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COMMITTEE ON CONSUMER AFFAIRS AND
BUSINESS LICENSING

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CONSUMER AFFAIRS
AND BUSINESS LICENSING

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January 28, 2021
Start: 11:10 a.m.
Recess: 11:36 a.m.

HELD AT: REMOTE HEARING (VIRTUAL ROOM 1)

B E F O R E: Diana Ayala,
Chairperson

- COUNCIL MEMBERS:
- Justin L. Brannan
 - Margaret S. Chin
 - Ben Kallos
 - Peter A. Koo
 - Karen Koslowitz
 - Brad S. Lander
 - Carlos Menchaca
 - Kalman Yeger

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SERGEANT BRADLEY: Computer recording is on.

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SERGEANT SADOWSKY: Thank you.

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SERGEANT HOPE: Cloud recording started.

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SERGEANT SADOWSKY: Thank you.

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SERGEANT PEREZ: Backup is rolling.

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SERGEANT SADOWSKY: Thank you and Sergeant

8

Bradley.

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SERGEANT BRADLEY: Okay, good morning and welcome

10

to today's New York City Council Vote on the

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Committee on Consumer Affairs and Business Licensing.

12

Please, all Council Members please turn on your

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videos. Thank you for your cooperation, we are ready

14

to begin Chair.

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CHAIRPERSON AYALA: Good morning everyone. This

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is meeting is called to order [GAVEL]. Good morning,

17

my name is Diana Ayala and I am the Chair of the

18

Committee on Consumer Affairs and Business Licensing.

19

I am joined today by my colleagues on the Committee,

20

Council Members Chin, Koslowitz, Koo, Yeger,

21

Menchaca, Brannan, Lander and Kallos.

22

Today, we will be voting on a historic piece of

23

legislation. Introduction Bill Number 1116-B

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sponsored by Council Member Chin. This legislation

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will finally expand the number of street vendor

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2 permits and establish a much needed independent
3 street vendor enforcement unit. The City's street
4 vendors are a vital part of New York's history. They
5 not only enhance the vibrancy of public spaces and
6 increase the sense of community; they have always
7 added to the diversity of the city's retail and food
8 landscape.

9 And they consistently contribute to the city's
10 economy. Although data is hard to come by to assess
11 the enormity of this classic New York Industry, a
12 2012 study quoted that the direct effort effect of
13 street vendors was estimated to produce more than
14 16,000 jobs \$78.5 million in wages and \$82 million to
15 the economy. Unfortunately like many industries,
16 street vending has been hit hard by COVID-19. The
17 reduced foot traffic due to lockdown mandates, work
18 from home orders and reduced tourism, means that
19 street vendors have lost 80-90 percent of their usual
20 sales over the course of the pandemic.

21 Unlike other small businesses and workers who are
22 eligible to access government assistance and
23 unemployment, the majority of the city street vendors
24 have not qualified for benefits under these programs.
25 Despite a risk of its important contributions to the

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2 city, street vending in New York is historically
3 contentious. As the most densely populated city in
4 the country, public space in New York is a rare and
5 valuable commodity and there are competing demands on
6 this precious resource pedestrians, delivery workers,
7 sidewalk cafés, newsstands, grocery stands, fire
8 hydrants, bus stops and all of the other growing
9 street furniture and traffic in our city are just
10 some of the different elements vying for space on our
11 sidewalk. Therefore, it is important that when
12 recognizing the value of street vendors and doing
13 what we can to ensure discipline ability, we also
14 balance their needs against a host of other issues
15 involved. This is why I am pleased that we are
16 bringing Intro. 1116-B to a vote today.

17 The city's complex regulation of street vending
18 has made enforcement inconsistent and contributed to
19 the tension between street vendors and brick and
20 mortar businesses. Changes to our enforcement of
21 vending laws are necessary and the cap on permits to
22 legal events in this city has caused the illegal
23 market in permits to flourish.

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2 Intro. 1116-B aims to stop pitting small
3 businesses against each other. It forces us to
4 recognize the small vendors are in fact our smallest
5 small businesses. By establishing both a
6 comprehensive enforcement unit as well as a street
7 vendor advisory board, the city will fairly balance
8 the midst of competing interests particularly when it
9 comes to using the wrath of regulations. The city
10 street vendors deserve the recognition that they too
11 are legitimate small business owners and operators.

12 Only after the new enforcement unit has been in
13 place for at least nine months will the bill release
14 new permits. 400 each year for the next 10 years.
15 Importantly, these new permits will prioritize
16 current vendors that have been working on a cart and
17 who have been on the wait list for an apartment.
18 They will also limit the number of folks who can vend
19 in Manhattan as opposed to the outer borough.

20 Port supervisory licenses, these new permits will
21 require a licensee to be present at the cart at all
22 times. After the rollout of new permits, all permits
23 will work in this way. The goal is that a permit
24 holder, the vender you know and you see regularly at
25 your favorite coffee, my favorite coffee lady, will n

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1
2 not only be work that cart but will have ownership of
3 that cart.

4 With the package of this bill, the committee is
5 aiming to effectively address both the lack of
6 opportunity to folks and provide affordable good food
7 options but also bridge the gaps in enforcement and
8 the proliferation of the illegal market that thrives
9 because of decades old cap.

10 As stated, street vending is an important
11 enterprise for vendors, consumers and the city's
12 economic prosperity. The sidewalks need to
13 accommodate a range of needs and enforcement needs to
14 be functional. Intro. 1116-B will help mitigate
15 these problems while balancing the competing needs of
16 an interest of all New Yorkers.

17 I am happy that as Chair of the Consumer Affairs
18 and Business Licensing, I can finally bring this much
19 needed reform to a vote. With that, I encourage my
20 colleagues to vote in the affirmative but I will now
21 pass it over to Council Member Chin, who is the prime
22 sponsor of the bill for remarks.

23 COUNCIL MEMBER CHIN: Thank you Chair Ayala. You
24 said it beautifully and explained it so well about
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the bill. I am just so excited that we finally got to this point after so many years. And the people who have been waiting are the hard working vendors. Most of them are immigrants, women, they just want to be able to start a small business, make a living, support their families and we have to support them because as our Chair said, they are part of economy. They are part of New York City's history and our landscape.

So, it's about time and the legislation will address a lot of the issues that people have been complaining about with the enforcement unit and a vendor advisory committee forward that will bring together all the agencies, city agencies that are involved in the vending and the business community and the vender community and they will be able to work together to you know look at all of the issues and make recommendations to the city to improve the system.

So, it's about time we pass this bill and I wanted to thank you know, all of the advocates, the Street Vendor Project and all of the community organizations that have been so supportive and all

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1
2 the staff that has worked on this for so many years
3 and I really urge my colleagues to support this bill
4 because it is the right thing to do. Thank you.

5 CHAIRPERSON AYALA: Thank you. I will now pass
6 it over to the Clerk for a call to the vote.

7 COMMITTEE CLERK: William Martin, Committee Clerk
8 roll call vote Committee on Consumer Affairs and
9 Business Licensing Proposed Introduction 1116-B.
10 Chair Ayala?

11 JEFF BAKER: I am sorry, Billy, can you hold the
12 vote for one second?

13 COMMITTEE CLERK: Sure, sure.

14 JEFF BAKER: Council Member Yeger had his hand
15 raised and he would like to be recognized to speak.

16 CHAIRPERSON AYALA: I am sorry about that.

17 COUNCIL MEMBER YEGER: Thank you Madam Chair.
18 Good morning. Hi, thank you very much Madam Chair.
19 Thank you my colleagues. I just want to speak
20 briefly before we vote. Obviously we know how the
21 vote is going to turn out but I would like to say the
22 following on the record.

23 There is no doubt in my mind that the topic of
24 vendor licenses has long begged to be visited by this
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2 Council. The first hearing on this bill was held in
3 April of 2019, more than a year and a half ago and
4 over a year before the beginning of the pandemic and
5 the resulting economic turmoil. That economic
6 turmoil has to be sure effected vendors, as my
7 colleagues have said but I think it is also important
8 to note how the economic turmoil has effected brick
9 and mortar businesses.

10 Countless retail stores eateries have permanently
11 shuttered in our city to the point where I am not
12 even certain there is a present accurate count of how
13 many have closed, how many jobs have permanently
14 disappeared but we have all seen the shuttered
15 storefronts in our neighborhoods. None of this is to
16 say that the vendor license topic has been properly
17 handled by the city. There has never been a real
18 crackdown on absentee license holders who take effect
19 of vendors. As my colleagues have noted publicly and
20 throughout this process. There has never been a real
21 crackdown on license vendors who set up shop right
22 outside of the door of a taxpaying establishment.
23 These are real issues that need to be addressed and
24 in some ways, this bill will address that.

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2 In my view, the enforcement aspect of the bill
3 should take affect first to ensure that it is
4 actually done. It is done fairly and it is done
5 right. And I think that should happen before we
6 legislate the issuance of new licenses. At the very
7 least, I do believe this Council should have held a
8 new hearing to hear from the effected taxpayers
9 before moving forward with this legislation.

10 So, with that, I honor very much the incredible
11 work, the incredible amount of work, truly incredible
12 that's been done by the sponsors, by members of this
13 body, by staff, by the affected folks who have an
14 interest in this bill in crafting his legislation and
15 getting it to the right place. But for these and
16 many other reasons, I can't support today's bill and
17 I really do thank you Madam Chair for giving me the
18 opportunity to speak. Thank you.

19 CHAIRPERSON AYALA: Thank you. Any other members
20 have their hand up?

21 JEFF BAKER: No, we may proceed.

22 CHAIRPERSON AYALA: Okay, we may proceed.

23 COMMITTEE CLERK: Okay, William Martin Committee
24 Clerk roll call vote Committee on Consumer Affairs
25 Introduction 1116-B Chair Ayala?

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CHAIRPERSON AYALA: I vote aye.

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COMMITTEE CLERK: Chin?

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COUNCIL MEMBER CHIN: I vote aye.

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COMMITTEE CLERK: Thank you. Kallos?

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COUNCIL MEMBER KALLOS: Aye.

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COMMITTEE CLERK: Koo? You are muted Council

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Member Koo.

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COUNCIL MEMBER KOO: Madam Chair Ayala, may I

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explain my vote?

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CHAIRPERSON AYALA: Yes, you may.

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COUNCIL MEMBER KOO: Thank you. So, street

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vending has long been an issue in my community in

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Flushing. It got so bad that I had to pass a law to

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completely restrict vending in congested areas. Over

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the last year, those areas have still been

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overwhelmed by vending, but it has literally been

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ignored by every city agencies tasked with regulating

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them.

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The Mayor's Office, NYPD, Consumer Affairs, DOT,

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no one wants anything to do with street vending

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enforcement. We even had agencies weeks arrange

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after we got complaints but many agencies just didn't

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even bother showing up. It is obvious that there is

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2 simply no appetite by the Mayor to direct any city
3 agency to enforce street vending.

4 It doesn't matter that business people complain
5 or that people get sick from eating the food, or the
6 smoke goes in windows or there is litter on the
7 streets. If there is no directive from the Mayor,
8 then nothing gets done. I am sympathetic to street
9 vendors. I think they deserve a place in our city.

10 But they need to be regulated and enforced, just
11 like everyone else. That hasn't happened in years.
12 Because of this, I will be voting yes today. The
13 reason is that this is the only concerted effort to
14 create a dedicated enforcement agency whose sole job
15 is to enforce vending.

16 I am also pleased to see that the agency will be
17 created first. The agency will be created first
18 before lifting the cap and they will be authorized to
19 enforce a license and licensed vending. It is time
20 to stop passing the buck. Our regulatory agencies
21 has been too long standing around in a circle with
22 every body pointing their finger at someone else.
23 The bill isn't perfect but it is a good first step
24 and I truly hope you will put us on a path to work
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2 finally reaching some equilibrium among both street
3 vendors and brick and mortar businesses.

4 Finally, I want to use this opportunity to say
5 that we need to be fair to our small businesses. I
6 have a bill, Intro. 1145 that will examine stores
7 from item pricing requirements. Provided they have
8 scanners accessible to customers.

9 During the pandemic, this will help reduce their
10 already significant burdens and I encourage my
11 colleagues to sign, support the bill but for today, I
12 will vote yes on 1116-B. Thank you.

13 COMMITTEE CLERK: Thank you Council Member.
14 Koslowitz?

15 COUNCIL MEMBER KOSLOWITZ: May I be excused to
16 explain my vote? For years we worked on vendors. In
17 the 90's, I worked on vendors so much that it was a
18 horrible, horrible situation. This bill is the
19 closest to a bill that's really going to help the
20 individual person. Give them something that they can
21 count on. Having their own cart, their own
22 merchandise and no Black markets.

23 I have to say, I have heard many times that
24 vendors hurt restaurants. That is absolutely not
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1 true. You are not going to go – if you want to go to
2 a restaurant, you are not going to stop off at a
3 vendor, you are going to go to the restaurants. So,
4 I don't see how they can hurt restaurants.
5

6 So, Margaret, congratulations. This is a great
7 step forward and hopefully, the people that have
8 these carts have a good life and a prosperous life
9 like other business people. So, with that, I gladly
10 vote aye.

11 COMMITTEE CLERK: Lander?

12 COUNCIL MEMBER LANDER: Request permission to
13 explain my vote?

14 CHAIRPERSON AYALA: Permission granted.

15 COUNCIL MEMBER LANDER: Thank you so much Chair
16 and congratulations especially to Council Member Chin
17 and to you as well. This is such a thoughtful
18 conversation and a good process.

19 Obviously, a situation where we have got various
20 stakeholders that we care about all of whom see
21 themselves pitted against each other is the most
22 difficult time of all. Of course New Yorkers love
23 and want to support street vendors and see in them.
24 So many of our immigrant stories of our families
25 coming here to get a chance, we see how hard that

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2 work is. We know those folks can't apply for PPP you
3 know, and we want immigrants to have a chance to
4 survive and thrive.

5 And of course, we also love our brick and mortar
6 small businesses and we see what's happening during
7 the pandemic and how hard it was before and we want
8 them to survive and thrive and it is not easy to
9 balance those interests but - and I will say, I wish
10 we had gotten there long ago. If we had had the
11 courage collectively to move through this process
12 earlier, even though it was hard. In the last term
13 there was an effort earlier and this term there was
14 an effort, Margaret, you have been part of those and
15 so many others on this call have. Street Vendor
16 Project and organized street vendors have kept
17 pushing us but because it is difficult, we didn't get
18 it done and as a result, now we have to do it when it
19 is even harder.

20 But the right answer - so I wish we had done it
21 earlier and then we wouldn't be doing it in a
22 pandemic when small businesses who are brick and
23 mortar have also had such a hard time and of course
24 therefore feel more put upon, not especially by
25 street vendors but by the pandemic.

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2 So, I wish we had done it earlier. But this
3 process is a good one. We should not continue to
4 punish low-income immigrants who are street vendors
5 because the pandemic has also made it harder for
6 brick and mortar small businesses.

7 So, there will be no perfect bill here but this
8 is a very good one. It really gets this issue right.
9 Balancing all the interests. Props to everybody who
10 worked on it. To the Speaker and his team to Council
11 Member Chin and her team to Street Vendor Project and
12 their allies and to the Chambers and the Small
13 Business folks who show up to advocate for the folks
14 they care about even if at the end of the day they
15 don't support the bill.

16 It does bare saying that we have not done enough
17 for our small businesses and of course, we have much
18 more to do. So, let's consider Council Member Koo's
19 bill about item pricing. I have got a bill coming
20 about mandatory PPE provision. In Albany, they have
21 got rent relief bills and small business recovery
22 lease bills and back at this Council, we can consider
23 commercial rent stabilization. There are so many
24 more ways that we need to show up for our small
25 businesses and I feel deeply committed to do so. But

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2 for today, I celebrate this good step forward for our
3 street vendors who work so hard and deserve an
4 opportunity. Should not be shunted into the Black
5 market and should have a real opportunity to have
6 survive and thrive.

7 Just one last small thing, I do think it is also
8 worth noting that the open restaurant and open retail
9 programs that we have passed during this pandemic and
10 are fighting hard to make sure remain permanent, do
11 create an opportunity for brick and mortar small
12 businesses who want to, to apply for free to get to
13 use the sidewalk and street space in front of their
14 businesses. That is not a cure all and many other
15 things in this bill are critical to make sure that
16 there is good enforcement and protocols.

17 But I do just want to note that there is that
18 opportunity for brick and mortar small businesses to
19 use the spaces in front of their stores in the
20 pandemic and let's keep that going past the pandemic
21 so that they have the opportunity as well.

22 Thank you so much and I proudly vote aye.

23 COMMITTEE CLERK: Menchaca?

24 COUNCIL MEMBER MENCHACA: Permission to explain
25 my vote?

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CHAIRPERSON AYALA: Permission granted.

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COUNCIL MEMBER MENCHACA: Thank you. I want to say thank you to Speaker Johnson and his team, Council Member Chin and our new Chair of the Committee, welcome Council Member and Chair Ayala. The incredible work that we have been doing with the vendor project has been long term and the small businesses that we have spoken to, the union representatives that we have spoken to. All of the advocates on all of the sides have shared their concerns and those who have worked with us, helped us all get to this historic point and I am proud to be a co-prime sponsor for this bill. A bill that is like Council Member Lander said, long overdue.

It has been almost half a century since the Council has taken any positive action on the city's current street vendor permit and enforcement system and throughout that time, we have seen a rampant underground market grow. Exploitation of our immigrant workers grow and an over policing and discrimination of vendors and outdated regulations that have created disorderly and frustration in our commercial corridors.

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2 And that's what we are getting in response to
3 this bill, Chambers of Commerce are saying what they
4 are saying and there is a lot of beliefs but those
5 are all myths. What we know is that street vendors
6 actually create a more positive impact to our
7 commercial corridors and with this Intro. 1116-B, we
8 have the opportunity to modernize sorely outdated
9 regulations that will serve both street vendors and
10 brick and mortar businesses.

11 Our bill creates the office of Street Vendor
12 Enforcement. A new dedicated unit within the city
13 government to justly and firmly enforce the new laws.
14 Once this enforcement unit is up and running for nine
15 months, the permit cap will slowly be rolled back and
16 400 new, brand new, food vending permits will be
17 issued annually for the next ten years.

18 Most importantly, this Intro. establishes a
19 street vendor advisory board that includes
20 representatives from the vendor community. Small
21 businesses in our community and the city agencies.
22 And unlike the current outdated system, the new
23 legislation will ensure that stakeholders have a
24 voice to address issues as they arise and we know that
25 they will arise.

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2 So, whether it is on 5th Avenue, a hot dog stand
3 or China Town fruit cart or in Sunset Park a taco
4 truck. Street vendors are deeply embedded in the
5 vibrant culture of our city. It is in the fabric of
6 the city. Both in the past, present and in our
7 future. Our street vendors were on the frontlines of
8 the pandemic, feeding our city. They are small
9 business owners. Many of them who were left out of
10 state and federal emergency aid. Street vendors also
11 tell a beautiful American story of those who started
12 out on the streets vending and then owning their own
13 brick and mortar storefront or restaurant.

14 Intro. 116-B does not pit street vendors against
15 other small businesses. Our bill is the beginning of
16 an ongoing effort to support all and small
17 businesses, so that they can recover from this
18 devastating economic impact brought about by COVID-19
19 pandemic.

20 And with that, I vote aye so proudly and I just
21 want to say thank you to everyone on this Committee
22 for doing the good work for Margaret Chin and her
23 team and for the incredible street vendor power that
24 they have built. Let's keep going. Thank you. I
25 vote aye.

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COMMITTEE CLERK: Brannan?

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COUNCIL MEMBER BRANNAN: May I have permission to
4 explain my vote.

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CHAIRPERSON AYALA: Permission granted.

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COUNCIL MEMBER BRANNAN: Thank you Chair. So, as
7 the husband of a small business owner who had to
8 close her business after ten years because of COVID,
9 I do feel particularly tuned into what our local
10 small businesses are going through right now.

11

I also think that there is a lot of
12 misinformation out there about this bill. Right now,
13 it is basically the Wild West out there for our food
14 carts. For instance, as far as enforcement is
15 concerned, any time I have had an issue with an
16 illegal vendor just popping up, I have had to call in
17 favors to the NYPD or City Hall to actually get
18 action taken.

19

And mainly because there is such a mess of rules
20 and regulations that no one really knows, no one
21 agency knows the rules. Having a dedicated
22 enforcement unit where you have a specially trained
23 agents who can enforce all general food and vending
24 rules is what we have needed for a very long time.

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2 And making sure that this new unit is up and
3 running before we you know, release any new permits,
4 it just makes a lot of sense. So, I appreciate that.
5 Making sure that this unit is up and running for
6 almost a year before we consider releasing new
7 permits is important to.

8 The issue of this idea of these vendor tycoons
9 who live down in Florida and are renting out ten
10 different trucks up in Brooklyn, is insane. It is
11 absolutely crazy and its got end and we need to get
12 to a place where if you have the permit, you have to
13 be present with the cart. You can't be leasing it
14 out and paying your workers garbage while you are out
15 of the state and leasing out your carts.

16 So, I hope we will get to a place where all
17 permit holders have to be present at the cart. I
18 think that's really important and I think something
19 that we need to fight towards.

20 But I think this bill is great. I think there is
21 a lot of misinformation out there about this bill. I
22 understand the sensitivity around the timing of this
23 bill, especially considering that the earliest we
24 would see any change would be the summer of 2022.

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2 But I appreciate the thrust of the bill and
3 especially for me in my experience is the enforcement
4 of vendors that just pop up. Not just for resident
5 complaints but frankly for other vendors who are
6 following the rules and then when other vendors
7 aren't following the rules and there is no one to
8 really enforce them. So, we have to level that
9 playing field for the folks that are following the
10 rules and doing the right thing.

11 So, with all of that, I vote aye. Thank you.

12 COMMITTEE CLERK: Thank you. Council Member
13 Yeger?

14 COUNCIL MEMBER YEGER: I vote no. Thank you.

15 COMMITTEE CLERK: A vote of eight in the
16 affirmative, one in the negative and no abstentions.
17 Proposed Introduction 1116-B has been adopted by the
18 Committee. Thank you.

19 CHAIRPERSON AYALA: Thank you. Thank you all for
20 coming in. Again, congratulations Margaret. You are
21 a champion, my hero.

22 With that, we conclude this hearing. Thank you
23 guys, see you later.

24 COUNCIL MEMBER CHIN: Thank you Chair.

25 COUNCIL MEMBER KOO: Congratulations Margaret.

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2 COUNCIL MEMBER CHIN: Thank you Peter, I really
3 appreciate your support.

4 COUNCIL MEMBER KOO: Yeah, thank you.

5 SERGEANT AT ARMS: Okay, the live has ended.
6 Thank you all. See you at Stated. [GAVEL]

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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 February 15, 2021