

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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March 16, 2021
Start: 10:09 a.m.
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HELD AT: Remote Hearing, Virtual Room 3

B E F O R E: Diana Ayala
Chairperson

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

A P P E A R A N C E S (CONTINUED)

Lorelei Salas
Commissioner
Department for Consumer and Worker
Protection

Michelle Cruz
Deputy Chief of Staff
Department for Consumer and Worker
Protection

Nick Rozza
Assistant Commissioner of Finance and
Administration
Department for Consumer and Worker
Protection

Steven Ettannani
Executive Director of External Affairs
Department for Consumer and Worker
Protection

Mohamed Attia

Carina Kaufman-Gutierrez

Jennifer Tausig

Justina Ramlakhan

Autumn Weintraub

Luisa Mendez

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2 SERGEANT AT ARMS: PC recording done.

3 SERGEANT AT ARMS: Cloud is done.

4 SERGEANT AT ARMS: Backup is rolling.

5 SERGEANT AT ARMS: Thank you. Sergeant
6 Bradley, you may take it away with the opening.

7 SERGEANT AT ARMS BRADLEY: Good morning
8 and welcome to today's New York City Council
9 preliminary budget hearing on the Consumer Affairs
10 and Business Licensing. Would at this time all
11 panelists please turn on your videos? To minimize
12 disruption, please place electronic devices on
13 vibrate on silent mode. If you wish to submit a
14 testimony you may do so at testimony@council.nyc.gov.
15 Again, that is testimony@council.nyc.gov. Thank you,
16 and we may begin, Chair.

17 CHAIRPERSON AYALA: Good morning,
18 everyone. Um, I'm Council Member Diana Ayala, and
19 welcome to the fiscal, ah, 2022 preliminary budget
20 hearing for the Department of Consumer and Worker
21 Protection, known as DCWP. Um, I am the new chair,
22 as you know, of this committee and this morning we
23 will be reviewing the department's fiscal 2022
24 preliminary plan. The department's proposed fiscal
25 2022 expense budget totals 43.1 million, including

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2 28.2 in city funding to support 408 full-time
3 positions. The budget also includes 15 million in
4 other than personnel services to cover all other
5 general operating costs of the department. Funding
6 for the agency is primarily allocated to resolve
7 consumer and worker complaints, issuing numerous
8 licenses, educate and protect consumers, and ensure
9 that the businesses comply with local and state laws.
10 At today's hearing we will examine the components of
11 DCWP's budget, with a particular focus on the
12 department's savings program, budgeted head count,
13 and funding for the Office of Financial Empowerment.
14 With regard to the department's savings program, I am
15 interested to know whether it will limit the
16 department's ability to carry out its work. We would
17 like to hear about the impact the pandemic has had on
18 the agency's operation and status updates on recent
19 legislation that affects the department, most notably
20 the expansion of the availability of street vendor
21 permits. Specifically, I would like to get an update
22 on how you plan to implement the expansion of the
23 street vendor, ah, program and the additional
24 resources that will be required. Lastly, we would
25 like to examine the CWP's reporting in the

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2 preliminary, ah, Mayor's Management Report to gain a
3 better perspective on well aligned its budget is with
4 its performance. I would like to now welcome DCWP's
5 Commissioner Salas and her team. After this, after
6 the testimony members will have the opportunity to
7 follow up with questions for the commissioner. After
8 that, I hope that the commissioner and staff remain
9 and listen to public, ah, testimony. I look forward
10 to working with the agency and other interested
11 parties in to finalize the budget over the coming
12 months. In closing, I would like to, ah, thank the
13 committee staff for working on putting this hearing
14 together, including Florentine Cavori, John Russell,
15 Stephanie Jones, Elias, ah, yeah, I always do that, I
16 have a hard time pronouncing your last name, um, as
17 well as deputy, ah, I don't want to mess it up, yeah,
18 so, ah, Deputy, ah, Chief of Staff Michelle Cruz, and
19 I will now ask the committee counsel to please swear
20 in the Commissioner.

21 COMMITTEE COUNSEL: Thank you, Chair. I
22 am Stephanie Jones, counsel to the Committee on
23 Consumer Affairs and Business Licensing, and I will
24 be moderating this budget hearing. Before we begin
25 and before we, ah, move to swearing in I'd like to

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2 remind everyone that you will be on mute until you
3 are called on to testify, at which point you will be
4 unmuted by the host. During the hearing I will be
5 calling on panelists to testify. Please listen for
6 your name to be called, as I will periodically be
7 announcing who the next panelist will be. At this
8 hearing we will be first inviting testimony from the
9 Department of Consumer and Worker Protection,
10 followed by testimony from members of the public.
11 During the hearing, if council members would like to
12 ask a question of the administration or a specific
13 panelist, please use the Zoom raise hand function and
14 I will call on you in order. We will be limiting
15 council member questions to five minutes, which
16 includes the time it takes to answer your question.
17 For all panelists, when called on to testify please
18 state your name and the organization you represent,
19 if any. We will now call representatives of the
20 administration to testify. We will be hearing
21 testimony from Lorelei Salas, commissioner of the
22 Department of Consumer and Worker Protection. We
23 will also be joined for, for questions by Nick Rozza,
24 assistant commissioner of finance and administration
25 at DCWP, and Steven Ettannani, executive director of

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2 external affairs at DCWP. At this time I will
3 administer the affirmation. Panelists, please raise
4 your right hands. Do you affirm to tell the truth,
5 the whole truth, and nothing but the truth before
6 this committee and to respond honestly to council
7 member questions? Commissioner Salas.

8 COMMISSIONER SALAS: I do.

9 COMMITTEE COUNSEL: Thank you. Assistant
10 Commissioner Rozza.

11 ASSISTANT COMMISSIONER ROZZA: I do.

12 COMMITTEE COUNSEL: Thank you. Executive
13 Director Ettannani?

14 EXECUTIVE DIRECTOR ETTANNANI: I do.

15 COMMITTEE COUNSEL: Thank you. At this
16 time I'd like to invite Commissioner Salas to present
17 her testimony.

18 COMMISSIONER SALAS: Good morning,
19 everyone. Good morning, Chair Ayala and members of
20 the Committee on Consumer Affairs and Business
21 Licensing. I am Lorelei Salas, commissioner of the
22 Department of Consumer and Worker Protection, also
23 known as DCWP. I am joined by Steven Ettannani, our
24 executive director of external affairs, and Nick
25 Rozza, our assistant commissioner of finance and

2 administration. It is my pleasure to see you all and
3 testify once again before this committee on behalf of
4 the agency and its budget for fiscal year 2022.

5 Presently, DCWP licenses more than 59,000 business
6 and individuals in more than 50 industries. We
7 enforce essential consumer protection, licensing, and
8 workplace laws that serve countless New Yorkers and
9 offer programming that [inaudible] in our city to
10 have quality financial services for New Yorkers. I
11 consider this work to be some of the most
12 consequential that comes before the council,
13 particularly as our communities have lived a year of
14 uncertainty and fear, as well as insecure finances,
15 insecure jobs, and unforeseen costs. Today I will
16 highlight our agency's work throughout this past
17 year, our successes on behalf of consumers and
18 workers, as well as our legislative efforts to make
19 our city more equitable and livable, even as the
20 fundamentals of our life in New York and the country
21 were upended by the pandemic. Lastly, I will close
22 with the challenges we will seek to surmount as an
23 agency and as a city. To frame our conversation
24 today, let me begin by stating that our preliminary
25 budget for the upcoming fiscal year is approximately

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2 43.1 million dollars. For fiscal year 22 our
3 authorized head count will stand at 408, down 25
4 since I testified before you last year. And our
5 active head count is 370. Since our budget hearing
6 last year we have taken 37,000 consumer complaints,
7 conducted more than 29,000 inspections, completed
8 close to 12,000 financial empowerment appointments,
9 and opened 700 new worker protection cases.

10 Following the state of emergency declared last year
11 by the mayor and the governor and guidance to shelter
12 in place , DCWP found itself thinking about how to
13 best serve our various constituencies. We worked
14 quickly for the safety of our staff and clients to
15 identify the concerns and needs of our small
16 businesses and to offer our services to consumers
17 remotely. One of our first steps was to work with
18 our administration colleagues and then the council to
19 extend the license expiration dates and renewal
20 deadlines for more than 54,000 licensees. Now to
21 supplement the 59 days the agency routinely provides
22 businesses for their renewal after their license
23 expires, licensees will also receive an additional 45
24 days to renew the their licenses after Mayoral
25 Executive Order 107 lapses, totalling 104 days for

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2 businesses to renew their license. Furthermore,
3 given the many sidewalk [inaudible] licensees were
4 unable to offer dining room premises DCWP and the
5 council similarly collaborated to waive consent fees
6 for these restaurants' use of public sidewalk, saving
7 these businesses more than 12 million dollars this
8 past program year. Throughout the pandemic we have
9 disseminated this information to businesses through
10 98,000 inquiries we received online and over the
11 phone. DCWP also developed resources in up to 14
12 languages to help employers in our city safely
13 reopen, which throughout the state of emergency, um,
14 we distributed more than 510 outreach events, with
15 more than 33,000 attendees, including 33 business
16 education days, three times the number required by
17 local law. In conjunction with our visiting
18 inspector program, our staff have personally visited
19 more than 3500 individual businesses for one-on-one
20 in-person educational outreach. Additionally, since
21 our licensing center in Manhattan and the city's
22 Small Business Support Center in Jamaica we opened in
23 August we have served nearly 5500 customers, while
24 abiding by statewide health and safety guidance.
25 Along these lines, the onset of the pandemic has

2 required us to be nimble and we think how we provide
3 New Yorkers services, such as financial counseling
4 and coaching, and free tax preparation, to name a
5 few. These services traditionally focused on
6 reducing debt, building credit, or developing
7 savings, but in the past year have expanded to also
8 help New Yorkers obtain economic impact payments,
9 determine eligibility for benefits, and emergency
10 resources, and seek relief from student loan debt
11 payments. The [inaudible] to remote services has
12 required an ongoing education for both our contractor
13 providers and clients and utilizing digital
14 connections and spaces to communicate with one
15 another. The obvious difficulties that exist are
16 principally those of access, especially as many
17 public spaces that we would have previously
18 leveraged, such as our public libraries, have had to
19 close for health and safety concerns. However, to
20 date we have been able to serve more than 5000
21 financial [inaudible] center clients and we have seen
22 a rise, ah, a 13% rise in our show rate with clients.
23 In our popular free tax preparation program, New York
24 City free tax prep, we continue to offer online
25 services, although last year's in-person services

2 were by necessity limited by the governor's order to
3 shelter in place at the beginning of March. That
4 said, for the 2021 tax season we will have nine out
5 of our 15 contracted providers offering in-person and
6 drop-off service at 40 locations across the city. At
7 our last budget hearing I described to the committee
8 the extraordinary steps we took to declare face masks
9 as a good in short supply during the state of
10 emergency. This we now know was just the beginning
11 of endemic price gouging we saw throughout the city,
12 of goods that our consumers used to prevent, limit
13 the spread, and treat COVID-19. To date we have
14 received more than 12,500 complaints from New Yorkers
15 regarding price gouging since the start of the state
16 of emergency. Just some examples of what we have
17 seen include face masks sold for \$50 a packet, or
18 even small individual bottles of hand sanitizer sold
19 for \$35 each. I myself personally witnessed a
20 business selling a box of face masks for \$200.
21 Imagine a senior in the Bronx spending a huge portion
22 of her benefits just trying to keep her hands clean
23 or an immigrant worker in Brooklyn spending a chunk
24 of their paycheck to protect themselves from this
25 deadly disease. In our analysis of the complaints we

2 received, the data demonstrates that price gouging
3 occurs in our neighborhoods hardest hit by COVID-19,
4 which are also home to black and brown communities.
5 Based on what our communities have shared, we can
6 tell you that price gouging affects the people who
7 have the least available to lose right now. It
8 brings unpredictable costs to our low-income earners,
9 to our seniors, and to our immigrants in a time when
10 our economic system is fragile. We continue to
11 taking complaints and inspect businesses for
12 compliance on this issue and others, and to do our
13 job on behalf of New Yorkers. Of great pride within
14 the agency is that throughout this pandemic the
15 protections we enforced on behalf of workers have
16 never waived nor lapsed, especially in the
17 troubling early months of the pandemic when all the
18 city and its workers felt was insecurity. However,
19 we were of some belief that this was not the time to
20 place the burdens of public health and fiscal crisis
21 upon those who are most in need. When workers are
22 sick, it is vital that they can stay home without
23 fear of missing a paycheck and to protect themselves,
24 their, their coworkers, their customers, and their
25 employers. A worker needs to know that when they

2 show up ready to work they will not be unexpectedly,
3 they will not unexpectedly have their schedule
4 changed, depriving them of much-needed pay, and
5 workers such as our freelancers, need to feel assured
6 that if they do the job they get paid for the job.
7 Since March we have received calls for more than
8 11,500 workers, highlighting how much our city sees
9 DCWP as its resource for information and protection.
10 And in the past year amid reduced employment and
11 intense financial insecurity we have secured 1.25
12 million dollars in restitution for 1300 workers who
13 had their rights violated. This is our mission on
14 behalf of New Yorkers, to ensure that these
15 protections that the administration and the council
16 have established over the past seven years have a
17 meaningful impact in our city. To put this into
18 context, late, late last year our former chair,
19 Council Member Cohen and Local 338 of RWDSU,
20 conducted the agency, um, contacted us regarding 19
21 workers at a local grocery store who had been
22 illegally fired by their new employer, 19 essential
23 workers who worked the entire pandemic to help feed
24 their community. We worked this case and we were
25 able to get those workers theirs jobs back and to get

2 them \$90,000 in restitution for their back wages.

3 More importantly, our partnership with the council

4 extends beyond referrals for enforcement of consumer

5 and workers' rights, but also to the legislation that

6 forms the basis, the steel trusses, of those rights.

7 Local Law 97 of 2020 is one such piece of legislation

8 whereby the city updated its state's Safe and Sick

9 Leave Law to match state senators and ensure that all

10 paid care workers, those workers in our homes that

11 care for our elderly, our children, or help maintain

12 our households in other ways, have the same rights to

13 leave accrual and leave use as any other private

14 sector worker in the city. As a former paid care

15 worker myself, I thank you all for recognizing this

16 work. Last August the council and administration

17 also successfully enacted Local Law 80, which

18 officially changed the name of our agency to the

19 Department of Consumer and Worker Protection and

20 enshrined key protections, such as the rights of our

21 consumers and workers, to equitable relief and

22 restitution across all our laws. Simultaneously, we

23 worked with the state legislature and ultimately the

24 governor's office to enact a law empowering the

25 agency to docket civil court judgments that award New

2 Yorkers restitution. This long-standing priority
3 helps the agency level the playing field for all
4 those businesses and affected consumers. It
5 strengthens our ability to secure for New Yorkers
6 monetary and other relief that they were awarded
7 against businesses that violated the city's consumer
8 protection law, municipal workplace laws, and
9 licensing laws. Next on our legislative agenda, as
10 many of you know, remains Introduction 1622, our
11 priority to modernize the consumer protection law for
12 the 21st century. And here I'd like to thank Council
13 Member Chin and Chair Ayala and other members of the
14 committee for your ongoing support of this
15 legislation. Intro 1622 guarantees consumers common-
16 sense protections for their transactions that occur
17 on the internet or, or that are completed in
18 languages other than English. It also importantly
19 adjusts for inflation the civil penalties for
20 violence the CPL. Our, ah, agency's foundational law
21 has been a central piece of our city's obligation to
22 protect our constituents from harm and deception
23 since 1969, and particularly our city seniors,
24 immigrants, black and brown communities, and others.
25 Today's penalties under the CPL are already among the

2 lowest, ah, consumer protection penalties in our
3 country, reflecting an economy in 1969 when the
4 minimum wage was \$1.30 an hour, and we all agreed
5 that when it comes to protecting vulnerable New
6 Yorkers up to date penalties make sense, such as the
7 penalties in council's recent legislation to protect
8 our small businesses from unreasonable delivery of
9 fees to require businesses to disclose their
10 collection of biometric data or to require hotels to
11 report their service disruptions. Businesses that
12 seek to derive profits from deceiving New Yorkers
13 should not be allowed to operate with impunity in our
14 city. We as a city need to strengthen, now more than
15 ever, the fundamental law that protects everyday New
16 Yorkers who are suffering during this crisis of
17 financial instability and unforeseen costs. We look
18 forward to council taking up 1622 as a stand-alone
19 bill or including its key provisions in the small
20 business relief package. This past year has also
21 brought new responsibilities and protections for us
22 to uphold on behalf of New Yorkers. Just Cause
23 rights for our city's 70,000 fast-food workers,
24 legislation championed by Council Member Lander,
25 represent the next forward step in our fight for an

2 equitable and livable city for our residents. As we
3 mentioned at our legislative hearing to enforce
4 worker protections, especially the, these in a whole
5 new field of work, requires additional personnel for
6 outreach, implementation, intake, investigations, and
7 litigation, and this law requires not only
8 administrative enforcement by DCWP, but also the
9 creation of an entirely new arbitration program for
10 resolving wrongful discharge disputes. Setting up
11 and starting these operations are necessary to ensure
12 that businesses understand how to comply with the law
13 and that we have the ability to protect workers who
14 are illegally dismissed. Another new area of work is
15 the Office of Street Vendor Enforcement, which
16 council's legislation requires to be operational by
17 September 1 of this year. We anticipate being, ah,
18 officially designated with the legal authority of
19 this office shortly and are preparing ourselves and
20 our resource needs for the task at hand in order to
21 enforce street vending for more than 2000 general
22 vendor licensees and 5000 food vendor permittees, as
23 well as at least another 13,000 unlicensed vendors.
24 We believe a fully staffed office will require new
25 resources over the next four fiscal years. What we

2 know from our small businesses, both street vendors
3 and brick-and-mortar establishments is that they want
4 responsible and fair enforcement, not the, not the
5 same unaccountability and disparate heavy-handedness
6 of the past. We have begun working with OMB to
7 ensure these resources are included as part of the
8 upcoming fiscal year 22 executive budget in order for
9 the Office of Street Vendor Enforcement to have the
10 capacity in place to do this work with standards of
11 success that New Yorkers expect and that this agency
12 has brought to its other facets of work. So much has
13 changed in the past year since many of us sat
14 together at City Hall, unknowing of the altered
15 course our lives and our city would take. However,
16 we as New Yorkers have never been ones to give up. I
17 am truly proud to say that this agency is but a
18 microcosm of that spirit and one that is dedicated to
19 creating real change, to creating real protections,
20 and to creating real equity for New Yorkers. It is
21 my honor to partner with this council and this
22 administration in protecting New Yorkers today and in
23 the future. Thank you for the opportunity to testify
24 today, and I look forward to your questions.

2 COMMITTEE COUNSEL: Thank you,
3 Commissioner. I'll now turn it over to Chair Ayala
4 to acknowledge council members who are present here
5 today.

6 CHAIRPERSON AYALA: I'm having a hard
7 time muting and unmuting. Um, so I want to
8 acknowledge that we've been joined by Council Members
9 Koo, Kallos, Yeger, Brannan, Koslowitz, and Chin.
10 I'm and of the sure that I, I'm, I'm just gonna
11 double check and make sure I didn't miss anyone. I
12 don't think that I have. I don't think so. Oh,
13 Council Member Menchaca, there you go. I see you in
14 the little box. Good morning. Thank you,
15 Commissioner.

16 COMMISSIONER SALAS: You're welcome.

17 CHAIRPERSON AYALA: What a morning, what
18 a morning. So I guess the, the first question should
19 probably be, I mean, in the midst, in the midst of
20 this, this pandemic and, and all of the challenges
21 that, you know, that it's, it's brought and, you
22 know, thank you, um, because in your testimony, um,
23 you referenced your work with RWDSU and, and some of
24 their, um, their members, um, and I, and I really
25 appreciate that, because I, you know, I can only

2 imagine, um, how many essential workers have been
3 discharged, um, and we don't, you know, we may not
4 even know that number, right, for the next or so.

5 Um, but I'm sure that this has had a, a long-standing
6 effect, um, even deeper than we, you know, we, we,
7 ah, you know, we know of today. So, you know, the,
8 the budget is 43.2 million. In, in your opinion is
9 that budget sufficient to fulfill the agency's
10 mandate, or any additional resources that may be
11 needed in the year to come?

12 COMMISSIONER SALAS: Chair Ayala, I, I
13 appreciate the question. Um, thank you. I, you
14 know, our head count has decreased over the years
15 while our mandates have actually grown. Um, as you
16 know, in the last six months we've been charged with,
17 um, setting the Office of Street Vendor Enforcement
18 and with, ah, a new law that we need to enforce,
19 Just, Just Cause, Just Cause protections, which is
20 the type of law that [inaudible] to protect workers
21 like the, the ones from the Bronx grocery store that
22 were dismissed unfairly. So we certainly will need
23 significant staff, um, resources to do this work
24 well, um, and, you know, to date, ah, we have been
25 able to, ah, put our resources to address the most

2 urgent needs of New Yorkers and we will continue to
3 do that, um, so, um, yes, we will always welcome
4 additional resources. Ah, currently we are working
5 with OMB to, um, be able to, um, get approvals to
6 fill some of our vacancies, um, and, and to have an
7 operational Office of Street Vendor Enforcement by
8 the deadline of implementation, which is September
9 this year.

10 CHAIRPERSON AYALA: So how much do you
11 anticipate that you will need additional resources to
12 be able to meet all of those mandates?

13 COMMISSIONER SALAS: I, you know, I know
14 that my office has submitted, ah, fiscal impact
15 statements for both the street vending enforcement
16 work and the Just Cause legislation. Ah, currently,
17 ah, we have, ah, been able to designate existing
18 inspectors to do some of this work, right? So we had
19 four inspectors in the field since, um, since the
20 legislation passed in late February. We are in the
21 process of getting another four more in the field
22 and, again, discussions with OMB are ongoing. I know
23 the administration is fully committed to seeing us do
24 this work well.

2 CHAIRPERSON AYALA: Could you share a
3 little bit about how the pandemic has led to any
4 long-term changes in, in, in the budget planning
5 process?

6 COMMISSIONER SALAS: Um, I, you know,
7 what I would say in terms of our, um, response to the
8 pandemic, you know, we have basically tried to
9 maintain the same level of service to the public, ah,
10 with our existing resources. We have, um, had to
11 adapt our services to be conducted virtually, right,
12 for the most part. A lot of our work continues to be
13 in the field also. Um, but there aren't necessarily
14 right now any, um, any current asks in terms of
15 budget, you know, to, to adapt to the pandemic,
16 right? Ah, we've used our existing resources and,
17 ah, what we have done instead has been to adjust our
18 services in a way that, um, promotes, um, you know,
19 when a licensee comes into our space, for instance,
20 they need to make an appointment to see us. So we've
21 used our current OTPS budget to fund some of the,
22 the, like the, the fixes we needed to do in order to
23 adapt to this.

24 CHAIRPERSON AYALA: Has any of, has, has
25 any of that budget gone towards education campaigns,

2 um, you know, I, I know that, you know, obviously,
3 um, for some of the small businesses even with the,
4 um, outdoor, ah, dining opportunities there was a lot
5 of confusion citywide. Um, I'm sure that in terms of
6 worker protections, right, that you have, um, you
7 know, businesses and, um, employers who may be, um,
8 taking advantage of workers. Has there been any
9 attempt to mount some sort of even virtual, ah,
10 change to, to better educate consumers and workers
11 around, ah, to laws that protect them?

12 COMMISSIONER SALAS: Well, you know,
13 traditionally in our budget we've had some, ah, ah,
14 funding designated to public awareness campaigns,
15 right. Ah, the, during the pandemic, ah, we focused
16 a lot on doing outreach to our communities in person.
17 Um, a lot of the businesses that needed to understand
18 how to comply with the safety and health guidelines
19 actually, ah, you know, received one-on-one visits
20 from our office. Um, we conducted 33, as I mentioned
21 in my testimony, 33 business education days, um, and
22 we've seen, um, almost 33,000 businesses with like,
23 ah, one-to-one touches via those, um, ah, business
24 education days, via our round tables. Um, a lot of,
25 um, again, the effort has been connecting on one-on-

2 one with New Yorkers. Um, you know, there was a
3 period of time when we didn't have a lot of, um, um,
4 public use of the subways and the buses, so putting a
5 campaign like that on the subways and buses would not
6 have been effective then. So, um, we'll continue to
7 think about our outreach strategy and, um, to date
8 we, you know, um, spent dollars both in our
9 traditional media, but also our ethnic media to make
10 sure that our businesses and our workers and
11 consumers know what their rights are and how to get
12 to us.

13 CHAIRPERSON AYALA: OK. In the
14 preliminary budget DCWP, ah, would generate a
15 budgetary savings of \$509,000 in the fiscal year
16 2021, ah, through the hiring and attrition management
17 program, which allows for one replacement for every
18 three employees all throughout Brooklyn. The program
19 is anticipated to reduce the head count by 31
20 positions across the department. I think you
21 mentioned that you have, I think, is it 25 vacant
22 positions now? Is that, is that correct?

23 COMMISSIONER SALAS: Um, so our actual
24 vacancies are 38. We are down 25 head count from,
25 ah, the previous fiscal year.

2 CHAIRPERSON AYALA: OK. And what is the,
3 the impact to operations at DCWP?

4 COMMISSIONER SALAS: We've, we've always
5 tried to, ah, spread our savings, ah, across the
6 agency. So there's no particular division that may
7 have seen the savings, right? They're spread in a
8 way where we maximize, ah, preserving our services to
9 the public, so, um, as of right now we are actually
10 working with OMB, ah, so that the agency will be
11 exempt from the three, ah, for one rule and we'll be
12 able to fill those vacancies and not be subject to
13 that particular restriction.

14 CHAIRPERSON AYALA: But I, I'm assuming
15 that there has to have been some sort of impact,
16 right, because, you know, you've had to pivot to, you
17 know, um, a different type of service now, right, and
18 we're, we have to be a little bit more, ah,
19 aggressive, ah, in our campaigns, even if you're
20 doing, you know, ah, face-to-face time with small
21 businesses. I'm assuming that absorbs a lot of you c
22 personnel time. So what, what has been the impact of
23 the reduction in staff?

24 COMMISSIONER SALAS: So I, um, so
25 traditionally there's always two...

2 CHAIRPERSON AYALA: I know, I mean, I see
3 that you're trying to make do with what you have,
4 but, I mean, is, is that, is that creating, you know,
5 is that creating an issue within the, the agency?

6 COMMISSIONER SALAS: Yes, I mean,
7 obviously, you know, if your budget does not change
8 year after year and you get additional mandates we
9 are, ah, in position to have to prioritize our work,
10 right? And, and focus on the most urgent needs from
11 New Yorkers. That is the case. Ah, I do have to say
12 that for us our major funding concerns will be making
13 sure that we have the sufficient funding to both
14 staff the Office of Street Vendor Enforcement and to
15 also staff the work of the Office of Labor Policing
16 and Standards to the Just Cause, ah, investigations,
17 um, and, um, we will always welcome additional
18 funding, right? We will not say no. We, we can do
19 more with more funding, obviously. Um, but as of
20 right now, ah, you know, to give you an example, um,
21 following, ah, the March state of emergency, right,
22 our inspections were mostly focusing on responding to
23 price gouging, ah, complaints into conducting
24 business reopening inspections. So, you know, at
25 times we will have to just, ah, um, take measures to

2 make sure that the, the resources are put into areas
3 where we really, where New Yorkers need us most,
4 right? So, yes, ah, um, certainly we could use more
5 funding to, to do more work, to get to more New
6 Yorkers. Um, but, ah, I would say our focus right
7 now is working with OMB to get the resources for the
8 Office of Street Vendor Enforcement and Just Cause.

9 CHAIRPERSON AYALA: We're gonna help you
10 with that.

11 COMMISSIONER SALAS: Thank you.

12 CHAIRPERSON AYALA: Um, and we've been
13 joined by Council Member Lander, who smiled because
14 he wants to get you more money, too. Um, according
15 to the preliminary plan, um, DCWP's contract budget
16 totals 1.8 million for six contracts. Can you talk
17 about the process by which DCWP selects its vendors,
18 and is there any contract being issued to minority
19 and women business, ah, enterprises?

20 COMMISSIONER SALAS: So the majority of
21 our contract work, and I'm going to ask my, um, my
22 colleagues to help me if there's anything that needs
23 to be added, but most of the contracts that we have
24 are under our Office of Financial Empowerment, ah,
25 which is the office that was the programs for

2 financial counseling and coaching and, um, the free
3 tax preparation services, which, ah, you know,
4 obviously we're in the middle tax season right now,
5 so that's very important work. We have, um, seven,
6 um, providers for, um, financial coaching and 15 for,
7 ah, free tax preparation services. Um, and so, um,
8 ah, you know, most of, again, most of the funding
9 there goes to, towards providing services to New
10 Yorkers. Um, am, am I correct, correct, Nick and
11 Steve, with the number of providers?

12 UNIDENTIFIED: Yes.

13 COMMISSIONER SALAS: Yes, and, um, you
14 know, again, those services are really key for New
15 Yorkers and, you know, the goal is really to make
16 sure that they improve their financial health and
17 that they are able to use the services at no cost.
18 Um, so, um, I, I believe, and I'm gonna say this,
19 and, and, and please correct, Nick, but, um, because
20 our contracts are with nonprofit, ah, providers, ah,
21 you know, they're not really included as part of
22 M/WBE numbers, right? Ah, but many are run by, ah,
23 minority individuals. So just not included because,
24 ah, they don't fit the definition of, ah, M/WBEs.

2 CHAIRPERSON AYALA: But what, what is
3 the, so what does the vendor selection process looks
4 like? I [inaudible].

5 COMMISSIONER SALAS: Oh, sure, yes. Ah,
6 it's via, ah, requests for, um, RFPs.

7 UNIDENTIFIED: Yeah.

8 CHAIRPERSON AYALA: OK.

9 COMMISSIONER SALAS: Yes, yes.

10 CHAIRPERSON AYALA: OK.

11 COMMISSIONER SALAS: And, and, you know,
12 the one thing that I would just say about this, um,
13 because it's, I think it's very important to, to note
14 that our, um, financial counseling centers are
15 located in many of the 35 neighborhoods where we now,
16 um, have been the same neighborhoods that have been
17 highly impacted by COVID-19. These are also
18 traditionally neighborhoods where we have a lot of
19 [inaudible] individuals, right? And so when we put
20 out the RFP we do ask, ah, you know, contractors
21 where they plan to provide services and the location
22 is part of the criteria. But we want to make sure we
23 are in those neighborhoods, neighborhoods, where
24 services are needed most.

2 CHAIRPERSON AYALA: I mean, I, I will, I
3 will say that since I've been on the committee that I
4 have been really pleasantly surprised by the number
5 of, you know, projects and, and programs that are run
6 through this, ah, this agency. Um, what, and, and,
7 you know, I've been advertising them very heavily
8 because I think that they're, they're services that
9 really benefit from constituency. The only thing
10 that I would say is that sometimes, you know, some of
11 our nonprofits are really stretched, right, and, um,
12 that marketing piece is very difficult for them, and
13 so not, you know, not as many people are aware
14 sometimes, right, of these services and so, you know,
15 if there was a way to maybe kind of help work through
16 that with them or, um, ensure that's part of the RFP
17 process, right, is what is the implication of the
18 local educational campaign to ensure that we're
19 putting in resources, right, to financial literacy
20 with that. You know, the community is actually
21 benefitting from it because they know where to find
22 it if, you know, if something happens. So, um, I
23 think, you know, those, those nonprofits working with
24 other nonprofits is really, ah, essential, but also
25 recognizing that, that they're limited also in terms

2 of what they can and cannot do. So, um, even with
3 the best of intentions sometimes, um, it becomes
4 difficult to really help advertise everything that
5 we're doing, um, in a more holistic way. Um, I want
6 to just take a minute, 'cause I know I, I want to
7 recognize, um, that Council Member Chin, and I'm not
8 sure if she's next. I don't want to ask any of the
9 questions on the street vendor, ah, bill because I
10 want to leave those for her. Um, but I want to
11 recognize my colleagues for a minute and then I'll
12 come back, ah, to, ah, my next final questions.

13 COMMISSIONER SALAS: But, oh.

14 CHAIRPERSON AYALA: Yes, yes, no, go
15 ahead.

16 COMMISSIONER SALAS: Oh, thank you, I may
17 say that, um, yes, that you bring up a really good
18 point and we often do, um, make sure that our, ah,
19 you know, we have obviously the money that goes to
20 the providers, but we also have some funding that we
21 use to do public awareness campaigns, so in the past
22 we have put together, ah, you know, posters and
23 flyers in the subways and buses. You may still some
24 of them around financial counseling. Um, and we have
25 them in certain languages depending on the

2 neighborhoods. You know, if we have new
3 neighborhoods we try to go there to make sure that,
4 ah, customers and workers know that we have a
5 presence in those neighborhoods.

6 CHAIRPERSON AYALA: Yeah, yeah, no, and,
7 and, and we'd be happy to help with that as well. So
8 if you're having any literature or posters or, you
9 know, information that you would like, ah,
10 disseminated throughout local community, um, that,
11 that's hopeful. I usually, you know, I, I try to
12 treat my office, I have a, a waiting area and I have,
13 it's kind of like a self-service station because I
14 remember being out in the community, right, when I
15 was a, a young mother and having to go like to the
16 WIC program and, and running into really valuable
17 helpful information just sitting there in the waiting
18 area. While I'm reading through some of their
19 literature I'm like, oh, wow, this is a program that
20 I didn't even know existed, but, really, you know,
21 could really help me. Um, so I think that sometimes,
22 you know, just, I, you know, I get the subways and,
23 and the buses on our, you know, our, our popular, ah,
24 place for advertisement. But I think that there are,
25 you know, many New Yorkers that, you know, don't

2 travel every single day or may not be reading, um,
3 what, what's there. So, ah, you know, we'll come
4 back around for a second round of questions, but I
5 want to allow some, some time for my colleagues to
6 have some time as well.

7 COMMITTEE COUNSEL: Thank you, Chair.

8 Ah, we'll call on council members in order. First we
9 have Council Member Koo, followed by Council Member
10 Koslowitz, and then Council Member Chin. A reminder,
11 ah, to keep your questions to five minutes, including
12 answers, and the sergeant will begin the timer and
13 let you know when you can begin. Ah, Council Member
14 Koo.

15 SERGEANT AT ARMS: Time starts now.

16 COUNCIL MEMBER KOO: Commissioner Salas,
17 thank you for coming to testify today. Ah, remember
18 I talked to you a few weeks ago about vending in
19 Flushing downtown? Ah, I want to ask you since then
20 has the agency, ah, done anything to improve, um,
21 the, ah, the unlicensed vending problem in downtown
22 Flushing?

23 COMMISSIONER SALAS: Yes, ah, thank you
24 so much, Council Member, for your question. And yes,
25 of course, I remember us speaking about this issue in

2 Flushing. Ah, we have gone to Flushing. We went
3 shortly after that, I believe maybe a few days or a
4 week after we spoke, um, and we brought our
5 inspectors to do both talk to vendors about, ah,
6 street vending rules and regulations, but also about
7 social distance guidelines, right? I know that you
8 are very concerned about the rising numbers of COVID-
9 19 in Flushing, so, um, ah, we, we did that. Um, I
10 have to tell you also that since, um, since the end
11 of February with [inaudible] over a hundred, um,
12 [inaudible] over a hundred business to vending
13 corridors. So our office is already responding to
14 concerns and questions and calls from elected
15 officials and also BIDs. Ah, and we are, um, you
16 know, doing outreach and education for the vending
17 community.

18 COUNCIL MEMBER KOO: Um, um, from my
19 personal observation, because I walk on the streets
20 every day, I do not see any improvements at all.
21 There's still the same amount of vending and vending
22 problems, no? So I don't know what you have done. I
23 mean, we have to do something. Otherwise, the people
24 think the city is dysfunctional. We are, you don't
25 provide service to the constituents here. Service

2 means quality of life, too. I'm not blaming you
3 alone. If you cannot do it [inaudible] by yourself
4 or by your agency you should call the mayor and say
5 hey, we need NYPD, we need Sanitation, we need
6 Department of Health, ah, to do things together, to,
7 to, ah, get rid of this unlicensed and unsanitary
8 vendors on the street, because they're causing
9 traffic problems, pedestrians, they have a hard time
10 to walk. I mean, the sidewalks [inaudible] people to
11 walk, not for vending. Because it's not a third-
12 world country.

13 COMMISSIONER SALAS: You, you bring up a
14 good point. I, ah, forgot to mention that, um,
15 certainly, you know, in Flushing we did observe, um,
16 some activity that actually, ah, was taking place in
17 transit [inaudible] areas, such as, I believe was
18 Long Island Railroad, ah, property, um, or state,
19 and, and also potentially issues with the sale of
20 counterfeit goods. I, I just want to clarify that
21 while our office, ah, will be helping the street
22 vending enforcement of, um, the time, place, and
23 manner restrictions, we will also have other agencies
24 play a role in enforcement for certain issues, right?
25 So you are absolutely right that in some cases PD

2 will have to intervene for some [inaudible] I
3 mentioned. Ah, Department of Health will continue to
4 do, ah, sanitary inspections of food vending. Parks
5 Department will have a role and so will DOT. So
6 certainly those agencies continue to have a role, um,
7 and, you know, we will be convening our street vendor
8 advisory board, which is made up of those, ah,
9 agencies and additionally the stakeholders that are
10 both nominated by the administration by the council,
11 um, that stakeholders on both sides, the business
12 side and the street vendor advocate site, that, ah,
13 initial, ah, board meeting will happen before the end
14 of April.

15 COUNCIL MEMBER KOO: Yeah, but, but
16 Commissioner, you're, we're not starting this office
17 till September, like, like six months away. Even by
18 September you would take a few months to hire all
19 these people, right, to, to, so, so it's like a whole
20 year without enforcement.

21 COMMISSIONER SALAS: Oh, let me, yes.

22 COUNCIL MEMBER KOO: So how can you leave
23 a city like that?

24 COMMISSIONER SALAS: So let me, first let
25 me say...

2 COUNCIL MEMBER KOO: I think that this is
3 just criminal to your outreach of the common people.
4 People want enforcement on the streets. They want
5 some place they can walk safely. They don't want to
6 walk on the street, and they don't want to catch
7 COVID-19 because the, the sidewalks are so congested.
8 This is common sense. This isn't, what do you mean,
9 if you cannot do it tell the mayor I, I cannot do it.
10 Right? Or somebody else do it. You cannot just
11 leave it like, like no action.

12 COMMISSIONER SALAS: So let me...

13 COUNCIL MEMBER KOO: You, we, we need to
14 see some results.

15 COMMISSIONER SALAS: Let me clarify
16 something about...

17 COUNCIL MEMBER KOO: I mean, I walk on
18 the streets and people complain to me every day, is
19 there, Peter Koo, what happened to you? You didn't
20 do anything on the sidewalk congestions. This is
21 over a year I've been complaining. So, so, so even
22 with the new, new office, um, set up how many
23 agencies will it hire, you will hire?

24 COMMISSIONER SALAS: So, ah, right now,
25 ah, I think I mentioned this, ah, we have four

2 dedicated inspectors since, ah, since, ah, February
3 and we have another four that will be added to that.
4 Um, I, I just also want to say that while council
5 gave us until September to set up the office, um, it
6 is not accurate that enforcement will not start
7 before. We are already, ah, planning on enforcement
8 sometime starting in May. Ah, we have, though, right
9 now a plan for outreach and education that we think
10 is very important, ah, to conduct for our street
11 vending community. Ah, it is the same way in which
12 try to, ah, serve our brick-and-mortar businesses
13 where we have both outreach and education and also
14 enforcement. So the office will be fully operational
15 in September, but in the meantime we already have
16 enforcement resources and we've already been
17 conducting business, ah, visits to certain, ah,
18 business, um, street vending corridors.

19 CHAIRPERSON AYALA: Thank you, thank you.
20 Thank you, Council Member Koo.

21 COUNCIL MEMBER KOO: Yeah.

22 MODERATOR: Thank you, Council Member.
23 Next we have Council Member Koslowitz, followed by
24 Council Member Chin. Council Member Koslowitz?

25 COUNCIL MEMBER KOSLOWITZ: Thank you.

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2 SERGEANT AT ARMS: Time starts now.

3 COUNCIL MEMBER KOSLOWITZ: Good morning,
4 Commissioner.

5 COMMISSIONER SALAS: Good morning.

6 COUNCIL MEMBER KOSLOWITZ: Nice seeing
7 you. Um, how many inspectors do you have total
8 throughout the whole city?

9 COMMISSIONER SALAS: Um, Thank you for
10 your question. We have about 46 inspectors, I
11 believe, um, through the city, um, to conduct all of
12 our, who are the ground, right? We have a few
13 additional supervisors who work from the office. Um,
14 but it's about 46 inspectors, and while I look for it
15 if anyone in my staff has the number on hand if you
16 could mention it?

17 EXECUTIVE DIRECTOR ETTANNANI: Yeah, that
18 number is generally right. Um, there is
19 supervising and, ah, supervising, inspecting
20 staff that, you know, brings the, the total active
21 head count to around 78 citywide. But, again, as the
22 commissioner mentioned, not all 78, ah, in that head
23 count are in the field per se doing, ah, [inaudible].

24 COUNCIL MEMBER KOSLOWITZ: OK, do you
25 have them broken down in boroughs...

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2 COMMISSIONER SALAS: So...

3 COUNCIL MEMBER KOSLOWITZ: ...the 46?

4 COMMISSIONER SALAS: Um-hmm, yes. So, so
5 a couple of things. We have first a team that works
6 on tobacco enforcement. Ah, we actually as an agency
7 receive funding from the state to do tobacco
8 enforcement, um, and we have, um, a, like I said,
9 about four inspectors right now doing general
10 vending, and we have the borough enforcement that
11 includes 18 inspectors. Um, they, um, you know,
12 inspect for licenses, requirements, and laws across
13 the city.

14 COUNCIL MEMBER KOSLOWITZ: In each
15 borough, in each, ah, for instance, um, Queens?
16 Queens has 18 inspectors?

17 COMMISSIONER SALAS: No, 18 is the total
18 number of inspectors that would do general, um,
19 patrolling sections across the city. Um, some of our
20 tobacco enforcement inspectors obviously are also
21 inspecting businesses across the city. So I don't
22 know, Steve, if we have a dedicated number Queens. I
23 don't believe we do.

24 COUNCIL MEMBER KOSLOWITZ: Because they
25 used to have a designated number to Queens. In fact,

2 they were located in Borough Hall in Queens, and they
3 were [inaudible] they had an office there and any
4 complaints they were able to go out and, and inspect,
5 you know, whatever complaints there were. So we
6 don't have that anymore.

7 COMMISSIONER SALAS: We, the team that
8 used to be located at the Borough Hall is now using
9 the office space that we have in the Queens small
10 business center location, which is in Jamaica, right.
11 So there are a number of inspectors who are there in
12 Queens. I don't have the number. Ah, 18 is the
13 total, right, for the city, but I do not know the
14 exact number in Queens. Um, so, um, someone is
15 telling me that it's in our town hall exhibit.

16 COUNCIL MEMBER KOSLOWITZ: So you would
17 say that you certainly need more inspectors, you
18 know, especially, you know, since COVID, ah, and all
19 the issues that are out there. Would you say that
20 you would need more inspectors in your budget?

21 COMMISSIONER SALAS: Well, so, right now,
22 like I mentioned, we are working with OMB to secure
23 approvals for additional vacancies in our enforcement
24 team. Um, and we are working towards, ah, you know,
25 being able to be fully staffed for the street vending

2 enforcement office. Um, again, um, you know, with,
3 with the resources we have, ah, we do the best we can
4 and we prioritize the issues that are causing the
5 most harm to consumers and workers. Ah, but, yes, we
6 haven't had an increase in the number of inspectors
7 over the years.

8 COUNCIL MEMBER KOSLOWITZ: It's, the
9 numbers stayed, ah, the same throughout the years?

10 COMMISSIONER SALAS: Yes.

11 COUNCIL MEMBER KOSLOWITZ: Well, that's
12 not a good thing. There are, you know, more issues
13 and especially now with, ah, you know, COVID. There
14 are a lot more issues that, you know, have to be
15 looked at.

16 COMMISSIONER SALAS: Yes, ah, yes, I
17 understand. Obviously we are, ah, we'll continue to
18 work with the council, the administration, um, making
19 sure that, ah, we are again having a presence and
20 addressing the concerns of New Yorkers. Ah, but,
21 yeah, the number of inspectors has been steady.

22 COUNCIL MEMBER KOSLOWITZ: Yeah, that,
23 that's not a good thing. Um, also you said at the
24 beginning that you had thousands of complaints. Was

2 there one specific complaint that came in more than
3 any other complaint?

4 COMMISSIONER SALAS: Yes, um, so price
5 gouging. Ah, we received over 12,500 price gouging
6 complaints since March last year. That is a very big
7 number. Ah, we generally average, average in a year
8 10,000 or so complaints. So 12,500 complaints just
9 on price gouging was, ah, a huge volume for us. Um,
10 and that is the area in which our inspectors used...

11 SERGEANT AT ARMS: Time expired.

12 COMMISSIONER SALAS: ...[inaudible]
13 responding to that.

14 COUNCIL MEMBER KOSLOWITZ: Is there one
15 specific complaint more than any other of, of the
16 complaints?

17 COMMISSIONER SALAS: Ah, the price
18 gouging was about, um, excessive pricing for, on face
19 masks, on hand sanitizers, ah, alcohol, you know,
20 rubbing alcohol, those types of products.

21 COUNCIL MEMBER KOSLOWITZ: OK, because
22 that's, you know, that's a big number of complaints
23 and, and with all the, you know, the little amount of
24 inspectors that are around that, you know, it's very
25

2 hard to take care of 12,500 complaints with, ah, you
3 know, 18 inspectors.

4 COMMISSIONER SALAS: Um, I will just also
5 say, um, two things. So I'm told that we have four
6 inspectors in Queens, so there are four that are
7 dedicated to Queens. Um, the other thing that I want
8 to just clarify also that with respect to COVID-19
9 work, so outside of price gouging, right, we did, um,
10 also work with the Office of Special Enforcement in,
11 in the city to respond to COVID-19 type of complaints
12 regarding business reopening, right. So that is an
13 area in which we conducted 12,000, ah, inspections in
14 the field, ah, in response to complaints from New
15 Yorkers or concerns. Um, so that is another area
16 that took a lot of our resources.

17 COUNCIL MEMBER KOSLOWITZ: OK, thank you
18 very much.

19 COMMISSIONER SALAS: You're welcome.

20 MODERATOR: Thank you, Council Member
21 Koslowitz. Now we have Council Member Chin.

22 SERGEANT AT ARMS: Time starts now.

23 COUNCIL MEMBER CHIN: OK. Thank you,
24 good morning. Thank you to our chair and, ah, thank
25 you, Commissioner, ah, for your leadership in this

2 department. I know that responsibility has grown
3 and, um, you're doing a lot more with less and we
4 want to make sure that we fight for the resources so
5 that your agency continue to, ah, to grow and, and to
6 really be the advocates for workers and consumers.
7 Um, I, I looked at your, um, I mean, your head count.
8 It's kind of like already you're down 38, and then
9 you have extra responsibility. I mean, that, that's,
10 that's not right to begin with, right? You're
11 supposed to budgeted for 408. And then you're down
12 to 370 and they're not letting you hire people. I
13 mean, that should not be the case at all. Um, my
14 question to us is on, ah, first is on language
15 access. Um, the capacity of the agency to be able to
16 communicate, ah, with businesses and vendors in a
17 language that they understand so they know what the
18 rules are. Um, so how is that, um, in terms of the
19 capacity of your agency on that? Ah, the other
20 thing is that with the vendor, um, enforcement I know
21 that you started with four people. That's not enough
22 to go around to the whole city. Um, it's just
23 impossible. I know that you had started to do, ah,
24 just education and outreach. But as, you know, as
25 the frustration that you hear from Council Member Koo

2 is that yes, you can do the education, but there's
3 gotta be some enforcement connected to it, especially
4 an area where there is kind of all these issue, so
5 the second question is like how do you work with the
6 other agency, like if there were people selling food
7 product on the street, um, that is unsanitary, like
8 are you referring, are you calling Department of
9 Health to tell them that they should visit, you know,
10 the street because this is what's happening over
11 there, um, and definitely looking at the pictures,
12 ah, there was no social distancing at all. I'm, they
13 were like one next to the other. Ah, so I think we
14 have to make sure that while you're doing the
15 education, which is great, but they also should have
16 enforcement capacity with the other agency, 'cause
17 NYPD used to do it and when the mayor took that
18 responsibility out of their hand and gave it to you,
19 to your agency, it doesn't mean that NYPD shouldn't
20 be helpful either. So I guess in terms of the, the
21 coordination, um, with that, um, so if you can
22 address those, the language issue and, and then with
23 the enforcement unit.

24 COMMISSIONER SALAS: Thank you for your
25 questions, ah, Council Member Chin. So a couple of

2 things. On Local Law 30, language access, ah, I just
3 want to say that we have been audited by the
4 comptroller's office. We are fully in compliance of
5 the, um, the language access requirements pursuant to
6 city law, but we often exceed that, right? We
7 actually have materials translated into 14, 16, 20
8 languages, um, depending on the case. Um, I also
9 have to say our office has always emphasized access
10 to New Yorkers. We even have oral translations of
11 five indigenous languages most commonly, ah, spoken
12 in New York City. So that is for us a very important
13 piece of our work to make sure that our laws and, ah,
14 the protections and the responsibilities, ah, are
15 clear in as many languages as possible. Um, our
16 staff, obviously if we don't have, um, if we don't
17 have the services in a particular language we all
18 have access to Language Line. Ah, but we try to be
19 very thorough in making sure that our materials are
20 translated into as many languages as possible. Um,
21 in terms of street vending, um, certainly I, you
22 know, like I said, there will be a role for other
23 city agencies, right, depending on the issue, ah,
24 that is present in, in a particular hotspot, and
25 please, I do want to encourage council to work with

2 us and calling us and telling us if you see in your
3 districts are there areas that you want us to, to go
4 check out and visit. Um, I, I believe that both
5 street vendors and businesses want to comply. The
6 majority of them want to comply with the laws, right?
7 And we're here to provide them with the tools they
8 need to do that successfully. So I do believe that
9 for the majority of street vendors and businesses we
10 will see compliance once they understand what their
11 obligations are, ah, and there will be cases where
12 enforcement is needed. Um, now again, um, our
13 enforcement will begin to take place in May after we
14 spend a...

15 SERGEANT AT ARMS: Time expired.

16 COMMISSIONER SALAS: ...few weeks doing a
17 lot of outreach and education, um, and it will, um,
18 require us to talk to other city agencies. We will
19 have an internal working group also, um, and already
20 are putting together and have been in contact with,
21 ah, staff at the Department of Health and DOT and
22 other agencies to, to address that issue of like
23 there will be cases in which other agencies will have
24 to act and come, come with us or go separately, um,
25 but that process is, ah, being planned right now.

2 COUNCIL MEMBER CHIN: Yeah, I, I really
3 appreciate that and really appreciate, ah, your
4 leadership and your agency, leadership in taking up,
5 ah, this important role. Um, but I think the other
6 agency also need to step up and I guess as it go
7 along if, if there are issue coming up where you're
8 not getting the support or the cooperation let us
9 know. Because we want to make sure that your work,
10 um, is successful. Because you're doing the right
11 thing, ah, for our community and for the street
12 vendors. So we want to make sure, and I, I've heard
13 from community board, um, that your staff is already
14 doing presentation and letting them know that you are
15 doing education and, ah, first letting people know
16 what the rules are and then enforcement will, will
17 come later. And we really appreciate that. So thank
18 you. Thank you, Chair.

19 COMMISSIONER SALAS: Thank you for your
20 support.

21 MODERATOR: And now Chair I'll turn it
22 back over to you, if you have any additional
23 questions.

24 CHAIRPERSON AYALA: Yeah. So I'm, I'm
25 sorry, ah, Commissioner, if I, if I missed it and,

2 ah, and your responses to Council Member Chin's, um,
3 questions. But, ah, can you share again how many
4 additional staff are you gonna, is, is in your, ah,
5 are you intending to hire for the implementation of
6 this, ah, street vendor legislation?

7 COMMISSIONER SALAS: So, um, ah, I
8 mentioned that we had put together, ah, people impact
9 statements, right, um, and, ah, I believe that, um,
10 ah, you know, we were looking in the neighborhood of
11 between 40 to 60, ah, lines to be to used through
12 this work. Right now we are, ah, we have four in the
13 field already, four that are in the process of either
14 maybe getting hired or starting soon. So that's
15 eight. Ah, we hope that by September of this year
16 we'll have additional resources. But this is, ah, an
17 ongoing discussion and I know that the administration
18 is committed to working with us to make sure that we
19 have the resources needed for this work.

20 CHAIRPERSON AYALA: That's 40 to 60 new
21 hires?

22 COMMISSIONER SALAS: Well, that is what
23 we estimated when we did an analysis of the, the
24 legislation, ah, the requirement to inspect, you
25 know, 75% of licensees, right, and so, um, it is, it

2 includes, as much as the inspectors, obviously we
3 need attorneys who in many cases will represent the
4 agency at OATH. We need outreach staff, right, and
5 this is, um, and, and also with licensing I know that
6 we will eventually have to increase the number of
7 licenses, so that is, that takes into the, the entire
8 process, not just inspectors.

9 EXECUTIVE DIRECTOR ETTANNANI: You can
10 expect seven to eight inspectors over the next couple
11 of months to be hired, dedicated to vending
12 enforcement.

13 CHAIRPERSON AYALA: And education, right?
14 I'm assuming.

15 EXECUTIVE DIRECTOR ETTANNANI: The
16 education, so yeah, I mean, I just want to like zoom
17 out a little bit in terms of like the, the vending
18 law and all that. Like the Office of Street Vendor
19 Enforcement is a multijurisdictional, ah, kind of
20 effort by the agency. It borrows from different
21 divisional work. I represent external affairs, for
22 example. My team of community associates, ah, are
23 already going to be out in the field doing education
24 compliance. In some cases, inspectors join, ah, as
25 part of the commissioner's, ah, you know, one of her

2 signature programs, this visiting inspector program.
3 Some inspectors are trained, ah, to do, ah, you know,
4 highly detailed, ah, inspector education. Um,
5 mostly, though, the, in, when we're talking patrol
6 inspections and enforcement hires, those are going to
7 be the, the folks that are going out and, for
8 example, ah, issuing notice of hearings, um, and
9 addressing any unlawful acts in the field. , ah, the
10 outreach stuff mostly, ah, contained in the external
11 affairs world and, as the commissioner mentioned,
12 there's other types of working, including attorney
13 work, that would be involved that would implicate our
14 general counsel division, um, as such. But in terms
15 of what we have now, we have four dedicated
16 inspectors, ah, for vending. That number would
17 increase to about seven or eight over the next couple
18 months, and we're working with OMB, ah, to obtain
19 additional resources. It's a modest amount. Um, you
20 know, the mandate is broad, as you know, Chair
21 [inaudible] to, to be continuing to work with the
22 administration and the council to continue to augment
23 our staffing so that we can reach that 75% number
24 that is mandated in the law in terms of, ah, you

2 know, number of vendors that, that proportionally
3 that we have to visit citywide.

4 CHAIRPERSON AYALA: Yeah, no, I, I
5 recognize that enforcement is a big, you know, part
6 of this whole process and, ah, it's, it's necessary.
7 But I think that the educational campaign is just as,
8 is equally as necessary because, you know, most of,
9 you know, a lot, well, a great percentage of street
10 vendors happen to be, you know, ah, mostly primarily
11 immigrant women, right, and, you know, many of them
12 were really seriously impacted by the COVID pandemic
13 and so we don't want to further compound, you know,
14 on all of the things that they've already been
15 dealing with by, you know, enforcing, um, heavily
16 enforcing, um, you know, street vending until we've
17 had an opportunity to better educate them, right, on
18 what's to come and, and, and the opportunities that,
19 you know, that will be afforded to them in a couple
20 of years. So I think that, you know, for, I know
21 that for me and I'm, and I'm, you know, I don't want
22 to speak for council member, for the other council
23 members here, Council Member Chin, but this has
24 really been, ah, an important focal point of these
25 conversations is really, you know, educating people,

2 because, you know, we have four, we have four, um,
3 inspectors out on the street right now and, you know,
4 we're, we're gonna triple, quadruple, you know, the
5 amount of, of enforcement officers that are gonna be
6 out in the street. Um, it's gonna be a significant
7 change. Um, so they should be prepared for that, if
8 they understand what that means and not be fearful of
9 it, um, so, you know, I, I, I appreciate that now.
10 In, in the, in the 4260, ah, head count, ah, number
11 do you have a breakdown of what that would look like
12 to you, you know, to you as of today, you know, the
13 number of attorneys versus the number of inspectors
14 versus the number of, you know, outreach staff.

15 COMMISSIONER SALAS: Um, Chair, I don't
16 have the, the breakdown in front of me. We will be
17 happy to provide you with that information. Um, I
18 just want to say that I, I thank you for your
19 comment. We actually have had meetings with
20 different stakeholders. Ah, when we met with the
21 leadership from the Restaurant Association in New
22 York City they actually expressed the same sentiments
23 about being concerned that, you know, a lot of their
24 former employees who had to be let go during the
25 pandemic were now unemployment and were resorting to

2 vending because that was the only option they had to
3 put food on the table and they themselves wanted us
4 to take a very, ah, you know, soft approach to
5 enforcement, especially during the pandemic, right.
6 So, so I know, ah, we will definitely be expressing
7 that we want to be there to partner with vendors,
8 too, and to make sure they understand their
9 obligations and to have those materials in their
10 languages so that they know what to expect from an
11 inspection.

12 EXECUTIVE DIRECTOR ETTANNANI: Right.

13 CHAIRPERSON AYALA: Ah, Commissioner,
14 you, you brought up a good point because, you know,
15 I, I recently heard from a colleague that there was a
16 small business in their, ah, district that went out
17 of business because of the pandemic and so now this
18 business owner has resorted to street vending in
19 front of what used to be his place of business. Is
20 that, is that, ah, a common theme? Like are you
21 seeing, ah, you know, a lot of this happening and,
22 you know, what, if anything are we, you know, able to
23 do to help these, ah, these small business owners
24 through this crisis?

2 COMMISSIONER SALAS: So, ah, certainly,
3 you know, the numbers that we have of the estimate of
4 vending and, ah, vendors in the street, the 20,000,
5 was before the pandemic, right? We don't really have
6 a number right now of what, you know, how many street
7 vendors we have in New York City streets. So part of
8 our like initial few weeks of doing this work is also
9 looking at where are the new hotspots, right? Where
10 do we have the most congestion in sidewalks, right?
11 Like as Council Member Koo referred to, we, we want
12 to make sure the public walks on the sidewalks,
13 right? So, so we're looking at that, ah, and we've
14 heard anecdotally, I don't have numbers, I've
15 [inaudible] anecdotally from different people that
16 yes, people who were not vending before are vending
17 now, um, and that is why we want to make sure that at
18 least over the next two months we are doing purely
19 educational, you know, outreach, um, to make sure,
20 again, that vendors have the information they need
21 to, ah, to be in compliance.

22 CHAIRPERSON AYALA: OK. OK. Um, and do
23 we have any idea when the, um, when, when
24 conversations will start about the, ah, convening of
25 the advisory committee?

2 COMMISSIONER SALAS: Yeah, I believe that
3 our, ah, Mayor's Office of Appointments will be
4 working with council about, ah, figuring out, um,
5 which, um, um, you know, which stakeholders would be
6 nominated by council, right? It's either four or six
7 stakeholders that need to be nominated by the
8 council.

9 EXECUTIVE DIRECTOR ETTANNANI: Yes.
10 Yeah, that, that's right. Um, so right now, ah, for
11 the past several months, and honestly almost a day
12 after the council passed, ah, the local law, we have
13 received, ah, nominations from stakeholders, um,
14 from, from different groups, elected officials,
15 things like that, for different nominations to this
16 board. Um, for us, meaning the administration, the
17 administration will nominate four people to the
18 board, two of which that are representative of the
19 small business community, two representative of the
20 vendor constituency. The speaker is charged with
21 nominating six. That, inclusive of that six include,
22 ah, ah, small business as well as vendor
23 constituencies as well as other stakeholders that the
24 administration is not responsible for, for
25 nominating. So there is some overlap and, as the

2 commissioner mentioned, ah, you know, there will be,
3 um, engagement with the council, um, to ensure that
4 the nomination process is coordinated, um, you know,
5 with the Mayor's of Appointments and, um, and with
6 the Speaker's Office. In terms of the advisory board
7 itself, it's required to meet by April 28. We're on
8 schedule for that, um, and, you know, we're looking
9 forward to, ah, you know, beginning that work as soon
10 as possible.

11 CHAIRPERSON AYALA: OK, that's helpful,
12 'cause we've been getting a lot of calls around that.
13 Um, OK. Ah, Commissioner, I had a question about the
14 price gouging. Um, can you tell me if the number,
15 has the number gone up or have they come back, have
16 they settled?

17 COMMISSIONER SALAS: So I, so there was,
18 there were weeks during the, the, you know, the
19 intense period of the pandemic where we were getting
20 between 1500 and 2000 complaints in a week. The
21 number has gone down significantly and I believe is
22 the result of us having a presence in the field and
23 reminding businesses about, you know, this rule, make
24 sure that, again, consumers had access to these
25 products that they needed to stay safe and healthy,

2 right? So the numbers, the numbers have gone down
3 significantly. I believe that we were getting maybe
4 just a handful of complaints a week. Um, but, um, I,
5 I hope that, ah, the issue has been addressed.

6 CHAIRPERSON AYALA: OK, good. And in, in
7 regards to the, um, the financial, ah, empowerment
8 partners, so there's six, there's six contracts
9 citywide? Is that?

10 EXECUTIVE DIRECTOR ETTANNANI: Yeah.

11 COMMISSIONER SALAS: Seven contracted
12 with us, but they operate 35 centers in, throughout
13 New York City neighborhoods.

14 CHAIRPERSON AYALA: OK, and all, are all
15 35 providing, um, free tax preparation services
16 [inaudible]?

17 COMMISSIONER SALAS: That, um, the
18 financial empowerment centers do the financial
19 counseling and coaching, right? And then the other
20 program is the free tax preparation services. For
21 that one we have 15 contractors providing those
22 services. There are some cases in which it is one,
23 one group doing both, right? They have contracts to
24 do both programs. Um, but, ah, the, the 15, um,
25 contracted free tax preparation services, ah,

2 organizations operate, I believe right now about 40-
3 something that are, um, located, have a physical
4 location.

5 CHAIRPERSON AYALA: Have you seen an
6 increase in the plan, because we have seen, ah, a
7 significant increase in the demand in this office for
8 that type of service, which is pretty unusual.

9 COMMISSIONER SALAS: Well, I think that
10 what is happening and, and I'm sure you, you've heard
11 about this, too, that, you know, the economic
12 stimulus payments, right, are, are going to be given
13 to families who have filed their tax returns in the
14 past, right? And so we certainly have seen, ah,
15 people who, who want to, to do these returns and, um,
16 I, I think it's also partly that, um, a lot more
17 individuals are now choosing to use this program.
18 Ah, in the past we still had allowed New Yorkers
19 using the paid tax preparers. Um, so, so the demand
20 is there. I believe that because we're providing
21 services in a number of ways, such as in-person and
22 virtual services, a lot of the in-person appointments
23 have actually been filled out, I mean, filled up.
24 Um, so we do encourage New Yorkers to not delay,

2 don't wait until the last minute, um, because people
3 are taking up those appointments quickly.

4 CHAIRPERSON AYALA: [inaudible] the, the
5 virtual visits. I, I think that that's the issue is
6 that what we're seeing here, I don't know if this is
7 a trend that you're seeing as well, is that, um, many
8 of the folks that are coming in here are either a
9 little bit older or, ah, don't have access to
10 internet services, don't know how to use a computer,
11 and so they're, they're really nervous about doing it
12 virtually, even when we are offering a computer at
13 the office. Um, they just, they don't understand
14 that, that, that process, right? This is all really
15 new to them. Many of us have had, you know, almost a
16 year, if not a whole year to prepare, right, and to
17 become kind of acclimated. But for them this would
18 be probably, you know, um, to some of them the first
19 time, ah, you know, doing something like this
20 virtually, and I think, you know, people think about
21 their taxes as a pretty [inaudible] and serious
22 enough issue that, you know, they would rather do in-
23 person. So I, I, I understand the, ah, the, the
24 constraints, but I wonder like is there anything that
25 we're doing differently to, you know, to maybe

2 increase the number of appointments or open up, you
3 know, additional sites if necessary to ensure that,
4 you know, individuals who don't have access, um, are,
5 are still able to, to see someone in person?

6 COMMISSIONER SALAS: Yeah, I mean,
7 absolutely. It, it was a, an issue last year, right?
8 During the pandemic, as you know, the tax [inaudible]
9 got extended through October almost, um, because of
10 the significant problems with people accessing, ah,
11 services for preparation of taxes. Ah, and so what I
12 would say is that right now I believe we have nine
13 providers who have physical sites. So, you know, it
14 doesn't mean nine physical sites, it's just nine of
15 the urbanizations that may, may have different
16 physical sites. I think we have about 40 physical
17 sites. Um, the problem is that, you know, um, well,
18 it's not a problem, but in response to the pandemic,
19 right, we do need to make sure that we are taking
20 time between clients to, to disinfection the area,
21 right? There's, there's all these complaints about
22 how to make sure that is still like a safe way to
23 access these services. Ah, but I, we would love to
24 talk to you and think about other ways in which we
25 can make sure that seniors are taking advantage of

2 this program. We do work closely with AARP and I
3 believe there's another organization, I forgot the
4 name, that, um, has been working with our office to
5 make sure that we are addressing that in terms of
6 seniors and we're figuring out ways to be more
7 accessible to them.

8 CHAIRPERSON AYALA: Yeah, I think one of
9 the ways that you can help the senior population is
10 also by, um, better educating them on the fact that,
11 you know, certain tax forms, like the NYC, you know,
12 2010, um, is a form that can easily be filled out and
13 completed, ah, for free, and I think that, you know,
14 we've seen, ah, a number of cases where, ah, seniors
15 have been charged upward of \$15 to complete the
16 application. Um, which, you know, it's, it's a, it's
17 shameful that this continues to happen. But I think
18 that, you know, that it happens and so we have to
19 recognize it and, and maybe work with our senior
20 partners to, ah, to ensure that they know, ah, to
21 look out for this and to, to, you know, share
22 information with their constituency as well. But I
23 think, you know, and my, my concern is that in, in
24 communities like mine, which were, you know, largely
25 impacted by COVID, what, we saw a lot of [inaudible]

2 loss and, you know, just a lot of changes that
3 resulted as a, as a result of, of the COVID, um,
4 pandemic that I have seen, you know, an increase in
5 the number of in-person visits, um, for this specific
6 issue. So, you know, I know that we don't, there's
7 not much time [inaudible], right, before the filing
8 deadline and I'm concerned that we just don't have
9 enough appointments to really meet the demand, and I
10 don't know if that's something that, ah, is being
11 monitored and if there has been time or there is
12 enough time to kind of adjust and, you know, bring
13 on, you know, more people if necessary, make more
14 appointments available. Obviously, we can't extend
15 the filing deadline, um, but are there things that we
16 can be doing and should be doing in the process to,
17 ah, to ensure that all of those that need the service
18 are receiving it, because at this point, you know, I,
19 my concern is that, you know, that may not be
20 happening based on what I'm seeing at my office. Um,
21 I can only speak for myself. I, um, but I just, you
22 know, wondered if you have been receiving any, you
23 know, calls or complaints, um, from people that
24 don't, you know, haven't been able to access an
25 appointment so far?

2 COMMISSIONER SALAS: Well, I, I'm not
3 aware of, of complaints of that. But, but I do know
4 that we've been telling people that the appointments
5 have been filling up very quickly, ah, because you
6 pointed to older peoples for that, right? Um, you
7 know, we are part of a, of a network, again, that
8 goes beyond our contracted providers, ah, that, um,
9 you know, get together to look at the IRS updates and
10 as part of, this network of, of groups, ah, we also
11 have the IRS, our IRS partners in the group, and so
12 we will advocate and I, I know that, well, right now
13 the filing deadline is April 15. I obviously think
14 that we could use an extension, right? This is, this
15 is going to be a year in which, you know, still, we
16 are still trying this virtual programming and it's
17 still challenging to, to many individuals with, ah,
18 literacy issues, especially with technology. So, um,
19 we will continue to advocate in our role of, as an
20 agency protecting consumers, from potentially an
21 extension of the filing deadline. Um, and we'll
22 continue to think about how to address this, these
23 issues of access.

24 EXECUTIVE DIRECTOR ETTANNANI: Yeah, we
25 definitely want to work, ah, you know, I, I think, I

2 appreciate what you're saying, Chair, and I want, you
3 know, your colleagues to, to also heed that, that
4 same advice in terms of like tell us what you're
5 hearing on the ground. You, you know your
6 constituents best. Um, and report that information
7 back out so that we know where, where best to
8 strategically, um, deploy our outreach and have kind
9 of virtual presentations with folks, as well as, um,
10 in some cases kind of be on the ground as well. Um,
11 I will say that, you know, in terms of like how we've
12 adjusted over the years, we, we certainly made
13 adjustments to how we're advertising this program.
14 As a result of COVID we've skewed advertisement and
15 marketing towards digital, ah, ads. We've definitely
16 um, made a renewed commitment, ah, to, um, to, ah,
17 posting advertisements in ethnic media as well.
18 Over, about 40% to 50% of folks that use free tax
19 prep report that their, that their, ah, primary
20 language is not English. So that informs in turn how
21 we're picking and who we contract with to provide
22 services. Right now, ah, our contractors are
23 selected based on their ability to serve diverse
24 communities. It informs the fact that our, our, ah,
25 ah, in many cases our ads and certainly our

2 collateral and tax preparers themselves speak over,
3 around 15 different languages so as to meet the need.
4 Um, but ultimately, you know, a collaborative process
5 is, is key. So tell us what you're hearing and we'll
6 definitely deploy resources accordingly. But we
7 definitely have recognized, um, the COVID impact, um,
8 and I think, as the commissioner was alluding to,
9 we've also made very clear not only will, ah, folks
10 that, that fall into the appropriate income bracket
11 save money, their own money, by, by, ah, by doing,
12 ah, free tax preparation services, but also these
13 services are critical to ensuring that you're able to
14 get these, ah, these stimulus checks and know, ah,
15 whether you qualify, ah, and how much you'll be
16 getting and when and things of that nature. So we've
17 skewed our talking points accordingly to really, um,
18 you know, catch folks' attention, um, when we, when
19 we're interacting with them.

20 CHAIRPERSON AYALA: Perfect. Um, now, I
21 think this is my last question. Regarding the city,
22 um, regarding the, the, the sidewalk cafes, so the,
23 the, the legislature requiring the city to waive
24 and/or refund, um, any consent, ah, fees for
25 [inaudible] sidewalks, ah, cafes expired this month.

2 Are you expecting to resume, um [inaudible] the
3 rezoning, ah, the consent fees, I'm sorry.

4 COMMISSIONER SALAS: We, we did work with
5 council and the administration to refund, ah, close
6 to 12 million dollars on, on consent fees, right?
7 Right now the program has been suspended, um,
8 pursuant to an executive order from the
9 administration. Um, and, um, there are, just for
10 context, about 1300 sidewalk cafe licensees, ah,
11 compared to over 10,000 that participated in the Open
12 Restaurants program, right?

13 CHAIRPERSON AYALA: You know, understand,
14 but the, but, but the legislation expires at the end
15 of this money. So are we, are we expecting to start
16 collecting fees again next month?

17 COMMISSIONER SALAS: Well, I believe that
18 right now there are ongoing discussions about making
19 the Open Restaurants program permanent. So what, you
20 know, what happened to the sidewalk cafe licensing
21 program I think is still up for discussion. Ah, from
22 our perspective we obviously as an agency, um, you
23 know, we advocate for the simplest and most easy to
24 access programs for New York businesses. So, um, we
25 don't know yet, ah, whether, um, that there will

2 continue to be a sidewalk cafe license or not. Ah,
3 those are discussions that are happening right now.

4 CHAIRPERSON AYALA: All right, well,
5 thank you. Thank you so much for your testimony,
6 and, again, you know, if, if, the, the council would
7 love to be [inaudible] and help in any way that we
8 can, if there's anything that we can be helpful
9 please let us know. It's always a pleasure to have
10 you, ah, come join us.

11 COMMISSIONER SALAS: Thank you so much,
12 Chair. Thank you for all of your support, and thank
13 you, ah, for your continued, um, you know, thinking
14 on these issues on how best to serve New Yorkers, so
15 we really appreciate your leadership and [inaudible].

16 CHAIRPERSON AYALA: There's a lot of work
17 in the next few months, though.

18 COMMISSIONER SALAS: We do, yeah. Thank
19 you, thank you.

20 COMMITTEE COUNSEL: Thank you, everyone.
21 We will now turn to public testimony. I'd like to
22 remind everyone that unlike our typical council
23 hearings we will be calling individuals one by one to
24 testify. Council members who have questions for a
25 particular panelist should use the Zoom raise hand

2 function and I will call on you after the panelist
3 has completed their testimony. For panelists, once
4 your name is called a member of our staff will unmute
5 you and you may begin delivering your testimony. I
6 would now like to welcome Mohamed Attia to testify,
7 followed by Carina Kaufman-Gutierrez and then
8 Jennifer Tausig. Mohamed?

9 MOHAMED ATTIA: Good morning, ah, Madam
10 Chair, council members. Ah, my name is Mohamed
11 Attia. I'm the director of the Street Vendor Project
12 [inaudible] the center. Ah, the Street Vendor
13 Project is a membership-based organization working to
14 improve the working conditions of the approximately
15 20,000 vendors who sell food and merchandise across
16 New York City. SVP was founded back in 2001. It tries
17 to improve and expand vending as a viable employment
18 option for immigrants, ah, military veterans, and
19 other entrepreneurs in New York City. As the only
20 organization that focuses on [inaudible] in New York
21 City through direct legal representation, small
22 business development, and trainings, ah, organizing
23 support, leadership development, and [inaudible]
24 advocacy we have connected nearly 3000 street vendors
25 to resources and information about housing, food

2 access, loan and grant [inaudible] in the past year
3 alone. The Street Vendor Project requests support
4 from the New York City Council to further develop and
5 expand the essential multilingual [inaudible] we
6 offer to street vendors, an estimated population of
7 20,000. These vendors are our city's smallest
8 business owners who provide [inaudible] food and
9 merchandise to New Yorkers. Vendors have special
10 needs related to the mobility of their businesses.
11 Additionally, it can be very difficult to [inaudible]
12 just due to the language and residency status and
13 other barriers. In January of this year New York
14 City Council [inaudible] legislation, Intro 1116,
15 reforming the entire street vending system, such
16 [inaudible] that is very complicated and very
17 challenging to understand. Ah, many agencies and
18 many enforcement agents, ah, leave alone the average
19 street vendor. The news of the bill, ah, has excited
20 street vendors in the city who are eager to apply for
21 the supervisory license and become part of the
22 formalized economy. SVP staff members are fielding
23 hundreds of calls to advise vendors as the only
24 organization that focuses on street vendors in New
25 York City. Our services were already in high demand

2 throughout the COVID-19 as we connected nearly 2000
3 street vendors to resources and information about
4 several services. Ah, vendors across the five
5 boroughs reach out [inaudible] because of our long
6 history working with the community since the COVID-19
7 pandemic has devastated New York City's street
8 vendors, many of whom are undocumented [inaudible]
9 have seen up to a 90% loss of income in their daily
10 lives. This high volume of intakes has presented an
11 unsustainable demand [inaudible] and the
12 organization, hence our urgent request of support to
13 increase our ability to respond. With the increased
14 need to inform of the updated rules and regulations
15 and the new system and the respond to, ah, the urgent
16 COVID-19-related needs, SVP requests support
17 [inaudible] for our culturally and linguistically
18 specific outreach services across the five borough.
19 SVP proposes to hire outreach and specialists who
20 will conduct outreach to vendors across the five
21 boroughs in a variety of engagement methods with each
22 of the positions focused on [inaudible] languages
23 spoken by vendors - Arabic, Bengali, Mandarin,
24 Spanish, and [inaudible]. Additionally, the
25 education and outreach specialists will work with

2 this [inaudible] designers to create, ah,
3 linguistically specific materials as well as
4 materials for illiterate population. To monitor
5 [inaudible] progress the education and outreach
6 specialists will document and track their education
7 and outreach efforts by collecting vendors'
8 demographic information [inaudible] and, ah, of the
9 bill and the resources needed. Ah, finally, the
10 education outreach specialists will work with SVP's
11 [inaudible] to create those materials, make sure that
12 vendors understand, ah, the new system, the new
13 vending system, make sure vendors can comply and
14 [inaudible] to have a better vending system across
15 the city that will make it a lot easier for the
16 enforcement agency to enforce these laws. Thank you
17 so much for your time.

18 CHAIRPERSON AYALA: Thank you, Mohamed.

19 COMMITTEE COUNSEL: Thank you, Mohamed.

20 Next I'll be calling Carina Kaufman-Gutierrez,
21 followed by Jennifer Tausig, and then Justina
22 Ramlakhan. Carina?

23 CARINA KAUFMAN-GUTIERREZ: Good morning.

24 Um, thank you so much for the opportunity to testify
25 today. Ah, my name is Carina Kaufman-Gutierrez and

2 I'm the deputy director at the Street Vendor Project.
3 Um, so colleagues with Mohamed, who you just heard
4 from. As he mentioned, um, SVP is the only
5 organization in New York City that works with street
6 vendors directly and with a staff of six we have
7 really been the only place where thousands of street
8 vendors reach out to, um, for everything from
9 education, um, street vending rules and regulation,
10 to small business development, loan and grant
11 applications, registering for tax IDs, filing sales
12 tax forms, legal representation, immigration
13 assistance, and leadership development. So to say we
14 are the one-stop shop for street vendors is really,
15 really quite the case. Um, vendors across the five
16 boroughs do reach out to us because of our long
17 history working within the community and because we
18 know the intricacies of the vending system. Um,
19 today we are requesting support from New York City
20 Council to further development and expand the
21 essential multilingual services we offer to street
22 vendors, who are our city's smallest businesses, who
23 keep our, who, who are providing fresh, affordable
24 food all across the five boroughs and, and really
25 looking out for the community as well, as the eyes on

2 the street. Um, we, again, as Mohamed mentioned, our
3 services have been in high demand throughout the
4 COVID-19 crisis as we've connected just within the
5 last few months nearly 3000 individuals street
6 vendors to resources and information about housing,
7 food access, and loan and grant opportunities. Um,
8 again, with the increased need to inform vendors of
9 updated rules and regulations, as well as to continue
10 to respond to urgent COVID-19-related needs, we are
11 requesting support to expand our capacity for our
12 culturally and linguistically specific outreach
13 services across the five boroughs. Um, and in
14 addition to providing extended education and
15 outreach, um, we are hoping that, um, the outreach
16 and education specialists that we would be able to
17 hire with extended funding will be informing vendors
18 about two of our different critical resources. One
19 is a small business consultation program and another
20 is an environmental justice initiative. So with our
21 small business consultation program, um, which we
22 kicked off earlier this year to help, um, vendors not
23 only recover from COVID but grow their businesses,
24 um, and be part of the formalized economy, we are
25 equipping people with tools, resources, and skills

2 they need, including information about, um, ah, how
3 to build credit, financial literacy, business legal
4 services, and, again, connecting them to micro loans
5 as well that they would be eligible for. Um, this is
6 in addition to the work that we have already been
7 doing to connect, to help vendors, um, create e-
8 payment systems, develop social media, personal
9 finance management, and marketing. Um, additionally,
10 ah, with our environmental justice initiative we aim
11 to reduce the environmental footprint of our city's
12 growing fleets of food carts and trucks while both
13 uplifting and supporting the crucial role that
14 vendors play in some of the most impacted
15 communities. Um, with this program we are working to
16 help vendors adopt waste management practices that
17 reduce solid waste, minimize the use of foam and
18 plastics, and maximize recyclable and compostable
19 items, helping the city to achieve its goal of zero
20 waste by 2030. So we, to, to close, the outreach and
21 education specialists will really be a vital part of
22 the effort, um, of both the Environmental Justice
23 Initiative and ensuring that vendors are in
24 compliance, um, with updated rules and regulations
25 for vendors. Um, by providing this, this critical

2 information and connection and continuing, um,
3 continuing to expand the work we've done as an
4 organization. So thank you so much for your time and
5 I'm happy to answer any questions as well.

6 CHAIRPERSON AYALA: Thank you, Carina.

7 COMMITTEE COUNSEL: Thank you, Carina.

8 Next up we have Jennifer Tausig, followed by Justina
9 Ramlakhan, and then Autumn Weintraub. Jennifer?

10 JENNIFER TAUSIG: Hi, good afternoon,
11 members of the New York City Council. Ah, my name is
12 Jennifer Tausig and I'm testifying today as the
13 cochair of the New York City BID Association. I'm
14 also the executive director of the Jerome Gun Hill
15 BID in the Bronx. And thank you for holding this
16 hearing today. The BID Association represents 76
17 individual BIDs throughout the city that serve as
18 stewards of our diverse commercial corridors and
19 neighborhood public space. Our mission has always
20 been to support the almost 100,000 local businesses
21 we serve, to keep our neighborhoods clean and safe,
22 and to bring prosperity to our communities. Never
23 has our work been more vital and essential than it
24 has been during the COVID-19 pandemic. We are
25 pleased to present testimony today on the Department

2 of Worker, Consumer Affairs and Worker Protections'
3 proposed budget. First of all, we'd like to thank
4 Commissioner Salas and her team for being responsive
5 to the city's BIDs and maintaining an ongoing
6 dialogue with us. As our city begins to recover from
7 this awful pandemic, we must support our small
8 businesses and help them regain their footing. We
9 hope that DCWP will work with the administration and
10 City Council to continually look at outdated or
11 unnecessary fines and violations that only hurt our
12 business owners, who need a helping hand right now.
13 We also know that DCWP will soon begin rule-making on
14 the new Just Cause termination legislation. How the
15 agency implements this incredibly and burdensome new
16 law will have a major impact on hundreds of locally
17 owned restaurant franchise owners. We hope that the
18 agency will consider their pleas and ensure they're
19 given all the time and support they need to comply
20 with this new law. Lastly, DCWP will be, also be
21 charged with rule-making and implementation of the
22 new vending legislation, which will add over 4000 new
23 vendors to our city streets. Our brick and mortar
24 small businesses are struggling to survive now more
25 than ever and they are extremely concerned about both

2 the lack of any enforcement on existing vendors and
3 the impact of new licenses being issued. The city's
4 BIDs call on Mayor de Blasio and the City Council the
5 fully fund the newly established Office of Street
6 Vendor Enforcement to ensure a level playing field
7 for storefronts and vendors alike. The BID
8 Association estimates an annual budget of 8 million
9 dollars or more for the Office of Street Vendor
10 Enforcement is necessary to ensure adequate staffing
11 capability to perform citywide patrols and
12 enforcement actions in its first year of operation,
13 or at least to give the city, give the agency a hope
14 of engaging with the estimated 20,000 street vendors
15 in our city. We sincerely hope that the council will
16 include this request in their budget response and
17 make this a priority. Thank you to the City Council
18 and DCWP for your partnership, and we look forward to
19 working together to help New York City's small
20 businesses and commercial corridors recover.

21 COMMITTEE COUNSEL: Thank you, Jennifer.

22 Next up we have Justina Ramlakhan, followed by Autumn
23 Weintraub, and then Luisa Mendez. Justina?

24 JUSTINA RAMLAKHAN: Hello. My name is
25 Justina Ramlakhan and I am a political organizer with

2 SCIU Local 32BJ. I would like to testify in support
3 of providing the Department of Consumer and Worker
4 Protection with greater funding. 32BJ is proud to
5 have championed many of the laws overseen by DCWP.
6 This goes beyond the Fair Work Week law, which covers
7 not just fast food but also retail workers, and
8 includes paid safe and sick leave, the \$15 minimum
9 wage, rights for freelancers, and protections for
10 displaced building service workers. We've also
11 worked with DCWP to enforce these laws. Their hard
12 work has led to major victories, from which thousands
13 of working New Yorkers have benefitted. For
14 instance, in September 2019 DCWP filed a lawsuit
15 against Chipotle for 1 million dollars in restitution
16 for workers and continued their investigation as
17 workers at dozens of more Chipotle restaurants have
18 brought forward complaints. DCWP has also
19 successfully negotiated settlements on behalf of more
20 than 1000 workers with some of the nation's largest
21 fast food companies. In two recent settlements with
22 major airline contracts concerning the city's paid
23 safe and sick leave law, DCWP has been able to
24 recover \$30,000 for the city and an additional
25 \$138,000 for hundreds of workers. While DCWP has

2 been able to secure these amazing victories for New
3 Yorkers by increasing their capacity the city can
4 truly enforce the wide scope of the these laws. For
5 instance, DCWP is responsible for enforcing the Fair
6 Work Week law at more than 26,000 fast food
7 establishments and beginning this June rolling out
8 the new Just Cause law. Further, they are
9 responsible for protecting the rights of more than
10 3.4 million private sector workers covered under the
11 Paid Safe and Sick Leave law. We need more
12 investigators to enforce the various worker
13 protection laws. We need more appropriate resources
14 and funding to make the process [inaudible] and make
15 workers whole sooner. This is especially concerning
16 given the critical importance of paid sick leave
17 amidst the ongoing pandemic. By investing in labor
18 standards enforcement the city is not merely
19 providing critical protection to many of the most
20 vulnerable New Yorkers, it is also investing in its
21 communities as workers with access to stable, good
22 jobs are less likely to be in or close to poverty, or
23 rely on public services. Thank you for your
24 testimony.

2 MODERATOR: Thank you, Justina. Next up
3 we have Autumn Weintraub, followed by Luisa Mendez.
4 Autumn?

5 AUTUMN WEINTRAUB: Good morning,
6 everyone. Ah, thank you for having the committee,
7 um, and Chair. Um, my name is Autumn Weintraub and I
8 am the director of SCIU Local 32BJ's fast food worker
9 organizing program. I'm here to testify in support
10 of providing the Department of Consumer and Worker
11 Protection with additional funding. Ah, to that end
12 I'd like to speak about the critical role DCWP plays
13 in supporting labor standards in the fast food
14 industry and other industries citywide. The last 12
15 months have changed our lives in ways few would have
16 thought possible at the outset of the crisis. Fast
17 food workers have spent this long year on the front
18 lines of the COVID pandemic fulfilling essential
19 work, not just to provide for their families but to
20 feed our city. The work has not been without its
21 toll. A recent study found that in California line
22 cooks experienced a higher increase in mortality
23 rates over their pre-COVID level than any other
24 occupation. Within New York City the racial
25 distribution of fast food workers parallels the trend

2 of COVID, having disproportionate impact on
3 communities of color. As of 2016, 54% of New York
4 City fast food workers were black or Hispanic,
5 populations that exceed higher rates of per capital
6 COVID deaths than any other racial or ethnic group.
7 Nearly four years ago the council made a commitment
8 to fast food workers that they would have access to
9 stable schedules and path to full-time hours by
10 passing the Fair Work Week law. Since this law went
11 into effect DCWP has done an incredible job working
12 to enforce these standards with the resources that
13 they have. More recently the council passed ground-
14 breaking Just Cause legislation, making New York the
15 first city in the country to protect fast food
16 workers against unfair firings and reductions in
17 hours. These protections are a huge shift in the
18 industry where fully two-thirds of workers report
19 having an employer fire them without even providing a
20 reason. Taken together, these laws have the
21 incredible potential to transform fast food jobs into
22 careers that can sustain New York families and
23 communities by providing stable full-time hours as
24 well as job security. This potential can only be
25 realized, however, if DCWP has the resources it needs

2 to ensure that more than 2600 fast food
3 establishments in New York City are following these
4 critical labor standards. In passing Just Cause
5 amidst the pandemic New York City sent a bold message
6 that we will rebuild our economy by protecting
7 essential workers, not by sacrificing them. We ask
8 that the council stand by its commitment to funding
9 DCWP so it can make these laws a reality for all fast
10 food workers. Thank you for your time.

11 MODERATOR: Thank you, Autumn. Last up
12 we have Luisa Mendez. Ah, Eduardo, I see you are
13 present, but is Luisa prepared to give her testimony
14 as well?

15 EDUARDO ZABAYOS: Yeah, so Luisa actually
16 had to get off the call because she had to go to
17 work, but I, I could give, I have Luisa's testimony
18 here, I could read that real quickly. Um, yeah, so
19 my name is Eduardo Zabayos. I'm an organizer with
20 32BJ. So, Luisa's testimony, um, so my name is Luisa
21 Mendez and I work for Chipotle Mexican Grill at their
22 Union Square South location in Manhattan. I'm here
23 to ask the City Council to give more money to the
24 Department of Consumer and Worker Protection. In
25 October 2019 I called out of work several times to

2 care for my pregnant daughter, my father who was
3 hospitalized with a heart condition, and myself as I
4 felt sick well. My GM told me I was calling out sick
5 too much and then fired me. Chipotle did not rehire
6 me until February 2020, after DCWP investigated them
7 for breaking New York's paid sick leave law. I am
8 grateful to the DCWP for the work they did, but the
9 process still took five months, during which I had no
10 income. Then last March my husband, my daughter, my
11 son, and my father, all of whom I live with, got sick
12 with symptoms matching coronavirus. Starting on
13 March 16 I took a leave of absence to make sure I
14 didn't expose anyone else to the virus, not knowing
15 how I was going to pay the bills. It was a difficult
16 position to be in. Although Chipotle had promised to
17 provide two weeks of paid sick leave for workers out
18 due to coronavirus, when I asked about that my GM
19 just told me to take unpaid vacation time. It
20 ultimately took me several attempts of reaching out
21 to different Chipotle managers and hotlines before
22 the company paid me the two weeks of sick leave. The
23 coronavirus pandemic makes prompt enforcement of paid
24 sick leave all the more important, as even amidst
25 this crisis we cannot trust our employers to do the

2 right thing. My father ultimately passed away from
3 COVID-19. Ah, the lack of income added stress to the
4 tragic situation. We had to make arrangements for my
5 father's burial and pay for it while struggling to
6 keep my family fed and housed. Even when I returned
7 to work that stress did not go away. Though I used
8 to work 30 to 32 hours a week, Chipotle cut my hours
9 down to 14 to 16 hours a week for no reason. This
10 made it harder and harder to pay bills and ultimately
11 forced me to take a second job. I'm overjoyed that
12 the City Council passed the Just Cause bill, which
13 seeks to protect against exactly this kind of
14 situation, but that law has to be enforced. Chipotle
15 and other fast food companies employ tens of
16 thousands of New Yorkers, many of whom have
17 experiences similar to mine. The more DCWP is funded
18 and able to do its job the more the industry will
19 comply with these laws. Coronavirus has taken a
20 terrible toll, not just on my family but on those of
21 so many other essential workers. Please give DCWP
22 the funding it needs.

23 MODERATOR: Thank you for your testimony,
24 Eduardo. That concludes public testimony. If we
25 have inadvertently missed anyone who is registered to

2 testify today and is yet to be called please use the
3 Zoom raise hand function and you will be called on in
4 the order that your hand was raised. Seeing no
5 hands, I will now turn it over to Chair Ayala to
6 offer closing remarks. Chair, I think you just have
7 to unmute.

8 CHAIRPERSON AYALA: Yeah [laughs], I was
9 having a hard time getting unmuted today. Ah, thank
10 you. I want to thank all of the advocates for
11 coming. Commissioner, isn't that beautiful how much
12 support you have [laughs]? I don't remember sitting
13 on a hearing where so many came to support the, the
14 organization, so, you know, that speaks to, to your
15 work, um, and, and your commitment to helping some of
16 the most vulnerable New Yorkers. So thank you for
17 that, and I, I really do recognize it. And I'm
18 really happy to be, ah, chairing this committee in
19 particular because I am a fan of, you know, DCWP's
20 work. Um, but I really wanted to also thank, um, the
21 advocates because, you know, your, your work and your
22 leadership on, on these issues really help us, you
23 know, ah, do our jobs, ah, to the best of our
24 capacity. So thank you so much, and with that I
25 think, um, there's no one else, um, scheduled to

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2 speak so with that this meeting is closed. Thank
3 you.

4 UNIDENTIFIED: Thank you.

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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 May 24, 2021