture of what people remember and the old  
23 footage of New York and the current footage and the  
24 future footage, will always have a vendor connected  
25 to it and vending is a pathway to economic

1  
2 opportunity, often serving as the entry point for  
3 low-income wage workers to enter the city's economy.  
4 And to allow vendors to support themselves and their  
5 families.

6       Those are the stories that I hear in Sunset Park  
7 in my district and unfortunately, and this is just  
8 the situation, vendors are subject to an arbitrary  
9 regulatory system, making both compliance and  
10 enforcement difficult to follow or to execute. We  
11 want to fix that.

12       I think everybody here wants to fix that. This  
13 isn't fair to anyone, most of all to the thousands of  
14 vendors who are already struggling to put food on the  
15 table for themselves, for their families, for their  
16 loved ones.

17       And also, in the climate that we are in right  
18 now, many of our vendors are immigrants. And so,  
19 they're not only dealing with the toxic stress that's  
20 coming from the federal government, but also the  
21 confusion of the current system and struggling to  
22 ensure that their families are taken care of.

23       The history of vending is also a history of  
24 immigration in this city. It is a profession  
25 dominated by immigrants and this continues to be the

1 case but while the make up of vendors a hundred year  
2 ago looks different from the makeup of vendors today.  
3 This is a profession that is still predominantly made  
4 of immigrants.  
5

6 And as the Chair of the Immigration Committee, I  
7 am committed to ensuring that we hear their voices.  
8 Now, no where is there more than in Sunset Park a  
9 real thriving street vendor community and I know the  
10 Business Improvement District is here to, but we're  
11 working together to ensure that there is conversation  
12 happening with our local precinct and we're really  
13 excited that that voice is part of this bill process.

14 Well, actually, I'm not going to go through 1116-  
15 A. Council Member Chin made that pretty clear, but  
16 this is a win-win for everyone. Particularly, other  
17 business owners who work side-by-side with vendors,  
18 as reports from today going back to the 1990's show  
19 there is a powerful synergistic synergy, a  
20 synergistic relationship between vendors and other  
21 businesses. And I urge my colleagues on the  
22 Committee to listen to everyone and help us move this  
23 conversation forward. The system is broken, we want  
24 to fix that, and it is time. Thank you.

1  
2 CHAIRPERSON CHIN: Thank you Council Member.

3 Now, I would like to invite Council Member Rodriguez  
4 to give a statement on his bills. Thank you.

5 COUNCIL MEMBER RODRIGUEZ: Thank you Margaret.

6 Good morning, I am Council Member Rodriguez. I would  
7 like to thank the Committee Chair who will be joining  
8 us later on as well as everyone who are here today as  
9 we discuss these important issues affecting street  
10 vendors and other small business owners.

11 I believe that bills I am introducing today will  
12 have a significant impact on the safety of our street  
13 vendors. But before, talking about my bills, I want  
14 to highlight my belief that this package of bills  
15 need to build co-assistance between older business  
16 owners such as Bodega, supermarkets and street  
17 vendors.

18 I will not like to see those being divided  
19 because when the city and the state was looking to  
20 provide \$3 billion subsidy, no one from this group  
21 was included. It only went to the big cooperation.  
22 So, I believe that it is possible not only to address  
23 these bills, but also to think about how we can build  
24 a co-assistance, not necessarily competing against  
25 each other but creating the best condition for the

1  
2 street vendors to do well as also all the business  
3 owners who are also struggling to survive in our  
4 city, to be able to get support from us.

5 As a local law really stands for the food  
6 vendors, a street vendor must place the cart directly  
7 next to the curb. This is a huge danger to the  
8 safety of our street vendors. Exiting their carts  
9 onto the street could be dangerous.

10 We are a city of hard-working people. I came  
11 here to wash dishes in a restaurant. I could be one  
12 of the street vendors sitting there, but I believe  
13 that it is possible to support not only the street  
14 vendors that are here today, but the other business  
15 owners that we have in our city.

16 Los Angeles has made it clear that the street  
17 vendors are vital to the city. That's why they took  
18 away the cap on the amount of permits, but they also  
19 create an environment where other business owners and  
20 street vendors sit together, and they plan together.

21 We need to ensure that our street vendors know  
22 that they matter to the city of New York. These  
23 bills will help frame the environment that the  
24 vendors need to stay in businesses. I will continue  
25 to work along my colleagues to make sure that we pass

1 a law that will ensure the survival of street  
2 vendors. We need to focus also enforcements,  
3 corruption also, involving some people in the street  
4 business owner that they are renting their permits  
5 and we need to go after those individuals. We also  
6 need to be sure that as we go along and continue  
7 conversation along these bills, we find a way of how  
8 to avoid competing against each other.  
9

10 [SPEAKING IN SPANISH]

11 Thank you.

12 CHAIRPERSON CHIN: Thank you Council Member. We  
13 have also been joined by Council Member Mark Levine.  
14 I am very happy today that we have translation and  
15 thank you to the Street Vendor Project for helping  
16 out. We have Spanish translation, Mandarin  
17 translation, and Arabic translation. So, your  
18 testimonies will be translated.

19 I would like to invite the Administration to  
20 testify and the Council will administer the oath.

21 COUNCIL CLERK: Please raise your right hands.

22 Do you swear or affirm to tell the truth, the whole  
23 truth and nothing but the truth before this Committee  
24 and to answer Council Member questions honestly?

25 PANEL: I do.

COUNCIL CLERK: Thank you.

Good morning Councilwoman Chin, Council Member Menchaca and other members of the Committee on Consumer Affairs and to the members of the audience. Thank you for inviting us to testify today. I am Lindsay Greene, a Senior Advisor to the Deputy Mayor for Housing and Economic Development. I work closely with several agencies that are involved in economic development, public space and business opportunity, including the Department of Consumer Affairs, and the New York City Economic Development Corporation, among others.

I am joined today by several colleagues from various city agencies that touch mobile vending, including DOHMH's Corinne Schiff Deputy Commissioner for Environmental Health, DCA's Casey Adams Director of City Legislative Affairs to my right, and DOT's Michelle Craven Assistant Commissioner for Cityscape and Franchises on my far left. Each of whom you will hear from in direct testimony and we are joined today by many other of our esteemed colleagues for Q&A.

Additionally, members from SBS and the Police Department are on hand for Q&A as they also interact, albeit less directly, with mobile vending. We are

1  
2 pleased to be representing Mayor Bill de Blasio's  
3 administration here today.

4 Thank you for inviting us to testify on the  
5 Vending Reform proposal and for this opportunity to  
6 provide updates on our vending system since we last  
7 gathered on this topic several years ago.

8 These reforms specifically address mobile food  
9 vending, which has been a part of this New York City  
10 landscape for over 150 years.

11 We want to state upfront that the Administration  
12 believes that vending is an important part of New  
13 York City and should remain that way.

14 We would all agree that vending is important to  
15 the City in multiple ways. It is a colorful part of  
16 our cultural landscape, it is a major path to  
17 economic opportunity for veterans, immigrants, and  
18 recent arrivals to New York, and its vibrancy,  
19 variety, and entrepreneurial spirit contributes to  
20 our overall status as the food capital of the world.

21 Currently, the City's vending landscape includes  
22 several categories: Food Carts, which are non-  
23 motorized carts selling various foods; food trucks,  
24 motorized and mobile trucks selling food; general  
25 vendors, which are individuals who sell, or offer for

1 sale, good or services including handbags; 1<sup>st</sup>  
2 Amendment Vendors, which are non-motorized vendors,  
3 usually at tables, who sell books, music and art,  
4 including paintings, prints, photographs and  
5 sculptures; we also have Veteran General Vendors, who  
6 under state law, are honorably discharged veterans  
7 who are New York City residents can apply for general  
8 vendor licenses notwithstanding the numerical cap;  
9 and we also have Disabled Veteran Vendors, who under  
10 state law, honorably discharged veterans who are New  
11 York residents and have a service-related disability  
12 can apply to Consumer Affairs for a specialized  
13 vending license that allows them to vend in places  
14 that are otherwise restricted.  
15

16 General vendors are required to only have  
17 licenses, which are issued by the Department of  
18 Consumer Affairs. Food trucks and food carts receive  
19 licenses for the person working on the cart or the  
20 truck and also a permit for the cart or the truck  
21 itself from the Health Department.

22 There is a cap on the number of health permits  
23 for food carts and food trucks of 5,100 and a cap of  
24 general vendor licenses of 853. The non-green cart  
25 food permits are broken down into specific subgroups

1  
2 with a large chunk serving a citywide permits and  
3 other specific categories for all the boroughs,  
4 veteran vendors, and seasonal vendors.

5       Additionally, there is a cap of 105 on the number  
6 of specialized general vending licenses that  
7 authorize vending in the midtown core, which are only  
8 issued to disabled veterans per State General  
9 Business Law. There is no cap on the number of  
10 citywide general vending license that may be issued  
11 to veterans. It should be noted also that there is a  
12 substantial amount of vending that exists that isn't  
13 the focus of this particular bill package today,  
14 especially general vending and 1<sup>st</sup> Amendment vending,  
15 which also includes artists selling their own art.

16       As I said, the proposals under consideration  
17 today are focused on food vending, thus we will  
18 primarily focus our comments on this category, and we  
19 may at times address other types of vending in the  
20 context of potential regulatory reforms.

21       For a moment, I would like to talk about the  
22 current vending regulatory framework.

23       As previously mentioned, DOHMH is responsible for  
24 the permitting of food vending units as well as health  
25 and safety inspections, and issuances of licenses for

1 vendors. DOHMH also permits and inspects food  
2 vending commissaries, of which there are  
3 approximately 100 throughout the City. Commissaries  
4 are the physical spaces where all food carts and  
5 trucks are required to be taken for cleaning,  
6 maintenance and storage when not in use.  
7

8 DCA licenses general vendors and accepts  
9 applications for food vendors on behalf of DOHMH at  
10 its licensing center. The Police Department enforces  
11 vending on a day-to-day, non-inspection basis, and  
12 issues violations to both food and general vendors.  
13 The Parks Department also does some day-to-day  
14 vending enforcement specifically in park areas across  
15 the City.

16 These are the core agencies that are interacting  
17 with mobile food vending, but there are many more  
18 touch points and a vast expanse of underlying laws  
19 and rules governing street vending as many have  
20 mentioned today.

21 In totality, there are multiple city agencies  
22 directly involved in some aspect of vending  
23 regulation in addition to DOHMH and DCA, including as  
24 I mentioned, NYPD, DEP, Parks and Sanitation and  
25 still others who make important policy contributions,

1 including the Fire Department, the Transportation  
2 Department, and several mayoral offices, including  
3 those focused on immigrant affairs.  
4

5 The direct regulatory framework involves multiple  
6 sections of the Administrative Code, the Health Code,  
7 the Rules of the City of New York and also the New  
8 York State Sanitary Code and New York State Business  
9 Law.

10 I would like to take a moment to talk about some  
11 things that have progressed since we last gathered on  
12 this topic.

13 The City has taken strides to better understand  
14 and improve upon the vending ecosystem in the last  
15 several years. We have undergone as I referenced  
16 when we last spoke, two distinct mobile vending  
17 counts on the street and now have a better  
18 understanding of the environmental and administrative  
19 conditions vendors face while conducting business in  
20 our city.

21 The Mayor's Office led tow surveys to develop a  
22 useful snapshot of all vendors across the five  
23 boroughs. The first survey endeavored to determine  
24 the total number of vendors, both food in general, by  
25 location and found that the majority of food vendors

1 specifically were located in Manhattan. That number  
2 was about 80 percent of what we observed.  
3

4 Reflecting feedback and input from various  
5 stakeholders, including street vendors, the second  
6 count we did, adopted a slightly different  
7 methodology and measured activity during different  
8 times of day, a larger range of days, and a slightly  
9 broader range of vendors. Key findings from the  
10 survey captured the variation in timing based on the  
11 type of cart, for instance, general vending was found  
12 to be much more present during evenings and weekends,  
13 where as the inverse was true for food carts.

14 Both surveys provided an increased understanding  
15 on the number of vendors and where they congregate  
16 throughout the city. The majority of vendors operate  
17 on blackface's with other vendors, and many areas  
18 have several vendors per block face.

19 We also affirmed that there were several key  
20 vending hot spots, so to speak, many of which are in  
21 the places you would expect. This includes a large  
22 swath of Manhattan south of 96<sup>th</sup> Street, as well as  
23 major commercial corridors throughout the boroughs  
24 including Sunset Park Brooklyn, the 4<sup>th</sup> and 5<sup>th</sup>  
25 Avenues. In Bushwick Brooklyn, particularly

1  
2 Knickerbocker and Wyckoff Avenues, Jackson Heights,  
3 Roosevelt Avenue and flushing Main Street in Queens,  
4 and Fordham Road in the Bronx, all of which we noted  
5 in our original testimony.

6       The biggest insight from the counts was that the  
7 number of vendors working at any point in time seems  
8 relatively disconnected from the concept of the cap.  
9 We are happy to provide more details on the counts in  
10 any follow-up conversations as requested.

11       In addition to the vendor counts, the  
12 Administration led primarily by colleagues at DOHMH  
13 have implemented a number of new improvements in  
14 recent years that we think add value to the vending  
15 community. These include the implementation of  
16 mobile food vending, the grading program, and a  
17 further roll-out of multi-lingual, user-focused  
18 guidebooks and reference materials for vendors.

19       Generally speaking, the Administration agrees  
20 that the current system for vending regulation could  
21 benefit from reform. While that has long been the  
22 case, the work of the broad community gathered for  
23 these hearings and in other discussions in the last  
24 few years has created an atmosphere of compromise and  
25 solution-oriented policy discussion that did not

1  
2 fully exist previously. We agree that there is an  
3 opportunity to affect real and positive change here  
4 for everyone.

5 We support the Council's efforts with this  
6 legislation to examine this important issue and look  
7 forward to working with the various stakeholders to  
8 discuss our thoughts on the best way to set vendors  
9 up for success in a system where they can thrive.

10 We feel that the Council's proposal is the first  
11 step in that direction but could benefit from some  
12 changes to achieve its stated goals. Now that I have  
13 addressed the recent learnings from the past few  
14 years, I will speak specifically about the proposal  
15 at hand today and my agency colleagues will offer  
16 some testimony on the topic as well and then we will  
17 do Q&A.

18 It is work highlighting that much of the debate  
19 thus far has focused on the number of permits and the  
20 cap structure, which we have increasingly come to  
21 feel is the wrong debate. We fully support the idea  
22 that every vendor on the street should be legitimate  
23 and shouldn't have to acquire a right to do business  
24 from an illegal market.

1  
2 But for context, as you know, the City, with its  
3 thriving economy, has attracted more visitors, more  
4 workers, and more residents than ever before. Since  
5 1990, we have added more than 1.2 million people to  
6 our population, the equivalent of a city nearly the  
7 size of Dallas. Last year we welcomed over 65  
8 million tourists, an increase of over 75 percent  
9 since 2000. The number of jobs in the city has  
10 swelled to over 4.3 million, up more than half a  
11 million since the pre-recession peak of 2008. And  
12 development is everywhere. In recent years the city  
13 has added tens of thousands of new housing units and  
14 millions of square feet of new office space, while  
15 also making upgrades to our utility infrastructure,  
16 and dealing with street disruptions that come along  
17 with such work.

18 So, our streets, curbs, and sidewalks are busier  
19 than ever, and increased deliveries, driven by the  
20 growing population and economy and burgeoning e-  
21 commerce, have added even more to the mix.

22 New York City's nearly 6,000 miles of streets and  
23 12,000 miles of sidewalks facilitate the movement of  
24 pedestrians, transit riders, cyclists and motorists

1  
2 and the delivery of goods and service throughout the  
3 city.

4       The streets themselves also serve as public  
5 spaces, fostering social, economic and recreational  
6 activities. So, with greater demands than ever  
7 placed on our streets, including our sidewalks, we  
8 need to reform our street vending system and get this  
9 right in a way that works for everybody.

10       Getting it right is not necessarily about  
11 managing the number of vendors that have licenses or  
12 permits but about managing very specifically, how and  
13 when that vending is taking place.

14       It does not seem to set vendors or their  
15 customers or the proposed new enforcement unit up for  
16 success to put new vendors and new officers on the  
17 street when we do not have a predictable and easy way  
18 to understand when and where vendors can do business.

19       The current proposal recommends creating a new  
20 license structure that maximizes flexibility for  
21 vendors. While the proposed license structure is  
22 beneficial for addressing economic opportunity and  
23 flexibility, it does not do anything to improve the  
24 conditions in which these businesses much operate.  
25

1  
2       Additionally, the proposal does not take into  
3 account when and where a vendor can operated. Two  
4 variables that fluctuate greatly and have a major  
5 impact based on location. Thus, it doesn't solve for  
6 basic physical challenges including the feeling of a  
7 congested commercial thoroughfare with 4 to 5 vendors  
8 in one block face for the interruption of bus stops,  
9 fire hydrants and areas where people tend to  
10 congregate.

11       The reforms we make moving forward must take  
12 these factors into consideration before we allow for  
13 additional licenses to enter into the market. The  
14 best way to identify areas for reform here is to  
15 review key pain points and try new fixes in the  
16 context of the proposed pilot zones. It will take  
17 some time to research and agree upon the right set of  
18 things to try in these proposed pilot zones, but the  
19 concept of testing and evaluation is one we strongly  
20 support.

21       We recognize that regulation and enforcement of  
22 vending activity is incredibly important.  
23 Enforcement and regulation topics in particular  
24 matter a lot to a wide range of stakeholders,  
25 including vendors themselves, as well as local

1  
2 Community Boards, Business Improvement Districts,  
3 local property and business owners and of course,  
4 elected officials. Vending is a vital part of the  
5 New York City landscape and we must make sure that it  
6 is legal, safe and works well for everyone.

7 We strongly support the concept of enhanced  
8 enforcement and of more proactive enforcement. We do  
9 both proactive and complaint-based enforcement  
10 currently. Any new enforcement scheme needs to honor  
11 the current areas of expertise, the various agencies  
12 involved in vending enforcement and generally, want  
13 to make sure to not dilute that expertise or the  
14 resources of the involved agencies. The precise  
15 structure of more enhanced enforcement is something  
16 we need to evaluate more closely and look forward to  
17 discussing that with all relevant stakeholders.

18 Drawing from our most recent studies, we also  
19 must consider the existing enforcement challenges.  
20 We need to ensure that any regulatory and enforcement  
21 system is sufficient to motivate compliance, control  
22 and reduce unlicensed activity and deter other  
23 illegal vending behaviors. Our experience to date  
24 suggest that many fines and penalties are currently  
25 viewed as a cost of doing business to be absorbed.

1  
2       It is important to note also that the common  
3 misconception about congested areas including places  
4 like 42<sup>nd</sup> Street in Times Square are overrun with  
5 illegal vendor activity. In that area, for example,  
6 the majority of vendors are appropriately located and  
7 fully licensed and permitted. All of this suggests  
8 that the conditions we have in place do not allow the  
9 accommodation for more vendors before resolving some  
10 of these challenges.

11       As is stands, the current proposal provides a new  
12 license structure that maximizes flexibility for  
13 vendors. While we share this goal, we should not  
14 implement a new license structure before we can first  
15 understand and improve some of these conditions.

16       The addition of a dedicated enforcement resource  
17 unit will be beneficial for the long-term, but we  
18 also must address the system that they are enforcing.

19       We agree with the solutions in the proposal;  
20 however, we might recommend a reverse of the order of  
21 operations and some additional time.

22       We agree in the long-term to allow more licenses,  
23 however, we must first institute a more system wide  
24 reform, so that the license are operating within a  
25 more effective system.

1  
2       In order to accurately and effectively improve  
3 our current system, we are undertaking an effort,  
4 similar to the one suggested in this proposal, to  
5 comprehensively review our vending regulatory system  
6 and identify areas for improvement and in most  
7 importantly some potential solutions.

8       This will be a long and methodical process that  
9 will need to involve many different stakeholders, but  
10 it is the best way to help produce a system that  
11 supports success for all participants in this  
12 industry. We are aware of, and you all will no doubt  
13 hear testimony today about many other municipalities  
14 who have recently implemented vending reforms.

15       With all due appreciation and respect for our  
16 colleagues in other places, it is important to note  
17 that no city has the scale and scope, or the breadth  
18 and diversity of types of vending that we see here in  
19 New York City.

20       There are certainly things we can and should  
21 learn from the efforts of other cities and there are  
22 likely elements of other proposals that might merit  
23 study in the context of the proposed pilot zones.

24 However, it would be ill advised to assume that we  
25

1  
2 can simply copy and past other templates and apply  
3 they citywide in New York in short order.

4 By conducting a thorough study, we can then  
5 evaluate, tailor, and test these practices in order  
6 to find a compatible structure that works for  
7 everyone. The current proposal separates the tracks  
8 of studying and recommending system changes and does  
9 not include the necessary fixes for certain  
10 structural challenges. In order to avoid aggravating  
11 an already chaotic situation, we must revers the  
12 order of operations to ensure vendors especially, but  
13 also enforcement agents are set up for success.

14 In conclusion, I would like to reiterate that we  
15 support the goal of increasing economic opportunity,  
16 legitimacy and dignity for vendors. We know that  
17 vending is an important part of New York City and we  
18 share the goal that it should be a mature, compliant  
19 and vibrant industry like many others. We know we  
20 are not there yet. The current state of mobile  
21 vending is complex and imperfect in many ways and we  
22 look forward to working with everyone to help create  
23 a system that works for everyone and allows vendors a  
24 more hospital environment in which to work.

1  
2           You'll next hear from several of our agency  
3 partners. In testimony first by Corrinne from The  
4 Department of Health. Thank you.

5           CORRINNE SCHIFF: Good morning, Council Member  
6 Chin and members of the Consumer Affairs and Business  
7 Licensing Committee. I am Corinne Schiff, Deputy  
8 Commissioner for the Division of Environmental Health  
9 at the Department of Health and Mental Hygiene. On  
10 behalf of Commissioner Barbot, thank you for the  
11 opportunity to testify.

12           The Health Department's mission is to protect and  
13 promote the health of all New Yorkers, and when it  
14 comes to mobile food carts and trucks, our charge is  
15 to educate vendors about safely storing, preparing  
16 and serving food to reduce the risks of foodborne  
17 illness; inspect food carts and trucks for required  
18 equipment before issuing the permit that authorizes  
19 them to operate; and inspect the units when they are  
20 out on the street and operating in order to evaluate  
21 compliance with food safety requirements.

22           The Department issues the licenses that allow  
23 people to vend food from permitted carts and trucks  
24 and permits and inspects commissaries where food  
25

1  
2 carts and trucks are required to be taken for  
3 cleaning and storage when not in use.

4       The Department looks forward to working with the  
5 Council on this legislation to ensure that food  
6 safety, air quality and healthy food policy concerns  
7 are addressed as part of mobile food vending reform.

8       The Department's highest priority when it comes  
9 to mobile food vending is to promote the safety of  
10 the food served from carts and trucks. With respect  
11 to Introduction 1116-A, a key component of food  
12 safety that should be considered is the commissary.  
13 A commissary is where food carts and trucks are  
14 securely stored when not in use so they cannot be  
15 tampered with; where they can be properly cleaned to  
16 maintain sanitary conditions, such as remaining free  
17 of pest infestations; where waste accumulated  
18 throughout the day is disposed; and where food and  
19 supplies are available for restocking and  
20 preparation. Servicing vending units at a commissary  
21 is a requirement of both city and state law, and new  
22 permit holders will not be able to operate safely or  
23 legally unless new commissary spaces are also  
24 available. It is critical that any plan to expand  
25

1  
2 the number of carts and trucks also include a plan  
3 for a corresponding expansion of commissary space.

4       Next, a plan to expand food vending should  
5 consider potential adverse impacts on local air  
6 quality, such as if the number of vendors grilling  
7 meat, poultry or fish using an under-fire char  
8 broiler increases. An under-fire char broiler is  
9 equipment that uses a heat source under a slatted  
10 grill. As the food cooks, fat drips directly onto the  
11 heat source, resulting in combustion that releases  
12 fine particulate matter, called PM2.5, into the air.  
13 PM2.5 can be inhaled deep into the lungs and studies  
14 have linked exposure to particulate matter to  
15 breathing problems, reduced lung function, heart  
16 disease and premature death. To avoid adverse  
17 consequences for the environment and the health of  
18 vendors and New Yorkers generally, any expansion of  
19 food carts and trucks should include emissions  
20 controls.

21       Reforming the mobile food vending industry  
22 presents an important opportunity to address matters  
23 of food policy. The Department supports the  
24 provisions in Intro 1116-a that would allow Green  
25 Cart vendors to sell water and raw, single ingredient

1  
2 nuts, as well as other health foods designated by the  
3 Health Commissioner. Green Cart vendors currently  
4 bring whole fruits and vegetables to neighborhoods  
5 with limited access to produce, allowing these  
6 vendors to expand their offering, further promotes  
7 access to health food and increases the economic  
8 viability of this important program.

9       The Department would like to work with the  
10 Council to be sure that the neighborhoods where Green  
11 Carts are authorized to vend align with those areas  
12 of the city that lack adequate access to produce.  
13 The Department would also welcome the opportunity to  
14 find other ways to harness the vibrant mobile food  
15 vending industry to address issues of food equity,  
16 obesity and other nutrition-related illnesses.

17       The Department appreciates that Council's  
18 emphasis on training vendors to promote compliance  
19 with relevant laws and regulations, every mobile food  
20 vender is required to pass the Department's food  
21 protection course. Introduction 1116-A would require  
22 retraining for vendors who are issued at least one  
23 violation in a two-year period. The Department looks  
24 forward to discussing with the Council the  
25 appropriate threshold and frequency for retraining.

1  
2           Regarding Introduction 292, the Department  
3 supports this bill, which would allow vendors to  
4 place items on the cart or truck in addition to in  
5 and under it. This change will help vendors protect  
6 food and equipment from contamination by increasing  
7 available space for placement and storage.

8           Thank you for the opportunity to testify. I am  
9 happy to take questions.

10           CASEY ADAMS: Good morning Council Member Chin  
11 and members of the Committee. I would like to also  
12 welcome Council Member Powers as a new member of our  
13 Committee of Jurisdiction. We look forward to  
14 working with you.

15           My name is Casey Adams, I am Director of City  
16 Legislative Affairs for the New York City Department  
17 of Consumer Affairs. I would like to thank you all  
18 for the opportunity to testify today on behalf of DCA  
19 Commissioner Lorelei Salas.

20           DCA's mission is to protect and enhance the daily  
21 economic lives of New Yorkers to create thriving  
22 communities. We do this by licensing approximately  
23 80,000 businesses across more than 50 industries and  
24 enforcing key consumer protection, licensing, and  
25 workplace laws that apply to countless more. As one

1  
2 of the many City agencies involved in regulation of  
3 vending, we appreciate this opportunity to offer  
4 testimony about our role.

5 Under current law, individuals who sell, or offer  
6 for sale, goods or services in public places must  
7 obtain a general vendor license from DCA. The  
8 general vendor license is separate from the food  
9 vendor licenses and permits that have been discussed  
10 already today and are issued by our sister agency,  
11 the Department of Health and Mental Hygiene.

12 Previous City Councils, concerned about congestion on  
13 our sidewalks, limited the number of general vendor  
14 licenses that DCA is authorized to issue. Since  
15 1979, the total number of general vendor licenses has  
16 been capped by law at 853. Because of this cap, DCA  
17 maintains a waitlist for non-veteran New Yorkers who  
18 wish to apply for a general vendor license when one  
19 becomes available.

20 State law allows honorably discharged veterans of  
21 the armed forces to apply for general vendor licenses  
22 notwithstanding the cap. There are currently 2,069  
23 licensed general vendors overall, of which 792 are  
24 non-veterans, 633 are honorably discharged veterans,  
25 and 644 are honorably discharged veterans with a

1  
2 service-related disability. State law also allows  
3 honorably discharged veteran vendors with a service-  
4 related disability to vend in areas of the city  
5 otherwise restricted to vending.

6 Finally, state law makes disabled veteran vendors  
7 eligible to apply for a specialized vending license  
8 that allows the holder to vend in the midtown core.  
9 Only 105 such licenses may be active at a time.

10 DCA's role in street vending is strictly limited  
11 to licensing general vendors in accordance with the  
12 legal requirements I detailed above, among others,  
13 and accepting paper applications for mobile food  
14 vendor licenses and permits on behalf of DOHMH at our  
15 licensing centers as a service to New Yorkers and  
16 vendors specifically. We do not play a role in the  
17 regulation of food vendors. We do not have authority  
18 to change the number of licenses available to the  
19 public, which is set by a combination of local and  
20 state law, as has been discussed.

21 Additionally, DCA does not have the authority to  
22 determine where and when general vendors may vend.  
23 DCA does not conduct on-street vending enforcement,  
24 with the exception of price posting by food vendors,  
25 which is largely complaint-based. DCA inspectors do

1  
2 not have the authority to stop or arrest vendors on  
3 the street.

4 Identifying solutions to questions regarding  
5 vending requires input from vendors, businesses,  
6 consumers, communities, lawmakers, and regulators,  
7 all of whom together need to ensure that livelihoods  
8 are protected, economic opportunities are encouraged,  
9 and our streets are clean and safe. We would all  
10 benefit from concise, clear, and consistent  
11 guidelines for vending and DCA looks forward to  
12 participating in a dialogue with the Council and all  
13 other relevant stakeholders about how those can best  
14 be achieved.

15 Thank you for the opportunity to testify today.  
16 I will also be happy to answer questions.

17 MICHELLE CRAVEN: Good morning Council Member  
18 Chin and Members of the Committee on Consumer Affairs  
19 and Business Licensing. My name is Michelle Craven,  
20 Assistant Commissioner for Cityscape and Franchises  
21 at DOT. I am glad to be here today on behalf of  
22 Commissioner Trottenberg to discuss our tools for  
23 analyzing sidewalk congestion, and how they can be  
24 applied to vending as proposed in Intro. 1116-A.

1  
2 I would like to not that DOT's sister agencies  
3 regulate and enforce general food vending activity on  
4 sidewalks. Nonetheless, we recognize our role in  
5 maintaining the City's sidewalks as valuable  
6 transportation assets and that our expertise as  
7 transportation planners could offer some insights in  
8 making changes to the vending landscape.

9 The proposed legislation directs DOT to identify  
10 designated vending location pilot program areas based  
11 on high level of vending activity and vendor  
12 complaints. Our current tools are suited to  
13 assessing conditions at a specific site or corridor.  
14 For the selection of these areas, DOT would only be  
15 able to rely on suggestions or requests received from  
16 stakeholders, and/or information on summons activity  
17 or complaints relating to vending from our sister  
18 agencies.

19 Additionally, the vendor counts commissioned by  
20 the Mayor's Office of Operations would be  
21 informative. DOT believes that the selection of  
22 areas should be decided based on broader interagency  
23 feedback, informed by the data, with the input of the  
24 Council, and incorporated directly into any final  
25 legislation.

1  
2       After specific areas are selected, our technical  
3 expertise could be useful in analyzing sidewalk  
4 conditions. DOT would need to survey the areas,  
5 conduct extensive observational studies, and develop  
6 a new tool based on our previous experiences.

7 Depending on the complexity of the analysis, this  
8 effort could be costly and take at least a year based  
9 on the seasonality of vending. And any evaluation  
10 using the tools at DOT's disposal would be dependent  
11 on consistent enforcement being in place first, to  
12 know whether the current rules are actually  
13 appropriate and effective if enforced, and for any  
14 new rules to be meaningfully applied.

15       Next, I would like to touch on some of the  
16 broader challenges that could occur in any effort to  
17 relocate or reorganize where vending is permitted.  
18 As you know, more people are living, working, and  
19 visiting here than ever before, and with that comes  
20 incredible demands on our streets. These demands for  
21 walking, biking, driving, parking, loading and  
22 unloading, vending, and commercial entertainment and  
23 other activities are often concentrated in the same  
24 busy locations in the city, with finite public  
25 roadway and sidewalk space available. As a result,

1  
2 some locations with heavily congested sidewalks and  
3 high vendor activity may be potential candidates or  
4 relocation but may lack available alternate locations  
5 nearby.

6 Another option, expanding the sidewalk, is  
7 something DOT has undertaken from Times Square to  
8 Flushing to relieve pedestrian crowding and enhance  
9 safety and mobility at key hubs. However, in  
10 addition to being more expensive and complicated than  
11 it may seem, it is not always an option. In some of  
12 the same locations where we would like to have more  
13 sidewalk space, the limited adjacent roadway may  
14 carry public transit buses and be heavily trafficked.  
15 And the purpose of sidewalk expansion is not to just  
16 create additional room for vendors versus  
17 pedestrians.

18 Finally, if areas where vending is permitted are  
19 relocated from high pedestrian traffic areas to less  
20 busy locations, vendors may not be able to make a  
21 living. And stakeholders at any alternate location  
22 may perceive such an action as moving an issue from  
23 one area to another.

24 These are a few examples of factors, some that  
25 are beyond DOT's purview, that need to be taken into

1 account when determining locations of vendors.

2 Therefore, DOT believes that the advisory board in  
3 this legislation should determine a recommended  
4 framework for any potential relocation of permitted  
5 vending areas, if needed.  
6

7 Lastly, I would like to quickly express DOT's  
8 concerns about two of the other bills before the  
9 Committee today. Regarding Intro. 288, while vending  
10 is currently excluded from the entirety of a bus stop  
11 or a taxi stand, the bill would exclude it only from  
12 the first 25 feet after a sign. Bus stops are  
13 typically 100 feet or more, from the bus stop sign to  
14 the next parking regulatory sign or the corner, clear  
15 space that is essential to facilitate loading and  
16 unloading. And Intro. 287 expands the distance from  
17 the curb that vendors can operate. We feel strongly  
18 that the proposed bills as drafted poses safety,  
19 congestion, and accessibility issues, and would  
20 conflict the transit access.

21 Thank you for the opportunity to testify and I  
22 would be happy to answer any questions.

23 CHAIRPERSON CHIN: Thank you for your  
24 testimonies. I am going to start with questions from  
25

1  
2 my colleagues. Council Member Rodriguez, do you have  
3 some questions for the panel on your bills?

4 COUNCIL MEMBER RODRIGUEZ: I do. How is the City  
5 addressing the issue of the black markets inside the  
6 street vendor industry?

7 LINDSAY GREEENE: Thank you Council Member for  
8 the question. We have made efforts to beef up  
9 enforcement in that area. We have tried to institute  
10 a system of accountability where current permit  
11 holders need to present for certain hearings and  
12 renewals of licenses, and it is something that we  
13 monitor pretty aggressively, and we have violations  
14 to that, but I think we might all agree that perhaps  
15 some of the consequences of that process are  
16 insufficient to deter the activity.

17 COUNCIL MEMBER RODRIGUEZ: But do you recognize  
18 that there is a crisis – that there is a situation in  
19 that industry where individuals are renting a number  
20 of permits?

21 LINDSAY GREEENE: Yes, Council Member, we do  
22 recognize and know that that is an issue and it's one  
23 that we would look to work towards addressing. I  
24 think there is certainly a lot merit in some of the  
25 proposals in the package today to help address that

1  
2 and you know, we support the notion that the folks  
3 who are out there working hard every day vending and  
4 feeding our residents have the right to be able to do  
5 that legitimately and that someone who no longer  
6 wishes to do that, doesn't need to hold on to a  
7 permit.

8 COUNCIL MEMBER RODRIGUEZ: How many people have  
9 had an arrest in the last couple of years for being  
10 involved in those illegal actions?

11 LINDSAY GREEENE: I don't have those specific  
12 figures. I do know that the majority of summonses  
13 that we issue for vending related activities are  
14 civil and not criminal. My colleagues from the  
15 Police Department might have more specifics.

16 CHAIRPERSON CHIN: Council needs to swear you in.

17 COUNCIL CLERK: Please raise your right hand. Do  
18 you swear or affirm to tell the truth, the whole  
19 truth and nothing but the truth before this Committee  
20 and to answer Council Member questions honestly?

21 MICHAEL CLARK: I do. Michael Clark, Legislative  
22 Affairs Unit, NYPD.

23 COUNCIL CLERK: Thank you.

24 MICHAEL CLARK: So, I don't have some of the data  
25 on enforcement of violations on the street. I don't

1  
2 have any data on any arrests being made for Black  
3 market sales with me, but I can go back and check how  
4 often that has happened.

5 COUNCIL MEMBER RODRIGUEZ: But do you recognize  
6 that there is people charging thousands of dollars  
7 for a renting permit every year?

8 LINDSAY GREEENE: We have heard that yes.

9 COUNCIL MEMBER RODRIGUEZ: So, you heard, and you  
10 don't know. The City has not been going and doing  
11 any enforcement against those individuals in the  
12 Black Market that become the bad apple of those  
13 industries that affect the minority or the street  
14 vendors who doesn't endure into those activities?

15 LINDSAY GREEENE: I would say that we have been  
16 making efforts to do that, we have to dig into some  
17 of the specifics of the tools to do that but I don't  
18 believe it is terribly easy to identify and prove  
19 some of those transactions are taking place in such a  
20 way that we can then use that information to effect a  
21 sort of permanent correction or enforcement penalty.

22 COUNCIL MEMBER RODRIGUEZ: I believe that we have  
23 decided not to look at that situation. Its like we  
24 go into Latin America and talk about corruption in  
25 other places and seeing that the same thing is

1  
2 happening here, that there is large numbers of  
3 individuals that are getting involved into those  
4 actions and we have heard but we are not doing  
5 enforcements.

6 LINDSAY GREEENE: No, Council Member, we  
7 appreciate the issue and is one of many priorities of  
8 ours in this area and one that we look to work with  
9 you all on helping to address. I would say  
10 recognizing the sensitivities and the vulnerability  
11 of this population, it's not incredibly easy for us  
12 to do that with the nature of the enforcement tools  
13 that we currently have. We certainly welcome  
14 discussing this further in the legislative process  
15 but I respectfully would like to say we do not  
16 believe we have been ignoring the problem, just that  
17 it is a very difficult one to eliminate.

18 COUNCIL MEMBER RODRIGUEZ: Okay, look I am going  
19 to say here, I also post online in my opening  
20 statement around the bills that I am introducing. I  
21 disagree with DOT as you know we are partners in many  
22 areas. We have been doing a lot of work to get the  
23 Vision Zero. When it came to the distances of the  
24 buses and all those you know, protecting our  
25 sidewalks mainly for pedestrians, I will be the first

1  
2 one advocating to preserve the space. But you know,  
3 one more time, this is probably one of those many,  
4 many, many, hearings that I have been highlighting  
5 how we live in a double standard.

6 I will tell you right now, get prison 34 to send  
7 you the images right, right now. St. Nicholas avenue  
8 between 181 81<sup>st</sup> and the whole sidewalk been taken by  
9 an individual street vendor by the owners of the  
10 establishment who also take the whole sidewalk and  
11 the space in the street.

12 And every time it is so funny because I  
13 highlighted to DOT, I highlighted to NYPD, they are  
14 here, Department of Health and it's like no one cares  
15 on how pedestrians should be safe in that particular  
16 intersection.

17 So, when it comes to that concern around the  
18 bills, expanding the area where the street vendors  
19 should be allowed if we do this park as a reform, I  
20 just hope that we can continue addressing that and  
21 see how we can work together.

22 I believe that you know, our street vendors, you  
23 can see in their faces, they are in the working  
24 glasses. They are working so hard, they are raising  
25 someone that will become a doctor, will becomes a

1  
2 teacher, will become an elected official. They are  
3 an icon of our city. There is not going to be any  
4 movies in New York City, like missing the yellow taxi  
5 or the street vendor, so I'm buying a hotdog in the  
6 street.

7       So, the market is there; however, I also feel  
8 that we have failed to the local small businesses. I  
9 do believe that it is possible to come out with this  
10 reform of bills creating a good condition where first  
11 there should be enforcement.

12       Second, we should definitely pay a lot of  
13 attention to the office of the street vendors.  
14 Third, I don't believe that we have to create a  
15 condition where people are same product. I believe  
16 that the street vendors should be able to sell, they  
17 got a supporter, having a partner there. But I don't  
18 believe that someone who has a supermarket should  
19 have a street vendor outside also selling vegetables.

20       So, how can we create a condition where again,  
21 we support the street vendor for the good. Where we  
22 can also bring in the same to the street vendors by  
23 the same time that we also take into consideration  
24 all the business owners that we have in the city.

1  
2           So, what is the perspective from the city when  
3 you are looking on finalizing this package of bills?  
4 Where we can say, we will be there for the street  
5 vendors, but also, we will be there for all the  
6 business owners?

7           LINDSAY GREEENE: Thank you Council Member for  
8 your comments and your question. I think we fully  
9 agree that balance is an important concept. In this  
10 conversation, we value the vendors. I am a customer  
11 of many vendors myself and we recognize that they  
12 have a vital role to play and we have to create some  
13 space for them to do that in a way that is  
14 predictable and more structured than it is today.  
15 And we do need to take into account the impact on the  
16 sidewalks, the impact on the businesses that operate  
17 in the city and in some cases have extensions of  
18 their business on the sidewalk.

19           We need to take account transportation  
20 infrastructure. There are a lot of things to  
21 balance. I think I want to echo your comment that  
22 there is a lot of pieces here and it's complex and we  
23 are committed to helping work towards a solution but  
24 I don't want to underestimate there are a lot of  
25 layers and a lot of pieces to the puzzle and some of

1  
2 them we can resolve in the legislative process or at  
3 least lay a ground work to do that through the  
4 structure such as the advisory board and the pilot  
5 areas and others will take a lot of time.

6 CHAIRPERSON CHIN: Thank you Council Member.

7 Next, I'd like to call Council Member Koslowitz to  
8 say a few words.

9 COUNCIL MEMBER KOSLOWITZ: Thank you very much  
10 Madam Chair. You know, I sit here and I'm very, very  
11 sad. I was in the Council in the 90's and I was the  
12 Chair of Consumer Affairs and we worked on vendor  
13 bills for a long time and came to an agreement. To  
14 some degree, under the administration of Mayor  
15 Giuliani. And I sit here today listening to what is  
16 going on and it's almost like déjà vu. The Black  
17 Market, at that time, we had very few vendors holding  
18 like many, many licenses, hundreds of licenses and  
19 giving them out to the food vendors.

20 We tried to protect the food vendors by passing a  
21 law one license to one vendor and thought that the  
22 vendors at least had their own business and they were  
23 doing their own thing. Not only did these people  
24 have so many hundreds of licenses, the vendors had to  
25 buy food at the dispensaries that they owned and

1  
2 also, had to rent the cart. And here we sit here  
3 today, we have supposedly a Black Market. There was  
4 a vending bill to have a panel of the police, DOT,  
5 HPD, many agencies looking after and protecting the  
6 vendors and making sure that that laws are being  
7 taken care of. And I sit here today, and we've gone  
8 back to that same place. I'm not blaming this  
9 administration because the other administration  
10 dropped the ball. There was no panel review, so  
11 everybody could do whatever they want.

12 I am happy to have this legislation in front of  
13 us today and start from the beginning but make sure  
14 that this legislation from one administration to the  
15 next administration is carried out. And that's why I  
16 am supporting this legislation, the package of  
17 legislation, because let's help these people.

18 I just passed a bill with food grading, and it  
19 was to help the people. That if people are walking  
20 through the streets and they are afraid to buy food  
21 from a food cart and they have a good grade, they  
22 won't be afraid, and it will give them more business.

23 So, let's carry these bills out and let's do  
24 them. Thank you.

1  
2 CHAIRPERSON CHIN: Thank you Council Member  
3 Koslowitz and really thank you for your leadership on  
4 this issue of vending.

5 We have also been joined by Council Member  
6 Gjonaj. Okay, Council Member Koo, your question.

7 I would like to ask my Council Member to be  
8 concise, because we have a lot of people waiting to  
9 testify, okay. Thank you.

10 COUNCIL MEMBER KOO: Thank you. We can talk  
11 about this all day. First, I want to say in creating  
12 this package of bills will create an even playing  
13 field for small business owners.

14 Where now is the worst time to do retail  
15 business. People think this is a good time, because  
16 the economy is good and the employment is down, but  
17 if you operate a small business, this is the toughest  
18 time. Many of you don't understand because you never  
19 worked in the small business. You know, for the last  
20 20 years, rent has gone up so much. Taxes have gone  
21 up so much. Property tax has gone up every year. It  
22 has like tripled for the last 20 years. A small  
23 store will pay more than \$10,000 in just property  
24 tax. If you include the rent and everything, it's  
25 \$30- \$40,000 for the rent and tax. Taxes increase,

1  
2 family sick time, you have to take care of them. Pay  
3 sick time, mandatory vacation time, all of these come  
4 together, the small business owners **[inaudible**  
5 **1:29:34]**. Now, meanwhile, now we are proposing this  
6 legislation to increase this rent and permits.

7 I mean I have nothing against the renters. I  
8 mean, I understand how hard it is to be an immigrant.  
9 I am an immigrant myself. I came to this country  
10 like 50- something years ago, struggling you know, in  
11 the first 10 years. To learn English, to go to  
12 school, all these things. But I think this is not  
13 the right way.

14 We have to take care of the small business owners  
15 first, because they are the taxpayers for the city.  
16 Who employ more of the workers? It's the small  
17 business owners. Who pay all the taxes? Department  
18 owners and the small business owners. The payroll  
19 tax, all this mandatory benefits for workers.

20 So, my question is New York is so big, many  
21 communities are different. Flushing downtown is  
22 especially different. Our sidewalk is too narrow.  
23 To many people walking. The biggest problem I have  
24 when I walk on the street is vendors. That's  
25

1 including the steward lines, or the business steward  
2 lines and the street renters.  
3

4 People have nowhere to walk. And it creates  
5 other problems. Especially, like not only selling  
6 food and vegetables. You're selling barbecue and all  
7 this other stuff. You create a lot of smoke and  
8 office buildings complain and if you have a food cart  
9 underneath your apartment building, ah you're in  
10 trouble. You have to smell every night, every day.  
11 Some people have smelled that for 20 years and  
12 nothing changes.

13 That's why I propose a bill which is likely going  
14 to pass for renters in downtown Flushing to do - on  
15 certain streets they do not allow because I have  
16 received many complaints.

17 I have so many questions to ask, let me see. So,  
18 I want to ask the Department of Health, because you  
19 mentioned about a particular matter right PM2.5?  
20 Which if you don't know is a really, tiny, minute,  
21 particular matter which you don't see when blink your  
22 eye, but you can see it under the microscope.

23 So, I propose a bill, I forgot what number, 970  
24 which prohibits under-fire char broilers at mobile  
25 food vending units. And at one time I think the

1  
2 Department of Health supported it but what happened  
3 to the bill now. You're talking about emission  
4 control on the food costs. I think this is kind of  
5 impossible. Emission control things are very  
6 expensive even in regular restaurants. They cost \$20  
7 to \$30,000 to install to eliminate the smoke from the  
8 carts. So, can you answer that?

9       CORRINNE SCHIFF: Thank you Council Member, when  
10 we talk about emissions control, what we're  
11 suggesting here is that as the Council considers  
12 expanding the numbers of food carts and trucks that  
13 are out on the streets, that you should also consider  
14 the kind of cooking that's being done because if for  
15 example all 4,000 plus new units end up using and  
16 under-fire char broiler to cook meet, poultry, or  
17 fish than that's an expansion of particulate matter  
18 that I know that the Council is very interested also  
19 in air quality.

20       That may not happen, that's a sort of you know,  
21 hypothetical but we're suggesting that as you  
22 consider expansion, there are ways, when we say  
23 emissions control, what we mean is generally what do  
24 you want to see on these carts and trucks and you  
25 have the opportunity here to think in a more nuanced

1 way about what you do as you expand and so, we just  
2 want to flag for you, and Council Member Koo, I know  
3 you have been very active on this issue, but we want  
4 to just flag for the Council as a whole that there  
5 are air quality concerns as you expand permits and  
6 so, we want to flag that as an issue for  
7 consideration and we'd be happy to talk about it.

9 COUNCIL MEMBER KOO: Yeah, because this is a big  
10 problem you know, because most people think vendors  
11 are good. I think they're good, it's convenient.

12 Especially tourists because you don't suffer the  
13 consequences but if you ask residents, people who  
14 live in the area, long time residents, or you ask  
15 pedestrians about whether they like street vendors,  
16 excessive for street vendors, a few is fine.

17 But if you have too many street vendors in  
18 certain areas, people have a hard time to walk,  
19 people will have a hard to breath and regular  
20 business owners have a hard time to compete because  
21 how can you do business with somebody selling the  
22 same stuff from you 25 feet away? And when they are  
23 selling a dollar or two cheaper then you, they don't  
24 pay rent, they don't have overhead, they don't pay  
25 health insurance for the employees.

1  
2       So, this is something that we have to consider  
3 very, very seriously before we pass it. We have to  
4 have a balance. We have to help small business  
5 owners first because they are the base of tax. They  
6 support all the workers, they pay all the bills, the  
7 social security tax, the Medicare tax. Right, the  
8 mandatory vacation, the sick leave, pay sick leave.

9       So, I'm going back with the food mobile thing  
10 again. Suppose that you have a vendor underneath  
11 your apartment, I mean he is really busy. He is  
12 selling to all the tourists, but if you live  
13 upstairs, you pay all the tax, but you suffer from  
14 it.

15       You smell the barbecue every night, which you  
16 like it like that? No, right.

17       CHAIRPERSON CHIN: Council Member Koo. Yeah, I  
18 know you have the legislation, but I think we're  
19 focusing on these bills and I think we're looking,  
20 we're looking for a solution. And there will be a  
21 lot of discussion.

22       COUNCIL MEMBER KOO: I am going to suggest this;  
23 we have to do regulative enforcement. Like, why  
24 don't we try this new enforcement unit first.

1  
2 CHAIRPERSON CHIN: That's part of the bill.  
3 Enforcements is first, okay.

4 COUNCIL MEMBER KOO: Because right now we have  
5 too many agencies involved in regulating. When have  
6 too many agencies involved, that means no agencies  
7 involved. Everyone pointing a finger to each other.  
8 Oh, you're involved, he's involved. He's in charge,  
9 he's in charge, nobody in charge. But if you're a  
10 business owner, you get visited by DCA and the  
11 Department all the time. But if you went on the  
12 street, nobody bothers them. So, this is unfair.

13 I hope that this bill, before we pass it, we have  
14 to talk about it in lengthy times and really consider  
15 many different aspects from the small business owners  
16 point of view. I mean we want to help vendors to.  
17 Thank you.

18 CHAIRPERSON CHIN: Okay, well, Council Member  
19 Koo, I invite you to join with us on these  
20 negotiations. I am going to ask a question about  
21 Intro. 1116-A.

22 Do you think the current enforcement of vending  
23 law is adequate? And do you think a dedicated street  
24 vending enforcement unit will address the problem?

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2           LINDSAY GREEENE: Thank you Councilwoman, you  
3 know, I think it's a great question. I think we  
4 would agree that there are many particular problems  
5 at play at any given time and I think our dedicated  
6 folks in enforcement do the very best they can to  
7 deal with some of the most problematic issues, while  
8 also trying to be mindful of the fact that these are  
9 primarily businesses and you know, not all of what  
10 they are doing is particularly criminal or some other  
11 things. We could certainly benefit from an enhanced  
12 coordination, that happens to always be true. We  
13 have been making efforts to do that with regards to a  
14 number of on street commercial activity with enhanced  
15 coordination between Consumer Affairs and the Police  
16 Department and the Parks Department on a number of  
17 topics.

18           So, you know, there is definitely merit to the  
19 proposal and we're happy to keep talking about the  
20 best way to effectuate sort of better and more  
21 effective and honestly more clear enforcement because  
22 I know the vendors have concerns about that.

23           CHAIRPERSON CHIN: So, what about having a  
24 dedicated street vending enforcement unit?

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LINDSAY GREEENE: I think that idea has merit. We have you know, a dedicated somewhat small in number unit that does that work in Midtown and there is probably merits to having more specific vendor focused resources in other areas as well.

CHAIRPERSON CHIN: So, you're saying that the Administration is already doing some special enforcement unit in a certain area already?

LINDSAY GREEENE: Yeah, that unit I believe exits in focus host on Midtown.

CHAIRPERSON CHIN: So, you could definitely use that experience and expand on it right?

LINDSAY GREEENE: I think there are elements of that that could be expanded upon and there are other aspects of enforcement beyond just what the police department may do that merit, like I said, better coordination as well.

CHAIRPERSON CHIN: And some of the - that I think was in your testimony that the administration has already started on. So, we're not waiting for the bill to pass and to start implementing. I mean, things that we can do now, or we've been doing, we can continue to do that.

LINDSAY GREEENE: Yes, absolutely.

1  
2 CHAIRPERSON CHIN: To improve the situation. So,  
3 we don't have to wait until the bills are passed.  
4 So, this is the time where we want to really gather  
5 the suggestions and comments from all the sectors.  
6 Whether they are small businesses, the bid, the  
7 vendors, because the advisory panel that Council  
8 Member Koslowitz was talking about, they have never  
9 met. Nothing has changed. I mean they had not  
10 gotten together to help solve this problem. All they  
11 did, I think back in the 90's was close off a lot of  
12 streets and that was it.

13 So, part of the bill is to create this advisory  
14 panel and invite all the stakeholders and we could  
15 even start that process now, because there are  
16 vending rules already in the book. Whether it is  
17 supposed to be 20 feet away from an entrance, or I  
18 mean are all those laws being enforced? I mean,  
19 sometimes we hear back from small businesses, from  
20 vendors. Nobody knows the rules and that is not  
21 right.

22 We want to talk about educating, we can work with  
23 the advocates and really get the word out to people,  
24 the vendors who are doing it. These are the rules;  
25 you have to a certain feet away. Those things we

1  
2 could start doing now, because we want to find a  
3 solution to this, and we think that having a  
4 dedicated enforcement unit that have all the agencies  
5 that are responsible. Everyone knows exactly what  
6 the laws are.

7       That will make a big difference and to really get  
8 an advisory panel going that can really assess the  
9 situation out there, how we can improve where the  
10 hotspots, where are some placed at, we can have you  
11 know, vending going on because I think with what  
12 Council Member Koo talked about small businesses, one  
13 thing that I see in my district and I think  
14 throughout the city, competitions are coming from a  
15 lot of the big chain stores against our local  
16 supermarket.

17       Because one of the supermarkets in my district  
18 closed. One of the reasons was like, well, you know,  
19 they opened up a target and guess what, they're  
20 selling fruits and vegetables and milk and bread.

21       So, when people are going shopping, they are  
22 behind the food stuff to, so they don't have to go to  
23 the supermarket. **[INAUDIBLE 1:46:53]** sells fruit and  
24 all the essential milk and everything. You don't  
25 need to go to a supermarket. CVS sells - all these

1  
2 chain stores. Let's talk about who is competing  
3 against our small businesses and against our local  
4 Bodega and supermarket and not just complaining about  
5 just the vendors.

6 This is the reality out there and this is when we  
7 go out and do the survey and doing the assessment.  
8 We got to look at the comprehensive picture. And  
9 that's what we want to do in terms of this package of  
10 legislation. Let's get this problem - let's try to  
11 solve it. Let's take step-by-step because vending is  
12 the history of our city and we got to make that small  
13 businesses survive, the vendors survive, and we  
14 continue to be a prosperous city.

15 So, we want to work with the administration. You  
16 know, whatever suggestion you have, let's bring the  
17 stakeholders in and try to really work hard in  
18 getting this done. And that's what I'm looking  
19 forward to. Council Member Powers, you question?

20 COUNCIL MEMBER POWERS: Thank you. Probably no  
21 district is the epicenter of this in my district in  
22 Midtown Manhattan both from the congestion and  
23 competition side of it but also the vendors and the  
24 usage of folks who patronage the different vendors in  
25 the district.

1  
2       So, I got a few question. One is just following  
3 up with Council Member's Chins comment about finding  
4 a solution here. We have legislation, I see your  
5 concerns and your recommendations which are mostly to  
6 gather the stakeholders, have a process, things like  
7 that, those sort of echo.

8       It seems like this issue has been going on for  
9 decades in terms of desire to lift a cap, a desire to  
10 end more enforcement and can you give us a clear  
11 timeline about what you think. Your recommendation  
12 here is, you're undertaken efforts similar to ones  
13 suggested in the proposal. The comprehensive review,  
14 the regulatory system, identify years of improvement  
15 and potential solutions. Can you give us a timeline  
16 for when you think that the administration completes  
17 that process?

18       CHAIRPERSON CHIN: The mic.

19       LINDSAY GREEENE: Sorry, thank you. Some of that  
20 was I think some confusion in my written statements  
21 but we are doing some areas largely around  
22 interactions with a couple of other issues and a  
23 couple of areas in response to specific Council  
24 Member concerns and a lot of what we would be looking  
25 to do would be do some of that work in the context of

1  
2 some of the proposals that we presented here today  
3 and we think there is a way to come to an agreement  
4 on a timeline to do that, that works for everyone.

5 COUNCIL MEMBER POWERS: So, it sounds like you  
6 guys haven't started this process yet and you are  
7 recommending that you begin that, is that correct?

8 LINDSAY GREEENE: We haven't started the complete  
9 comprehensive process. I was meaning to refer to  
10 saying, we would like to do that in concert with the  
11 Council.

12 COUNCIL MEMBER POWERS: Can you give us some  
13 estimate on how long you think a process like that  
14 would take?

15 LINDSAY GREEENE: I haven't tried to map it all  
16 out. I do know that when we were discussing this  
17 about a year and a half ago, it was many hours of  
18 legal and policy minds nailing out the specifics of  
19 the supervisory license structure. And so, there is  
20 a number of topics like that that take a lot of time  
21 to work through when you think about okay, can we  
22 align on the goal we are trying to achieve.

23 You know, can we figure out the steps to do that  
24 and then put that through the lens of how we  
25 operationalize all of those details in the street and

1  
2 how does it interact with some other issues. It is a  
3 complicated thing and you know; do you push one  
4 button and sort of three other things pop up. So, it  
5 would probably take us a couple years to do some of  
6 this right, even when you account for some things  
7 that are much longer term.

8 COUNCIL MEMBER POWERS: Are there things in the  
9 bill today that you feel like could be done  
10 immediately, absent doing that comprehensive review?

11 LINDSAY GREEENE: There are certainly some things  
12 that we think could be done a little more quickly.

13 COUNCIL MEMBER POWERS: Can you numerate which  
14 ones?

15 LINDSAY GREEENE: Yeah, so I think we might be  
16 able to certainly pick some of the pilot areas and I  
17 think we could together relatively quickly brainstorm  
18 some of the things we might like to try in the areas  
19 and provided everything sort of passes legal muster,  
20 we might be able to get some of that going a little  
21 more quickly. But a lot of stuff I think we'd have  
22 to sort of figure out the sequence of things we want  
23 to address.

24 I think topics like what areas are restricted and  
25 things of that nature you know, other questions have

1  
2 been asked about the review panel. And that was a  
3 panel that was specifically created just to do the  
4 narrow purpose of understanding where streets were  
5 restricted and not restricted and from everything  
6 that we've been able to learn from history, that was  
7 an incredibly time intensive and sort of chaotic and  
8 frustrating process for everyone.

9       So, that's one that would take quite a long time  
10 to figure out. I think maybe a more constructive use  
11 of time in the near future might be to talk about  
12 ways to set up a better tool for thinking about  
13 street restriction in the longer term. Everything is  
14 iterative just like our city grows and evolves, so do  
15 a lot of these topics and the ways we sort of deal  
16 with them from a regulatory standpoint.

17       COUNCIL MEMBER POWERS: Okay, so I would just  
18 stress that I think that this issue goes back  
19 multiple Mayor's ago and back to Dinkins and probably  
20 I'm sure, proceeds that and you know, if we take a  
21 few years here, de Blasio administration is gone, new  
22 Mayor is in place, the recommendation is not to do  
23 any legislation whether it's through add enforcement  
24 or to look at times and place or to look at adding  
25 more licenses.

1  
2 We're going to be in the next administration and  
3 not only will some of my colleagues be gone, who feel  
4 strongly about this issue and different sides of it,  
5 but that we're also going to have another - this is  
6 going to be a long runway to getting to some  
7 solutions here to address all the different folks  
8 that are here. If there are things in the bill or  
9 things that we can do, I would certainly urge that we  
10 work on that.

11 CORRINNE SCHIFF: Yes, and sorry, I didn't give  
12 you an exhaustive list of some of the things.

13 COUNCIL MEMBER POWERS: Oh, sorry, go ahead.

14 LINDSAY GREEENE: That we talked about doing  
15 sooner. I think we can talk about doing some of the  
16 changes to the licensing structure. Some of the  
17 other more one offer forms, whether it's you know,  
18 things like training. You know the Health Department  
19 has already started doing some of that. Things  
20 around more opportunity for green carts and you know,  
21 enhance sales of fruit and vegetables and addressing  
22 sort of diversity of food vending. There is a lot of  
23 things that actually can be done quickly and even if  
24 the implementation sort of lasts several years, you  
25

1  
2 can put markers down for how to do that and what the  
3 milestones are.

4       So, I don't want to suggest that like, we have to  
5 wait years to do everything. We can sort of layout  
6 some of those timelines and be specific about them in  
7 legislation.

8       COUNCIL MEMBER POWERS: Okay, I appreciate that.  
9 I want to talk a little bit about an issue that I  
10 think was raised in some context, which some have  
11 raised around competition.

12       So, for instance, competition between vendor and  
13 small business or large business even for that  
14 matter. Supermarkets would be I think the most  
15 immediate one that comes to my mind, and an issue  
16 somebody might be standing, you know, vending right  
17 outside of a business, selling similar products. Has  
18 the administration thought about that and how to  
19 address a situation like that in any form?

20       LINDSAY GREEENE: We have had a few discussion  
21 about it. You know, restricting things sort of  
22 purely on the basis of competition I think has a lot  
23 of legal challenges from everything we understand.  
24 You know, obviously, when talking about street  
25 restrictions, you have to be mindful about pedestrian

1  
2 flow and entrances and exits and things of that  
3 nature.

4       So, there is a lot we could do there, and I think  
5 there is merit to talking about ways to account for  
6 that when we talk about testing new location type  
7 schemes, but purely regulating purely on competition,  
8 we understand to have a lot of legal challenges.

9       COUNCIL MEMBER POWERS: Okay, and then on  
10 congestion, you identified there are some places  
11 where and if I was a vendor, places I would want to  
12 be. High traffic areas where if I'm selling food,  
13 places where people are most likely to walk and  
14 purchase food or lunch. Are there specific areas  
15 that you think are identifiable areas for growth and  
16 in other areas where you would say perhaps there  
17 should be less vending in a particular area and what  
18 would the criteria for that be?

19       LINDSAY GREEENE: I think we could work together  
20 to sort of put together a list of criteria. For  
21 places where there might be room for expansion, some  
22 of those characteristics might be places where there  
23 is a large sort of setback plaza and you might have a  
24 willing sort of plaza operator or landlord who can  
25 accommodate the space and sort of really make room

1  
2 for some of the vendors to be part of the community  
3 in conjunction with the bid and things of that  
4 nature.

5 I think you could come up with a list of  
6 characteristics and I think together with a lot of  
7 the different stakeholders around the city that know  
8 their areas very well, we could probably come up with  
9 a few of those in addition to knowing from the data  
10 we have about where inspections take place, where we  
11 have gotten complaints. Where we sort of observe  
12 activity during our surveys, where congestion is very  
13 high.

14 So, I think we could do some of that work  
15 relatively quickly, yes.

16 COUNCIL MEMBER POWERS: Okay, in respect of time  
17 to my Chair. I had one more question, but I will  
18 hand it back over. Thanks.

19 LINDSAY GREEENE: I'm happy to continue talking.  
20 Thank you.

21 COUNCIL MEMBER POWERS: Thank you. I appreciate  
22 it.

23 CHAIRPERSON CHIN: I will call you for the second  
24 round. Council Member Levine? Thank you.

1  
2 COUNCIL MEMBER LEVINE: Thank you so much Council  
3 Member Chin for your leadership on this and many  
4 other issues. Hello to our panel, Ms. Greene.

5 Street vendors have been part of this city for  
6 centuries. They add life and character to the  
7 streets. They are now a source of cuisine for almost  
8 every country in the world. Personally, I would be  
9 malnourished if there weren't street vendors, because  
10 I live life on the go.

11 I think we can also admit that the current system  
12 for managing this sector is widely out of date. It  
13 might have been appropriate for the 1980's when it  
14 was devised, I wasn't involved in that. It's not  
15 working on many levels. It's not working for really  
16 any of the players that are in the room right here.

17 It's not working for the bids and the merchants  
18 and the supermarkets and it's not working for the  
19 street vendors. We have enforcement which is widely  
20 uneven. Sometimes it's too intense, sometimes it's  
21 not existent, sometimes it's not even consistent with  
22 the law and we have an illegal market. I prefer the  
23 term illegal market to Black market.

24 LINDSAY GREEENE: As do I, thank you.  
25

1  
2 COUNCIL MEMBER LEVINE: Okay, we have an illegal  
3 market that I don't think the city would tolerate for  
4 any other allowance that we are doling out.

5 And there is all sorts of potentially various  
6 things that can happen when transactions for tens of  
7 thousands of dollars in cash are occurring in the  
8 city in an illegal fashion.

9 It's not working. And so, we have a solution  
10 here that a bill which I've been in the Council five  
11 and a half years, I have never seen a bill that has  
12 been more mischaracterized and misunderstood than  
13 this bill. I have never seen anything that's been so  
14 mischaracterized.

15 This is a not a radical bill. This is an  
16 incredibly balanced bill that offers something for  
17 everybody. It offers benefits for Brick and Mortar  
18 Merchants and bids and Bodega and supermarkets and it  
19 offers benefits for the street vendors.

20 It really is a win-win and I've spent a lot of  
21 time with constituents and friends in a brick and  
22 mortar business sector, walking streets, listening to  
23 them and what they want is more enforcement. That's  
24 the bottom line. The want to make sure that the  
25 rules that are in place for where you can park a cart

1  
2 etc., are enforced. That's 95 percent of what I hear  
3 is that they want more enforcement and we should have  
4 more enforcement. And the enforcement unit that  
5 we're proposing here in the last term at least was  
6 projected to have 100 full-time agents. So, this is  
7 not window dressing or something that is just only on  
8 paper. That would be real resources, that's not  
9 specified in the bill, but that was what the internal  
10 discussions were projecting.

11       And as for increasing the number of permits, you  
12 mentioned several times that your preferred approach  
13 is enforcement first. That's the bill. This bill  
14 would have no change in the number of permits for at  
15 least a year and then the addition of permits is so  
16 gradual that I will probably not be in office even if  
17 I win my next election and the one after that, before  
18 this thing is done.

19       And it is extremely gradual, I don't think I've  
20 ever seen a bill within eleven-year phase in. Right,  
21 because that's what we're calling for here. And the  
22 sense that I've gotten from several of the remarks  
23 from the administration, and one that I'm just  
24 remembering now, Commissioner Schiff, you said, well,  
25

1  
2 there could be more unhealth fumes if we pass this  
3 bill.

4 We're not talking about increasing the number of  
5 vendors in New York City. No one is asking for that.  
6 What we're asking for is for the vast majority of the  
7 vendors, which are currently operating in the  
8 shadows, forced to operate without permits because  
9 they can't pay \$20,000.

10 We are asking to bring them under the legal  
11 regime of the city. So that they don't have to go to  
12 the illegal market. They are happy to pay whatever  
13 fees the city will demand of them for that right.  
14 They can then get adequate inspections for Health and  
15 Safety and security issues. We potentially could not  
16 add one more net vendor to New York City. Right,  
17 because you're adding enforcement and you are  
18 allowing people who just want to follow the law to  
19 exist under the legal system.

20 That is the upshot of this bill. I don't think  
21 it's fair to say there is going to be more carts in  
22 the city when we have a hundred people on the street  
23 enforcing the rules and we have a very gradual, a  
24 small percent a year over a decade.

1  
2       So, can some of you characterize what is  
3 underlying your statements that you think there will  
4 be more vendors on the street doing things like  
5 adding fumes, or other harmful impacts or crowding  
6 out, etc., I'm not seeing that in my reading of the  
7 bill. So, I would like to hear how you've come to  
8 that conclusion.

9       LINDSAY GREEENE: Thank you Council Member Levine  
10 for your statements and question. I think on that  
11 specific issue; I think a lot of the bill goes a long  
12 way towards trying to address through a series of  
13 prioritizations and things of that nature. A way to  
14 ensure that the people that get some of the new  
15 licenses and permits are people that have already  
16 been vending.

17       I think we have some homework to do between us  
18 all to figure out a way to make those tighter, so  
19 that you know, nothing can ever be fully guaranteed,  
20 but we get more towards a firm way to really narrow  
21 down and ensure that the majority of those new  
22 license and permits actually go to people that have  
23 been vending and are currently vending.

24

25

1  
2 COUNCIL MEMBER LEVINE: I appreciate that but why  
3 does that mean that we're going to have more vendors  
4 on the street?

5 LINDSAY GREEENE: No, that's what I'm saying. If  
6 we can do work to tighten it and make sure that the  
7 people that are getting some of the new licenses and  
8 permits are people that are already vending, then it  
9 would not really result in the vending. But right  
10 now, the way that things are written, I think there  
11 are some holes there and we won't really be able to  
12 know for sure or to really quantify what would be -

13 COUNCIL MEMBER LEVINE: Well, look, I am all for  
14 prioritizing the people who have been waiting and  
15 there is a waiting list if I'm not mistaken?

16 LINDSAY GREEENE: Yes, there is.

17 COUNCIL MEMBER LEVINE: I'm all for prioritizing  
18 people who have been waiting patiently for years to  
19 get their permits. They want to be under a legal  
20 regime. They want to pay, it's rare that you hear  
21 this, they want to pay a permit fee. They want to do  
22 the right thing. So, I am all for that. I think the  
23 administration needs to be careful about implying or  
24 stating that there is going to be an invasion of  
25 street vendor carts if we pass this bill.

1  
2 I don't think that that is supported by the facts  
3 and I'm over time and I'm going to pass it back to  
4 the Chair. I do want to close with a message to, I  
5 have many friends here from the Bodega world, from  
6 the supermarket world, from the bed world, the brick  
7 and mortar world that I fight for and support  
8 everyday and we've had great dialog on this. I want  
9 to continue to have great dialog with you as this  
10 bill continues to move forward. I know many of you  
11 are speaking today. But I want you to focus on what  
12 would be a generational advance in the resources  
13 devoted to enforcing the rules around street vending.

14 This would be a quantum leap from what we've ever  
15 had in this City. We've never had any dedicated  
16 enforcement unit and I think that that would be a  
17 tremendous benefit to the folks who are trying very  
18 hard to run brick and mortar businesses. I firmly  
19 believe this is a win-win and I look forward to more  
20 dialog to do the right thing for all people in the  
21 city who care about street vending. Thank you.

22 CHAIRPERSON CHIN: Thank you Council Member.  
23 Council Member Gjonaj, do you have a comment or a  
24 question?

1  
2 COUNCIL MEMBER GJONAJ: Thank you Chair. I do  
3 have a question and I want to better versed.  
4 Obviously, we've heard some extremes on both sides of  
5 the isle, and I want to kind of focus toward the  
6 middle a bit.

7 When I compare a street vendor or a brick and  
8 mortar, we have some statistics that are available,  
9 very limited. And one that disturbs me the most is  
10 50 percent of small businesses that are brick and  
11 mortar never make it to year five. That they go out  
12 of business. And if you are a restaurant owner, 80  
13 percent of restaurants never make it to year five.

14 What is the percentage, if we even know, how many  
15 food vendors have gone out of business?

16 LINDSAY GREEENE: Thank you Council Member for  
17 joining us and for your question. We do not have at  
18 our disposal some of those statistics. You know, I  
19 would imagine given the nature of the work and the  
20 environment, I do think there is some stress involved  
21 in it. You know, vendors are outside all day. They  
22 are serving cranky, hungry people who are waiting  
23 outside. Even when they deliver delicious food, I  
24 wouldn't want to underestimate the difficulties that  
25 they face in running their business, obviously it's a

1  
2 different set of circumstances than traditional brick  
3 and mortar businesses, but you know, I'm sure you'll  
4 hear from both of those groups in a subsequent panel.  
5 Hopefully, they have some of the statistics that  
6 you're talking about.

7 COUNCIL MEMBER GJONAJ: Well, I would employ that  
8 we take a lead on actually determining how many  
9 vendor licenses are returned at the end of the year  
10 or allowed before they expire or handed back of their  
11 own free will would be a clear indication. And I  
12 think we can get that information.

13 LINDSAY GREEENE: Yes, sorry, we absolutely sir,  
14 sorry, we to my knowledge, have not experience. We  
15 can get the specifics for you. We don't really  
16 experience a surrender of vendor permits or licenses.  
17 You know, as far as we know, you know, our waitlist  
18 continues to grow and the number of license food  
19 handlers, people who could work on a cart or in a  
20 restaurant continues to grow every year. So, it has  
21 not been our observation at least in terms of the  
22 formal license and permit process that there is a  
23 cycle of people out sort of retiring or moving on to  
24 another industry, so to speak.

1  
2 COUNCIL MEMBER GJONAJ: Do we know that number of  
3 violations that were issued last year to street  
4 vendors?

5 LINDSAY GREEENE: Yes, we do. I think my  
6 colleagues at the Police Department have the  
7 specifics. It's several thousand, largely civil  
8 summonses.

9 MICHAEL CLARK: Yeah, for the most part, we issue  
10 summonses. For the data I have we issued a little  
11 over 3,000 old summonses to vendors last year.

12 COUNCIL MEMBER GJONAJ: The total number of  
13 vendors is 5,100 street vendors?

14 LINDSAY GREEENE: That's the total number of  
15 permits that are outstanding for food vendors, yes.

16 COUNCIL MEMBER GJONAJ: Okay, do we have that for  
17 food vendors?

18 LINDSAY GREEENE: That's the number for food  
19 vendors.

20 COUNCIL MEMBER GJONAJ: So, what is the number of  
21 violations that were issued to food vendors  
22 specifically?

23 LINDSAY GREEENE: Oh.

24 MICHAEL CLARK: The number I gave was total.  
25

1  
2 COUNCIL MEMBER GJONAJ: So, that would include  
3 several that doesn't have a license, I would imagine.  
4 Someone that just operated a makeshift -

5 MICHAEL CLARK: Yes, so, for unlicensed mobile  
6 food vendors, it was 164 in 2018 and for unlicensed  
7 general vendor it was 285 in 2018.

8 COUNCIL MEMBER GJONAJ: 285 is?

9 MICHAEL CLARK: For unlicensed general vendor.

10 COUNCIL MEMBER GJONAJ: But we don't have the  
11 number of violations that were issued to specific  
12 food carts or trucks?

13 MICHAEL CLARK: We can go back and calculate  
14 that. I just don't have that numbered up right now.

15 CORRINNE SCHIFF: I can add for the Health  
16 Department in 2018, we issued a little over 77,000  
17 violations to food carts or trucks.

18 COUNCIL MEMBER GJONAJ: What is the number of  
19 Department of Health violations that were issued to  
20 restaurants? Brick and Mortar?

21 CORRINNE SCHIFF: I don't have those numbers with  
22 me. We can provide that to you of course. There are  
23 about 26,000 restaurants, you couldn't compare  
24 numbers, but we can take a look and we would be happy  
25 to provide that you. I would also add that now that

1  
2 we have started grading mobile food vending, the  
3 violation numbers are going to change and we've  
4 launched a system that's the same as for restaurants,  
5 so that there will be fewer violations because we are  
6 using the grade as the incentive to maintain high  
7 food safety standards.

8 COUNCIL MEMBER GJONAJ: So, I'm very data driven  
9 and that's why I ask these questions and we can  
10 always compile more information. Information is  
11 essential on what paths need to be taken.

12 And I'm not looking to pin brick and mortar  
13 against a vendor. They are all small businesses,  
14 they are microbusinesses, they are all mom and pops.

15 And I value each and every business but there has  
16 to be a compromise onto when unfairly one business  
17 has the advantage over another business that offers  
18 the same products, same service, and I'm mindful of  
19 the small business brick and mortar establishments  
20 that we have that hurdles that they're having to  
21 overcome on a daily basis to survive.

22 The world has changed tremendously because of  
23 the internet, the competition, without retailers but  
24 when it comes to the food industry, the competition  
25 from the big box chains if you will, has been more

1  
2 threatening than rents or anything else when it comes  
3 to our establishments. Real estate tax increase in  
4 this budget alone, we're looking at a \$1.8 billion  
5 increase in real estate taxes that's going to be  
6 passed on to those brick and mortar establishments.  
7 Double digit water and sewer increases, as well as  
8 the cost of products and services. Mandates which  
9 are good mandates, minimum wage increases, paid  
10 family leave, sick leave, health care coverages.

11           There has been a tremendous amount of  
12 regulation and hurdles placed on small business and  
13 we often make the argument that we need to protect  
14 our small businesses while all along we undermine  
15 them on a daily basis.

16           When government asks a small business, how can I  
17 be helpful? The response from small business and  
18 this includes vendors should be stop trying to help.  
19 Because the more you help, the more you hurt. Thank  
20 you Chair.

21           CHAIRPERSON CHIN: Thank you. Which agency do  
22 you think is best suited to house the enforcement?

23           LINDSAY GREENE: Council Member, thank you for  
24 the question. I don't know that we have a neat  
25 answer for that right now. I think you know, as

1 highlighted, there are multiple areas of expertise  
2 that go into vending enforcement. You know, from  
3 someone from the Health Department focused on food  
4 safety on food carts, just as much as they are in  
5 restaurants. To activity that focuses on where  
6 vending is happening and you know, sort of  
7 environmental concerns.

9 I think an enforcement unit would need to have  
10 the benefit of multiple areas of expertise and I  
11 don't know that we have an answer right now. We can  
12 continue to discuss about the best way to house that  
13 unit. But I don't think that we know that if there  
14 is a particular agency right now that shines as the  
15 single best place.

16 CHAIRPERSON CHIN: Well, I hope the agency will  
17 step forward, because this will be a great  
18 opportunity to really organize this effort and I  
19 think you heard from Council Member Levine, it has to  
20 be an agency that will provide the resources, because  
21 we can't have an enforcement unit of just a few  
22 people. It's got to be very substantial and they  
23 have to know all the laws and the rules and  
24 regulations.

25 So, we look forward to working with you on that.

1  
2 Can anyone of you tell us – we know that there is  
3 a waiting list. How many people are on the waiting  
4 list for the food cart, and also, can you tell us how  
5 long does it take for one of those old license to  
6 come back and to be given out again? Do they ever  
7 come back?

8 LINDSAY GREENE: Deputy Commissioner Schiff can  
9 answer that question.

10 CORRINNE SCHIFF: Yes, so on the full-term  
11 citywide permit, which is the one that is of greatest  
12 interest, there are currently just over 1,400 people  
13 on that waiting list. We see about 50 become  
14 available every year.

15 CHAIRPERSON CHIN: These are for the food cart.

16 CORRINNE SCHIFF: Correct, for food cart or truck  
17 for the full-term citywide food cart or truck,  
18 correct.

19 CHAIRPERSON CHIN: And now you see 50 comes back  
20 every year?

21 CORRINNE SCHIFF: So, about 50 become available  
22 every year.

23 CHAIRPERSON CHIN: Oh, okay, so every year you  
24 can cut the waitlist?

25 CORRINNE SCHIFF: That's right.

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CHAIRPERSON CHIN: Is the waitlist still open?

CORRINNE SCHIFF: So, we are not taking more people for the waitlist right now. Once that waitlist is depleted, then we would open up the waitlist again. Only about 50 open up every year. And so, under the bill, those people would be eligible for the new supervisory license according to the roll out priority system that the bills sets out.

CHAIRPERSON CHIN: Oh, Council Member Rosenthal is here, and I know she has a question. And we have also been joined by Council Member Lander, who is on the Committee and who also has a question. Thank you.

COUNCIL MEMBER ROSENTHAL: Thank you so much Chair. I'm going to ask a few question. I represent the upper west side, and we have a number of concerns. So, I'm going to ask all the questions, because they are all similar and then I'd like you to give me your thoughts.

Currently, what constitutes a legal place to vend and what are the restrictions on where a street vendor can go? How can this new legislation provide opportunities for community engagement and the opportunity for residents to give feedback? What

1  
2 mechanisms could be established for residents to  
3 submit concerns around noise pollution, light  
4 pollution, air pollution and how will the proposed  
5 enforcement arm respond and especially around the I  
6 guess, light pollution, where we have neon signs  
7 blinking into residents homes?

8       What opportunities for discussion will local  
9 small businesses who may find - okay, this is  
10 adorable, sorry. For the local independently owned  
11 businesses that may find the competition from the  
12 street vendor untenable. Where can they go to  
13 express their concerns? And how can the legislation  
14 be amended to add protections that could be added for  
15 residential neighborhoods?

16       Thank you.

17       LINDSAY GREENE: Thank you Councilwoman for your  
18 questions. There are several in there, so I will try  
19 to do my best to address. If I forget, remind me.

20       I think on just sort of the broader point of the  
21 nature of the restrictions, there are I guess a set  
22 of restrictions that exist in terms of specific  
23 streets that allow vending. They tend to be places  
24 with permission for commercial activity generally.  
25 Obviously, that exists in some residential areas. It

1  
2 tends to be on most commercial thoroughfares and less  
3 so on side streets. A lot of that work is sort of  
4 dated.

5       It comes from I think the 90's and earlier and  
6 there are specific times attached to those specific  
7 streets, and it's sort of quite a lengthy tiny font  
8 multi-page document, but we do have it and it's  
9 available in probably in several languages that  
10 doesn't reduce it's complexity.

11       There are also a number of regulations that exist  
12 throughout the code in a couple of different places  
13 regard to distance from curbs and sidewalks and a  
14 crosswalks and bus stops and things of that nature.  
15 And I think it's important to highlight that some of  
16 those restrictions are specific to laws we've set up  
17 in the city and then there are other restrictions  
18 that are specially provided for certain classes of  
19 vendors through state law.

20       And so, some of the restrictions we put in place  
21 in the city don't apply to some of the state  
22 permitted vendors and you know, Deputy Commissioner  
23 Schiff was pointing out to me, they've made an effort  
24 to make that handy and easy to keep in your pocket or  
25 your handbag or your backpack and so forth.

1  
2       So, it's a complex web. I think with regards to  
3 how multiple stakeholders give feedback to the  
4 process.

5       You know, obviously the advisory board is a great  
6 sort of structured context to do that. I think that  
7 feedback happens right now through a couple of  
8 different ways. People call 311 and make complaints  
9 about light and noise pollution and those are routed  
10 to the respective agencies. A lot of times DEP, but  
11 other agencies receive them depending on the nature  
12 of the topic.

13       You know, different sort of more organized  
14 structure civic groups, be it community boards or  
15 bids or chambers of commerce will reach out to the  
16 agency with whom they feel the most affinity. A lot  
17 of times that's small business services or sometimes  
18 they go to the local precinct. I think we get  
19 inquiries from a number of different locations and  
20 so, that why we have several people here representing  
21 the administration that can speak to the perspective  
22 they have seen, and I think the effort of legislation  
23 is to try to create a forum for ongoing and sort of  
24 routine convening of all those different people.

1  
2 COUNCIL MEMBER ROSENTHAL: You need to understand  
3 the perspective that I'm coming from, which is simply  
4 the reality that on the ground none of those  
5 processes work. I mean, I think what you're  
6 describing is in my staff's mind, some sort of ideal  
7 that certainly does not work in practice. You know,  
8 we have the NYPD come out with a manual this thick,  
9 no one really understands it, and it's only after you  
10 know, violations being issued and you know, multiple  
11 aggressive moves that anything could possibly happen.

12 So, what your describing is not in practice  
13 reality and what I'm looking for is that in this  
14 bill, that there be an opportunity to find a way to  
15 you know, have those ideals be born out in reality.

16 I and my community are in full support of making  
17 sure that we end the Black Market, that vendors be  
18 allowed to vend properly within the confines of the  
19 regulations, but I'm not seeing it here and I'm happy  
20 to move on because you've spent a lot of time. But I  
21 just want to really impress upon you that what you're  
22 describing is not reality and this seems like a  
23 wonderful opportunity to put in some restrictions  
24 that could actually help and be meaningful for our  
25 local businesses, our residents, our people who walk

1 on the street. And I think we've lost that  
2 opportunity so far.

3  
4 So, while I'm again, 1000 percent of getting rid  
5 of the Black Market, 1000 percent in agreement that  
6 the license should go directly to the vendors who are  
7 doing the work and there are so many vendors who  
8 should have licenses. You know, there is no - please  
9 don't say that the current protections will continue  
10 because there are no protections on the ground.  
11 There not meaningful.

12 CORRINNE SCHIFF: I would just like to add that  
13 we think it's a really important point and we do  
14 think that there are opportunities to use the  
15 legislation to advance some of those community  
16 concerns and balancing the very interest here and  
17 we'd really be interested in talking with you about  
18 some of those ideas.

19 COUNCIL MEMBER ROSENTHAL: I think if you stay  
20 around, you'll hear them from many of the business  
21 improvement districts.

22 Thank you.

23 COUNCIL MEMBER LANDER: Thank you acting Chair  
24 and prime sponsor Chin for the hearing. And I know  
25 we're eager to get to the testimony. So, I'll try to

1  
2 be brief. I am a co-sponsor of 1116-A. I support  
3 the legislation to increase the cap and issue more  
4 permits and in the Black Market and I'm sorry we  
5 weren't able to do it last term and I really want us  
6 to get to a good comprehensive reform on this term.

7 I appreciate the perspective that you have  
8 brought. I just want to drill down on two areas  
9 because I am also an enthusiastic supporter of the  
10 Parks 5<sup>th</sup> Avenue bid which is here today and the  
11 Brick and Mortar small businesses in my neighborhood  
12 who really hard in a very challenging environment.  
13 And I want to figure out how we get the balance  
14 right.

15 One thing I know you testified to in relationship  
16 to Council Member Powers question, but I want to  
17 drill down a little more on is the good humor case  
18 and what efforts we're doing. Because I do think a  
19 pretty simple concept of fairness and what I believe  
20 the vast majority of vendors would actually support,  
21 is the idea that you ought not vend the same product,  
22 right out in front of a brick and mortar store, who  
23 has been there a long time, built up a customer base,  
24 and a following.

1  
2       It's a big city, there is lots of room for us to  
3 have more vending, but not to have that. It's just  
4 like a small sign of a kind of unfairness that most  
5 people would want to find some way to take a  
6 thoughtful approach to and I really think it would be  
7 a place where vendors could agree and bids and  
8 merchants could agree and I don't like that we're  
9 just like, well a 50 year old case says we can't do  
10 it, so we're throwing up our hands. There has got to  
11 be a way for us to construct a thoughtful legal  
12 approach to getting it done.

13       Maybe that's within business improvement  
14 districts which are able to have some thoughtful  
15 rules that shape issues for a neighborhood. I don't  
16 know, but what I want us to do is take a creative  
17 legal approach to finding a way to try to do it and  
18 not say a 50 year old law case means, even though  
19 it's a basic commonsense principle that we could  
20 build consensus around, we can, we do it and we're  
21 just kind of shrug.

22       So, where might there be an opportunity to  
23 explore creative approaches to something, I think  
24 that we all think is sensible and fair and should  
25 look for a way to work through.

1  
2 LINDSAY GREENE: Thank you Council Member. We  
3 appreciate the issue; we hear a lot about it  
4 ourselves. I don't mean to suggest that there isn't  
5 a way to engage in productive conversation and  
6 creative legal thinking around the issue. I think  
7 you know, we have been counseled by a lot of our  
8 legal colleagues that even though the said case is 50  
9 years old, the sort of the concept continues to  
10 endure in our times and you know, there are perfectly  
11 currently existing ability for two brick and mortar  
12 stores to be on the same block or across the street  
13 from each other selling the exact same products, just  
14 like it currently is available for a vendor to do the  
15 same thing.

16 So, I don't want to suggest that this a unique  
17 problem in terms of how competition is regulated. It  
18 is not something we dive deep into particularly at  
19 the local level, but we can certainly discuss it.

20 COUNCIL MEMBER LANDER: I just really want to  
21 push and I'm going to push our lawyers to. I mean I  
22 think our lawyers also who are good smart lawyers. I  
23 don't think we've done enough here. I hear you that  
24 yes, you can set up a brick and mortar store right  
25 next to an existing brick and mortar store, but then

1  
2 you have all the same rules. You got to pay the same  
3 taxes, you pay a rent in the same competitive  
4 environment, and you're going to face the same  
5 challenges. We are giving a permit and I want us to  
6 give more of them for street vending but that is a  
7 thing the city is handing over there and you don't  
8 have the same rules and expenses as that existing  
9 brick and mortar business.

10       So, look, I hear you and I mean, you know, I  
11 understand that like precedent matters, but this is  
12 one where if and I mean I think, if this is a  
13 principle that we could build a lot of consensus on  
14 across small business and vending communities and  
15 achieve something that made sense, we ought to just  
16 put our energy into it.

17       Is something in the way that we construct  
18 business improvement districts give us a different  
19 opportunity for the roles? Could there be some  
20 different way in which we create the licenses, where  
21 there is some different forms of licenses that you  
22 have access to, and some give you some rights and  
23 some give you other rights.

24       I bet there is a way to do it if we really didn't  
25 start from the lawyers told us we can't. But started

1  
2 from this is a good fundamental principle of getting  
3 this legislation right, lets try really hard to come  
4 up with the legal framework for doing it. So, I'll  
5 leave it there, but I think that would be a good  
6 thing that could come out of this process.

7       And then my second question is about enforcement  
8 around food trucks because I have to say the biggest  
9 issues that we get and maybe you asked these  
10 questions before, but you know, I would say the  
11 number one kind of complaint we get on vending in the  
12 district is you know, food truck keeps getting  
13 tickets in a location where they are not supposed to  
14 be, but they just get ticketed over and over again or  
15 they don't even get that many tickets, because the  
16 cops have given up bothering to ticket because they  
17 just keep camping out there anyway.

18       You know in some mix of idling and whether it's  
19 kind of the Good Humor truck parking right in front  
20 of the school and just kind of keeping the music  
21 playing and like getting all those poor parents to  
22 have to deny their kids the ice cream or whether it's  
23 in a location that really is a neighborhood  
24 inconvenience and actually, yeah, like, the parking  
25 regulations don't allow it but you know, they get a

1  
2 ticket every so often and it just becomes cost of  
3 doing business.

4       So, can you speak a little more to what the plan  
5 is for how we might think about enforcement in the  
6 context of food truck parking and the arrange of  
7 violations that persists there?

8       LINDSAY GREENE: Sure, thank you Council Member.  
9 I think there are certainly aspects where we could  
10 explore ways to sort of increase the level of  
11 consequence for some of the activity or more directly  
12 link that I believe is currently the case. You know,  
13 history of unpermitted activity relative to your  
14 ability to sort of retain or renew your license. You  
15 know, those are obviously big lifts for people to  
16 contemplate and so it deserves a health form of  
17 debate and it's you know, one of the lists of topics  
18 like the one we were previously just discussing.  
19 Yes, we should all continue to discuss them and  
20 recognize they are all interrelated, and we need to  
21 go down the list and talk about them all and try to  
22 be creative.

23       COUNCIL MEMBER LANDER: That's good. Look, I  
24 believe we can get the balance right here. There is  
25 a way to do this that opens up more opportunities for

1 street and mobile vending that creates that off the  
2 Black Market and they take seriously the concerns  
3 that both neighborhood residents and brick and mortar  
4 stores have.  
5

6 That's not going to be simple. I'm glad we are  
7 taking the time to do it right. I appreciate you  
8 guys being here. I appreciate everybody who is here  
9 to testify, and I am committed to making sure we work  
10 though these issues and come to the best compromise  
11 and the best framework broadly we possibly can.

12 Thank you.

13 CHAIRPERSON CHIN: Thank you Council Member  
14 Lander. Council Member Koo, do you have a short  
15 question? I'm just going to move on to hearing the  
16 other testimony.

17 COUNCIL MEMBER KOO: Will there be a person for  
18 the Transportation Department? Because when we were  
19 on the streets right, everywhere, who do we see most  
20 of the time, the traffic agents right? Looking for a  
21 traffic ticket. He is by meters. So, why do we use  
22 these traffic agents to be the enforcement unit?  
23 When we train many of these guys. They know the  
24 streets; they know the neighborhood. We train some  
25 of these guys to be enforcement units to enforce the

1 street vendors. So, this is just a suggestion that I  
2 think is really good.

3  
4 MICHELLE CRAVEN: So, Council Member I am going  
5 to refer that question to the Police Department  
6 because DOT doesn't actually oversee the traffic  
7 enforcement agents.

8 MICHAEL CLARK: Yeah, there are people. I think  
9 one of the larger problems is these are all old  
10 summonses, which TEA's for the most part aren't  
11 permitted to write. They can be parking violations  
12 and direct traffic, but they are not allowed to issue  
13 oath summonses, so we need actual police officers to  
14 do it.

15 COUNCIL MEMBER KOO: Well, we can change the  
16 rules right.

17 MICHAEL CLARK: Yeah, I think they would need to  
18 attain Peace Officer status which they don't  
19 currently have. So, we could talk about various  
20 ways, but right now, the issue is they are not  
21 permitted to write these summonses.

22 COUNCIL MEMBER KOO: So, do you have to be a  
23 police officer to join this special unit?

24 LINDSAY GREENE: Sorry, I think Mr. Clark is  
25 referring to the nature of powers for different types

of enforcement officials. Peace Officers and Police Officers are the only ones that are permitted to make arrests and issue certain times of summonses and there are certain classes of people that are meant to issue lower sort of classes of infraction.

So, there is a lot of detail we can get into here and we can happily discuss that with you.

CHAIRPERSON CHIN: Yeah, we will talk about that in the enforcement unit.

There are other questions that we have for the administration and we will send it over to you. And we look forward to some robust dialog discussion with you and with all the stakeholders and hopefully we can get this done.

Thank you, thank you for being here.

LINDSAY GREENE: Thank you for having us and we are ready to keep chatting.

CHAIRPERSON CHIN: Okay, so before we call up the first panel, we have Jim Caras representing The Manhattan Borough President Gale Brewer.

JIM CARAS: Thank you Chair Espinal and acting Chair Chin and Members of the Consumer Affairs Committee. I am Jim Caras here on behalf of Manhattan Borough President Brewer.

1  
2 The Borough President wants to thank Council  
3 Members Chin, Menchaca, Lander and Rose along with  
4 Council Staff for their work on Intro. No. 1116-A.  
5 Echoing what our office said to this Committee in  
6 2016, this is not a perfect proposal or a solution to  
7 all our vendor issues. There is no such thing.  
8 Street vendors have been a controversial issue in New  
9 York City for well over a century.

10 The reason street vendors and especially food  
11 vendors persist is simple. New Yorkers love  
12 inexpensive accessible food and enterprising recent  
13 immigrants want to take advantage of the opportunity  
14 that this entry level business affords them.

15 In March 2015, the Borough President issued a  
16 report called Small Business Big Impact, which takes  
17 a similar view as you. Food vendors are a type of  
18 small business [phone ringing]. I'm sorry, that was  
19 the Borough President.

20 Food vendors are a type of small business that  
21 should be treated as such. In that report, we call  
22 for raising the cap on food vendor permits and again  
23 voiced the support at the Council's 2016 Consumer  
24 Affairs hearing.

1  
2 Intro. 1116-A, expands new permits, called  
3 supervisory licenses requiring the licensee to be  
4 present at all times, but pairs it with enforcement.  
5 Given that food vending is a business tht occurs on  
6 public space, our sidewalks, we have to pay special  
7 attention to enforcement. The Council legislation  
8 seeks to achieve that balance.

9 Importantly, the establishment of the street  
10 vender enforcement office comes first. We need to  
11 make sure we have adequate and targeted enforcement  
12 and it's important that this team launces in the  
13 areas of the city with known vending challenges and  
14 complaints before expanding citywide. The  
15 establishment of a street vending advisory board,  
16 representing community groups, vendors and brick and  
17 mortar businesses will examine the rules for  
18 duplicative, unclear and unnecessary provisions.  
19 Several of the other bills being heard today,  
20 Intro.'s 287, 288, and 292 are common sense measures  
21 that start this process but there is much more to be  
22 done.

23 No balanced proposal can be effective without  
24 these critical components. We are also happy to see  
25 that this recognizes the need and the role that

1 street vendors play in expanding access throughout  
2 our neighborhoods to affordable fresh fruits and  
3 vegetables.  
4

5 But the Council specifically deserves praise for  
6 another, and perhaps most important, element of this  
7 legislation. The mandate it creates to experiment  
8 and think outside the box. The Borough President has  
9 been around long enough to know how complicated this  
10 issue is and how easy fixes are destined to fail.

11 In the 80's Mayor Koch threw out all the street  
12 regulations in Manhattan. In the 90's Mayor Giuliani  
13 closed all most all the streets in Manhattan with  
14 very little review. We see where these approaches  
15 got us. This legislation requires four borough  
16 specific pilot programs that would allow DOT to work  
17 with community boards and BIDs to figure out new  
18 placement arrangements for vendors that would  
19 accommodate the needs of both the vendors and the  
20 communities.

21 The new enforcement unit would be required to  
22 focus on these areas and while these experiments are  
23 being conducted, the cap will be slowly lifted with  
24 each incremental lifting being studied and subject to  
25 recommendation by the advisory board.

1  
2       Finally, we cannot emphasize enough that in order  
3 for this to work, it cannot be thought of as a zero-  
4 sum game between street vendors and fixed location  
5 businesses. While this legislation provides  
6 opportunities for food vendors, it will also require  
7 them to take their responsibilities more seriously.  
8 Our hope is that at the end of this, there will be  
9 some additional opportunities for food vendors, but  
10 we will no longer have situations where there are  
11 walls of vendors on particular streets blocking fixed  
12 location businesses and vendor stans that are four  
13 times the legal sizes constituting whole produce  
14 stores. If you want to be this big or take up this  
15 much space, find yourself a store.

16       But improving the situation for food vendors does  
17 not mean we worsen it for our fixed location  
18 businesses. We need to help our storefronters and  
19 those who aspire to become storefronters, especially  
20 with the scourge of empty commercial storefronts  
21 across our neighborhoods. That's why I will be  
22 shortly reintroducing a bill that would eliminate the  
23 commercial rent tax in Manhattan for affordable  
24 supermarkets. We would urge the Council to consider  
25

1 this legislation and other storefronter legislation  
2 we are working on with the Council.

3  
4 Thank you for the opportunity to speak today.

5 CHAIRPERSON CHIN: Thank you very much for being  
6 here and please, tell the Borough President we thank  
7 her for her support. And also, we look forward to  
8 working with her. I hope that her office will help  
9 us through the bill and also to bring in the  
10 stakeholders and I hope the borough president will be  
11 part of this effort.

12 JIM CARAS: Absolutely. Thank you.

13 CHAIRPERSON CHIN: Great, thank you.

14 Okay, so we are ready to call up the first panel.  
15 We are going to have to put the clock on three  
16 minutes because we have a lot of people signed up to  
17 testify. But if you have written testimony, that  
18 will be on the record, and I ask everyone to try to  
19 summarize the important points on your testimony.  
20 First, we have Mohamed Mohamad Street Vendor Project,  
21 Hakim EL Nagar, also from the Street Vendor Project,  
22 Maria Mari from the Street Vendor Project and Mohamad  
23 Attia from the Street Vendor Project.

24 COUNCIL CLERK: Would the Spanish interpreter  
25 please come up to the desk.

2 MARIA MARI: Good morning. I am Maria Mari. I  
3 live on district 37 and I sell tamales and my wish is  
4 to ask you that we need help. We need help to get  
5 the permits that we need, the mobile vendors.

6 To me, in the personal, it has happened. I have  
7 had a lot of problems. The police have given me a  
8 lot of tickets with a high rate or high payment  
9 because I didn't have the permit. And I sincerely  
10 want to tell you this is the only job that I can do.  
11 I am a survivor of cancer and sadly, I cannot find  
12 another job, because my treatment doesn't allow it.

13 I live on district 37; I have lived there for 18  
14 years and I am a single mother. I have four kids to  
15 feed with my job. If I had a permit, my life will be  
16 different, totally different because I wouldn't have  
17 any problems with the police, and I will be able to  
18 do my job. I know that you have the power to make a  
19 change and the only thing that I am asking you is to  
20 help us, the mobile vendors. We are not different  
21 people than you. We are people that we want to work,  
22 and we need the permit. Thank you.

23 CHAIRPERSON CHIN: Thank you, next.  
24  
25

1  
2 HAIM EL NAGAR: My name is Hakim EL Nagar. I  
3 came to New York City in 1996 from Egypt. I worked  
4 as a food vendor since I came here.

5 In 2006, I applied to get a permit and I didn't  
6 get it any permit. And my name was put on the  
7 waiting list. I have been waiting for a permit for  
8 13 years.

9 Since I started vending, I have to pay somebody  
10 who has a permit a lot of cash every two years, to  
11 use this permit.

12 Last time I renewed I paid \$20,000 and I should  
13 renew this permit in the next two months, and I  
14 didn't have enough money to pay him this time. I  
15 don't know what to do if I don't have the money by  
16 this time. Maybe I will be out of business.

17 I am only one supporting my family, my wife and  
18 my four kids.

19 Last year it was really hard for my business and  
20 for my family. It was too bad and too cold too. We  
21 couldn't pay the rent and all the bills, and I had to  
22 use my credit card a lot, I paid a lot of money and  
23 now I owe a lot of money for the credit card company.

24 Last December I promised my son to buy a new  
25 heavy jacket for my son, he is fifteen years old and

1  
2 I don't have the money because business was very slow  
3 and it was very, very cold.

4 I gave my son one of my jackets, but he got sad.  
5 It's hard when your son asks you for something and you  
6 can't do it.

7 That's because I have to save a lot of money to  
8 pay the permit to stay in the business. If I own my  
9 permit, I would save a lot of money, take care of my  
10 family, buy my sons everything they need, and pay off  
11 all my credit card debts. And maybe after a few  
12 years, I can have my own small business like a salon  
13 or something.

14 I hope that City Council pass this bill 1116 and  
15 give me a chance to have my own permit and have a  
16 better life. Thank you.

17 MOHAMED MOHAMED: Good afternoon Chairs. My name  
18 is Mohamed Mohamed and I am an immigrant from Egypt.

19 I moved to New York City 16 years ago. I work as  
20 a food vendor in downtown since I came. I don't have  
21 my own permit, as thousands of vendors in New York  
22 City.

23 I deal with the underground market and I pay  
24 almost \$25,000 every 2 years to use somebody else's  
25 permit. Do you think this is fair? Do you think

1  
2 even the city can even support us with this? Does  
3 the City agree with this?

4 Vendors are small business owners, and I am one  
5 of them. We don't get any support from the city. We  
6 need a lot of help and at least the city can do for  
7 us just even giving us permits. I have the right to  
8 get permit under my name.

9 I provide jobs on my cart, I pay my taxes, I have  
10 a lot of expenses and I serve the community.

11 I support my family of four, including my two  
12 lovely kids. My son Ahmed is 10 years old now. In 6  
13 more years, he wants to go to college. I hope that I  
14 can be even be able to help him with this and afford  
15 this college. So, maybe one day, I see him Council  
16 Member like you. I wish.

17 My customers can't afford to buy food from fancy  
18 restaurants in downtown, that's why they come to my  
19 cart.

20 Also, some of my customers are Muslims and  
21 looking for Halal food, they can't find it anywhere  
22 near me. That's why they come to my pushcart.

23 I came to this country with a lot of love and a  
24 big dream, the American Dream. My dream is one day I  
25 have my own restaurant, even smaller and I have a big

1 successful business, but I can't do it because I  
2 don't have a permit.  
3

4 If I had a permit, I would have had my restaurant  
5 by now. One day, even a little while ago, I heard, I  
6 don't remember the name, she said in the waiting  
7 list, 1,400 person every year, they give it to 50  
8 persons, so you can imagine after 1,400 person every  
9 year 50 permit is 28 years. I am 37 years right now.  
10 So, maybe they are going to give it to me after 60  
11 years, but I am 15 years in this job and I'm not even  
12 in the waiting list.

13 Thank you, guys. Thank you, have a beautiful day  
14 and God Bless America and God Bless all of you.  
15 Thank you, I really appreciate it.

16 MOHAMED ATTIA: Good afternoon Chair and Council  
17 Members. My name is Mohamed Attia, I am the co-  
18 director of the Street Vendor Project, and I am a  
19 former food vendor.

20 I am here supporting the package of bills that is  
21 on the hearing today. I'd like to speak briefly  
22 about the need for more food vending permits.

23 From my previous experience as a food vendor I  
24 had to deal with the underground market and pay  
25 somebody lost of cash that goes now to up to \$25,000

1  
2 to use their permits to be able to sell legally and  
3 that's because an arbitrary law that was made back in  
4 1981 or 1983 to cap the food vending permits.

5 The Street vendors are small businesses and sadly  
6 they do not receive any support from the city  
7 government agencies.

8 Why the SBS department don't have anything to  
9 offer to vendors? Not even classes, not programs,  
10 absolutely nothing. I assume that SBS consider  
11 vendors as small businesses, but I don't see any  
12 support from them. But instead of supporting these  
13 hard-working immigrants, city agencies issue vendors  
14 in average 12,000 summonses every year. That's  
15 according to last year, 2018.

16 New York City is considered as a sanctuary city  
17 for immigrants, but it's not for street vendors. Not  
18 under this current system. With a lot of racism and  
19 hate crimes rising in our country and the lack of  
20 support from the government most vendors in our city  
21 do not feel safe.

22 Back in 2017, some groups backed by billionaires,  
23 made some false arguments against increasing the  
24 number of permits saying vendors are representing  
25

1 unfair competition to restaurants. Now my question  
2 to them is, how is it unfair?  
3

4 I was a vendor for 9 years, and I can tell you  
5 how much I had to spend everyday and every month to  
6 stay in business. I had to spend \$500 rent every  
7 month in a commissary that had I had to keep my cart  
8 at. I had to spend \$30 daily to clean the cart, \$50  
9 daily to a driver towing the carts back and forth  
10 from the garage to the spot. Supplies, gasoline,  
11 propane, workers with me, workers' compensation, and  
12 sales tax and tax return by the end of the year. All  
13 of that plus the cash for the permits.

14 A lot of people are not aware of that. We are  
15 not out there making business for free. We have a  
16 lot of expenses but our business, our sales, really  
17 fit with our expenses. Does that make sense? If I  
18 make one thing of any restaurant in Manhattan making,  
19 I would have been a millionaire by today, but I do  
20 not make that much money. I make money depending on  
21 how much money I spend everyday and every month.

22 So, basically vendors are small businesses and  
23 the city does not recognize them as and we are so sad  
24 to this. We are really sad to see the city not  
25 offering any support to the street vendors. So, I

1 really urge the City Council to support legislation  
2 1116. I want to thank Council Member Chin and  
3 Menchaca for co-sponsoring this bill. I want to  
4 thank 25 Council Members who sponsored the bill. I  
5 want to thank Council Member Chin for mentioning the  
6 supermarket example that went out of business because  
7 of target. Not because fruit and vegetable vendors  
8 by their door. I want to thank Council Member Gjonaj  
9 who mentioned earlier that 80 percent of restaurants  
10 do not make it to the year number five, which is  
11 true, but how many of them go out of business because  
12 of the vendors versus how many of them go out of  
13 business because of the rent increase? Let's talk  
14 about the fact not what some people are making  
15 statements. Thank you.

17 CHAIRPERSON CHIN: Thank you. I just have a  
18 couple of questions. I guess you did talk about some  
19 of the challenges because of not having permits. Are  
20 there rules that are unclear to vendors that you  
21 think is really difficult to comply with?

22 MOHAMAD ATTIA: Yes, Council Member, that's true  
23 and as a vendor for 9 years, every year I had to  
24 learn something new. Rules are very confusing, and  
25 they are very confusing even for enforcement

1  
2 agencies. So, you can imagine that one police  
3 officer come and say something, and the other  
4 department inspector say something else. I can give  
5 you examples if you have time but like for example,  
6 the Health Department Inspector will give a vendor a  
7 ticket if they are wearing a pair of gloves and  
8 touching anything on the cart that's not the food.

9 Basically, they are making the glove not safe to  
10 touch food later. But then there is another police  
11 officer who will give you a ticket for not wearing  
12 gloves when you are not doing anything. How  
13 confusing that can be.

14 CHAIRPERSON CHIN: I think one of the item in the  
15 bill, I think we didn't get a chance to ask the  
16 administration, is the idea of creating an app that  
17 can show where you can legally vend. Do you think  
18 that would be helpful to the vendors?

19 MOHAMED ATTIA: Indeed, I think that would be  
20 super helpful because a lot of vendors don't know all  
21 the rules. The rules are so complicated to be  
22 underserved by a police officer. So, imagine a  
23 vendor and as an immigrant myself, I was not speaking  
24 a couple of words in English when I came here and I  
25 found it really, really hard to read and understand

1 all the rules and regulations and follow them. So,  
2 of course such a thing would be super helpful.  
3

4 CHAIRPERSON CHIN: And I think also in terms of  
5 part of it is really educating and working with the  
6 vendors so they will know what the rules and  
7 regulations are.

8 MOHAMED ATTIA: Indeed, that would be super  
9 helpful. We've been trying to work with the  
10 administration and have some trainings for vendors,  
11 but it never went anywhere.

12 CHAIRPERSON CHIN: Okay, thank you.

13 MOHAMED ATTIA: Thank you.

14 CHAIRPERSON CHIN: Council Member Rodriguez?

15 COUNCIL MEMBER RODRIGUEZ: Of course, we have  
16 been working together in all about doing the reform  
17 that we need to do to be able to support the men and  
18 women who support their family who are our street  
19 vendors. Also, we talk about how to create the best  
20 condition of support. The supermarket, Bodega's  
21 owners and the other, but for me, I hope that  
22 enforcement would be very important as we will  
23 address this package of bills.

24 And it's not enforcement for many of the street  
25 vendors who are here today, who are the ones selling

1  
2 in the table in our great northern Manhattan are or  
3 in the outer borough area but also enforcement for  
4 those that you pay cash. How critical is that  
5 situation or the level of exploitation of those  
6 individuals that have to rent those carts. What is  
7 the fee? How does it work?

8 MOHAMED ATTIA: Well so, the situation is very  
9 complex Council Member and as you know, dealing with  
10 underground market to get a permit, it is a very  
11 shady area. There is no contract signed. There is  
12 no lease, there is absolutely nothing protecting the  
13 vendor that pays a lot of cash to somebody. We have  
14 some of our members who came to our office  
15 complaining about incidents like, they paid people a  
16 lot of cash and then they didn't show up the next day  
17 at the health department facility to do the  
18 inspection and give them their permits. So, you can  
19 imagine how complicated it gets but when it gets to  
20 enforcement, we don't know how the enforcement will  
21 work and address that. That's a huge issue. We hope  
22 that the enforcement one day is able to get the  
23 permits to the right people but sadly, there is no  
24 mechanism to do that.

1  
2 We believe that enforcement is good for vendors,  
3 for everybody for the whole community but enforcement  
4 must come a long with the right change. It is unfair  
5 to have unjust unfair system for vendors and then  
6 have enforcement to go there every single day and  
7 ticket them. So, before we think about enforcement,  
8 we really need to reform the whole system. And that  
9 should go all along together.

10 COUNCIL MEMBER RODRIGUEZ: Do you have some idea  
11 of how much in that underground renting, how much do  
12 they charge those individuals.

13 MOHAMED ATTIA: Well, you talk about the prize  
14 for the permit now goes up to \$25,000. And that  
15 person by the way pays the city \$200. The permit  
16 owner pays the city \$200 to renew their permits while  
17 they sell it to somebody for up to \$25,000.

18 COUNCIL MEMBER RODRIGUEZ: And that's the message  
19 that I think it is important for everyone to hear.  
20 It is not only to bring justice to those who are  
21 supporting us all selling any product you know, in  
22 any part of this city. But it's also that  
23 underground economy there. That the city knows that  
24 that is happening, and the city has been doing  
25 nothing about it.

1  
2       So, I think that level of observation is  
3 something that also we need to stop as we will be  
4 able to work together, and I hope that we can bring a  
5 consensus for which you have **[inaudible 3:30:50]** for  
6 those of you who are the street vendors has also  
7 supported the other entrepreneur. An individual who  
8 owns a supper market. Thanks.

9       MOHAMED ATTIA: Thanks, so much Council Member.  
10 Thank you.

11       CHAIRPERSON ESPINAL: Thank you, I'm just going  
12 to open up with a statement as I was a few hours late  
13 being that I was at a previous engagement the Mayor.

14       But good afternoon everybody. My name is Rafael  
15 Espinal, I am the Chair of the Committee on Consumer  
16 Affairs and Business Licensing. Again, I apologize  
17 for joining this hearing late, as I had a scheduling  
18 conflict. Thank you Council Member Chin for Chairing  
19 this hearing during my absence. I heard you are  
20 doing an incredible job.

21       I support expanding opportunities for New Yorkers  
22 and improving enforcement of street vending laws,  
23 Intro. 1116-A is an important piece of legislation  
24 meant to address the cap on food vendor licenses by  
25 creating more opportunities while at the same time

2 ensuring vending laws are complied through the  
3 creation of a dedicated street vendor enforcement  
4 unit.

5 Street vendors are an important part of our  
6 street scape and economy. The proliferation of the  
7 underground market for permits has hampered the  
8 ability of street vendors to make a living. By the  
9 same token, the City's complex patchwork of  
10 legislation and city agencies tasks with enforcing  
11 vending laws in in dire need of reform. Intro.

12 1116-A takes a significant step towards addressing a  
13 decades old problem in New York City.

14 I look forward to hearing the remaining testimony  
15 at this hearing and hope that at the end of the day  
16 we can pass a bill that works for all New Yorkers and  
17 all who are affected by our city's laws. Thank you.

18 And with that said, I want to call on Council  
19 Member Carlos Menchaca for a few questions.

20 COUNCIL MEMBER MENCHACA: Thank you, thank you  
21 Chair, and I also want to thank Council Member Chin,  
22 who acted as Chair in your absence and for her  
23 leadership.

24 So, my question is really about really  
25 understanding the impact of the change with the

1 permit and how the new permit that's connected to the  
2 person and not the cart. How is that helpful? One  
3 of you can kind of talk a little bit about how that's  
4 a good thing for the whole system and how that's  
5 going to be beneficial. I want to hear you all kind  
6 of speak to that specific piece because that's the  
7 game changer here with the new permits. I don't know  
8 if anybody wants to speak on that.

10 MOHAMED MOHAMED: Actually sir, this very  
11 inconvenience for all the vendors. You know, I've  
12 been a vendor for 15 years. I have never had a  
13 permit of my own. You know, I pay somebody. I am  
14 working every single day, seven days because actually  
15 I have rent, I have bills, I have family of four.

16 COUNCIL MEMBER MENCHACA: So, I'm going to pause  
17 you there. So, it's a very specific question. So,  
18 the bill says more permits.

19 MOHAMED MOHAMED: Yes.

20 COUNCIL MEMBER MENCHACA: But they're different  
21 permits than the current permits because we just  
22 spoke about the old permits that there is a broker  
23 that you have to go. You have to pay the broker, how  
24 much you have to pay that broker and then you get  
25 this permit that's not protected.

2 MOHAMED MOHAMED: Yes, sir.

3 COUNCIL MEMBER MENCHACA: My question is, this  
4 new permit is connected to your person. And so, talk  
5 to me about that difference. What's the benefit of  
6 that for you.

7 MOHAMED MOHAMED: It's going to be very good for  
8 us. I am going to work on my own pushcarts and my  
9 own permit. I'm going to safe all the money. You  
10 know, it's going to be good for my kids and my  
11 family. You know, I'm not going to pay anybody  
12 underground you know, I am going to work on my own.  
13 There is going to \$200 for the city even if it's  
14 going to pay more for the city in the legal way. It  
15 is going to be under my name. My own pushcart is  
16 going to be more benefit, more saving money.

17 Actually, I am going to make it my dream.  
18 Everybody's dream, everybody in this room, looking  
19 for a permit in his own name is going to work in his  
20 own pushcart. Not somebody else's name, everything  
21 is going to be on me, belong to me.

22 This is what I am looking for. This is going to  
23 be very good for us, a bigger benefit for us.

24 MOHAMED ATTIA: Council Member, I would like to  
25 add something. Which is thank you so much for this

1 question to clarify the difference between the new  
2 permits and the old permits.  
3

4 So, the new permits that are attached to the  
5 person, not the cart which is exactly what we need.  
6 That's what we are asking for. We are asking for the  
7 real vendors to be out there.

8 So, for example, when we talk about 400 new  
9 permits, we are not talking about 400 new carts or  
10 400 new trucks. There is no way this is going to  
11 happen and the reason why because Mohamed now is  
12 dealing with the underground market. Once he gets  
13 his own permit, he will give away that old permit and  
14 that permit owner will have the permit which nobody  
15 is interested to get because basically everybody can  
16 get their own permits under the name.

17 So, these permits will lapse back to the city and  
18 then they will be reissued hopefully with the same  
19 new system. With the re-vendor on the card, the re-  
20 vendor on the street, not somebody lives in Florida,  
21 live in Egypt or Greece and come here for one week to  
22 renew their permit and get a lot of cash and leave.

23 So, it would be amazing to see Mohamed for  
24 example, is saving \$25,000 every couple of years, and  
25 in a matter of less than 10 years, hopefully, he can

1  
2 be having the restaurant and give that license to a  
3 newcomer. To a new person, to a new immigrant who  
4 comes here and start from scratch. This is the idea;  
5 it is not about having vendors for decades and  
6 decades dealing with the same system. It is about  
7 giving an opportunity to somebody and after a number  
8 of years, they can expand and have a roof on the top  
9 of their heads and have a brick and mortar and give a  
10 chance to somebody else to go and make their American  
11 dream true.

12 COUNCIL MEMBER MENCHACA: Thank you Mohamed and  
13 that's what I am looking for and I think that's  
14 incredibly compelling and why I am here to support  
15 this cause with Council Member Chin.

16 The last question is really a new question that  
17 you made me think about. What is preventing us from  
18 wanting to think about the old permits and quickly  
19 moving them into the new system. What's preventing  
20 us from wanting to overnight with the new law, change  
21 that old system overnight? Is there a problem with  
22 that?

23 MOHAMED ATTIA: I think there is a major problem.

24 COUNCIL MEMBER MENCHACA: So, walk us through  
25 that. That's important.

1  
2 MOHAMED ATTIA: Sure, it's very important and  
3 thank you for the question to. So, basically, we  
4 love to see all the real vendors get their own  
5 permits. We love to see Maria who works everyday  
6 selling out of her shopping cart, get her own permit.  
7 But is Maria on the waiting list? The answer is no.  
8 Is Mohamed on the waiting list? The answer is no.  
9 So, how would we make sure to give them the permits?  
10 There is no mechanism in the city to know who owns  
11 the cart, who owns the business. Who is the real  
12 vendor? If there is such a thing, we would be super  
13 supportive to it and if they can, just take the  
14 permit from the permit owners and give it to the real  
15 vendor, that would be great. But imagine if the city  
16 now takes all the permits from the permit owners,  
17 that would be so disruptive to thousands of vendors  
18 who are dealing with the underground market now and  
19 they will have to wait for 20 or maybe 30 years for  
20 the chance to get the new licenses, while you put new  
21 people into business.

22 So, this is really dramatic. We want to be  
23 careful with the underground market. I don't think  
24 anybody here is happy dealing with the underground  
25 market. Everybody here would rather to save that

1  
2 much money. But is there a way to make sure that  
3 Mohamed gets the permit on his cart? We had that  
4 conversataion with the administration before and the  
5 answer was no.

6 We wish that there was a mechanism to know who  
7 owns which cart, so that person gets the permit. But  
8 now, if they want to do it randomly and get all the  
9 permits and give it back to the people on the waiting  
10 list, what about those thousands who have businesses  
11 running right now? They will go homeless in a  
12 minute. The minute the city starts doing that, they  
13 will be homeless with no job, with no business, with  
14 nothing. If there is a mechanism that would be  
15 great.

16 COUNCIL MEMBER MENCHACA: Thank you and I only  
17 say that because this is tricky, and we are really  
18 allowing you to really help us think through how to  
19 be respectful of the current businesses and  
20 transition this in the right way. And so, I want to  
21 be thankful for your cooperation in helping us think  
22 through that since you are on the ground. Thank you.

23 MOHAMED ATTIA: Thanks Council Member.

24 CHAIRPERSON ESPINAL: Thank you Menchaca.

25 Council Member Koo?

1  
2 COUNCIL MEMBER KOO: Thank you. So, I am really  
3 happy to see all you guys come here to testify. So,  
4 you all mentioned that you have to arraign the  
5 permit, everyone of you here.

6 MOHAMED ATTIA: Except for Maria, she does not  
7 have a permit and she does not rent a permit. She  
8 sells out of a shopping cart with no permit.

9 COUNCIL MEMBER KOO: I see.

10 So, you say, one of you said, you came here from  
11 the broker. So, how does this broker work, I mean,  
12 he controls all the permits, or he controls 100  
13 permits or how does it work?

14 MOHAMED ATTIA: I'm sorry Council Member, you  
15 mean the broker. So, that person is sort of like the  
16 connection person between the permit owner and the  
17 re-vendor. So, for example, Mohamed doesn't know  
18 John or Jane Smith who owns the permit, so he doesn't  
19 know them to go to them and talk to them and give  
20 them the money and use the permits, which is the case  
21 sometimes. But sometimes they have to deal with a  
22 broker who have a lot of connections.

23 COUNCIL MEMBER KOO: So, do you know any of the  
24 permit holders that actually work? The old permit  
25 holders?

1  
2 MOHAMED ATTIA: Yes, that's true. A few of them  
3 we know.

4 COUNCIL MEMBER KOO: What is the percentage?

5 MOHAMED ATTIA: it is very hard to guess, but I  
6 will say from 10 to 20 percent.

7 COUNCIL MEMBER KOO: 10 to 20 percent of the  
8 actual permit holders actually work themselves?

9 MOHAMED ATTIA: Yes.

10 COUNCIL MEMBER KOO: So, when you rent a permit  
11 from somebody, and when you file your income tax, do  
12 you count it as an expense to renting. Just like  
13 renting a store, right?

14 MOHAMED ATTIA: Yes, but indeed, there is nothing  
15 to prove that you have been paying all that much cash  
16 in the underground market. There is no receipt and  
17 any expenses your are going to claim to the IRS  
18 without receipts doesn't mean anything. I think  
19 everybody is aware to that.

20 COUNCIL MEMBER KOO: So, you don't put that as an  
21 expense?

22 MOHAMED ATTIA: No.

23 COUNCIL MEMBER KOO: So, if you ask an  
24 accountant, you can get for whoever who rented the  
25 permit because he received income from you. You give

1 them a 1099 to prove that they received the money.  
2 So, the IRS will audit them. Because for so many  
3 years, they haven't been reporting this income. You  
4 give them a 1099.  
5

6 MOHAMED ATTIA: Council Member, I would love to  
7 that if there is a way. If they will accept the 1099  
8 from me, I would love to give them a 1099.

9 COUNCIL MEMBER KOO: Well, you give them money,  
10 right?

11 MOHAMED ATTIA: I give them money for my own  
12 clear profit. From my net profit, the money that I  
13 should be saving and spending on my family, not from  
14 the business expenses. That's what I give the money  
15 from. Would they accept a 1099? I hope.

16 COUNCIL MEMBER KOO: Yeah, I understand you  
17 report to IRS to say hey, my renter doesn't -

18 MOHAMED ATTIA: From my experience in this  
19 business for 9 years Council Member, I can tell you  
20 that no permit owner will claim such a thing. No  
21 permit owner will say I received X-thousands of  
22 dollars for a permit in the underground market.

23 MOHAMED MOHAMED: They're not going to even sign  
24 a piece paper.  
25

2 MOHAMED ATTIA: Maybe somebody knows a permit  
3 owner who would actually do that and like get a 1099  
4 and claim it on their tax returns, but I don't know  
5 anyone.

6 COUNCIL MEMBER KOO: I think that you can report  
7 those brokers names to the IRS because they do the  
8 illegal transactions for you.

9 MOHAMED ATTIA: It gets really challenging.

10 COUNCIL MEMBER KOO: Yeah, I mean, right now Mr.  
11 Chair, I think we should work on this. Don't let  
12 these open holders rent out to other people, not  
13 reporting their income. We have to find some ways to  
14 make sure. First of all, we should change the rules.  
15 The permit holder to work or at least the immediate  
16 vending should work for them. Right, they should not  
17 get a permit for a couple of hundred dollars a year  
18 and profit tremendously. The thousands of dollars  
19 they rent to you, right?

20 MOHAMED ATTIA: Yes, Council Member.

21 COUNCIL MEMBER KOO: So, we have to work on these  
22 regulations to make sure to change this to help the  
23 new permit holders. Thank you.

24 MOHAMED ATTIA: Thank you so much Council Member.  
25

2 MOHAMED MOHAMED: I would just like to add  
3 briefly that vendors had really nothing to do with  
4 this system. It all started from the city when the  
5 city capped the permits. The vendors did not carry  
6 that underground market. They were forced to deal  
7 with it. Thank you.

8 CHAIRPERSON ESPINAL: And there are not any more  
9 questions, so thank you. I appreciate it.

10 Next panel, we have Michele Birnbaum from CB8.  
11 We have sorry if I mispronounce your name, but it is  
12 c-b-e-r-i-h-e-t, Community Board 4. Andrew Rigie  
13 from the New York City Hospitality Alliance. Max  
14 Bookman from the New York City Hospitality Alliance.  
15 Robert Benfatto from the BID Association. We are  
16 going to need maybe two or three more chairs. Gladys  
17 Orduna a small business owner.

18 Feel free to begin once you settle in. We are  
19 going to do three minutes with this panel.

20 CHRISTINE BERTHET: Thank you for your time. I  
21 am Christine Berthet, I represent Manhattan Community  
22 Board 4. We are on the west side of Manhattan  
23 adjacent to Time Square, so we have a lot of issues.

24 We oppose Intro. 287, 292, and 1116-A unless they  
25 are amended to take into account the dramatic changes

1  
2 in the vending carts and in the sidewalk congestion  
3 over the last 20 years. There is no question that  
4 the cart vendors need to be safe just like every  
5 street user should be, but as proposed, this bill  
6 will force more and more pedestrians into the street  
7 and there is not enough space to walk on the sidewalk  
8 of New York City.

9       So, the numbers do not add up. If you are on a 12  
10 foot sidewalk, as most of the side streets are, a 5-  
11 foot-deep cart as many of the new carts are combined  
12 with 2 feet of the curb leaves only 5 feet for  
13 pedestrians and if you add 2 or 3 people waiting in  
14 line, you are left with 3 feet for pedestrians to  
15 pass. And then Intro. 292 would allow for samples to  
16 be exhibited so you are taking another foot and now  
17 you are left with 2 feet for pedestrians and giving  
18 two vendors 2 feet to circulate and stand by the  
19 cart, is logical and should be done but it must not  
20 result in only 2 feet of pedestrian right of way.  
21 That's not a good measurement.

22       If DOT requires 9.6 feet of clearance for new  
23 stands, in order to keep pedestrians safe, why isn't  
24 it the clearance used for carts? That's what we  
25 would like to see in the bill.

2           The measurement system for placement of vendors  
3 and should be aligned with DOT. We also request that  
4 the current laws related to no obstruction corridors  
5 be immediately give to DOT to administer as the  
6 agency whose responsibility is to ensure safety of  
7 all users. There is such a law but there is no  
8 agency to go to, to get it administered. So, we need  
9 to have that agency to be created.

10           I think it would be responsible to increase the  
11 number of licenses until the city has verified  
12 through a survey that there is an appropriate supply  
13 of viable and non-obstructed vending locations.  
14 Otherwise there is a solution to allow vendors to use  
15 the parking lane and to vend from the parking lanes  
16 which is reasonable and that would create thousands  
17 of new parking vending locations.

18           The Council should not pass a law that encourages  
19 people to buy a cart, get in debt and then discover  
20 that there are not enough vending locations that can  
21 sustain their families.

22           We have done the same thing with UBER and we know  
23 where we are now. A lot of people are not doing the  
24 right thing. So, we pedestrian count over 7 million  
25 members in New York City. The New York City Council

1  
2 job is to find a safe solution for all which start  
3 with a safe measurement already established by DOT.

4 Thank you.

5 CLADYS ORDUNA: Hi, I have been helping my  
6 parents since I was 15 years old. My parents started  
7 a Mexican restaurant 28 years ago. They to are  
8 immigrants and are here today to talk about the  
9 concerns of public space and financial struggle of  
10 small businesses being effected by food vending  
11 trucks.

12 We feel that there is a need to enforce laws and  
13 regulations, update the rules, relocate sidewalk  
14 vendors. We are placed at a competitive  
15 disadvantage, unfair. Trucks park rent free.  
16 Outside our business or others even a block away  
17 selling the same food as us at a cheaper rate, that  
18 is unfair.

19 CHAIRPERSON ESPINAL: Give me one second. Can  
20 you just state your name for the record?

21 CLADYS ORDUNA: Oh, I am sorry, this is Gladys  
22 Orduna, sorry.

23 How can we compete with free standing vending  
24 trucks? It's not fair balance. Rents are only  
25 getting higher; more store fronts are closing. We

1 ask for same rules for vendors and restaurant owners.  
2 This is something serious. We feel that if there was  
3 a better and fair rule and laws between food vendors  
4 and small businesses, we could both do business but  
5 until laws regulate and are enforced, please consider  
6 this before passing a bill.  
7

8 Land Use pay city rent. City makes money of  
9 parking meters from regular people. Make these food  
10 trucks pay for space rent. We are here today because  
11 a taco food truck parked a block away from our  
12 business illegally in a meter. He was asked to move  
13 by Officer Marciano, but he refused to move. He  
14 wasn't given a summons and remained selling through  
15 the night. They do as they please even though an  
16 officer tells them to move.

17 Health Department should address, they are  
18 issuing to many food vending trucks and affecting  
19 directly small businesses. Department of  
20 Transportation, the situation with parking of the  
21 vending trucks, at what point do you take action as  
22 to what might happen? We are part of the community  
23 and parts of Brooklyn and I'm just here today because  
24 I'm really sad to see what once was the American  
25

1  
2 dream of a Mexican immigrant who is my dad, go out of  
3 business. Thank you.

4       ANDREW RIGIE: Good Afternoon. My name is Andrew  
5 Rigie, I am the Executive Director of the New York  
6 City Hospitality Alliance. We are a trade  
7 association that represents restaurants throughout  
8 the five boroughs. And I can't tell you how many  
9 times I have sat in this Chambers over the past few  
10 years talking about the vacant storefronts that are  
11 plaguing neighborhoods throughout our city. Small  
12 businesses in particular, restaurants are under  
13 immense pressure right now and we find it somewhat  
14 astonishing that at the same time we're talking about  
15 saving our small brick and mortar restaurants. We're  
16 talking about introducing thousands of new vending  
17 permits into the market with not taking the  
18 appropriate actions to mitigate the types of impact.

19       This is not about being anti-vendor, it's about  
20 being anti-bad legislation. I have heard discussions  
21 that vendors do not create problems for brick and  
22 mortar restaurants. Well, that's great in those  
23 situations. When there is a healthy relationship  
24 between the brick and mortar restaurants and the  
25 vendors. We should encourage that, but we cannot

1 deny that there is a problem that exists. Just like  
2 the story that was just told.  
3

4 We are talking about regulating the public  
5 sidewalk for commercial purposes. If I'm a  
6 restaurant owner and want a sidewalk café, I have to  
7 go to the community board and spend thousands of  
8 dollars on architectural drawings. I have a process.  
9 The community board has a lot of influence on how I  
10 operate.

11 So, imagine how you feel when you want to get  
12 this sidewalk, you can't, or you spend all this money  
13 and then all of a sudden you are seeing a vendor  
14 right in front of your bagel shop selling bagels and  
15 muffins and coffees for half the price because they  
16 have fewer expenses. They can just move from  
17 location to location.

18 That's not to say that the vendors shouldn't have  
19 a right to sell food somewhere, but we need to  
20 address the issues that are at hand and we don't see  
21 when we hear about the failure of enforcement. A  
22 business tries to call an agency and they pass it off  
23 to another agency and at the end of the day, nothing  
24 is done to address the conflicts.

2 How are we going to introduce thousands of new  
3 permits without actually fixing the system before we  
4 do that.

5 So, what we're asking for is to sit down and have  
6 a conversation about how we should regulate the  
7 public sidewalks in a way that is not going to pose a  
8 direct conflict and create situations where conflicts  
9 will occur between brick and mortar restaurants and  
10 vendors.

11 We definitely think there is a place for both.  
12 We think they both add to the city streetscape, but  
13 we are at a time where we seeing a loss of restaurant  
14 jobs; we're seeing vacant storefronts everywhere.

15 This is just a misguided approach to fixing the  
16 situation and then the final thing that I would just  
17 say is that you know, I will actually seed the rest  
18 of my time to my colleague Max, who is going to  
19 address some of the certain points, but again, this  
20 is about how can we support our local restaurants as  
21 well as our vendors and not set up another situation  
22 for the future where we are just going to be back  
23 here having the same old conversation. Thank you.

24 MAX BOOKMAN: Thank you Max Bookman. I am an  
25 attorney for the New York City Hospitality Alliance.

2 I just want to follow up with one specific point  
3 that Andrew left for me to make. Before I do that, I  
4 just want to thank you Chair Espinal for your  
5 leadership in our industry, the restaurant industry,  
6 the night life industry. You know you really have  
7 emerged as a leader in our industry, a thought  
8 leader, a legislative leader and we know that you  
9 know our issues. When you were running for public  
10 advocate, we heard you talking about the vacant  
11 storefronts issue and we heard that.

12 And so, we know that you know our issues and for  
13 sponsor Chin, thank you for staying to hear what we  
14 have to say.

15 At the beginning of the hearing, you mentioned  
16 that you wanted to hear all perspectives and we truly  
17 appreciate that and believe that. I think we have  
18 heard a great deal about this morning is really  
19 significant issues posed by the underground market  
20 and how vendors are really in vulnerable positions.

21 And really to be exploited by these permit  
22 holders who collect thousand and thousands of dollars  
23 to rent out their permits and what our concern is  
24 that we're just not so sure that this legislation is  
25

1 actually going to do anything to fully address the  
2 underground market and here is why.

3  
4       There is always going to be more folks who want  
5 to vend than the number of permits that you issue,  
6 even under this new law fully implemented there will  
7 still be a significant demand for permits and so,  
8 there will always be people who will be in the  
9 position where they will have no choice but to rent  
10 permits and then you may think that you are  
11 addressing that by creating the supervisory license  
12 which you say is going to be tied specifically to the  
13 person.

14       But that's only as good as the enforcement and  
15 yes, there's an enforcement unit. We're not sure,  
16 you heard the administration today. The  
17 administration Member Chin, when you asked them, I  
18 believe it was you, when you asked them, how is the  
19 state of enforcement right now?

20       I mean, they didn't really give you a great  
21 answer in terms of how enforcement is going, and the  
22 bill really only calls for enforcement of or at least  
23 inspection by this specialized unit of 75 percent of  
24 the permit holders in a given year.

1  
2       So, what that really means is there still is a  
3 great possibility for someone with a supervisory  
4 license to rent that permit out to somebody who  
5 doesn't have a permit and wants one. And then  
6 perhaps, they will get caught in a year, maybe not  
7 and if so, it will be another fine that's a cost of  
8 doing business.

9       So, with the remaining 36 seconds that I have,  
10 what we would suggest and hope that you would  
11 consider is let's have a structure, a mechanism, a  
12 system where the exploited permit holders can turn in  
13 the people who are selling their licenses to them.

14       Let them be able to come to a city agency and  
15 turn the people in. Show that they really have been  
16 running the business and the person in Greece or  
17 Florida is not and if you prove that in the  
18 appropriate setting, then you can get their permit.

19       That would be something we support because you  
20 are not increasing the number of permits and you're  
21 also creating fairness for the vulnerable and  
22 exploited workers who are really unfairly being  
23 treated by these permit holders.

24       We hope you consider those thing.  
25

2 MICHELE BIRNBAUM: Good morning Council Members.  
3 Thank you for hearing my testimony today. My name is  
4 Michele Birnbaum. I am the Co-chair of the Vendor  
5 Committee of Community Board 8 in Manhattan and I am  
6 representing the Community Board here today.

7 We have had many resolutions over the years,  
8 which I hope you have all seen, which if implemented  
9 would have addressed most of the concerns we are  
10 hearing about today.

11 While proposing to double the number of vending  
12 licenses, not one of these bills offers any measure  
13 which would deal with location assignments for  
14 vendors and they fall short of proposing remediation  
15 methods that take advantage of modern technology i.e.  
16 electronic chips on carts and trucks so that  
17 locations can be tracked and entry to the  
18 commissaries could be logged this way to insure  
19 compliance with health standards and also readable  
20 chips on licenses themselves that would serve to  
21 identify the legal vendor.

22 While calling for a separate vendor enforcement  
23 agency fully cognoscente of vendor law, something I  
24 have been advocating for over 20 years and the  
25 community board has resolutions on, it is a great

1  
2 idea and that's a great idea and one executive office  
3 that has the power and duty of enforcing that is a  
4 great idea to. However, the enforcing of like 75  
5 percent and only in the pilot zones, is not a good  
6 aim when you are planning to put 4,000 more vendors  
7 on the streets.

8       These are not bills for the 21<sup>st</sup> Century. They  
9 are bills that reflect the interest of only one  
10 segment of the population, the vendor population  
11 while excluding consideration of veteran vendors and  
12 disabled veteran vendors. Doubling the amount of  
13 licenses while excluding benefits to vendors and  
14 ignoring the concerns of the rest of the tax paying  
15 citizens and business in the city is really  
16 unconscionable and has no justification. You have  
17 heard testimony about that a thousand times over the  
18 years.

19       None of these new bills addresses issues of  
20 concern to the general population and it's  
21 particularly unfortunate, because we have the  
22 solutions as outlined in our many Community Board 8  
23 resolutions. We now have the technology to implement.

24       I want to say also, further, the proposal to add  
25 "health products" and water to the inventory of

1 vendor carts is very misguided. Healthy is a very  
2 subjective concept, and the increase in the kinds of  
3 products to be sold from an 8-foot table or cart is a  
4 bad idea. Is whole wheat bread healthy or juices,  
5 nuts, eggs, granola, low sugar fat muffins, protein  
6 bars, shakes, etc. health? You have turned the cart  
7 in to a grocery store with the necessity of a cooler  
8 on the ground, because no one want to buy warm water.

9  
10 You have encouraged street vendor competition  
11 with supermarkets, bodegas and newsstands, all while  
12 suggesting that the cart be brought 2 feet further  
13 into the pedestrian way. While trying to decrease  
14 admissions in the city, you're now proposing that a  
15 Green Cart can now be a Green Vehicle adding further  
16 negative public impact to an already failed program.

17 Vendors have a place in our community, we know  
18 that they do, but I have not seen the justification  
19 anywhere calling for an increase. I don't know any  
20 other segment of the population residential, business  
21 retail, that is calling for an increase and certainly  
22 the way this permit system is now going to be  
23 construed, constructed is not going to address  
24 illegality one bit.

2           So, assign locations, use tracking devices to  
3 insure commissary use and other compliance so that  
4 data electronically flows back to law enforcement or  
5 the appropriate agency which would automatically  
6 generate a violation summons and enforcement and no  
7 increase in the vending population until that is  
8 done.

9           So, please, please, please, back to the drawing  
10 board and please take a look at Community Board 8  
11 resolutions. We have about 10 of them because we are  
12 not a complaint committee, we are a problem-solving  
13 committee and we act in response to the community and  
14 I think that's really the most important thing here.  
15 The community has the right to weigh in on the  
16 placement of newsstands, of cafes and certainly  
17 should have the right to way in here. Thank you very  
18 much. I appreciate it.

19           CHAIRPERSON ESPINAL: Thank you.

20           ROBERT J. BENFATTO: Good afternoon Chair Espinal  
21 and Members of the Committee. My name is Robert J.  
22 Benfatto. I am the Chair of the New York City BID  
23 Association. The Association and 76 individual BID  
24 members are stewards of New York City's commercial  
25 corridors and take very seriously the impact of

1  
2 policy changes on brick and mortar businesses, the  
3 pedestrian experience and overall neighborhood  
4 vibrancy.

5 We agree that the current street vendor  
6 permitting system is broken and thank the Council,  
7 especially Members Chin and Menchaca, for continuing  
8 the hard work towards a comprehensive solution. The  
9 present Intro. 1116-A is a start but there are still  
10 several serious concerns about how the proposed  
11 framework would be enforced and whether it can truly  
12 fix, or alleviate, what is broken.

13 We believe that street vendors add a wonderful  
14 vibrancy to our neighborhoods. However, it must also  
15 be recognized that street vendors can harm and  
16 compete directly with tax paying brick and mortar  
17 storefront businesses, which are already struggling  
18 to survive. While this bill has been touted as a  
19 pro-immigrant empowerment initiative, those most  
20 directly threatened by the impact from street vendors  
21 are often small businesses and restaurants also owned  
22 and operated by immigrants.

23 We believe that street vendors can enhance the  
24 pedestrian experience by adding additional food  
25 options to the neighborhoods. However, it must also

1  
2 be recognized that many operate where they shouldn't,  
3 can physically overwhelm sidewalks, and often produce  
4 smoke and food waste that from time to time actually  
5 results in fines for the storefront businesses.

6 Existing siting and operational requirements are  
7 rarely enforced and often the upshot of the decline  
8 of our storefronts. If the Council remains serious  
9 about addressing the issues of storefront vacancy,  
10 and we are confident that is the case, then we  
11 strongly encourage Members to be careful what is put  
12 into legislation and that would impose additional  
13 challenges on them.

14 The proposed framework must truly clean up our  
15 streets, protect brick and mortar businesses, and  
16 maintain the vitality of our neighborhoods.  
17 Otherwise, it's just increasing permits of no change,  
18 and merely increasing available permits to garner  
19 more opportunities for street vendors, a very worthy  
20 goal, without immediately addressing enforcement, the  
21 needs of public space, and the dire economic straits  
22 of brick and mortar retail, helps no one.

23 We have a list of certain things that we think  
24 might be helpful in discussing further in improving  
25 the bill and two quick comments I would make are

2 Companion Intro. 287 which is 2-feet from the curb,  
3 the changing of 2 feet from the curb and Companion  
4 Intro. 288, which would allow vending 25 feet from  
5 bus stop signs and taxi stands. Attached to the  
6 testimony money, we have drawing of how that would  
7 affect pedestrian movement with the 2 feet from the  
8 curb and how with the bus stop that when the bus  
9 pulls in and the passenger on the bus is told to get  
10 off the bus at the back door, he is going to meet the  
11 street vendor.

12 In conclusion, I would just like to say that the  
13 BID Association remains committed to working with all  
14 stakeholders on finding a way forward that both  
15 protects our city's storefront businesses and  
16 provides greater opportunity for street vendors. We  
17 look forward to continuing this dialogue. Thank you.

18 CHAIRPERSON ESPINAL: Thank you. I'm going to  
19 pass it to my colleague Carlos Menchaca who has a few  
20 questions.

21 COUNCIL MEMBER MENCHACA: Thank you, thank you  
22 Chair. Thank you so much for presenting today and I  
23 guess what I wanted to - I think it was across the  
24 board, commitment to public safety and safety on the  
25 streets and I think that's been a common ground.

2           One thing that I want to drill down a little bit  
3 more and maybe one or two of you can kind of speak to  
4 this. This idea of kind of competition on the street  
5 for the brick and mortars and I'm not a business, I'm  
6 a legislature, so I'm just really trying to  
7 understand from your perspective how we think about  
8 you know, space around a business with similar  
9 produce - literally produce and then making the claim  
10 and really connecting it to other brick and mortars,  
11 so that we can have some kind of consistency on a  
12 block and I think probably the BID thinks about this  
13 to. Can there be two pizza brick and mortars next to  
14 each other? Should we build laws that don't allow  
15 for brick and mortars to compete and so, help me walk  
16 through that work. Because it's compelling but I  
17 want to understand it from your perspective about the  
18 consistency in the space on a commercial corridor as  
19 a business, or maybe a business improvement district.

20           GLADYS ORDUNA: I think that's different. If  
21 another restaurant, say another Mexican restaurant in  
22 my case, I have a Mexican restaurant and another  
23 Mexican restaurant opens, which there was another  
24 Mexican restaurant a block away from us. It's a good  
25 thing because I feel that you know, 5<sup>th</sup> Avenue has

1  
2 opportunity for everybody, but at the same time,  
3 we're not competing in prices because we have the  
4 same expenses and we have to pay workers' comp, we  
5 have to pay insurance, we have to pay taxes, we have  
6 to participate with BID, it's a balance - how do you  
7 say it, competition. It's balanced, but with a food  
8 vendor, there is no rents for them. They literally  
9 drive by and see where there is more people walking  
10 and where it's more convenient for them for more  
11 pedestrians where they can make the money.

12       One of the guys that used to work for my father  
13 has three vending trucks now. Because, he is also  
14 doing the Black Market and he is doing very good. He  
15 is doing very well but that's not my business. I'm  
16 just talking from the point of view that I'm not  
17 against nobody here, I just want this to be fair and  
18 at this point, it's not fair.

19       Did I answer your question?

20       COUNCIL MEMBER MENCHACA: Yeah, thank you. I  
21 really want to hear from your perspective about how  
22 you think about competition on the street level and  
23 the idea of another exact same restaurant or two  
24 grocery stores next to each other. That you are

25

1 saying is okay, but for a street vendor it's not  
2 okay, because it's not fair.

3  
4 GLADYS ORDUNA: We don't have the same expenses.

5 COUNCIL MEMBER MENCHACA: Different expenses,  
6 okay. So, this is the opportunity to talk about all  
7 the different pieces of it. Does the BID want to  
8 think about this with us here?

9 ROBERT BENFATTO: Also, just from the restaurant  
10 perspective, one again, it's about the fair playing  
11 field where you have your rent, which is extremely  
12 high as you know, your labor costs at full-service  
13 restaurants now are pushing 40 percent as a  
14 percentage of your gross sales. So, the costs are  
15 significantly expensive on top of other expenses.  
16 That means you have to charge a lot more for your  
17 product.

18 So, when someone is selling a similar product,  
19 right in front of your business, where you are not  
20 allowed to sell it unless you pay thousands of  
21 dollars more for a sidewalk café, you are being  
22 undermined as far as the costs. So, again, I don't  
23 think the playing field is there. And again, a lot  
24 goes back to enforcement.

1  
2 I don't think most brick and mortar restaurants  
3 are anti-vendor or don't think that they have the  
4 right to exist. They like them and they can help  
5 compliment the neighborhood. But when you have a  
6 lack of enforcement and you are calling different  
7 city agencies to try to get enforcement because a  
8 cart is in violation of the law, and no one is doing  
9 anything to correct that, that creates a lot of  
10 frustration. It creates even a greater narrative  
11 that the city is out to get and hurt small  
12 businesses, brick and mortar businesses.

13 So, again, I think it's a level of fairness,  
14 perceived fairness and making sure that the current  
15 laws even on the books are being enforced before we  
16 introduce thousands of new permits onto the market.

17 COUNCIL MEMBER MENCHACA: And last question on  
18 enforcement, I think there was kind of negative views  
19 across the board on the enforcement unit. But it  
20 seems to be the number one request as well, right?  
21 So, I'm kind of confused about how the proposed new  
22 unit that's going to be specialized, trained, so that  
23 anyone who is doing enforcement really understand the  
24 law which is not happening right now.

1  
2 NYPD doesn't know what's going on. DOH doesn't  
3 know what's going on, but this unit will. So, help  
4 reconcile that for me. How does that work for you  
5 all?

6 I can do that.

7 COUNCIL MEMBER MENCHACA: Yeah, please, thank  
8 you.

9 CHRISTINE BERTHET: So, at a time your proposed  
10 that there would be an education of the vendors on  
11 all the laws, right? But you are at the same time  
12 saying that it's so complicated that only a special  
13 enforcement unit can do that.

14 So, it's like okay, what we should really do is  
15 simplify the laws and clarify the laws and make them  
16 simple so that any cop out there knows how to  
17 enforce. Not create all these expert things because  
18 the way to do - I spent like 3 years as a Community  
19 Board trying to understand and I have degrees, etc.,  
20 and the thing is so absurd, nobody can understand.

21 So, I think the solution is not making it more  
22 complicated but make everything simpler and then  
23 anybody passing through because the most expensive  
24 thing we have is that having cops, which have to come  
25

1  
2 to a corner to do something specific when there are  
3 20 other problems that need to be resolved.

4 We need to have the normal local cop to reserve  
5 with very, very simple rules and you know, there are  
6 some rules which are very simple. Where can you be?  
7 What can you sell? Bing, that's it.

8 ANDREW RIGIE: Yeah, and people are hesitant to  
9 understand that the enforcement squad will work. I  
10 mean it's kind of complicated. You have various  
11 agencies that have authority over different rules and  
12 regulations. So, in theory you'd have to cross train  
13 inspectors, so they understand all the varying laws  
14 and regulations. You have to make sure that this is  
15 funded.

16 As Max pointed out, the bill only calls it 75  
17 percent of the mobile vending units would be  
18 inspected every year. So, that leaves 20 percent  
19 that we know definitely aren't getting inspected. We  
20 don't know where the funding is coming from. We see,  
21 and I don't want to put words in their mouth but  
22 ambivalence on behalf of the administration on this  
23 issue as well, so while we're saying you know, we  
24 want to make sure people can vend and we need to also  
25 make sure that we have proper enforcement. And it

1  
2 seem very difficult to believe that we're going to  
3 just introduce all these new permits and  
4 simultaneously create an enforcement squad that's  
5 going to address all these issues. And that's why we  
6 would like to see evidence that the enforcement is  
7 working for everyone. Because vendors don't deserve  
8 to be issued you know bogus violations and things  
9 that are very nit picky but at the same time, there  
10 are regulations on the books for specific reasons.

11 So, let's see that we can enforce those before we  
12 do anything else.

13 ROBERT BENFATTO: I just want to quickly go back  
14 to the first question at the beginning about  
15 balancing the way between the vendors and the  
16 storefronts. The BID Association has always looked a  
17 that. And one of the things we would be interested  
18 in looking into more deciding where you can actually  
19 site the street vendors at the same side where they  
20 won't actually affect businesses like that in an  
21 adverse way. And we looked at that over and over and  
22 we would be willing to continue to discuss those  
23 options.

24

25

2 COUNCIL MEMBER MENCHACA: Okay, and I guess, I  
3 want to ask one last question just more for  
4 positioning.

5 Oh, do you have another comment?

6 MICHELE BIRNBAUM: Yeah, I am a big advocate of a  
7 separate vendor enforcement unit. I have been  
8 advocating for it for 25 years. One that is fully  
9 cognizant of vendor law, as should a vendor be.

10 I don't think we should be infantilizing  
11 everybody. This is a professional community that has  
12 chose this for a business and as such, when you  
13 choose a career and you are opening a business, you  
14 have to learn the rules and regulations. In some  
15 cases, maybe people don't know them. They have to  
16 study harder to get them and others there is  
17 intentional disregard.

18 All of those are not right but that doesn't  
19 demean having the enforcement unit because the way  
20 that it is functioning now, it is not possible. As a  
21 matter of fact, in a given precinct, only a  
22 supervisor has the correct ticket book that could be  
23 applicable to a vendor violation. And in fact, if  
24 you stopped a policeman on the street and you pointed  
25 out a violation, he would say to you, I don't have

1  
2 the ability to ticket that person. I have to call my  
3 supervisor. Clearly, an ineffective thing, but the  
4 underlying concept here and the philosophy is, do we  
5 want more business on the street? We are talking  
6 about enormous numbers.

7       Why are we promoting more business on the street?  
8 I don't know anybody in our residential communities.  
9 Our committee evolved because of all the complaints  
10 we were getting and the concerns we were getting of  
11 all this business being taken onto the streets.

12       The cooking fumes that are going into peoples  
13 windows, the storefronts, we have one fabric store  
14 owner who is complaining about the odor getting stuck  
15 in his fabric and it's a problem for him. I mean  
16 it's any number of things. We've got the popcorn  
17 vendor who is in the ambulette and Assess-A-Rides  
18 parking spot on 70<sup>th</sup> and York at New York Hospital.  
19 Asked to leave over and over. I even personally have  
20 said in an ambulette zone.

21       Well, he's got no legal place to vend. If you're  
22 not addressing location, you can go on and on about  
23 enforcement but to increase the numbers to think it's  
24 a good thing to have more activity, commercial  
25 activity on the street to violate the residential

1 neighborhoods, some of whom don't want it at all and  
2 not to address placement is a big disservice to  
3 everybody. I mean everybody lives here. So, you  
4 really must consider the rest of the population. The  
5 tax base of your city.

6  
7 COUNCIL MEMBER MENCHACA: Yeah, which include the  
8 street vendors as well. So, thank you so much for  
9 your presentation. Thank you.

10 I will hold all the rest of the question. We  
11 will keep talking.

12 CHAIRPERSON ESPINAL: Thank you. Council Member  
13 Koo.

14 COUNCIL MEMBER KOO: Thank you Chair and thank  
15 you all for coming to testify. So, I agree with you  
16 that location is really important. I am sure all of  
17 you are not against vending. You are not against  
18 vending, I'm not against vending. I am sure the  
19 location is good in construction sites, right?  
20 Because the construction workers, they are in a  
21 hurry. So, food truck is good to park there because  
22 they don't have time to go to downtown or to buy food  
23 to eat.

24 And in factory areas, there are not restaurants  
25 there. So, we welcome vendors to go there, food

1 vendors or other vendors and in congested areas, in  
2 Time Square and downtown Flushing, the side streets  
3 are too full of pedestrians. People always complain  
4 to me there is no where to walk. Besides like you  
5 said, the smell and the smoke make other business  
6 difficult.  
7

8 I have an optometrist in downtown Flushing and  
9 right in front of him, there is barbecue smoke food  
10 cart. All the smoke goes into his store and he  
11 cannot even fit a contact lens.

12 So, there is one of the problems and the  
13 apartment upstairs are the same. So, I am suggesting  
14 to Mr. Chair and Margaret, you are the sponsor of  
15 1749, so this bill is a local law to amend to the  
16 administrative code in the city of New York an  
17 emission to permitting food vending and general  
18 vending on certain streets.

19 So, we assigned them streets to go. Is Asian  
20 countries, many of them, they are markers. There are  
21 special areas for these vendors to go. They don't  
22 have this overpass or highway or after five you can  
23 go to vend. So, it doesn't affect residential areas.  
24 It doesn't affect regular business.  
25

2           So, I am suggesting that we create a zone in all  
3 five boroughs. Find some areas for food vendors to  
4 go so they can share their Chinese food, Halal food,  
5 and Egyptian food. Everything, so people can go  
6 there to eat.

7           I mean, if you have a sizable amount of merchants  
8 there, people will go, even though it's not in  
9 downtown. You can drive there, or you can take a  
10 subway there. So, we create some zones in New York  
11 City for these vendors to go there to vend. So, this  
12 is my suggestion, after hearing from you. Yeah,  
13 thank you.

14           MICHELE BIRNBAUM: Thank you.

15           COUNCIL MEMBER KOO: You agree with me or no?

16           MICHELE BIRNBAUM: Excuse me?

17           COUNCIL MEMBER KOO: Do you agree with me?

18           MICHELE BIRNBAUM: Oh, I agree with much of what  
19 you said. I could add that in addition to vending  
20 zones, for example, we have the Marchetta uptown  
21 which there is a vending zone under the train. We  
22 just had the Essex Market open downtown which will  
23 cater to vendors. We have vending areas in parking  
24 lots that were set up very professionally along 8<sup>th</sup>  
25 avenue and the 40's. It think we can have parking

1  
2 lots. I think there are many places. And if there  
3 are going to be a vendor on the street, a truck  
4 vendor for example. However, many blocks to be  
5 decided, you can set aside one legal parking spot.  
6 So, that if there is a lot of business around the  
7 hospital for the popcorn vendor or the taco vendor,  
8 within that area there could be a legal spot. But  
9 the business has to be proportionate whats happening  
10 on the street to the needs of the rest of the  
11 population, as well as the vendor population.

12       You know the veteran vendors are sadly excluded  
13 for most of this in a proportional way, which I find  
14 very unfortunate. So, yeah, I hope you all can take  
15 a look at the Community Board 8 resolutions because  
16 frankly, they address everything. Everything that we  
17 are talking about and we're going back to 2006. I'm  
18 going back 10 years before that.

19       So, we're working on this a really long time and  
20 it would really be nice to get it right. Also, I  
21 want to say this is proposed to go into the Charter  
22 to become part of Charter. I testified and asked  
23 that vending become part of the New York City  
24 Charter, but I wouldn't want to see a bill like this.  
25 Sadly, lacking detail to be put into the Charter

1  
2 because that is a real you know, it's lacking too  
3 many specifics and facts to become part of the  
4 Charter. But in concept, I think vending rules and  
5 regulations and law should be part of the charter,  
6 but it would have to be a really perfect you know,  
7 close to perfect bill and you know, I'm aware that  
8 the community board, are very happy to provide as  
9 much input as possible. Thank you.

10 CHAIRPERSON ESPINAL: Council Member Chin.

11 COUNCIL MEMBER CHIN: Yeah, thank you for your  
12 testimony. I mean that's what we're looking for  
13 okay, we're looking for a dialog and we're looking  
14 for you know, recommendation and I know the community  
15 board has been working on this. My community board,  
16 I mean these are some of the issues that comes up  
17 constantly and that's what we try to do to address in  
18 the bill. And I think that, I want to be clear, that  
19 the enforcement part comes first. And then even with  
20 the permit, it's not all of a sudden there is going  
21 to be 4,000 permits on the street, okay.

22 We're talking about every year incremental, so  
23 let's get that straight. And I think you heard  
24 earlier from Mohamad from the Street Vendor Project,  
25 that in some cases, we might not be adding new

1  
2 people, new vendors, because now finally they get  
3 their own permit and hopefully we will find a way to  
4 deal with the underground market. But we are  
5 definitely looking forward to working with the  
6 Hospitality Alliance.

7       Look, a lot of the vendors, and you heard from  
8 them earlier, their dream is to open up a restaurant.  
9 And that's how a lot of the — I mean a lot of  
10 restaurant people started as food vendors. So, I  
11 think that I mean, the restaurant business is  
12 growing. I mean, there are increased numbers of  
13 restaurants. I know in my district, a lot of young  
14 people come in with new ideas and new things that  
15 I've never even heard of.

16       So, that's going to continue to grow and we want  
17 to make sure that the city supports our small  
18 businesses. How to help the restaurant open up  
19 quickly with all the regulations and inspection. So,  
20 I think there is room to really increase support for  
21 our small businesses as well as for our supermarkets.  
22 We heard from the borough president. So, I'm just  
23 looking forward to really engaging and having this  
24 dialog and we are going to also look at — I would be  
25 definitely interested in looking at the community

boards resolution and we just want to bring some balance and opportunity so that we can continue making New York City a great place.

So, I think you all for your time and I look forward to continuing to working with all of you. Thank you.

CHAIRPERSON ESPINAL: Alright, thank you guys. I look forward to continuing our conversation.

PANEL: Thank you.

CHAIRPERSON ESPINAL: Up next, we have Dr. Kathleen Dunn from Pasadena City College. Marisa Alcaraz, sorry if I miss pronounce your last name but Marissa from City Hall LA. Melanie Benit Institute for Justice, Nikki Kateman Local 338 RWDSU, Matthew Shapiro and Steve Wasserman from Legal Aid.

You may begin whenever you are ready. Just state your name before your testimony.

KATHELEEN DUNN: Hi, I am Dr. Kathleen Dunn. I am a sociologist at Pasadena City College. From 2008 to 2012 I conducted research on street vending here in New York City, I interviewed over seventy vendors. Merchandise, artists, food, veteran, licensed, unlicensed, working across all the boroughs. Many

1  
2 were members of either SVP, Vamos Unidos, or the New  
3 York City Food Touch Association.

4       So, I just want to share some of my findings from  
5 that work as it relates to the bills under  
6 consideration today. You know, since the 1980's this  
7 city has constructed and uniquely overwrought set of  
8 laws and policing practices that really constitute a  
9 de facto criminalization of street vending. Just as  
10 the workforce became comprised of immigrants of  
11 color. Every vendor of the seventy that I  
12 interviewed considered policing and impassable  
13 regulations to be their biggest constraints. As one  
14 vendor organizer explained, the regulations create  
15 conditions of impossibility for vendors. No one  
16 escapes ticketing and costly fines, and most  
17 immigrant vendors I interviewed had also experienced  
18 confiscation of goods or arrests. It is very common.

19       The cap on food vending permits excludes vendors  
20 from small business ownership, it forces them to be  
21 informal subcontractors for these permit rentiers  
22 basically. It is common for them to work in teams to  
23 cover the permit rent. They also often have to turn  
24 over a certain percentage of the daily revenue to the  
25

1  
2 rentier and this blocks vendors from being able to  
3 make that street to storefront transition.

4       But a much smaller group has been able to exploit  
5 this underground permit market, buying their way in  
6 and out very quickly and this is the gourmet food  
7 truck owners. The first trade association that they  
8 formed; the New York City Food Truck Association  
9 boasted that over 40 percent of their food trucks had  
10 transitioned to storefronts while only a handful of  
11 SVP members have been able to do the same. The  
12 gourmet vendors I interviewed also found regulations  
13 burdensome, but none had ever been arrested. BIDs and  
14 other public-private partnerships have welcomed this  
15 more affluent vendors, most of whom are white and  
16 native-born, as legitimate entrepreneurs,  
17 facilitating their upward mobility and the transition  
18 to storefront.

19       But the least recognized in this is how the  
20 vending laws here disadvantage immigrant women of  
21 color specifically. While women are the majority of  
22 street vendors in most cities, vending in Manhattan  
23 is dominated by men. The permit system plays a role  
24 in this exclusion. The underground permit trade is  
25 shaped by social networks that are effectively boys

1 clubs. The entry of gourmet food truck owners has  
2 doubled the going rates past \$20,000 a year and this  
3 pushes legal vending opportunities further out of  
4 reach for immigrant women, who face significant  
5 barriers to accessing capital. This helps to explain  
6 why most women vendors in New York are concentrated  
7 in the outer boroughs, working itinerantly  
8 unpermitted and this makes them more prone to  
9 ticketing, arrests, and street crime.  
10

11 I would urge the Council to include affirmative  
12 policies for women vendors that respond to the  
13 inequitable conditions that they face under the  
14 current oversight regime. Thank you.

15 STEVEN WASSERMAN: Hi, I am speaking on behalf of  
16 Steven Wasserman who is an attorney with The Legal  
17 Aid Society's Criminal Practice. The Legal Aid  
18 Society welcomes the opportunity to testify at this  
19 public hearing before the New York City Council  
20 Committee on Consumer Affairs and Business Licensing  
21 in support of increasing the number of food vendors  
22 that may operate lawfully in New York City.

23 Since 1876, the Legal Aid Society has provided  
24 free legal services to New York City residents who  
25 are unable to afford private counsel. Annually,

1 through our criminal, civil and juvenile offices in  
2 all five boroughs, our staff handles about 332,000  
3 cases and legal matters for poor families and  
4 individuals. The services we provide reflect the  
5 entire gamut of the needs of our clients, from  
6 immigration representation for the newest arrivals,  
7 to health care benefits for the oldest New Yorkers.  
8

9 By contract with New York City, the Legal Aid  
10 Society serves as the primary defender of poor people  
11 prosecuted in the State courts. Each year we  
12 represent hundreds of unlicensed vendors. In our  
13 experience both licensed and unlicensed vendors tend  
14 to be enterprising, hardworking, and law-abiding  
15 people, many of whom are immigrants struggling to  
16 support families.

17 For this reason, the Legal Aid Society supports  
18 legislation that gradually expands the number of  
19 permits that will be issued to sell food on the  
20 streets and sidewalks of New York City. Despite an  
21 enormous growth and demand for street food, the  
22 number of lawful vendors has been artificially fixed  
23 by law at the current level for the past 35 years.  
24 Not only will the proposed supervisory license  
25 promote more orderly and healthful food vending, they

1 will also provide a lawful path to a productive  
2 livelihood for thousands of low-income New Yorkers.

3  
4 The current restrictions on food vending are  
5 especially harsh and oppressive to NYC's immigrant  
6 population, for whom food vending has been a mainstay  
7 and gateway into the middle class for many  
8 generations. The Legal Aid Society represents  
9 hundreds of immigrants each year who have been  
10 arrested for unlicensed general vending, whose  
11 equipment and merchandise has been confiscated, and  
12 who are sometimes thrown into deportation proceedings  
13 as a result of the arrest. The unlicensed food  
14 vendors that we know would be more than willing to  
15 pay the cost of licensing and to submit to reasonable  
16 regulation in exchange for the peace of mind that  
17 comes with operating within the law.

18 Realistically, the City has limited control over  
19 the actual number of food vendors operating on City  
20 streets. But the city can and should provide permits  
21 for more food vendors to pursue their livelihoods in  
22 peace and within the law. Thank you.

23 MARISA ALCARAZ: Hi, good afternoon Council  
24 Members. My name is Marisa Alcaraz, I am the Policy  
25 Director for Council Member Price from Los Angeles

1  
2 and we are really happy to meet with some of you and  
3 the Street Vendor Project and thank you for inviting  
4 us out today.

5       Unfortunately, the Council Member couldn't stay,  
6 he had to get back to, LA but he asked me to come and  
7 say a few words to you and just share the LA story.  
8 As you guys know, LA was behind New York for quite a  
9 long time in terms of permitting vending and we  
10 actually learned lessons from New York and Chicago  
11 and San Francisco and other places around how to do  
12 things. And we don't actually have a cap on our  
13 program and one of the reasons is because of lessons  
14 learned here.

15       And just to give you some background. In the  
16 90's we also tried to legalize vending in LA, it  
17 failed. The vendors started the Grassroots movement  
18 in about 2008 and built a network of hundreds of  
19 vendors and even small businesses to support  
20 permitting vending in Los Angeles. A few years later  
21 in 2013, they came to the Council, they found a  
22 champion in Council Member Price and one of his  
23 colleagues to put a motion forward to legalize  
24 vending. We took it on the road, we actually took  
25 our Committee on the road and had community meetings.

1  
2 LA like New York has a lot of different types of  
3 neighborhoods and they all felt very differently  
4 about the issue.

5       So, that's kind of the reason we went on the road  
6 did a tour. We looked at all the feedback from that  
7 experience and it kind of helped inform our policy  
8 going forward.

9       As you guys know, a piece of that policy kind of  
10 got fast tracked in 2016 when we had a change in  
11 federal leadership. So, we expedited the  
12 decriminalization piece of the ordinance. We  
13 actually saved hundreds of vendors from having  
14 misdemeanor charges on their records because once we  
15 decriminalize, we dropped all the pending cases and  
16 you now, soon after that, the state followed suit.  
17 Because we actually saw vendors face deportation  
18 because of that same issue.

19       You know, we just hope that LA learned from New  
20 York in terms of doing our policy and we're hoping  
21 that we can kind of help in any way possible with  
22 your bill and I think what you guys have before you  
23 is a really balanced great approach to the issue and  
24 we're supportive of Council Member Chin's bill.  
25 Thank you.

2 MELANIE BENIT: Hi, thank you Chairman Espinal  
3 and Members of the Committee for the opportunity to  
4 speak today on this bill. My name is Melanie Benit,  
5 my organization is the Institute for Justice.

6 It is a national public interest civil liberty's  
7 law firm, that advocated in the courts of law and  
8 public opinion to vindicate the constitutional right  
9 of all Americans to earn an honest living.

10 Through our national street vending initiative IJ  
11 has worked in courts, in city councils and in the  
12 streets to help improve vending conditions nationwide  
13 and for years, we have supported efforts to lift the  
14 destructive caps on New York City's vending permits.

15 Vendors are an enormously important part of the  
16 city's economy, yet these low caps keep untold  
17 numbers of hardworking entrepreneurs out of work or  
18 in the shadows and limit the industries economic  
19 contributions to the city.

20 One of IJ's many studies of which I have handed  
21 out two copies of our studies, operate mobile street  
22 vending in the American dream conducted an in-depth  
23 economic case study of New York City's vending  
24 industry. It reveals that in just 2012 alone, New  
25 York City street vendors support in an estimated

1  
2 17,960 jobs and brought the city \$192 million in  
3 wages and close to 293 million in goods and services  
4 while generating over 71 million in local, state, and  
5 federal taxes and this comes just from those vendors  
6 who have been able to break into the industry despite  
7 the permit caps.

8 Many would be vendors could have raised these  
9 numbers even higher. Instead the caps encourage an  
10 underground vending market that you've heard about  
11 that divert huge sums of money away from value  
12 creating activities like the business expansion and  
13 job creation. They also hinder the city's ability to  
14 ensure public health and safety, since those  
15 operating without permits are not subject to  
16 inspection.

17 In a second IJ study, street eats safe eats, how  
18 food trucks and carts stack up to restaurants on  
19 sanitation. We analyze more than 260,000 food safety  
20 inspection reports from 7 large US cities and found  
21 that street food is as safe as or in fact safer than  
22 restaurant food and that the recipe for clean and  
23 safe mobile food vending is really simple  
24 inspections.

2 Just as they do for restaurants, sanitation  
3 inspections can help assure the public that mobile  
4 food vendors are clean and safe. More burdensome  
5 regulations like the caps on permits, do not make  
6 street food safer. They just make it harder to get.  
7 Indeed, a vibrant vending industry benefits all New  
8 Yorkers. Vendors put people to work, create  
9 opportunities for self sufficiency and enrich the  
10 communities in which they operate. The flexibility  
11 and relatively low startup cost of vending allows  
12 entrepreneurs to test ideas. They activate underuse  
13 spaces, bring life to new communities and amplify the  
14 culinary scene.

15 Additionally, a lot of conversations came up  
16 about the competition. As you're hearing today, to  
17 protect brick and mortars, but restricting  
18 competition is unconstitutional. And New York courts  
19 have struck down anti-competitive vending laws under  
20 the state constitution. I have the law if you would  
21 like that.

22 This is consistent in numerous federal court  
23 rulings that restriction meant to stifle competition  
24 are constitutionally impermissible.

1           So, we hope you pass this bill, it's overdue.

2  
3 All New Yorkers get to experience the many economic  
4 culinary and cultural benefits of New York City's  
5 vending industry. Thank you so much for having me.

6           Good afternoon and thank you for the opportunity  
7 to testify today. My name is Nikki Kateman and I am  
8 here on behalf of Local 338 RWDSU/UFCW, a labor union  
9 that represents approximately 13,000 working men and  
10 women who are employed in New York's supermarkets,  
11 grocery stores, specialty food stores, retail drug  
12 stores and pharmacies.

13           As a union that represent thousand of workers in  
14 brick and mortar grocery stores, many of whom are  
15 themselves immigrants, we recognize the need to  
16 support immigrant entrepreneurs. Accordingly, we  
17 support the expansion of street vendor industry  
18 because we understand that is an important way for  
19 immigrant entrepreneurs to get a foothold as small  
20 business owners. At the same time, we also support  
21 reasonable and rational location restrictions for  
22 fruit and vegetable street vendors to protect the  
23 jobs of our members, but also to prevent a decline in  
24 the city's grocery stores leading to a further  
25 expansion of food deserts. We also support the

1  
2 enforcement and oversight mechanisms to ensure clear  
3 process for addressing issues in the industry, as  
4 outlined in Intro. 1116-A and we support an  
5 assessment of worker exploitation in the street  
6 vendor industry to ensure that justice is achieved  
7 for all.

8       Local 338 represents workers at approximately 130  
9 grocery stores citywide, thus we are concerned with  
10 the viability of the brick and mortar grocery  
11 industry. With the impact of online retail, as well  
12 as razor thin profit margins in the grocery industry,  
13 any additional impact on the bottom line could send a  
14 grocer into bankruptcy and create a new food desert.  
15 These local grocery stores with large fresh produce  
16 aisles are the difference between food desert and  
17 oasis in many neighborhoods. The city invests  
18 significant resources in addressing food deserts  
19 through both the fresh program and the green cart  
20 program. It is imperative that while the city  
21 incentivizes new food retail operators and street  
22 vendors, we should also work to preserve existing  
23 brick and mortar grocers in order to protect the  
24 health of New York City's residents.

2 One of the keyways this can be done is through  
3 reasonable and rational location restrictions on  
4 fruit and vegetable street vendors. A reasonable  
5 restriction could be one or two blocks from existing  
6 retailer that also sells these products. This is a  
7 balance approach that is well within the city's  
8 enumerated powers.

9 It is true that many brick and mortar stores and  
10 street vendors co-exist peacefully. However, we as  
11 representative of the grocery workers also hear  
12 stories about the impact it has on the grocers as  
13 well as in turn that trickles down to our members.  
14 And while the impact of street vendors and studies  
15 have shown is kind of all over the place. The impact  
16 is not uniformed and thus our solution should not be  
17 a blanket solution.

18 We should be looking to rational and reasonable  
19 location restrictions but however, where there is no  
20 direct impact on the health and welfare of New York  
21 City residents, we should not be looking to adding  
22 any additional location restrictions other than whats  
23 outlined in the proposed bill or adding any undue  
24 burdens on street vendors.

1  
2 I will note that there are legitimate questions  
3 raised about the legality of location restriction,  
4 the degree of monetary impact of street vendors on  
5 brick and mortar grocers, and what a reasonable  
6 location restriction would look like. The city must  
7 conduct a study to provide objective evidence on all  
8 these points in order to develop a well-justified  
9 program that supports new opportunities for street  
10 vendors but also protects workers in the grocery  
11 industry and the places they work.

12 I look forward to continuing this conversation  
13 and thank you for the time.

14 MATTHEW SHAPIRO: Hi, my name is Matthew Shapiro.  
15 I am the Legal Director of the Street Vendor Project  
16 at the Urban Justice Center. I submitted written  
17 testimony that is very detailed to talk about each of  
18 the bills. I am not going to read that. I am going  
19 to talk a little bit about what I've heard today.

20 The first thing I want to say is, it's not just  
21 about the underground market. That's very important.  
22 It's also about providing opportunities to the  
23 vendors that are currently selling without permits  
24 because they can't buy into the underground market.  
25 Those people, those men and women who are mostly in

1  
2 the outer boroughs, are working very, very hard to  
3 support their family. Many of them are here. We  
4 need to provide opportunities for them.

5 They are selling cut fruit, they are selling  
6 chiros, they are wheeling around ice cream carts in  
7 the summer. We need to support opportunities to get  
8 them the permits that they deserve.

9 The second thing I want to talk about is unfair  
10 competition. All of the research and data shows that  
11 vendors do not unfairly compete with brick and mortar  
12 stores. I just want to reference something Carlos,  
13 Council Member Menchaca said. He said, oh, well, is  
14 there a competition between two restaurants selling  
15 the same thing on the same block, and I wonder why  
16 the restaurant industry or the business improvement  
17 districts don't care when there is a full scale pizza  
18 restaurant that serves pizza for \$3 or \$4 a slice and  
19 then a small little \$0.99 pizza slice shop opens up  
20 on the same exact block. Is that unfair competition  
21 to the full-scale pizza restaurant? Absolutely not.

22 It's a different model, they serve different  
23 customers, and there is a direct analogy to street  
24 vendors. Yes, street vendors don't pay rent in a  
25 building, but you know what, they also don't have a

1 roof over their head. They also don't have heating  
2 in the winter. They also don't have air conditioning  
3 in the summer or tables and chairs for their  
4 customers. It is a completely different market. So,  
5 there is no unfair competition.  
6

7 The other thing I wanted to mention was the  
8 Hospitality Alliance always brings up the vacant  
9 storefront issue. Why are we inserting street  
10 vendors into the vacant storefront issue? Whenever  
11 there is articles written about all the problem that  
12 restaurants and small businesses face and those are  
13 real problems and the city should help them with  
14 commercial rent reform or other radical ideas, but  
15 street vendors never come into that conversation.  
16 It's only when there is some reform on the table.  
17 Some relief for vendors, do then, the associations  
18 come and talk about vacant storefronts.

19 Restaurants and small business are going under  
20 because of high rent. Something needs to be done  
21 about that. The vendors would happily march to that  
22 hearing and support brick and mortars and restaurants  
23 in their efforts to provide relief.

24 The next thing I want to talk about quickly is  
25 enforcement. Vendors don't want more enforcement.

1  
2 Vendors want fair enforcement. If anyone wants to  
3 come see the enforcement that's done, someone said  
4 that officers don't want to write tickets, come down  
5 to my office, I will show you all the tickets that  
6 are written to vendors every single year.

7 The last thing I want to talk about is sort of  
8 the power imbalance. You know, I don't want to  
9 single out anyone but why are we always complaining  
10 about vendor enforcement, vendor enforcement. There  
11 is enforcement done for all types of small  
12 businesses. I am sure that restaurants receive lots  
13 of violations as well, but we're singling out vendors  
14 and that's stands to the power imbalance. Can you  
15 imagine if there was a reform package for  
16 restaurants? Can you imagine any street vendors  
17 showing up and objecting?

18 Street vendors have to deal with brick and  
19 mortars and restaurants throwing their trash when  
20 it's supposed to be picked up on the curb. That  
21 interferes with their spots. Can you imagine vendors  
22 showing up and testifying against relief for  
23 restaurants and brick and mortars? It would never  
24 happen. Thank you.

CHAIRPERSON ESPINAL: Well, thank you so much and thank you for coming a long way to testify and share your experiences. I appreciate it, thank you.

Next panel, we have Jay Peltz from the Food Industry Alliance of New York, Jose Geraldo from the National Supermarket Association, Avi Kaner from Morton Williams Supermarket, Richard Lipsky from the Bodega Association, David Diaz, Bodega Association, Jessica Walker from the Manhattan Chamber of Commerce.

Jessica Walker from the Manhattan Chamber of Commerce? Are you here? No.

You all may begin.

JOSE GERALDO: Good afternoon Chair Rafael Espinal and all the members of the New York City Council Committee of Consumer Affairs and Business Licensing.

My name is Jose Geraldo, I am the Executive Director of the National Supermarket Association. NSA is a trade association that represents the interest of independent supermarket owners in New York and other urban cities throughout the East coast, Mid-Atlantic region and Florida. In the five

1  
2 boroughs alone, we represent over 400 stores that  
3 employs over 15,000 New Yorkers.

4 Our members own and operate the stores and work  
5 hard every day to run a business that support their  
6 family and provide jobs to the communities and  
7 provides affordable health food options.

8 I am here today to testify on Introductions 1116,  
9 287, and 288 which have a significant impact on our  
10 members and the communities they serve.

11 I will begin with Introduction 1116, which is by  
12 far the most impactful piece of legislation that  
13 significantly expands the number of available  
14 licenses and establishes the Office of Street Vendors  
15 Enforcement as well as the street vendors of our city  
16 board.

17 Almost three years ago, we testified before this  
18 Committee to convey our concerns with the original  
19 iteration of this bill. At the hearing, we  
20 highlighted our concerns with the increase of  
21 available permits, lack of clarity of enforcement  
22 efforts, how the City was planning to deal with  
23 repeat offenders and lastly, the restriction on  
24 vending locations. We were hopeful that the Council  
25 was going to amend this bill to reflect the concerns

2 that we and all the stakeholders laid out for them.

3 I am dismayed that three years later many of our  
4 concerns have not been resolved in this bill. In  
5 fact, the total number of licenses being made  
6 available under this bill has increased to more than  
7 4,000 over the next ten years.

8 NSA members and street vendors have had a long  
9 and contentious relationship over the years as  
10 vendors have set up their stands in loading zones and  
11 in front of metered parking blocking access for  
12 trucks unloading and customer parking. Making  
13 matters worse, some street vendors completely ignore  
14 the 20-foot restriction and vend right in front of  
15 our stores. Undercutting the store prices on many  
16 items. This kind of behavior results in losses of up  
17 to five to six thousand dollars a week.

18 For an industry that already operates on paper  
19 thin margins in a time when small business is under  
20 attack in this city, increasing the number of street  
21 vendor license only compounds an already dire  
22 situation.

23 NSA understands that consumers want different  
24 offerings in their communities and we certainly  
25 support a diverse local economy, however, we believe

1 there are appropriate locations for street vendors  
2 that do not conflict with local grocers. For this  
3 reason, we recommend Introduction 1116 add a  
4 provision increasing the minimum distance a vendor  
5 can operate from all places of business that are  
6 heavily trafficked, especially supermarkets. There  
7 is no reason that street vendors and independent  
8 grocery store owners cannot work together to ensure  
9 that communities have increased access to fresh  
10 fruits and vegetables and many other goods.

12 NSA is pleased that this bill will establish a  
13 new enforcement agency dedicated to upholding the  
14 rules and regulations of street vending. NSA has  
15 long argued that the current enforcement strategy  
16 does not adequately address the rampant abuse of  
17 regulations and loopholes that many street vendors  
18 take advantage of. While we believe the Office of  
19 Street Vendor Enforcement is a step in the right  
20 direction, there are many outstanding questions  
21 regarding its funding and how many agents the office  
22 will seek to hire. Of notable concern, is the  
23 benchmarks the bills lay out that the office will  
24 seek to reach out and inspect of 75 percent of the  
25 vendors across the city. Why wouldn't the goal of

1  
2 this new enforcement arm be to inspect 100 percent of  
3 the vendors similar to how the other inspection  
4 agencies in the City operate? If the office is  
5 solely focused on routine visits and inspections,  
6 will there be adequate resources to address the day-  
7 to-day complaints that may arise?

8 Finally, this bill seeks to enforce license  
9 holding vendors. However, this bill is silent on the  
10 pervasive issue of illegal vending without a license.  
11 For every new license issued under this bill, there  
12 are hundreds of vendors operating illegally without a  
13 license.

14 We should not be discussing additional licenses.

15 CHAIRPERSON ESPINAL: Yeah, I'm going to ask you  
16 to wrap up if you can. Thank you.

17 JOSE GERALDO: Okay.

18 We should not be addressing additional license or  
19 enhancing enforcement to a system that is actually  
20 broken. Instead, the conversation should be focused  
21 on addressing the underlying problems the street  
22 vendor regulation in New York City.

23 CHAIRPERSON ESPINAL: Before you begin, since we  
24 have some empty chairs, can I call up Michael Brady  
25 from Bronx BIDS, Kathleen Reilly from New York State

1  
2 Restaurant Association and Jamie-Faye Bean from  
3 Sunnyside BID. You may continue.

4 DAVID DIAZ: Good afternoon. My name is David  
5 Diaz, Vice President of the Bodega Association of  
6 United States. On behalf of 14,000 Bodega owners  
7 just in the city and 28,000 Bodega's in the state.

8 We believe this bill is unfair because we pay,  
9 it's not a secret that we pay high taxes and now we  
10 have to deal with the payment increases but the  
11 people that you guys are going to put in front of me,  
12 doesn't have those expenses. One time, I used to  
13 sell a banana for \$0.25 but 25-feet from me there was  
14 a vendor who was selling 2 bananas for \$0.35. How  
15 can I survive? And we believe that we can deal with  
16 this stuff. I mean, our recommendation of we believe  
17 that if they put it 300 or 400 feet in front of our  
18 business, we can do the selling. We came here to  
19 this country to - here's the goal. Get the American  
20 dream and everybody can eat. Thank you.

21 RICHARD LIPSKY: Good afternoon Chair and my name  
22 is Richard Lipsky. I represent the Bodega  
23 Association and Morton Williams Supermarkets and  
24 **[Inaudible 5:30:16]** Supermarkets and I want to thank  
25 the Committee for their graciousness in the runup to

1 this hearing to listening to all our complaints and  
2 entering into a dialog with us.

3  
4 Let me address the elephant in the room. The  
5 elephant in the room is and a shout out to Councilman  
6 Lander who is not here, who talked about a 50-year-  
7 old precedent which restricts you limiting locations  
8 on the basis of competition. And our friend from the  
9 Institute for Justice who testified before me, who  
10 did not mention the fact that they are basically an  
11 advocacy group whose entire research is done in  
12 support of vendors, which there is nothing wrong with  
13 that. But then omitted the fact that in terms of the  
14 financial contributions that vendors make, the  
15 Independent Budget office nine years ago, mentioned  
16 ramped sales tax violations and the failure to  
17 collect fines from vendors who disappear when the tax  
18 collector comes.

19 With that being said, [BABY CRYING] I hope  
20 that's not a commentary on my testimony up until this  
21 point. I have a granddaughter at home, and she would  
22 probably do the same. But let me address the  
23 location restriction which Local 338 mentioned, which  
24 NSA has mentioned, with the Bodega has mentioned and  
25 the talk about what Councilman Lander said, was a 50-

1 year-old precedent. No, it's a 75-year-old precedent  
2 and when we argued with Council Legal Staff, what I  
3 said to them was, if this is such a strong precedent,  
4 why don't you bring the plaintiffs in, so that we can  
5 discuss it with them, and they all laughed.  
6

7 I've been involved in literally scores of fights  
8 with the City and whenever we have to hire the  
9 lawyers, we've lost. Why? Because the city's record  
10 in court is better than the federal government in the  
11 criminal justice system which has a 98 percent  
12 conviction rate. You guys can challenge a 75-year-  
13 old precedent. Not as the Institute for Justice  
14 says, based on competition alone.

15 No, based on what Local 338 said, was the health  
16 policy of the city to prevent the disappearance of  
17 supermarkets. That is where the health deserts  
18 occur. That's what the city's policy is, and if the  
19 city wants to protect supermarkets on the basis of  
20 health policy, they can do that and let everyone sue  
21 the city for that and good luck.

22 Why not challenge a precedent? Councilman Lander  
23 is right. That's what we can do and with your  
24 support, the bill will be amended it that way and we  
25 would support the expansion of licenses. The

dedicated enforcement unit, hooray, finally, Michele Birnbaum said she's been at it 25 years. I have been alongside her doing that with the community.

We can make this bill work, but its got to be good for everyone and balancing the equities by location restriction is the absolute key. Thank you.

JAMIE-FAYE BEAN: Thank you for the opportunity to testify today. Welcome Council Members. My name is Jamie-Faye Bean and I am the Executive Director of the Sunnyside Shines Business Improvement District in Sunnyside, Queens. Sunnyside is a vibrant and diverse neighborhood along the 7 line in Western Queens, with some of the best restaurants in New York City and a strong local business economy. Our district includes nearly 300 brick and mortar businesses, many of which are locally owned, independent businesses doing their best to thrive in a changing neighborhood and economy.

Approximately 75 percent of our businesses are immigrant owned. They face the onerous processes, restrictions, regulations, and potential fines as all New York City storefront businesses while also often dealing with linguistic and cultural challenges in navigating city agencies and laws.

1  
2 I am here today to express some major concerns  
3 about the proposed legislation. The first regards  
4 the issues of siting, which has been mentioned.

5 The use of the City's public spaces is a land use  
6 issue, and seemingly everything else placed in the  
7 public realm, from bike racks to benches, to LinkNYC  
8 kiosks, is put through a public review process.

9 It's incredibly challenging to do anything on the  
10 sidewalks of New York City. Ask any restaurant that  
11 is trying to add a few outdoor seats for a sidewalk  
12 café, which can take months in the review process and  
13 thousands of dollars in fees.

14 One of the restaurants in my district recently  
15 applied for their sidewalk permit and they are paying  
16 over \$40 per square foot for use of that sidewalk.  
17 They also had to go through the community board, they  
18 are answerable to any complaints that come from the  
19 community in terms of noise or other issues,  
20 unfortunately vending does not require the same level  
21 of scrutiny and this legislation does not create  
22 criteria for the siting of vendors. We need a  
23 process to establish criteria for vendor siting that  
24 incorporates local input. This should also include a  
25 discussion of those distances from both brick and

1 mortar restaurants as well as grocery stores. The  
2 majority of vendor complaints I get in my district  
3 are from local businesses where vendors have moved  
4 directly in front of their business.  
5

6 The easing of placement restrictions would also  
7 worsen conditions on our district sidewalks. The  
8 proposed changes to placement restrictions, will  
9 further inhibit pedestrian traffic flow and increase  
10 congestion on our already congested sidewalks.

11 Evaluation we strongly feel should happen first.  
12 There has not been a comprehensive evaluation of the  
13 impacts of street vending prior on our local  
14 neighborhoods and we would like to see an impact  
15 study first to truly understand how many vendors are  
16 currently operating and what these impacts are for  
17 our local storefronts.

18 Finally, we welcome enforcement. We are pleased  
19 to see the enforcement provisions in the legislation  
20 and note that it will be critical that these  
21 enforcement efforts have sufficient resources to  
22 address issues throughout the city, not just in the  
23 most severely effected neighborhoods.

24 I applaud the Council for taking up this  
25 important issue, but I would urge this committee to

1  
2 take into account these issues with street vendor  
3 siting and placement restrictions that could have  
4 very real and negative consequences for our  
5 neighborhood business districts and brick and mortar  
6 businesses. Thank you.

7 KATHLEEN REILLY: Good afternoon everybody. My  
8 name is Kathleen Reilly and I am the New York City  
9 Government Affairs Coordinator for the New York State  
10 Restaurant Association. We are a trade group that  
11 represents food and beverage throughout New York  
12 State and New York City. We are the largest  
13 hospitality trade association in the State of New  
14 York, and we have advocated for our members for over  
15 80 years.

16 Restaurants as you all know are crucial to the  
17 economic and cultural fabric of New York. They  
18 employ hundreds of thousands of New Yorkers, they  
19 fuel tourism, and the many small, immigrant owned  
20 minority and women owned restaurants contribute to  
21 the vibrancy of our city. These brick and mortar  
22 establishments pay a hefty price to be par of Main  
23 Street, from the rent they pay to the labor they  
24 employ, to the operational costs of remaining  
25 compliant with City regulation. To ensure the

1 continued viability of the restaurant industry, New  
2 York City must prioritize regulations that enable  
3 these hard-working New Yorkers to continue pursuing  
4 their livelihoods.  
5

6 I am here today mainly to discuss Intro. 1116,  
7 which would expand the availability of food vendor  
8 permits, create an office of street vendor  
9 enforcement and establish a street vendor advisory  
10 board.

11 First, I'd like to say that we do support some of  
12 the goals of this legislation. Namely, the proposal  
13 would create a new vending law enforcement unit, to  
14 exclusively enforce vending laws. I would focus first  
15 on areas of the city with known vending enforcement  
16 challenges and move to all areas as compliance  
17 improves.

18 As this quotation expressly acknowledges, the  
19 city is already aware of vending enforcement  
20 challenges and envisions a process of improving  
21 compliance in the worst offending areas, and then  
22 eventually everywhere. NYSRA supports City efforts  
23 at improving enforcement and bringing existing street  
24 vendors into compliance. NYSRA also supports the  
25 creation of an advisory board, which would include

1  
2 stakeholders from various backgrounds, and  
3 importantly, include brick and mortar businesses.

4       However, given the current state of vending  
5 enforcement challenges and lack of compliance, which  
6 this proposal acknowledges, we cannot support the  
7 element of Intro 1116 that would expand the number of  
8 available vendor permits.

9       Until the City is able to properly enforce the  
10 existing regulations for the existing number of  
11 permits, we feel that expanding available permits  
12 would be premature and would exacerbate a problem  
13 that we all seem to agree exists. From the  
14 perspective of brick and mortar restaurants, street  
15 vendors non-compliance creates an exaggerated uneven  
16 playing field. A much smaller for labor, no rent  
17 payments and a much different set of city regulations  
18 already shields street vendors from many of the  
19 challenges that brick and mortar restaurants must  
20 face.

21       Furthermore, there is also a well-known lack of  
22 compliance with existing regulations and within that  
23 climate, a city proposal to increase street vendor  
24 permits does not seem appropriate.

2 NYSRA would respectfully urge the Council to  
3 consider revising Intro. 1116 to create an office of  
4 enforcement and an advisory board but take now action  
5 on expanding licenses until the City has the chance  
6 to study the impact of increased enforcement.

7 I'd also like to mention Intro. 832, which would  
8 allow street vendor permits to be transferred to an  
9 immediate family member if the permit holder becomes  
10 incapacitated or dies. We see no issue with this  
11 proposal, we believe it to be reasonable and fair.  
12 And we understand that sickness, injury, or death can  
13 already cause significant economic burden on top of  
14 its emotional toll. We wouldn't want families who  
15 are already struggling to additionally be punished by  
16 losing access to a street vendor permit.

17 In conclusion, we support much of whats being  
18 discussed here today, including the Advisory Board  
19 and the enforcement unit, but the one element we  
20 cannot support in the current climate of  
21 noncompliance is the proposal to increase the number  
22 of available street vendor licenses.

23 We appreciate your consideration of our  
24 perspective and we look forward to continued

2 collaboration to create a fair and flourishing  
3 business environment for all New Yorkers.

4 Thank you.

5 CHAIRPERSON ESPINAL: Thank you so much. Thanks  
6 for testifying.

7 Up next, we have Theodore Moore from New York  
8 Immigration Coalition. We have Krishnendu Ray Food  
9 Studies, Basma Eid Freedom to Thrive, Andrew  
10 Gustafson from Turnstile Tours, Christine Lynch,  
11 Street Vendor Turn store owner, Olympia Kazi from the  
12 New York Artist Coalition and a member of the  
13 Nightlife Advisory Board. Milad Momeni The Arab  
14 American Association of New York.

15 Feel free to begin, we will have the clock at  
16 this panel, we are going to switch over to two  
17 because this is such a popular hearing. We have from  
18 what seems to be dozens more of people testifying  
19 today. And for the interest of time, after this  
20 panel, we will be switching the clock to two minutes.

21 Thank you.

22 BASMA EID: Good afternoon Council Members. My  
23 name is Basma Eid, I am a Program Coordinator with  
24 the national organization Freedom to Thrive, and I am  
25 a Queens resident. From 2014-2016 I had the

1  
2 incredible privilege of working alongside this  
3 beautifully diverse community and as an organizer  
4 with the Street Vendor Project.

5 I am here today to show my unequivocal support  
6 for the legalization and decriminalization of street  
7 vending, and I call on all of you to thoroughly  
8 support this package of bills.

9 In my time with the Street Vendors Project, I  
10 developed intimate relationships with Street Vendors  
11 from across the city and I saw firsthand the struggle  
12 of working in one of the most difficult and essential  
13 jobs in New York. But I also saw the resilience, the  
14 strength, and the love that these workers had for  
15 each other and for our communities.

16 The antiquated policies and corresponding  
17 enforcement mechanisms that currently exist are rooted  
18 in classism, xenophobia and racism. A cap on permits  
19 and licenses only further criminalizes a workforce,  
20 who is already subjected to structural  
21 discrimination, by forcing them to either work in the  
22 shadows under constant fear of arrests or thousands  
23 of dollars in fines, or to pay exorbitant amounts of  
24 money on the underground market in order to obtain a  
25 permit as has already been mentioned.

2 It is no secret that former city administrations  
3 like that of Ed Koch who is the one who initially  
4 instituted the permit cap, Rudy Giuliani, or Michael  
5 Bloomberg were cruel to New York's working-class  
6 communities of color. Instead of supporting our  
7 communities, they worked to serve the interests of  
8 the wealthy. Economic inequality in New York is  
9 outrageous, disproportionately impacts communities of  
10 color.

11 Rampant gentrification driven by profit-hungry  
12 mega developers is what has pushed out mom and pop  
13 brick and mortars. Sky-high commercial rents are the  
14 real threats to local businesses. Street vendors,  
15 who are the city's smallest of businesses, are not  
16 the reasons for boarded up storefronts.

17 And in fact, the struggle against inequality,  
18 street vendors keep the city affordable. They  
19 provide us with health meals, fresh fruits and  
20 vegetables, and other necessary goods at low costs to  
21 keep our communities going strong.

22 And I also just want to mention this issue of  
23 enforcement because it's brought up time and time  
24 again.

2 Enforcement is not a solution, the solution to  
3 vending issues in the city is decriminalization and  
4 legalization.

5 Vendors already enforced by multiple agencies,  
6 they are over policed, they come from communities  
7 that are under constant surveillance and whats  
8 happening to vendors has been happening for decades.  
9 But ultimately, street vendors are New York and New  
10 York is nothing without our Street Vendors and I hope  
11 that you will pass these resolutions. Thank you.

12 OLYMPIA KAZI: Thank you for the opportunity to  
13 testify here today. My name is Olympia Kazi and I am  
14 a member of the New York City Artist Coalition. We  
15 advocate for the safety and the preservation of  
16 grassroots cultural spaces in New York City and of  
17 grassroots culture. So, I think it's not news to  
18 nobody here today that New York City's affordability  
19 crisis is posing a serious threat to our city's  
20 cultural diversity and vibrancy.

21 Street food vendors are an iconic part of New  
22 York City's vibrant culture. They are talent  
23 incubators in their entrepreneurial paths, and they  
24 create and support communities, and they are  
25 treasured small businesses. They provide affordable

1  
2 services to many New Yorkers. And they are also  
3 contributing to safer nightlife because they  
4 literally are our eyes on the street and you know  
5 what, that's one of the few places where you can have  
6 something to eat after hours, if you may be  
7 inebriated in New York City. So, that's a service  
8 that they provide.

9       The New York City Artist Coalition works along  
10 with the Street Vendor Project as part of the United  
11 for Small Businesses in New York City. We are a  
12 citywide coalition of community organizations  
13 fighting to protect primarily owner operated, low-  
14 income, minority run small businesses that serve low  
15 income and minority communities. The very existence  
16 of such a unique and diverse platform like the USBNYC  
17 is a testament that there are right now critical  
18 challenges to small businesses in New York City and I  
19 am a bit upset about the way they keep putting  
20 together that beating against each other, the small  
21 businesses and the vendors, when where we should be  
22 talking about this Arab New York and how we need to  
23 have more affordable rents for everybody and there  
24 needs to be diversity. Because these are very  
25

1  
2 different business models. And I feel that would be  
3 a much fairer description of what is the competition.

4 So, street vendors are the smallest for our small  
5 businesses and this package of legislation will be a  
6 way to bring many of them out of the shadows.

7 It will improve safety and health for vendors and  
8 patrons, and it will increase professional  
9 opportunities for low income and immigrant  
10 populations of New York City. Ultimately, this  
11 legislation will support New York City's uniquely  
12 diverse grassroots culture.

13 I want to thank you Rafael Espinal and Margaret  
14 Chin for having this hearing today and I really  
15 believe that we need to save the smallest of small  
16 businesses and to preserve grassroots culture and  
17 give opportunities to the most disadvantaged people.  
18 Thank you.

19 ANDREW GUSTAFSON: My name is Andrew Gustafson  
20 and I represent Turnstile Tours. We are a social  
21 enterprise that works with non-profit organizations  
22 to develop and operate tours and educational programs  
23 across New York City. Over the last nine year, our  
24 team has had the honor to work with the Street Vendor  
25 Project and dozens of vendors through leading tours

1 about the city's street food industry. We have  
2 hosted well over 10,000 visitors from around the  
3 world on our food cart tours sharing the food stories  
4 and struggles of this amazing community of workers  
5 and entrepreneurs.  
6

7       One way we introduce our tour goers to the mobile  
8 food vending industry is by walking them through the  
9 steps to start your own business. Vendors need to  
10 find a charter truck, work with a fabricator, get  
11 equipment. They need to get a food handling license.  
12 They need to find a commissary to park, clean, and  
13 provision their cart. They need to register as a  
14 business, get a federal tax ID, a sales tax ID, get  
15 insurance. These are all pretty logical steps. But  
16 where the story goes off the rails is when we  
17 describe the process of getting a mobile food vending  
18 permit. The maze of waiting lists, lotteries, and  
19 back alley deals is the story of a broken system.  
20 While the letter of the law states that the right to  
21 vend on the streets of New York City should only cost  
22 \$200, the artificial cap put in place now nearly 40  
23 years ago means that most vendors end up renting  
24 their permit for upwards of \$25,000. As many, many  
25 people have testified to today.

2 To allow that wealth, revenue earned through the  
3 hard work providing affordable meals to working  
4 people to be captured by select few who got lucky to  
5 receive a permit decades ago, is wrong. It is rent  
6 seeking of the worst kind, adding no value to the  
7 system and trapping vendors in a cycle of debt and  
8 uncertainty. It is not only illogical, it is  
9 immoral.

10 We have a unique perspective on this issue  
11 because we have the opportunity to describe it on a  
12 nearly daily basis to thousands of people from all  
13 over the world and the unanimous response is, that  
14 makes no sense. Why would you have a system that  
15 maximizes debt, risk, and uncertainty for some of our  
16 poorest and most vulnerable fellow New Yorkers? Why  
17 would you incentivize rent seeking over  
18 entrepreneurship incumbency over innovation? Why  
19 would you make it harder for workers to work, and  
20 easier for people to exploit them?

21 As a site seeking guide myself, I need a license.  
22 No one has ever asked me in my ten years doing this  
23 to show my license in order to my job. Yet vendors  
24 face finds of upwards of \$500 just for having their  
25 license in their pocket or having it obscured

1 temporarily by their jacket or their scarf. So, we  
2 also need to tackle uneven, unclear, and capricious  
3 enforcement.  
4

5 So, we've talked a lot about how there is not  
6 enough enforcement and I strongly agree that it's not  
7 just about the volume, it's about the manner of this  
8 enforcement that we need to deal with.

9 We were here two and a half years ago to testify  
10 on a similar proposal, and we were told that the  
11 issues needed more study. Now, again, we're being  
12 given the same obstructionism and what about ism. We  
13 are just asking you to live up to the principles that  
14 are actually inscribed on the ceiling of this chamber  
15 that we're sitting in. From George Washington, you  
16 can see up there. Our commercial policy should hold  
17 an equal and impartial hand. We're just asking for a  
18 fair shake for venders who are trapped in this highly  
19 unequal and unfair system.

20 SEAN BASINSKI: Hi, my name is Sean Basinski. I  
21 am the outgoing Director or co-director at the Street  
22 Vendor Project. However, I am here reading a  
23 statement by Professor Krishnendu Ray, the Chair of  
24 the Food Studies Department at NYU.

2 Professor Ray was here for about four hours, but  
3 had to go and teach a class and asked me to read at  
4 least parts of his statement which is being  
5 introduced and which I might also direct you to the  
6 citations, the multiple research citations on the  
7 back of and I'll highlight some of his findings which  
8 are based on research and fact. And that's what I've  
9 been seeing a lot of here today to tell you the truth  
10 from the other side or it is a shred of research or  
11 data and Professor Krishnendu, that's his job.

12 So, thank you Mr. Chair and committee members for  
13 having me here today to testify to the council on the  
14 Chair of the Department of Nutrition and Food Studies  
15 at NYU. I think Intro. 1116 is a judicious and  
16 progressive bill that accounts for a well-organized  
17 and accessible city. For a number of reasons  
18 elaborated below, and I will take some of them as I  
19 find them bouncing around. One, amongst social  
20 scientists, there is an increasing recognition that  
21 street vending is an important source of employment;  
22 generation, sustainable growth, and liveliness of a  
23 city.

24 Number two, there is enough evidence to suggest  
25 that eyes and feet on the street strengthen security

1  
2 and provide capacity for resilience during say a  
3 climate-based event or political crisis. Researchers  
4 have explored that, and my ten-year-old son and I  
5 experienced that during hurricane Sandy in 2012. The  
6 way street food carts played a key role in sustaining  
7 parts of the city during that emergency was telling.

8       Three, researchers have shown that his urban  
9 vitality from vendors could benefit brick and mortar  
10 businesses by drawing in more people from the  
11 sidewalk and/or encouraging customers to stay at the  
12 establishment longer, citing a study, a bit of  
13 research there. Moreover, he says, street food  
14 vendors may drive more pedestrian traffic to a given  
15 area.

16       Number seven, the importance of street food  
17 vending to good urban planning is now extensively  
18 recognized by the food and agricultural organization  
19 FAO of the United nations, see citations that he  
20 provides.

21       Eight, in American cities, street food has  
22 historically provided a means of economic mobility  
23 and a source of livelihood for immigrants. A 2012  
24 survey of street vendors in America shows that more  
25 than half of street vendors are immigrants.

1  
2       Number, I don't even know what I'm now. But ten,  
3 most vendors are micro-entrepreneurs who invest in  
4 their businesses and circulate money within their  
5 city's local economy.

6       Jumping ahead, eleven or twelve, he cites a  
7 recent study of food trucks in Chicago has shown that  
8 street vending need not create problematic traffic on  
9 sidewalks. Rather passers by can be efficient in  
10 moving through congestion bottlenecks and customers  
11 and lineups are as some urban planning expert  
12 suggests, responsive to pedestrians moving in ways  
13 that reduce impact to pedestrian flows.

14       He goes on but I'll close my comments there and  
15 submit the matter for the records. Thank you.

16       CHAIRPERSON ESPINAL: Alright, thank you.

17       I started by saying good morning, but I've been  
18 here for a while. Good afternoon, my name is  
19 Theodore Moore and I am the Director of Local Policy  
20 and Legislation at the New York Immigration  
21 Coalition, an umbrella policy and advocacy  
22 organization that works statewide with over 200  
23 immigrants serving member organizations. Thank you  
24 to Chair Espinal, Council Member Chin for introducing  
25

2 this legislation that supports expanding access to  
3 food vendors and licenses.

4 This bill goes a long way in correcting some of  
5 the wrongs that previous Council in 1979 and 1983 and  
6 more recent Council decisions to further make it  
7 difficult for vendors to make a living by barring  
8 them from several areas of the city.

9 One, this bill creates economic opportunity in  
10 several ways. Many companies, whether it be  
11 Nathan's, Gristedes, Cohen Optical, or the Halal  
12 Guys, began as vendors. This bill will offer the  
13 same opportunity by not only creating jobs but entry-  
14 level entrepreneurship across the City and most of  
15 those being for immigrant and then there will be  
16 immigrant and minority owned businesses.

17 Two, it also restructures and streamlines  
18 enforcement by creating an enforcement unit with one  
19 set of rules. Unlike th current system of  
20 enforcement, where responsibility falls on multiple  
21 departments and is confusing to both those  
22 departments and the vendors.

23 Three, and lastly, it brings in revenue, and  
24 everyone loves money. The increased revenue will  
25 come in multiple ways. One through raised permit,

1  
2 like fees and license fees. The second way through  
3 the collection of sales taxes. Licensed vendors are  
4 required to pay sales tax and that's something that  
5 unlicensed vendors quite frankly because they don't  
6 have a license, don't have the incentive to do, and  
7 the other thing is it's a cost saving element related  
8 to enforcement of unlicensed vendors. If vendor are  
9 allowed to have a license, then there wont be all of  
10 that you know, either on the NYPD side or the court  
11 side that has to deal with the enforcement.

12 Another thing I just want to quickly talk about  
13 is the false narrative that a lot of people have  
14 spoken about that is between vendors and brick and  
15 mortar restaurants and I don't really believe that  
16 one, there is data that proves that that doesn't exit  
17 but just as a consumer myself, there has never been a  
18 time where I was going to a restaurant and I wanted  
19 you know, tacos. I was going to a Mexican restaurant  
20 and I saw a vendor serving tacos and I was like, no,  
21 I'm going to go to this vendor. If I want to go to a  
22 restaurant, I go to a restaurant. If I want food  
23 from a cart, I go to food from a cart. That is a  
24 specific choice that I make when I decide where and  
25 how I want to eat.

1  
2       So, what I would like to see is really the big  
3 problem, which is the rents in New York City that are  
4 astronomically high. I would like to see the brick  
5 and mortar restaurants coming together with vendors,  
6 because we heard several vendors saying that their  
7 impediment to actually opening restaurants is the  
8 commercial rent. They should be coming together  
9 instead of fighting against each other to work  
10 together against the commercial rent. Which quite  
11 frankly is shutting multiple businesses and  
12 preventing businesses from opening. Thank you.

13       MILAD MOMENI: Good afternoon Council Members.  
14 My name is Milad Momeni. I will be speaking on  
15 behalf of Arab American Association of New York.

16       The Arab American Association of New York is an  
17 organization that serves and empowers the Arab  
18 immigrant and Arab American community in Bay Ridge,  
19 Brooklyn. Our mission is to support our community by  
20 providing services to help them adjust to their new  
21 home, and get families to achieve the goals of  
22 independence, productivity and stability.

23       For many new Arab immigrants in New York who are  
24 not fluent in English or hold a college degree, they  
25 are able to find opportunities for growth and

1  
2 entrepreneurship through street vending. Street  
3 vendors are able to make a living, support their  
4 families, and start a small business, in their  
5 journey to fulfill the American dream.

6 We see Arab community members throughout New York  
7 City serving the public and providing great Halal  
8 food, that has become a staple of New York City  
9 cuisines.

10 Due to the cap on food vending permits that was  
11 placed by the City Council in the early 1980's, most  
12 street vendors do not have their own permits, either  
13 obtaining one through the underground market or  
14 paying money to other vendors to use their permits to  
15 avoid being arrested or harassed by enforcement  
16 agencies.

17 New York City has not improved the permitting  
18 system for over 3 decades, denying thousands of our  
19 community members the opportunity to work as vendors  
20 and achieve stability in their new home.

21 We believe that Intro. 1116 is the first step in  
22 reforming this unfair and outdated system that  
23 governs vending in our city, and we hope to see our  
24 city become more progressive than it is now.

2 Many of our community members do not feel that  
3 they are living in a sanctuary city, especially those  
4 folks who are vending. We hope that the city will  
5 work on changing their feelings and give them the  
6 support they deserve.

7 We urge the City Council to pass Intro. 1116 and  
8 improve the vending system in our City. Thank you.

9 CHAIRPERSON ESPINAL: Thank you all for your  
10 testimony. I appreciate it.

11 We are going to do a two-minute clock. Up next  
12 we have Asmondo Crescenzi from Veteran Vendors, Dan  
13 Rossi disabled veteran, Barbara Morris a disabled  
14 veteran, Matthew Bauer, Rob Byrnes from East Midtown  
15 BID, Monica Blum Lincoln Square BID. Before you  
16 begin, I just want to call up one more name Mark  
17 Dicus from SoHo Broadway BID.

18 You can begin. Hit the button on the mic.

19 MATT BAUER: Good afternoon everyone and Council  
20 Members. I am Matt Bauer, I am the President for the  
21 Madison Avenue Business Improvement District and I  
22 know we have limited time, so I just really wanted to  
23 focus a little bit on the quantifiable example of the  
24 vast difference between what the city actually does  
25 charge for a private business using a side walk to

1 serve food, which is brick and mortar restaurant  
2 versus another set of private businesses which are  
3 vendors.  
4

5 For an unenclosed sidewalk café which has no  
6 walls along the side, meaning that just tables and  
7 chairs are placed on the sidewalk. The city charges  
8 a consent fee of \$40.31 per square foot in Manhattan  
9 and \$30.23 in Brooklyn and elsewhere around the City  
10 \$510 two-year sidewalk café license fee, a \$445  
11 application fee, a \$310 plan review fee and a \$1360  
12 minimum city planning fee. And some to use 50 square  
13 feet of sidewalk space for a café in front of their  
14 restaurant, which is the amount of sidewalk space,  
15 the standard 5 by 10 food cart uses, it costs a  
16 restaurant \$3328 in Manhattan, south of 96<sup>th</sup> street  
17 or \$2824 per year everywhere else in the five  
18 boroughs and that's a minimum.

19 The cost that the city charges for a cart, the  
20 same 50 square feet of sidewalk space is \$200 every  
21 two years or \$100 every year for an onsite processing  
22 mobile food vending unit permit.

23 Put in another way, the brick and mortar  
24 restaurants are charged by the city 28 times more for  
25 that same 50 square feet of space. Or that's 2,700

2 percent more for that same 50 square feet of sidewalk  
3 space.

4 The additional \$400 supervisory licensing fee  
5 recommended and ensure 1116-A cannot compare with the  
6 additional unclosed sidewalk café expenses the city  
7 requires, such as providing a \$4,000 security  
8 deposit, additional consent fees.

9 So, there is just a vast difference in the cost  
10 that these brick and mortar business have to use for  
11 the use of that sidewalk. Thank you.

12 MARK DICUS: Good afternoon. My name is Mark  
13 Dicus, I am the Executive Director of the SoHo  
14 Broadway Initiative, the not-for-profit that manages  
15 the business improvement district along Broadway and  
16 Soho.

17 We are pleased to see the City Council is  
18 interested in tackling comprehensive street vendor  
19 reform. Unfortunately, the current proposal is  
20 misguided as it seeks to add permits without fixing  
21 the broken system. You have heard that a lot today.

22 The proposed legislation does nothing to address  
23 the following fundamental challenges.

24 It must address the Black Market directly. It  
25 must hold vendors accountable for not following the

1 rules. It must require food carts and food trucks to  
2 modernize equipment to reduce noise, odors, and  
3 pollution that that create. This is something that  
4 can be done, it's been able to be done for decades  
5 and there is no requirement in this legislation to  
6 address that.  
7

8 It must include a public citing process to  
9 approve locations where vending is permitted and in  
10 the current first come first serve approach to citing  
11 vendors. Please create the office of street vendor  
12 enforcement. However, it must be operational and  
13 affective in holding bad operators accountable before  
14 additional reforms are considered.

15 Please create the Street Vendor Advisory Board,  
16 but make sure all stakeholders are equally  
17 represented and that the street vendor advisory board  
18 is not controlled by the interest group this  
19 legislation is seeking to regulate.

20 The street vendor advisory board should be  
21 empowered to study and make recommendations to the  
22 City Council and the Mayor regarding reforms that  
23 should be considered. There is a partnership there  
24 and a conversation that needs to happen that can  
25

1  
2 happen at Council hearings and nothings been done to  
3 facilitate that conversation.

4 Just where I'm at in Broadway, we have food  
5 trucks operating illegally on a day to day basis.  
6 They park in bus stops, right in the middle of them,  
7 crosswalks, fire hydrants, metered parking spots.  
8 Council Member Chin gets emails everyday from our  
9 constituents about this problem.

10 That's the pathway forward. We look forward to  
11 working with the Council and having these  
12 conversations in the future.

13 ROB BYRNES: Good afternoon, I am Rob Byrnes with  
14 the East Midtown Partnership. I am also co-Chair of  
15 the New York City BID Association Street Vending  
16 working group.

17 You've got my remarks in writing, I would only be  
18 repeating what everyone else has said, so let me just  
19 jump to the main point.

20 Five years ago, I began talking to Council  
21 Members back when it was rumored that legislation was  
22 coming. Two and a half years I testified. Sixteen  
23 months ago, I was again working with Council up to  
24 the moment that the former bill that the then speaker  
25 was sponsoring was laid aside. This is the same

1 language I have used all of those times. The  
2 situation hasn't changed, and I share the vendors  
3 frustration on that. We should be moving forward.

4  
5 The Office of Vendor Enforcement, Street Vendor  
6 Enforcement that's called for is important, but this  
7 legislation like the legislation before it doesn't  
8 house it in an agency. It doesn't provide funding.  
9 It's basically, it's the reason we look askance at  
10 the rest. This only thing this legislation is  
11 specific in is how many vendors it calls for – how  
12 many new permits it calls for adding which is again  
13 33 percent more than the previous legislation. So,  
14 it doesn't exactly make us more endeared to the  
15 legislation. There may be room for more legal  
16 vendors in this city, more permits in this city. I  
17 am not going to deny that, but first we have to clean  
18 up a broken system and that will benefit, not only  
19 our brick and mortar small businesses, our property  
20 owners, our visitors, our tourists, our residents. It  
21 will also benefit the vendors themselves.

22 So, thank you very much. I look forward to  
23 working with you and I am hoping I am not here in  
24 another two years just changing the date on the  
25 testimony. It makes it easy for me, thank you for

1  
2 the time saver, but we want to move forward. Thank  
3 you.

4       JEFFERY LEFRANCOIS: Good afternoon. My name is  
5 Jeffery LeFrancois and I am the Executive Director of  
6 the Meatpacking District. I swapped out with Monica  
7 Blum from Lincoln Square because she left, but I am  
8 another BID, so joined to this panel. The  
9 Meatpacking BID represents over 200 businesses, over  
10 700 million square feet of commercial office space  
11 and it includes almost 4,000 residents and  
12 approximately 8 miles of sidewalks.

13       Like all bids, we partner with the city to  
14 maintain and care for public space from the liter to  
15 the plantings to the furniture. We make sure it's  
16 clean, usable, accessible and safe.

17       The BID applauds the Council's attempt to reform  
18 the city's antiquated patchwork of street vending  
19 laws but this attempt to reform assumes the current  
20 system works. The system that is written has never  
21 been fully enforced and it is not adequately  
22 supported, yet this legislation seeks to expend it  
23 while a robust illegal market exists because of its  
24 faults.

2 Unfortunately, today's package of legislation  
3 falls short to addressing all the pertinent issues.

4 Street vending, we know is a part of the New York  
5 City Streetscape and over the centuries that goods  
6 have been exchanged in our streets. Their makeup has  
7 dramatically changed. We cannot increase the number  
8 of vendors and give away more of our already crowded  
9 sidewalks without first understanding all of their  
10 uses.

11 Any legislation put forth regarding vending  
12 should be based on data from a comprehensive five  
13 borough city sponsored study of the entire vending  
14 and sidewalk landscape which would then generate a  
15 census and help to assess the city's use of precious  
16 public space. The findings of that study would be  
17 used to inform legislative proposals that would  
18 modernize the permitting and enforcement process,  
19 institute land use citing and placement guidelines,  
20 environmental standards and perhaps recommended  
21 appropriate number of legal vending licenses.

22 Nearly every aspect of the city's public space is  
23 regulated. It has specific guidelines of how  
24 entities operate within it. Well, we applaud the  
25 street vendor enforcement unit as my colleagues

1 before me said it needs dedicated funding to actually  
2 live somewhere. Also, like zoning codes and DOT  
3 guidelines and SAPO rules and parks rules, we need  
4 rules for operating on the sidewalk. And so, call  
5 for that as a part of this legislation.  
6

7 Like Rob said, I largely recycle testimony from  
8 two and a half years ago. So, I look forward to  
9 being a part of the conversation, so that we're not  
10 here again and can come to the table with something  
11 we can all walk away proud from. Thank you.

12 BARBARA MORRIS: My name is Barbara Morris. I am  
13 the widow of John Morris, a disabled veteran. I have  
14 been granted vending privileges under state laws as a  
15 disabled veteran.

16 I vend both food and general merchandise  
17 independently. I am not represented by anyone in  
18 this room.

19 I support Mr. Rodriguez's bill also by sponsored  
20 obtained the vending privileges of their deceased  
21 partner, whether or not they were veterans. I  
22 opposed 287 and I oppose 288.

23 Right now, a food cart can be placed 18 inches  
24 from the curb. The curb is 6 inches, we're allowed  
25 12 inches. Now, you are decreasing the pathway for

1  
2 pedestrians by at least one foot. And also, to allow  
3 food vendors to vend 25 feet from a bus or taxi stand  
4 creates another dangerous situation for pedestrians  
5 by reducing the pathway and obstructing access in and  
6 out of vehicles, Ubers, tour buses, municipal buses  
7 and school buses. The Street Advisory Board could  
8 use this same very kinked conditions that it creates  
9 to claim congestion and close streets if you try to  
10 open them to new vendors.

11 Intro. 1479, the streets and financial district  
12 were closed by the Street Vendor Review Panel. I  
13 would like to know who decided that these streets  
14 should be now open and how is it decided? Opening a  
15 street means that the entire demographics has changed  
16 and that every street previously closed by the panel  
17 should be assessed for reopening.

18 Regarding Intro. 1116-A, is so obvious to anyone  
19 who knows the industry that this bill was not only  
20 written for the Black Market, it seems like it was  
21 written for the Black Market. This proposal pushed  
22 by former speaker for Veretto and her cohorts who  
23 illegally leased permits has the face of opportunity  
24 and the soul of a Black-Market Sino kit.

2 Well currently 90 percent of the issued permits  
3 are being transferred now, they are leased. More  
4 companies today lease them than ever. Companies like  
5 Nathans, the Halal Guys, Nuts for Nuts, Rafiki and  
6 others are bold. They advertise it, I'm sorry sir.  
7 I have been here waiting for a long, long time. I  
8 appreciate if I could get another minute please.  
9 Thank you, indulge me.

10 Others like the fellow who controls five carts at  
11 the highline, he keeps a low profile. But they're  
12 all leased. It's delusional to think that people who  
13 think that they can run a food cart, they can't.  
14 It's a very, very, very difficult business. They are  
15 not going to turn those permits in. They are going  
16 to lease them out to the same people who are  
17 controlling the permits now.

18 The bill actually not only increases the Black  
19 Market, expands it. It legitimizes now the ability  
20 for a supervisor to become a rent a supervisor. They  
21 can rent their permits and then they can rent them  
22 out as supervisors. It's a mess and I think you  
23 really, really need to look at this. Look at the  
24 disabled veterans. I have to talk about the disabled  
25 veterans because vending as disabled veteran, of 150

1 permits issued to them, no more than 10 actually own  
2 and operate their carts. The rest are leased out.  
3 They double dip by renting themselves.  
4

5 Now, where does the money go? It goes to these  
6 thugs. These thugs operate multiple carts including  
7 those ties to big companies like Nathans. They are  
8 vicious people. I can tell you firsthand that right  
9 now, disabled veterans who are legitimately trying to  
10 operate their own businesses, they are being muscled  
11 out by these same people who are behind this  
12 proposal.

13 They bully, intimidate, threaten and actually buy  
14 off vulnerable veteran and others who simply don't  
15 have the means to defend themselves including the  
16 people who you think will be running their own  
17 permits. It's a well-organized syndicate and you all  
18 know it.

19 The Street Advisory Board you proposed is asked  
20 to allow the closure of streets based on nebulous  
21 complaints of excessive congestion. Rather than  
22 authentically reliable studies. The intent should be  
23 to open streets for vending opportunities not close  
24 them on pretense. Thank you.

25 CHAIRPERSON ESPINAL: Thank you.

2 DAN ROSSI: Good afternoon, my name is Dan Rossi.  
3 I am a disabled vet and I am a vendor.

4 The first time I ever testified in this hearing  
5 was in 1981. When I testified against the cap. So,  
6 I doubt if anyone in this room has the history that I  
7 have. I have been involved in every major lawsuit  
8 one way or the other with the city on vending.

9 A few years ago, I was very lucky and fortunate.  
10 I was able to get every disabled veteran in this city  
11 a permit. That the city has withheld from them for  
12 almost 25 years, intentionally withheld.

13 Since 1981, in all the hearings that I have come  
14 to and all the BIDs and everyone that I have ever  
15 spoken to, no one talks about the industry. You talk  
16 about permits, you talk about Black Market, but you  
17 don't understand the workings of the industry. And  
18 unless you understand the workings of the industry  
19 and unless you back and look at the history of what  
20 this Council has done, you can't fight a law on the  
21 industry. You don't know anything about the  
22 industry.

23 You are hearing a few guys say I want a permit,  
24 well, that's been going on since day one they want a  
25 permit. You have to know what they are going to do

1  
2 with the permit. You give me a permit and I don't  
3 make it in a week, I rent it out. I am not going to  
4 invest in a pushcart and then throw my investment  
5 away. That's what your giving. This bill does  
6 exactly that, it make it even worse.

7 When I said I was involved in legislation, this  
8 is not the first time that a supervisory bill has  
9 been passed. We passed a parks management bill when  
10 the city tried to re-circumvent the one permit  
11 process and I challenged that, and I lost.

12 The court said one guy can run 50 carts, 100  
13 carts, so why can't a supervisor supervise 50 carts.  
14 Your losing court. You know you have no idea of the  
15 history and until you do understand it and you do  
16 understand how the industry works; you can't write a  
17 bill on this. You just can't. This is a waste of  
18 time. This is a nice of paper but it's a waste of  
19 time.

20 CHAIRPERSON ESPINAL: Thank you.

21 COUNCIL MEMBER CHIN: Can we just clarify? When  
22 we were talking about supervisory permit, it's the  
23 permit that you have to be there in person.

24 DAN ROSSI: No, that's not what this says.

25 COUNCIL MEMBER CHIN: It's not a cart permit.

2 DAN ROSSI: It says a supervisory person has to  
3 be there. Not the person who owns it. It says a,  
4 not thee. Read what it says, I read it and I only  
5 read this for three seconds. I'm not trying to get  
6 you angry, but I listen to you talk about the history  
7 and you didn't know what you were saying. I listened  
8 to Karen Koslowitz who wrote the laws and she didn't  
9 even know what she was saying. I'll tell you one  
10 thing, if right now you went out there and you were  
11 able to kill the Black Market right now, you know  
12 what happens to the industry? It collapses. 90  
13 percent of the carts are in the Black Market. 90  
14 percent of these permits are going to Black Market.  
15 Who do you think controls the industry? It's  
16 companies. The companies control the commissaries.  
17 They control the food goods; they control the  
18 distribution.

19 This isn't about one little person getting a cart  
20 and going to work. This is an industry that revolves  
21 like every other industry. You have to have the big  
22 and small. You eliminated the big in 1995. The  
23 dumbest mistake you ever made and in 1996 you brought  
24 back almost all the companies and it was too late,  
25 because that one year that these men didn't go to

1  
2 work, they lost their commissaries. You know what  
3 the city did? Do you want to know? Rudy Giuliani  
4 said you can lease permits. They set-up tables in  
5 the Health Department as you paid for your permit.  
6 You went ahead and brokered it right there in the  
7 Health Department. I went to make complaints to the  
8 Department of Investigation. You know what they told  
9 me? That's policy. There is your Black Market. If  
10 everyone who is getting a permit and is going out  
11 there now leasing it, how can you tell me I can't  
12 lease it today? You already let me do it.

13       How can you give me tickets for leasing when you  
14 told me I could lease. You did this. The Giuliani  
15 Administration did this. You just don't understand  
16 the industry. People come in the street to get a job  
17 they want to work. They don't want to own a cart,  
18 they don't want to own a commissary, they want to go  
19 to work and then they want to step out of that into  
20 something else.

21       That's why you screwed up when you knocked out  
22 the companies. It was the perfect balance then.  
23 It's not going to happen. Now the Black Market. The  
24 guy next to me has 50 carts. 50 carts in an illegal  
25 spot. 50 carts equals \$8 million a year in gross

1  
2 revenue. Where is it going? Anything happens to  
3 that cart, it's the responsibility of the permit  
4 owner.

5 When the tax people say where's my money? I  
6 don't know. I don't know. You did this. You are  
7 doing it again. This bill does that again. Don't  
8 think that for one second if you made these 400 or  
9 whatever number of permits are here, 90 percent are  
10 going to get leased. These people are not going to  
11 invest \$20,000 in a pushcart. They are not going to  
12 do it. They are going to get the permit, hand it to  
13 a company and they get their \$5,000. And even if  
14 they get caught, so what. I made \$5,000; I am a  
15 winner.

16 Now, if that's what your intention is to  
17 subsidizes their income by allowing them to lease the  
18 permits, then do this. Legalize the leasing. Do it.  
19 At least then you can at least go and get a book and  
20 say yeah, I went ahead and leased it. And I do know  
21 people on their tax returns, who do say I lease my  
22 permit for a certain amount of money. Do you know  
23 what that does? It clears them of all tax  
24 liabilities by doing that.

2 COUNCIL MEMBER CHIN: We will continue the  
3 conversation with you. But what we want to do here  
4 is create more opportunities and thank you for coming  
5 to the hearing.

6 BARBARA MORRIS: You're not.

7 CHAIRPERSON ESPINAL: Ma'am, we're going to call  
8 on the next panel. Thank you.

9 Up next we have Duncan Bryer State Senator  
10 Salazar's Office, Do Lee Biking Public Project,  
11 Suzanne Adely Food Chain Workers Alliance, Chris Ray  
12 Social Scientists, Aniqa Nawabi Muslic Community  
13 Network.

14 You may begin.

15 ERIC ZOONDY: Good afternoon Council Members. My  
16 name is Eric Zoondy[SP?]. I am an organizer and  
17 advocate of pedicab industry, but I am here to read  
18 for Aniqa Nawabi, the Executive Director of the  
19 Muslim Community Network. Personally, I am in full  
20 support of the Street Vendors Project and in support  
21 of lifting the cap on the permits.

22 My name is Aniqa Nawabi. I am the Executive  
23 Director of the Muslim Community Network. The Muslim  
24 Community Network is dedicated to using civic  
25 education and leadership development to shape the

1 public narrative about what it means to be a Muslim  
2 in America.  
3

4 We seek to build the capacity of marginalized  
5 communities to access the rights, opportunities, and  
6 resources they deserve. Street vendors are  
7 reflective of the incredible diversity that represent  
8 New York City.

9 A large segment of the street vending community  
10 comes from the Muslim faith and many are recent  
11 immigrants to this country. As new immigrants  
12 seeking to build an economy foot hole in the city and  
13 country. NYC should support street vendors by using  
14 more vending permits for the first time in over 30  
15 years. It is unjust for vendors to have to rent  
16 permits, paying tens of thousands of dollars in the  
17 underground market or risk high fines and arrests for  
18 vending without a permit.

19 Street vendors provide affordable health food and  
20 make our streets and public spaces lively and safe.  
21 Vendors are here to provide for themselves and their  
22 families. They seek to do honest work and contribute  
23 to their communities. I hope the City Council will  
24 lift the cap on permits and allow these small  
25 businesses to thrive. Thank you.

2 DUNCAN BRYER: Good afternoon, my name is Duncan  
3 Bryer. I am here today representing the office of  
4 State Senator Julia Salazar to affirm our support and  
5 speak to the extent to which this bill would benefit  
6 our district in North Brooklyn, which includes the  
7 neighborhoods of Williamsburg, Greenpoint, Bushwick,  
8 Cypress Hills, and parts of Bed-Stuy and Brownsville.

9 There are a lot of communities in those  
10 neighborhoods from everywhere in the world to name a  
11 few from Porto Rico, Dominican Republic, Bangladesh,  
12 Mexico, and Poland.

13 Street vending is a crucial opportunity for  
14 immigrants from these communities into the vast  
15 market of New York City. This entry into the market  
16 should be facilitated and overseen by smart  
17 legislation like this vendor reform bill. This bill  
18 would not only benefit immigrant communities, it  
19 would also benefit our entire community. Street  
20 vendors already add so much to the vibrancy of our  
21 streets to a Jane Jacobs terms, the sidewalk valet.

22 Having more vendors would enhance this vibrancy  
23 as well as offer affordable alternatives to in parts  
24 the abundance of fast food stores that overwhelm some  
25 of our commercial corridors.

2 In light of the benefits, this bill would bring  
3 to our community and particular immigrant  
4 entrepreneurs. This bill seems like a no brainer to  
5 me. Thank you.

6 DO LEE: Good afternoon. I am reading on behalf  
7 of Dr. Do Lee, who is a visiting professor at Queens  
8 College and a member of Biking Public Project to  
9 support Intro. 1116. The Biking Public Project aims  
10 to expand local cycling advocacy discussion by  
11 working with our representative by cyclists around  
12 New York City including women, people of color, and  
13 delivery cyclists.

14 We at the Biking Public Project offer our support  
15 for Intro. 1116, which will expand availability for  
16 most of the immigrant vendors by increasing the  
17 number of food vending permits available to sell food  
18 in restaurants. New York City has always been a  
19 refugee for immigrants who try to gain economic foot  
20 hold. Often started out as low wager workers. We  
21 have spent substantial time working with the bicycle  
22 delivery workers who vendors work long hours in harsh  
23 conditions for little pay. Both groups are part of  
24 our daily experience as New Yorkers and these workers  
25 play an essential role of feeding the City of New

1  
2 York. Yet, both groups are targets of unfair  
3 enforcement and a hostile environment.

4 Street vendors and bicycle delivery workers deal  
5 with unfair laws that criminalize their honest work  
6 as well as targeting enforcement including high fines  
7 and confiscations of their property. No worker  
8 should be forced to pay thousands of dollars in fines  
9 for simply providing food for New Yorkers.

10 Workers tells us that this kind of punitive  
11 criminalization of their labor threatens their  
12 survival and that of their families. In addition,  
13 this criminalization increases the public  
14 demonization of immigrants of immigrants of simply  
15 exiting in public spaces which takes on greater  
16 meaning and consequence in this national politically  
17 environment.

18 There is a just and needed solution to this. In  
19 the case of bicycle delivery workers, it is to  
20 legalize their E-bikes in the case of mobile food  
21 vendors. It is to grant their permits to work  
22 legally.

23 New York City should and can do more as a  
24 sanctuary city by ending the criminalization of  
25 immigrant labor. Whether it is giving food on an e-

1 bike or selling food from a pushcart, immigrant  
2 workers contribute immensely to the City economy and  
3 the city member should encourage their innovations  
4 and hard work while supporting more just working  
5 conditions. Intro. 1116 is a step in the right  
6 direction by expanding economic opportunities for  
7 immigrant workers and I urge the City Council to  
8 support this proposal. Thank you.

9  
10 CHAIRPERSON ESPINAL: Thank you.

11 Welcome back Sean, are you here to read someone  
12 else's testimony again?

13 SEAN BASINSKI: Well, yes, I am Council Member.  
14 Suzanne Adely from the Food Chain Workers Alliance  
15 had to leave literally about 15 minutes ago. I saw  
16 her and her colleague walk out.

17 CHAIRPERSON ESPINAL: Okay, before you begin,  
18 let me just make a statement for the room because  
19 there are some members here who are upset with how  
20 long it's taking for you to come and testify. We do  
21 have 65 more people who are signed up to speak.  
22 There is no way I can have everyone skipping the line  
23 because we will get nowhere. We understand it is  
24 going to be a very long hearing. This is our fifth  
25 hour. If we continue at this pace, we will probably

1  
2 be here until 7 p.m. tonight, so I just need everyone  
3 to understand that if you are not called up yet, you  
4 are part of a line and there is a system here and a  
5 process.

6 Sean, I would ask that anyone who has left - I  
7 will allow you testify at this point, but for anyone  
8 who has left, we're going to have to take their  
9 testimony in for the record and we just cannot allow  
10 other people to continue to testifying for other  
11 folks that have left. Thank you.

12 SEAN BASINSKI: Dear Consumer Affairs Committee.  
13 On behalf of the Food Chain Workers Alliance, I am  
14 here to voice our strong support for Intro. 1116.  
15 The Food Chain Workers Alliance is a national  
16 coalition of worker-based organizations whose members  
17 plant, harvest, process, pack, transport, serve, and  
18 sell food.

19 We are working to build a more sustainable food  
20 system that not only provides for health food but  
21 also ensures that the people who are making and  
22 selling the food including the street vendors of New  
23 York City are treated fairly.

24 Despite their importance to our city for many  
25 years, vendors have not been treated fairly. The low

1  
2 cap on food vending permits imposed in the 1980's  
3 after lobbying from big corporations has created a  
4 system based on exploitation and abuse.

5 Exploitation at the hands of permit owners who  
6 charge exorbitant rates to rent permits that they  
7 themselves do not use.

8 Abuse at the hands of the police who arrest  
9 ticket vendors who are just trying to support  
10 themselves and their families.

11 We know the majority of people who make and serve  
12 food are women immigrants and/or people of color.  
13 Despite employment growth, the food chain pays the  
14 lowest hourly median wage to front line workers  
15 compared to workers in all other industries.

16 We heard how LA took the step recognizing that  
17 increasing opportunities for vendors would generate  
18 more city revenue, create more street food diversity  
19 and have a ripple creating many other jobs throughout  
20 local economies. In addition to creating safety for  
21 vendors and communities. If LA can do it, so can New  
22 York City. Thank you.

23 CHAIRPERSON ESPINAL: Thank you. Next panel,  
24 Jonathan Hawkins Garment District BID, Avi Fertig  
25 Diamond District BID, Dan Biederman from 34<sup>th</sup> Street

1  
2 BID, Mark Caserta Park Slope BID, Jeffrey Lefrancois  
3 from the Meatpacking BID, Nowell Mountie, Small  
4 Business Stout NYC, she left. Dondi McKeller.

5 You may begin.

6 JONATHAN HAWKINS: Good afternoon. My name is  
7 Jonathan Hawkins. I am the manager of planning a  
8 streetscape for the Garment District Alliance in  
9 Midtown and we oppose Intro's 1116 and 287.

10 The adequate governance of our streets and roads  
11 is already seriously compromised by the inability of  
12 the city to enforce existing laws resulting in  
13 obstructions and diminish mobility on our congested  
14 streets and sidewalks. Pedestrians particularly in  
15 Midtown are routinely compelled to walk in the street  
16 and come and go with vehicular traffic because there  
17 is simply not enough room on the sidewalk. This  
18 condition is not unique to Midtown, but it is  
19 particular egregious there.

20 We are gratified that you have added a new office  
21 of street vendor enforcement and a street vendor  
22 advisory board, however, we strongly urge that the  
23 bill include unequivocal language about the DOT  
24 designated vending locations pilot program.

1  
2       The bill should formalize the program and expand  
3 it to include all vendors at all locations throughout  
4 the five boroughs after one year. Each location  
5 should be cited by DOT to ensure that it is not a  
6 restricted area and marked on the sidewalk with the  
7 vendor's license number.

8       With regard to Intro. 287, allowing carts to be  
9 two feet from the curb will create mayhem on Midtown  
10 streets. As mentioned, pedestrians already walk I  
11 the street due to congestion. Most of the sidewalks  
12 in the Garment district are only 10 to 11 feet wide,  
13 and a considerable amount of that space is occupied  
14 by utilities and street furniture.

15       Historically, we have prioritized space for  
16 vehicular traffic and in an earlier area, midtown  
17 sidewalks were narrowed to make more space for cars.  
18 To further compromise that space with a mid-sidewalk  
19 car is irrational. New York is first and foremost a  
20 walking city and pedestrian space should not only  
21 preserved at all cost but expand it. If amenities  
22 like food carts are to be expanded, it should be done  
23 by designating on street parking spaces adjacent to  
24 the curb. New York City has more than 3 million on  
25 street parking spaces occupying space 13 times the

1 size of Central Park. Furthermore, it is worth  
2 reconsidering whether a one size fits all approach is  
3 appropriate. What is permitted in business districts  
4 like Midtown should not be the same as other areas of  
5 the city. We have the highest pedestrian counts in  
6 the garment district of any time in the last 50 years  
7 and more tourists than any time in history. We  
8 cannot add more obstacles to our sidewalks. It's  
9 time for the City to restore sanity to our public  
10 spaces and make moving around less stressful and more  
11 humane. Thank you.

12  
13 AVI FERTIG: Good afternoon. My name is Avi  
14 Fertig. I am the Executive Director of the Diamond  
15 District partnership. We represent the nearly 2,600  
16 businesses in the Diamond District and on their  
17 behalf, I want to thank the Committee for this  
18 opportunity to testify.

19 First, the Diamond District partnership stands  
20 with the BID Association in opposition to this  
21 package of bills. And that opposition certainly the  
22 request to reconsider them in greater depth and take  
23 a more of a broad look at them.

24 Every day for decades, the 47 Street Diamond  
25 District has been uniquely impacted by unlicensed

1 vendors who stand on the sidewalk and solicit  
2 pedestrians to buy or sell jewelry, gold or diamonds.

3  
4 When not competing head to head with established  
5 merchants, their aggressive sales tactics often  
6 result in perspective customers to go shopping  
7 elsewhere. Unlike licensed vendors, they lack  
8 official permission to engage in commerce and city  
9 streets. If they are licensed, they certainly do not  
10 display these credentials nor has any city authority  
11 that we're aware of ever demanded that they do so.

12 The Diamond District occupies two block faces on  
13 47<sup>th</sup> street between 5<sup>th</sup> and 6<sup>th</sup> Avenues, but decades of  
14 poor vendor oversight has turned the short street  
15 into a vast uneven playing field. And merchants are  
16 mostly small family owned businesses who play by the  
17 rules and believe it or not, you don't expect it in  
18 the Diamond District but after all of their overhead,  
19 many of them are just getting by.

20 I want to stress that we do not oppose legal  
21 street vending. We are actually very much in favor  
22 of it. We feel that legal vending where vending is  
23 permitted is actually very, very much in sync with  
24 the American ideal. We recognize that licensed  
25 vendors are hardworking and lawful. Many of the

1 vendors that we're aware of are veterans and people  
2 with disabilities and I know that they seek a little  
3 more than to support their families and achieve the  
4 American dream. Our concern is with unlicensed  
5 vendors who impede pedestrian access and limit the  
6 commercial success of established businesses in the  
7 area.  
8

9 I am just going to try and wrap it up, but I had  
10 prepared for three minutes, not two, but I will do my  
11 best.

12 Okay, so our opposition to this legislation as it  
13 currently stands is our believe based on years of  
14 observation that the city is frankly spread a little  
15 bit too thin when it comes to regulating its vending  
16 economy. This legislation as it is right now will  
17 simply invite more abuse and we feel less fairness  
18 for struggling businesses.

19 We'd like to see the city focusing on limiting  
20 unlicensed vendors whose primary place of business is  
21 the street and whose trade centers on soliciting  
22 sales from pedestrians. These unlicensed vendors  
23 must be required to have on display a vending license  
24 when engaged in their business. We want to know that  
25 these unlicensed vendors like every other merchants

1 on the street are paying their taxes. Furthermore,  
2 we want in the event that they have been employed by  
3 companies on the street, we want to know that those  
4 companies are actually protecting these workers. We  
5 want to know that they are being paid at least  
6 minimum wage. That the employers are withholding  
7 payroll taxes and providing these individuals with  
8 sick days and personal leave. Diamond District  
9 partnership firmly believes that our elected  
10 officials should be fighting to improve the quality  
11 of commerce in business districts in equal measure to  
12 their efforts to improve the quality of life in  
13 residential areas.

14  
15       Passing this package of bills as it currently  
16 stands, we believe will mortally damage that quality  
17 of commerce. We strongly urge that these bills be  
18 shelved, reconsidered and perhaps reintroduced until  
19 when the city can demonstrate that it has a  
20 sufficient ability to regulate its existing vendors.  
21 Thank you very much.

22       DAVID ESTRADA: Thank you Council Members for  
23 your hard work so far in this legislation and for  
24 your patience and your stamina today as well. I am  
25 the Director of Sunset Park 5<sup>th</sup> Avenue BID in

1  
2 Brooklyn. We are your front line on this. We will  
3 be on the receiving end of both in intended and  
4 unintended consequences of this legislation. We are  
5 the land of mom and pop shops. I have an 11-foot  
6 storefront.

7       So, I am asking you please to reframe part of the  
8 consideration around improving these bills on the  
9 idea of the data app. Everything will flow from the  
10 designation of a principle agency of authority.  
11 Nothing I believe will have any success without that  
12 on the ground, in the field, in the boroughs with the  
13 small mom and pop shops and the vendors that we  
14 value. Our vendors are part of our community, they  
15 live down the street, their kids are in our school.  
16 We want them, but we want them regulated.

17       Today, if I go on New York City open data, I can  
18 find out the unique barcode identification of every  
19 light pole. I know where every trash can is supposed  
20 to be. I know where a bike rack can be. I know  
21 where a bench can be. In one way of framing this  
22 conversation, it is about the carrying capacity of a  
23 limited amount of space. And I will set aside for a  
24 moment numbers of licenses because that's a valid  
25 argument. But in the age of Uber and Geofencing and

1  
2 -to-go and congestion pricing and knowing where every  
3 MTA bus is with relative accuracy, we should be able  
4 to define block by block, address by address, what is  
5 and what is not allowed on a use on our streets.  
6 Whether it's a street vendor or a street fixture. I  
7 am looking at the possibility of LinkNYC, new bus  
8 stop shelters, Walk NYC Way Finding, new bike racks.  
9 Many things are impacting our increasingly crowded  
10 streets. Lets look at this from the data management  
11 successes and the space management successes we've  
12 already had. So, agency of authority, advisory  
13 board, real fact finding, true agency among a group  
14 of people charged with enforcement and an app that  
15 might easily be used by a citizen, a merchant,  
16 yourselves, an enforcement officer, or a street  
17 vendor at the same time. We can do this, and I think  
18 we have new tools just in the last few years that  
19 have never been present before.

20 Let's not bring 20<sup>th</sup> Century notions to 21<sup>st</sup>  
21 Century problem and to use whats at our fingertips  
22 please.

23 DAN BIEDERMAN: Dan Biederman, 34<sup>th</sup> Street  
24 Partnership and Bryant Park. You have my written  
25 testimony; I would just like to respond to a few

1 things I've heard in the last five hours. First of  
2 all, nothing - Council Member Levine, about four  
3 hours ago, was surprised that the legislations been  
4 distorted. The reason is the anger about the  
5 program, and certainly in my case, Midtown owners and  
6 tenants, nothing unites them like the vending  
7 program. Even drugs in public spaces, they have  
8 different views on, but vending programs, they are  
9 all united and the reason they are upset is the carts  
10 are unsightly, they are on the busiest corners, there  
11 are many too many, they don't comply with the food  
12 safety laws, it's quite obvious. They produce fumes,  
13 they are allowed generators and music, they are too  
14 large for the narrow sidewalks and they have these  
15 garish LED signs that came in about ten years ago.

17 Most of the rest of the top ten cities in the  
18 countries are not doing it this way. If LA wants to  
19 replicate our mess, that's their business, but the  
20 other top ten are not Chicago. Boston has no carts  
21 on a street at all. Houston doesn't, Dallas doesn't,  
22 Philadelphia has some but it's not the mess we have.  
23 Same with Atlanta and Washington, so it's not a  
24 program that should be replicate, duplicated  
25 elsewhere.

At Bryant Park, just a quick word. We are working with our vendors towards better looking carts that comply with all the laws and food standards and the like and we don't have a hostile relationship with them. But if you pass this bill so that in the next ten years, so many more carts come in. All the work with those vendors, there are five of them, will be washed out and we will have a whole bunch of new carts that will not comply, not be attractive, not show our sidewalks off to their benefit and we don't want that to happen. Thank you very much.

DONDI MCKELLAR: Chairman Rafael Espinal and members of the Consumer Affairs and Business Licensing Committee. My name is Dondi McKellar and I am a United States Navy Veteran. I served in the Navy from 1981 to 1987 and I am also a LGBTQ veteran street vendor. I am also the Chair of the Bronx Community Boards 2 Veterans Committee.

I come before you today because I cannot support Intro. 1116 as it is written. Since 1896, New York State has given veterans the right to vend, hawk and peddle on the streets through New York State Business Law 4 Article 35. Veterans could vend and provide for their families. Street vending has allowed

1 veterans with disabilities and still stay active  
2 while affording them the flexibility to schedule a  
3 time for their medical appointments.  
4

5 I have been diagnosed with post-traumatic stress  
6 disorder due to military sexual trauma and a rare  
7 recurring tumor in my lungs.

8 Vending gives me the flexibility to work and earn  
9 my living. Disabled veteran mobile food unit vending  
10 permit, Document 24-RCNY 6-13 also known as V permits  
11 allowed disabled veterans to vend around the  
12 interests of the wonderful New York City parks.

13 The number of V permits issued currently at 169  
14 as for the New York City Department of Health and  
15 Mental Hygiene as of yesterday, 4/10/2019. These  
16 veterans myself included, have been overlooked.

17 Intro. 1116 does not address the need for  
18 citywide permits for these veterans. I have  
19 personally brought this matter up during my tenure at  
20 the Street Vendor Project. Unfortunately, this fell  
21 on deaf ears. At the last attempt with the  
22 legislation Intro. 1303 to see that nothing has  
23 changed other than the name that is represented as  
24 the sponsor on the bill is disheartening.  
25

2 New York City has beautiful parks. The foot  
3 traffic which all small businesses look for, things  
4 outdooring the winter, but bills, food, rent and  
5 mortgages is year around.

6 Veterans like myself assaulted by non-veteran  
7 vendors. These vendors are jockeying for location  
8 and looking to validate the new laws. Validating  
9 present vending laws, please see the police reports  
10 and current order of protections that I have in my  
11 attachments.

12 This makes it difficult for disabled veterans who  
13 have served their country honorably to earn a living.

14 The Department of Consumer Affairs criteria only  
15 issued vending licenses to veterans who have served  
16 with honorable discharges. Myself being of  
17 designative slaves have served my country and still  
18 continuing to serve the city that I love. I have  
19 noticed that the majority of these V permit holders  
20 they are held by veterans of color.

21 The oversight of these veterans and this proposed  
22 legislation echoes of the Jim Crow era in this  
23 history.

24 With the current climate of the Trump  
25 Administration, I know the need to help others is

1  
2 great. Members of this Committee, I am asking you to  
3 please, remember those who served this country so  
4 that we all may thrive in our sanctuary city.

5       Some of us have lost a part of ourselves serving  
6 our country. This is the way for us to make a  
7 living. The sense of urgency is now. I hope the New  
8 York City Council can sit on words being spoke today.  
9 Allow the permit holders to be granted mobile food  
10 vending citywide status and in any street vending  
11 legislation put forth by the Council.

12       I would personally like to commend the speaker  
13 Cory Johnson and the entire New York City Council.  
14 Yours Truly, Dondi McKellar, New York City, Veteran  
15 Street Vendor and please see my attachments city and  
16 state certificate from the Street Vendor Project,  
17 Urban Justice Leadership Board 2017. I have order of  
18 protections. New York City, NYPD assault reports,  
19 NYPD harassment reports. Document 24 RCNY 6-13, the  
20 New York's Business Law 35 and 35-A along with  
21 veterans asking for preparational treatment, an  
22 article that was written on street vendors doing the  
23 last Intro. 1303.

2 CHAIRPERSON ESPINAL: Thank you so much. Thank  
3 you all for your testimony. Thank you for being  
4 here.

5 Natasha Brannan Latino Justice, Fahd Ahmed from  
6 DRUM, Ying Yu Situ the MinKwon Center, Eliana  
7 Jaramillo from the Street Vendor Project, Mr. Coyotzi  
8 from the Street Vendor Project, Ryan Devlin, Kurt  
9 Wheeler, Kathy Ewa[SP?]. Kelebohile Nkhereanye[SP?],  
10 Charles Johnson, Ahmed Hassan, MD Alaim.

11 Okay, you may begin.

12 RYAN DEVLIN: Hello, thank you very much for the  
13 opportunity to give testimony today. My name is Ryan  
14 Thomas Devlin, I am a Professor of Urban Policy and  
15 City Planning at the new school, Milano School  
16 Management, Environment, and Policy at the new  
17 school. And I've been researching and writing about  
18 street vendors for the last 15 years. So, I've been  
19 to a number of these hearings as well.

20 And I just want to comment on a few thing. One  
21 as you all know, these permits have been capped at  
22 3,000 full time citywide permits have been capped to  
23 3,000 since 1983 when they were put in place by local  
24 law 17 of 1983 and I did a little bit of research  
25 before this looking at available data and 311 just to

1  
2 get an idea of the demand for permits and what I  
3 found from 2010 to 2018, there were about an average  
4 of 1,000 people a year. These are just people  
5 calling 311 asking about becoming a food vendor. So,  
6 a thousand people a year, many of them who are  
7 sitting here in the audience today and who want to  
8 become food vendors but have no legal way to do that.

9       So, putting it another way, that's a call every  
10 eight hours for the last eight years for someone  
11 trying to become a food vendor legally who hasn't  
12 been able to. And I just want to also emphasize that  
13 the law that is in place right now that has been in  
14 place since 1983 is an outdated law. It was put in  
15 place at a time in the city where food vendors were  
16 all vendors and some people still are simply to find  
17 as nuisances at things to get rid of, as ugly, as  
18 unsightly and I think this Council knows that vendors  
19 are true Americans. That they are immigrant  
20 entrepreneurs, that they represent the best of our  
21 country and they want an opportunity to succeed like  
22 many of the immigrants who have come before them.

23       And it's an honor to be in front of the Council  
24 Members who are here who are working hard on this  
25 issue to resolve what is a mess that everyone agrees

2 is a mess and I applaud you all put my full support  
3 behind Intro. 1116. Thank you.

4 ? : Hello, Council Members and the people that  
5 are here. Thank you and I am here as a street vendor  
6 and I support the bill. I just want to give some  
7 input in terms of like people talking about mom and  
8 pops. I'm from Eastern New York. My storefront is  
9 empty and my neighbors and so, for people to think  
10 street vendors are competing, it's like, there's no  
11 street vendors Eastern New York.

12 So, there are women here who need vending  
13 permits, who want to be legitimate business owners.  
14 So, who is thinking about those women? Who is  
15 thinking about people in Eastern New York.

16 BIDs I hear in neighborhoods where people of  
17 color are cleaning the streets. Not everybody wants  
18 to clean the street in a neighborhood that is rich,  
19 and I just want us to also think about food justice.  
20 We talk about food desert, but there is no permits  
21 being given to people in those neighborhoods that  
22 needs the food.

23 So, we need to think about holistic solutions  
24 that will support the vendors, business owners and  
25 landlords because people are using landlords to think

1  
2 that vendors are stopping the business growth. We  
3 all want to make a living and support our families  
4 and I hope the City Council will look at everything  
5 neighborhood by neighborhood and be fair and thank  
6 you.

7 EVELIA COYOTZI: [SPEAKING IN SPANISH]

8 I am the interpreter so, for the sake of accuracy  
9 I will have to tell him to stop. So, he said, I am  
10 Evelia Coyotzi. I am a member of the Street Vendor  
11 and I am here to defend them, and I have my cart at  
12 Matteo at Sunset Park.

13 Okay, so there is a restaurant next to me. There  
14 is another market next to me. There is a store in  
15 front and basically, I sell cocktail fruit and you  
16 know, I prepare right there, and they see what I'm  
17 doing and people like what I do.

18 There is no competition amongst us, not like  
19 people say that there is competition. It is totally  
20 opposite; we attract people to where we are at and  
21 they go there because where they are saying things  
22 that they like.

23 That's why we want you to give us support for the  
24 permit because we have the license, but we don't have  
25 the permits.

1  
2           So, when the police come to us, and the  
3 Department of Health come to us, they give us a  
4 ticket. If you don't have a license, they give you a  
5 ticket of \$1,000. If you don't have a permit, they  
6 give you another ticket for another \$1,000 and if you  
7 have another violation, they give you another fine  
8 for that violation.

9           And on top of that, they gather all of our  
10 products and they through it to the garbage.

11           That's why I am asking you as a president and as  
12 a member of the Committee to help us to get the  
13 permits.

14           Thank you very much.

15           ELIANA JARAMILLO: Okay, so I am Eliana Jaramillo  
16 and I have been working as a mobile vendor for 37  
17 years. I am a citizen, I have my permit, I have my  
18 license and the reason why I am here is because I  
19 want to show support to my colleagues.

20           I have been suffering for 37 years on the streets  
21 and I am a vendor and even though I have my permits  
22 and my license, the police, they always come to you  
23 and harass you and give you fines.

24           I heard before when they said that we were the  
25 worst of society and that is not true. They are

1  
2 saying that we are competing with them and that is  
3 not true. They have a lot of products that they sell  
4 that are totally different than the products that we  
5 sell. We have something totally different than them  
6 and they have the ability to have a wider variety of  
7 products to sell which we don't have.

8 We sell specific products, plus we don't have  
9 nobody to pay to do the job and they have the  
10 possibility to pay others to do the job.

11 Well, and another thing that they mentioned here  
12 is that we don't pay taxes and that is a lie. We all  
13 pay taxes because if we don't pay taxes, there is no  
14 way for us to renew our permits. So, we do pay our  
15 taxes. They said that they're dirty, they are not  
16 dirty, they are always clean. I always see them, so  
17 we are always paying the taxes and I give them advice  
18 and tell them you know, to be careful and to take  
19 care of themselves.

20 So, if you are saying that there is a bunch of  
21 people that don't pay taxes, all you have to do is  
22 legalize those people. Give them their permits, give  
23 them their license and you will see that they are  
24 going to be able to pay the taxes, which is a lie  
25 because all of us, we pay our taxes. I pay my taxes.

2 My co-workers, the people that I know, they pay  
3 their taxes. So, even though you have a permit, the  
4 license is the most important thing because the  
5 tickets that you get are given to the license that  
6 you have, not the permit.

7 So, the most important thing is to legalize  
8 everybody, so that way the state or the city has a  
9 way on being able to control the payment of taxes and  
10 be able to have a better regulation when it comes to  
11 paying the taxes.

12 That is all. Thank you.

13 KEVIN JOHNSON: Hi, my name is Kevin Johnson. I  
14 am a veteran of the United States Army and I was  
15 trained by the best as they had prepared us to fight  
16 for our country on whatever our government was  
17 defending. I went through a lot of mental  
18 preparation in basic training in preparing to defend  
19 our country in whatever way they needed defended.

20 I graduated from two, two-year colleges where I  
21 received associates degree from each college. I also  
22 am a holder of two utility Patton's for underground  
23 storm shelters.

24 I have been a member of a carpenters local 303  
25 and then I transferred here to 157 here in New York

1  
2 about four or five years ago and I've been a member  
3 for ten and half, eleven years.

4 But I had a back surgery in 2017. I got an  
5 infection now, I'm left unable to lift more than 15  
6 pounds and seeking a malpractice attorney, if I can  
7 find one.

8 But okay, when I first got here to New York, I  
9 seen vending food carts and I thought how neat. I've  
10 never seen - as many places I've been in the world;  
11 I've never seen anything like that. I thought we was  
12 like at the fare. I said, wow, that's neat. But now  
13 after four or five years in New York, I have seen  
14 food and merchandise vendors as a custom or a  
15 tradition. As I see the Vending Project seeking to  
16 make it better.

17 I would like to help them do that. I would like  
18 to see some restriction lifted on where we are  
19 allowed to sell, and I have a white license and have  
20 been told that a white license cannot sell here.

21 You are just a white license; you have to  
22 transfer to somewhere else where white license's sell  
23 and then I would like to see some restrictions lifted  
24 where we can sell more name brand items as well.

25 Thank you very much.

2 MD ALAIM: Good afternoon City Council, my name  
3 is MD Alaim. I am from immigrant in Bangladesh 1998.  
4 I have been a vendor since 2005 and still am working  
5 without permit but I have a license. This license I  
6 get every year is \$20,000 from my pocket by saving  
7 money.

8 This money from your family, but this money  
9 without notice you got to give it to the permit owner  
10 because they need to work, so that's why they have to  
11 give the money. And I would like to request the City  
12 Council please pass this bill. If you pass this  
13 bill, it's not going to affect any other people or  
14 any other business owner, because this bill helps our  
15 economy, our environment and also helping the poor  
16 people to grow their children and family.

17 And also, some people were telling before that if  
18 you pass the permit, they will evict other in permit,  
19 but this does not affect anything. This is only  
20 helping for the poor people to grow their family and  
21 having their job.

22 CHAIRPERSON ESPINAL: You are alright, you can  
23 continue.

24 KEVIN JOHNSON: Okay, and I would have every year  
25 \$70,000 who have given my children and spent any

1  
2 other family business. I hope the City Council  
3 passes this bill 1116 this time.

4 Thank you for giving me time to speak.

5 CHAIRPERSON ESPINAL: Thank you, thank you.

6 COUNCIL MEMBER CHIN: I just wanted to add that  
7 part of the bill is going to be an expansion of the  
8 food and vegetable vending program or the green cart,  
9 so this will allow those that are doing the green  
10 cart to be able to sell cut fruits and also nuts and  
11 water and other food that the Department of Health  
12 designate as helpful. So, that's also part of the  
13 bill. I just wanted to make sure people know that  
14 and can apply for a green cart even now and then we  
15 can expand that.

16 Thank you.

17 ?: I just want to ask something Council Member.  
18 Even the green carts, when they are going to be  
19 issued, we need to think about the women. The carts  
20 now the size is too big for women. We need to  
21 customize the needs of the vendors as well. I mean  
22 Department of Health needs to understand that women  
23 that sell mangos that we see across City Hall with  
24 their children, they need to be able to push the  
25 cart.

2 You know, how can that compete with the  
3 supermarket or a bodega? I mean, you know, there is  
4 some kind of language that needs to be implemented to  
5 be fair. We talk about gender-based violence, we  
6 talk about immigrants, women's rights and we're not  
7 listening, we're not looking, we are not really  
8 addressing the need.

9 So, I'm hopeful that through ongoing dialog, we  
10 will sort of like prioritize how we move forward with  
11 this bill. So, thank you.

12 COUNCIL MEMBER CHIN: No, thank you for your  
13 suggestion. I mean, part of the license - I mean the  
14 license that we're talking about is the supervisory  
15 license that is issued to the person.

16 So, in terms of the carts, we should really have  
17 some more conversation about how we customize those  
18 carts so that we could push it. Thank you.

19 CHAIRPERSON ESPINAL: Thank you all.

20 Up next we have Hui Jun Wang, William Spisak,  
21 Domingo Paulino, Avillia Oyatzy[SP?], Morolo[SP?].  
22 Domingo Paulino? MD Hoque the other MD.

23 Yeah, so as I mentioned earlier, I am only  
24 allowing folks who are here for themselves to speak  
25 being the high volume of testimony that we have, I

2 think it is only fair for those who are here waiting  
3 to be able to speak.

4 MD Hogue, Kamal Nazer[SP?], Mohamad Islam,  
5 Teodora Medina[SP], Moulay Ennaaim. I'm sorry, it's  
6 not that I have trouble reading. I just have trouble  
7 reading the print. So, Moulay Ennaaim. Mohamad  
8 Aullah, Zo Lu Yen[SP?], Cao Lei, Yu Fang Si[SP].  
9 Mohamad Pabas[SP?], Herminio Arista, Catalina  
10 Quintanilla, Monlay Ennaaim, Nazrul Islam, Fos Lynn  
11 Nor, Inez Loja, Mohammad Aullah, MD  
12 Shaheadapmed[SP?], Wanghun Jun, Blanca Kotchi[SP?].  
13 We got a winner. We have one more seat to fill.  
14 Quing Song Chen, Ruhim Vllah, Funy Lam, Rolando  
15 Perez. We have the United Nations up here, so  
16 Yuanzen Wang, Lamo Tzujen, Joann Vanek[SP?]. This  
17 one I cannot read at all, it must be a doctor, Samco  
18 Ganduop, Nosira Begum.

19 Yes, okay, you may begin.

20 [INTERPRETER]: Yes, you can see that the lady  
21 here and her accomplice, most of them were scared by  
22 the setting and when we told them that they were  
23 going to have to come up here to make a statement,  
24 they decided to leave. So, she is the only one that  
25 are able to keep here, and she was about to leave,

1  
2 and I told her alone is the representative for the  
3 whole chains community, so she said that she would  
4 stay but then she said, can she not talk through the  
5 mic and talk through me? Can she whisper to me per  
6 her request that she can whisper to me and I can  
7 translate what she says since she is the only one  
8 here anyways.

9 COUNCIL MEMBER CHIN: [SPEAKING TO LADY IN  
10 ANOTHER LANGUAGE].

11 [INTERPRETER]: My name is Wanghun Jun. I came  
12 from Henan Zhengzhou. Thanks to the United States  
13 Government. I came here over ten years ago. I have  
14 been a small vendor since I came to the United  
15 States.

16 I am very happy to hear that the City Hall, the  
17 Council Members are concerned about us, small  
18 vendors. I heard about the more permits or  
19 certifications are given out to the small vendors and  
20 I have been renting my own permit to my business.  
21 That is actually a lot of pressure on me, so I am  
22 very happy that the City Council is concerned about  
23 this.

24 Many of my partners who came with me together to  
25 come here has left because they overheard something

1  
2 about, they are not giving out more permits to small  
3 vendors, but I heard differently and then I came here  
4 to thank you for being concerned about us small  
5 vendors.

6 CHAIRPERSON CHIN: Okay, I just wanted to clarify  
7 to make sure she knows that the bill that we're  
8 putting forth, that we do want to increase permit and  
9 we want her and the vendors to continue to support to  
10 advocate. [SPEAKING TO LADY IN OTHER LANGUAGE].

11 [INTERPRETER 1]: I would like to ask something  
12 because when we were sitting there she mentioned that  
13 her whole life is being a small vendor and then she  
14 just wants the Council Members to know that when you  
15 make the decision, just please don't exclude these  
16 small vendors who under the Black Market renting  
17 certificate, just don't exclude them because that's  
18 their only way of life and they don't know anything  
19 better than doing what they have been doing.

20 I've overheard some Council Members saying that  
21 they are giving up on us; we as small vendors just  
22 want a chance to life, that's all. So, if you guys  
23 are going to give up on us, I don't know how I will  
24 live.

2 CHAIRPERSON CHIN: We're not giving up, okay.  
3 That's why you're here. Okay, thank you.

4 [INTERPRETER 1]: Thank you.

5 [INTERPRETER 2]: My name is Nosira Begum. I  
6 have a green card permit right now, but if the bill  
7 passes, then it would actually help me to have more  
8 sustainable income because right now, I am not able  
9 to make enough income with the green card and it  
10 might work in the summer, but it's not all year.  
11 It's not that profitable.

12 Since I have a really low income and my husband  
13 is unemployed, the child services have taken my two  
14 children and I haven't seen them since 2016.

15 It is really hard as a mother not to be able to  
16 see my children regularly and if the bill of the  
17 permit passes, it will change my life and I will be  
18 able to support my children. Thank you.

19 CARMEN LASSI[SP?]: Hi, good afternoon  
20 Councilwoman and Councilman. My name is Carmen  
21 Lassi, originally from Bangladesh. I am also an  
22 American disabled veteran.

23 I carry both licenses. I have been on the street  
24 from 1999 actually, so almost 20 years. I am  
25 unlisted working as street vendor. So, I gathered

1  
2 the knowledge from the street, and you gathered the  
3 knowledge from behind a chair. So, that's a little  
4 bit of difference.

5 I agree that I am happy that you guys are  
6 hopefully going to pass the bill but in my opinion is  
7 you should give all Department all at once to the  
8 licensees. So, that takes care of the so-called  
9 Black Market. We should take the lesson from yellow  
10 cab if you remember and I'm sure you guys are  
11 involved with that to. You see what happened to the  
12 yellow cab. They were like a million and a half  
13 dollar, all of a sudden, Mayor Bloomberg gave the  
14 green cab and it is an opportunity for a lot of the  
15 people to make a good living and at the same time,  
16 they have created a diverse market and then the Uber  
17 came.

18 So, the taxi market is doing fine. So, everybody  
19 is doing fine. So, in our food market, you should  
20 give all the license, all department at once. So,  
21 this way all these greedy owner, they're not going to  
22 be able to get the \$20,000 and, in my opinion, I  
23 think all Department holder, that they are going to  
24 work, you should tax them. Rather than paying the  
25

1  
2 greedy owner \$20,000, would love to give \$5,000 to  
3 \$10,000 tax to the city and the state.

4       So, you guys have revenue coming this way, so  
5 it's a win-win situation for the state, for the city,  
6 and for the hardworking people that are working  
7 outside in the summer, in the winter. You know, you  
8 should consider that giving all that rather than  
9 slowly, slowly, and all the nonsense that has been  
10 talked about all the business owners, the vendors you  
11 know, yes, there are some bad apples in all kinds, in  
12 the vendors and everything. So, yes, there are some,  
13 but the vendors don't go in front of the store and  
14 selling the same thing from the store they are  
15 selling on the outside. We don't do that.

16       Most of the vendors in the business you know,  
17 vendors like me for 20 years, we would expect the  
18 business district. You know, if the business dies,  
19 nobodies going to go there. So, we are not going to  
20 have as a vendor, we're not going to have business  
21 over there too. So, it's a two-way respect. The  
22 businesses have to respect the vendors, they can work  
23 together. And another thing that always puzzles me  
24 that you guys are giving the food license to whoever  
25 comes in. Why are you giving the food license? It

1 should be restricted just like the vending license.

2 If there is permit, what is the purpose of giving the  
3 food license. I don't understand that. That's  
4 creating also the Black Market because people are  
5 eager to work and they are paying, paying, paying,  
6 paying. So, this is not fair for the hardworking  
7 men. They are being trapped because now they have a  
8 license, they are willing to pay anything to get the  
9 permit.  
10

11 So, I think that the food vending license, it  
12 should start right away. So, whoever has the  
13 license, give the permit to them all at once and  
14 crash that market. Tax these people, we are willing  
15 to pay the taxes. Why not? Thank you very much.

16 [INTERPRETER 3]: Good evening. So, I've been  
17 selling ice cream for seven years and the problem  
18 that I have is not having a permit and the police  
19 have been stopping me and harassing me and giving me  
20 problems.

21 I am afraid of going out because when I do go out  
22 and sell my product and the police stops me and to  
23 tell me that this is robbery, I feel bad about the  
24 situation and I'm intimidated. But I do have to go.  
25 I have my children. My children need a home. My

1 children need to eat. That's why I do have to go out  
2 to the streets and vend.

3  
4 Please excuse me, I am a bit nervous, but I would  
5 like for you all to help me with obtaining permits  
6 because there are a lot of families that need to be  
7 provided for. We need our permits so that we don't  
8 feel intimidated.

9 Sorry, we are really afraid because it is an  
10 intimidating situation, we are scared. It's a scary  
11 situation. We would like to work peacefully. It's  
12 costs about \$8,000 for six months but we got to do  
13 it. That's a lot of money. That's all, thank you.

14 [UNIDENTIFIED]: I came here for a reason and  
15 I've been here since 2014, I have been selling for 35  
16 years. I have three children. The agents caught me.  
17 I only had one week working, they took away my cart,  
18 they took away my license. They charged my \$2,000 in  
19 penalty but I paid it.

20 I hope that you all can help me with the permit  
21 so I can sell in the streets. Thank you.

22 Thank you very much.

23 CHAIRPERSON ESPINAL: Thank you.

24 UNIDENTIFIED: Can I say one more thing.

25 CHAIRPERSON ESPINAL: Yes.

1  
2 [UNIDENTIFIED]: This is my solution. A simple  
3 solution to stop the Black Market. If the inspector  
4 goes there, if they don't see the permit holder  
5 working in their cart for a consecutive 30 times, I  
6 think they should revoke the permit and give it to  
7 the people is working over there. And right there in  
8 the cart, just take that permit from the permit  
9 holder and give it to the people who is working  
10 there. Thank you.

11 CHAIRPERSON ESPINAL: Thank you.

12 Okay, next, we're going to call up the next  
13 panel. Nur Alam, Adelaida Simon, James Williams  
14 Senior, Godshelter Oluwalogbon, Yanki Tshering, Lo  
15 Van der Walk, Sari Kisilevsky, Maria Rose Gova, Maria  
16 Lucero, Luis Jaran, Armando Moritz, Manuel Villa.  
17 Alright last one, Sari Kisilevsky. I called you, I  
18 called you twice.

19 Is there anyone here who came to testify who has  
20 not heard their name called? Okay, alright, okay,  
21 going once, going twice, alright, let's go. You may  
22 begin.

23 [UNIDENTIFIED]: Okay, good afternoon Mr.  
24 Espinal. When you were running the Sunset Park, you  
25

1  
2 promised us that you were going to give us the  
3 permits and that's the reason why I'm here.

4       It's Carlos Menchaca and she said, yes, I  
5 remember it and I offered you food that is my  
6 favorite food that is called Lagordetta[SP?]

7       CHAIRPERSON ESPINAL: I'm just saying she is  
8 speaking of Carlos Menchaca; I am not Carlos  
9 Menchaca. We look alike with the beard, yes.

10       [UNIDENTIFIED]: No, Mr. Espinal, you went to  
11 Sunset Park. You went to where I worked.

12       CHAIRPERSON ESPINAL: I want to help you, but I  
13 don't represent Sunset Park. I am going to help you  
14 anyways, but I don't represent Sunset Park.

15       [UNIDENTIFIED]: I was threatened by Police  
16 Officer Peko Latorrez[SP?], precinct 72 and he  
17 harassed me.

18       So, I was threatened by that police officer  
19 together with my son who is 13 years old and on top  
20 of that, I was diagnosed with cancer and I had to  
21 rent a permit and I paid \$15,000 and that all went to  
22 the garbage because I couldn't work.

23       But I couldn't work, I couldn't get the money  
24 back, I couldn't you know, make the money again but  
25 you know, I was able to survive. I am here and what

1  
2 I want to ask of you is for you to give me the permit  
3 back. I'm glad that I survived, and I am here.

4 Well, I also tried to use a permit that was going  
5 to expire on October 31<sup>st</sup>. So, I couldn't use it and  
6 now I'm trying to get a permit and they are asking me  
7 for 20 or 25 and that's something that I cannot  
8 afford or pay for.

9 So, I need the permit, that's why I'm here. Try  
10 to do something for us. I need the permit and you  
11 know; we pay double the taxes, we pay business taxes,  
12 we pay personal taxes. What they said is a lie, they  
13 said that we don't pay taxes. We do pay taxes and I  
14 went to 42<sup>nd</sup> and Broadway to ask them about the  
15 permit and they said that I was not going to see the  
16 permit. That my children and grandchildren were not  
17 going to be able to see the permit.

18 So, it doesn't make sense if I'm not able to work  
19 at all. So, we are mothers and fathers who are  
20 trying to get on with life. We are not a burden to  
21 the city; it is totally the opposite. We maintain  
22 ourselves and we need to give support to our children  
23 and to our families. So, what I'm asking for is for  
24 you to give us an opportunity to get the permits so  
25 that way we won't be harassed by the police and our

1  
2 products won't be thrown away, like the way they are  
3 doing it right now.

4       And thank you very much Mr. Espinal for listening  
5 to us and please try to help us and thank you.

6       LO VAN DER WALK: My name is Lo Van der Walk. I  
7 am President of Carnegie Hill Neighbors. We are a  
8 membership organization dedicated to historic  
9 preservation and quality of life issues and located  
10 in the upper east side.

11       Thank you Chair Espinal for this opportunity to  
12 speak. We appreciate that vending offers a career  
13 trajectory for economic mobility, but we have grave  
14 concerns about the Intro. 1116-A.

15       First, while we applaud the creation of a vendor  
16 enforcement taskforce that will provide consistent  
17 enforcement, we think that this entity must be fully  
18 operable before any expansion of the number of  
19 licenses is approved. We stress this new unit should  
20 be fully funded and have policing powers.

21       Second, we have witnessed vendor violations  
22 including waste cluttered sidewalks, bad fumes  
23 wafting into residential windows. Also, we regularly  
24 witness large electronic advertising panels with  
25 garnished brightly lit flashing adds.

2 Third, we have also seen brick and mortar stores  
3 disappear where vendors had planted themselves nearby  
4 may not be cause and effect, but it is associated.

5 Fourth, we are not convinced that these bills as  
6 written will effectively eliminate the black market  
7 currently inherent in the process.

8 Finally, as others have mentioned, 21<sup>st</sup> Century  
9 media technology should be incorporated to help in  
10 tracking and enforcing vendor regulations.

11 Thank you for this opportunity to speak.

12 SARI KISILEVSKY: Hi, my name is Sari Kisilevsky.  
13 I am Professor Kisilevsky at Queens College CUNY and  
14 I specialize in issues of equity and immigration  
15 affects. I just to very briefly address three  
16 arguments that I've been hearing from some of the  
17 ponentes of the legislation that I believe are  
18 unsupported and made in bad faith.

19 The first is move away from the question of the  
20 exploitation of vendors to questions of enforcement  
21 suggesting a culture of illegality and non-compliance  
22 against a population that's already over policed.

23 The second is a concern about competition with  
24 restaurants and grocery stores. It is an argument  
25 that is not supported by the data and it avoids the

1  
2 real source of the threat to these industries, namely  
3 the rise in commercial rent and the increase in big  
4 box stores.

5 The third argument is a concern for smells,  
6 ugliness carts, cleanliness. Concern for a flood of  
7 vendors that are coming in that I think our questions  
8 of rhetoric and stock anti-immigrant concerns, and  
9 they mask the true crisis namely the abuse and the  
10 exploitation of a very vulnerable population whose  
11 contribution to New York City is unmeasured.

12 I want to urge you to lift the cap on the permits  
13 and pass this legislation and live up to the promise  
14 of New York City as a sanctuary city. Thank you.

15 MARIA LUCERO: Good afternoon, my name is Maria  
16 and I came to ask for help. I've lived in this  
17 country; I've worked and now I cannot work. I worked  
18 for 20 years in this country and now I don't have a  
19 cart. They took my cart and I need help and Mr.  
20 Espinal; I beg you to help me. I'm getting old  
21 instead of getting younger; we're getting older and  
22 years are passing by.

23 Before I paid \$1,000 for a cart to have a permit  
24 and now, I have to pay \$12,000 and I can't pay that.  
25 So, I can't work so I am asking you to help me

1 because I need. So, sanitation one time took my cart  
2 and I had to pay \$1,000.

3  
4 So, you know, we have to fight, we have to  
5 struggle. We have to go through all those things, so  
6 what I need is for you to help me.

7 [UNIDENTIFIED]: So, I want to thank you. Thank  
8 you for everything but you know, we are having a lot  
9 of problems right now. We have to hide our carts and  
10 if Sanitation comes, we have to run from them. So,  
11 that is not something good. So, please help us and  
12 thank you.

13 MARIE ROSE GOVA: Good evening Council Members.  
14 My name is Marie Rose Gova. I'm from the Ivory  
15 Coast, west Africa.

16 I came in America from France because my father  
17 was an ambassador in France. This is when I got my  
18 kids, I have four kids. And one of my kids was  
19 interested in taking course in medicine and started  
20 in the medicine program and America happened to be  
21 the best place for medicine and that's how I came  
22 here.

23 And it was hard actually, for him to get  
24 admission in France because it is very selective in  
25 France. I came along with my son here and at some

1  
2 point, I needed to work to help him to support him in  
3 his studies and I went to an embassy here in America  
4 and signed paperwork to get permit.

5 So, from word of mouth, I went from vendor to  
6 vendor to get information to learn about how to get a  
7 permit so I could sell mangos.

8 And so, I went to 42 Broadway and took the  
9 classes and that's how I eventually got the permit.  
10 I was once harassed by the Police, one policewoman  
11 stopped me and asked me, where is your license? And  
12 as soon as I was stopped, a number of police officers  
13 came around and you know, as though I was a criminal  
14 and they surrounded me. It was about ten of them and  
15 it was really scary and with weapons and I told them  
16 I have my license, but they didn't listen to me. I  
17 had to show it to them.

18 But they still arrested me and took me to the  
19 post. And finally, I was recognized by one of the  
20 officers at the precinct and the officer confronted  
21 him and said, why did you arrest this lady, I know  
22 her, she also operates on 14<sup>th</sup> street and she does  
23 have a license?

24 She has a license and only after three hours they  
25 then decided to let me go.

1  
2 And there was a second time, it was on Brooklyn  
3 Bridge and someone happened to alert the police and  
4 the came and they also arrested me in that time, and  
5 they took me to the precinct.

6 But what really was shocking, what really upset  
7 me was that they searched me, they pretty much  
8 touched me everywhere. So, they frisked me, and they  
9 touched me even my bottom. So, it was really  
10 uncomfortable and really upsetting that day.

11 So, I want to call on your common sense and ask  
12 you to increase the licenses, give more licenses.  
13 These examples I give, I even had the permit and was  
14 frisked and arrest. So, imagine those that don't  
15 have the permit and have to go through that all the  
16 time. So, I beg, and I plead for everyone to get the  
17 permits. So, increase the permit for more people.

18 I paid \$1,500 in tickets in total last year and I  
19 would like to have a permit to work so I could also  
20 continue to sell and have my kids in school. Thank  
21 you.

22 CHAIRPERSON CHIN: Yeah, I just wanted to thank  
23 everyone for coming. We look forward to a lot more  
24 discussion taking into consideration of people who  
25

1 testified today and make it a stronger and better  
2 bill.

3  
4 I know from the vendors; we feel you that we have  
5 to increase the permit and we will work towards that.

6 And I wanted to thank Chair Espinal for chairing  
7 the meeting. I know it was long, but it is worth it.

8 Right, and we're going to continue to advocate and  
9 continue to work together with everyone. All the  
10 stakeholders, everyone who came today who provided  
11 testimony. There will be a lot more discussion, but  
12 we will make this a stronger bill and we hopefully  
13 will get it passed. Thank you.

14 CHAIRPERSON ESPINAL: Thank you. Thank you all  
15 for coming. I appreciate it. With that said, this  
16 meeting is adjourned. [GAVEL].

17

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19

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date April 1, 2018