

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CONSUMER AFFAIRS

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October 26, 2016
Start: 10:18 a.m.
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HELD AT: Council Chambers - City Hall

B E F O R E: RAFAEL L. ESPINAL, JR.
Chairperson

COUNCIL MEMBERS: Vincent J. Gentile
Julissa Ferreras-Copeland
Karen Koslowitz
Rory I. Lancman

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

Lindsay Greene, Senior Advisor
Deputy Mayor for Housing & Economic Development
New York City Office of the Mayor

Corinne Schiff, Acting Deputy Commissioner
Environmental Health
Department of Health and Mental Hygiene

Amit Bagga, Deputy Commissioner
External Affairs
Department of Consumer Affairs

Frank Vega, Deputy Chief & Executive Officer Patrol
Services Bureau
New York City Police Department, NYPD

Jeff Lynch, Assistant Commissioner
Intergovernmental and External Affairs
Department of Transportation, DOT

John Mancuso, Deputy Director
Community Affairs
Department of Sanitation

Gale Brewer
Manhattan Borough President

State Senator Jose Peralta
13th Senatorial District, Queens

Mahamed Assia, Food Vendor
Food Vendors' Project

Sean Bazinski, Former Street Vendor
Street Vendors' Project

Michael Lambert
New York City BID Association
Bed-Stuy Gateway Business Improvement

Ellen Baer, President
Hudson Square Connection and
New York City BID Association

Monica Blum, President
Lincoln Square Business Improvement District

Lisa Sorin, Executive Director
Westchester Square Business Improvement District

Jeffrey La Francois
Director of Operations and Community Affairs
Meatpacking District

Quenia Abeau, President
New York Women's Chamber of Commerce

John Bonizio, Chairman
Westchester Square Business Improvement District

Paige Halper, Outreach Coordinator
Appearing for: Dr. Dick Carpenter
Director of Strategic Research
Institute for Justice

Diana Robinson, Campaign and Education Coordinator
Food Chain Workers Alliance

Kishnendu Ray, Chair
Depart. Nutrition, Food Service & Public Health
New York University, NYU

Alfonso Morales, Professor
Urban and Regional Planning
University of Wisconsin

Ryan Thomas Devlin, Professor
Public Administration
John Jay College

Beazer Pitzker
Disabled Veteran Vending Advisory Committee

Robert Letterman, President
Artists Response to Illegal State Tactics for Artists

Kristin Rouse
Veteran, United States Army

Barbara Morris
Food Operator

Dan Rossi

Ellen Goldstein, Vice President
Policy, Planning and Research
Times Square Alliance

Jessica Lappin, President
Downtown Alliance

Mark Dicus, Executive Director
SoHo Broadway Initiative

John Doyle, Senior Vice President
Real Estate Board of New York, REBNY

Rob Burns, President
East Midtown Partnership and Co-Chair
NYC BID Association's Street Vending Working Group

Robert Bookman. Legal Counsel
New York City Hospitality Alliance

Jack Beller, Vice President
Workmans Cycles

Sante Antonelli, Director
Business Services
Queens Economic Development Corporation

Yanki Tshering, Executive Director
Business Center for New Americans

Dave Cook, Photo Journalist

Cindy VandenBosch, Founder and President
Turnstile Tours

Jeff Orlick, Tour Guide

Nelson Eusebio, Executive Director
National Supermarket Association

Eddie Perez
United Restaurant and Lounge Group
Spokesperson, Bodega Association of the United States

Brendan Sexton, Coordinator, UFCW Local 1500
Appearing for President Anthony Speelman

Richard Lipsky
Representative for Bodegas and Supermarkets

Lindsay Doole, Appearing for
Rabbi Jill Jacobs, Executive Director
T'ruah, Rabinic Call for Human Rights

Cecil Fuentes
Red Hook Food Vendors

Frank Appearing for Adam Sobel
Cinnamon Snail, Vegan Lunch Truck

Marlin Guinchard, Owner
Chile Ganacha, Astoria Mexican Restaurant

Matthew Shapiro
Appearing for Reverend Micah Bucey
Judson Memorial Church

Michelle Birnbaum
Vendor Taskforce Committee
NYC Community Board 8

Morton Sloan, Co-Owner
Morton Williams Supermarkets

Martin Hill
Restaurant Owner

Ian Culos
New Yorkers for Street Vending Reform

Mr. Swan, Veteran and Street Vendor

Andrew Fine, Representative
East and Sixth Street Association of Manhattan

Steve Harris

Thomas Culligan
Urban Law Center, Fordham University

Leslie Ramos, Executive Director
82nd Street Partnership

Matt Bauer, President
Madison Avenue Business Improvement District

Jesse Bodine, District Manager
Manhattan Community Board 4
Appearing for Chair Delores Rubin

Terri Cude, First Vice Chair
Community Board 2

John Morano
Throggs Neck Homeowners Association

Donde McKeller, Street Vendor
Leadership Board, Chairman of the Veterans Committee

Catherine Barnett, Director
Restaurant Opportunity Centers

Christine Lynch
Street Vendor

Favio Ramirez Caminatti, Executive Director
Del Centro Immigrante

Josh Gatewood, Food Vendor and Interim President
New York City Food Truck Association

Jordyn Lexton, Found and Owner
Drive Change

Vicki Mao Appearing for:
Lena Alfridi, Policy Coordinator
Equitable Economic Development at the Association for
Neighborhood and Housing Development, ANHD

Lowell Vanderbilt, President
Carnegie Hill Neighbors

Joe Glaser, Owner/Operator
La Bella Torte Dessert Truck

Jerry Chink, Tax & Business Consultant
Food Vendor & US Army Veteran

Melissa Chapman, Vice President, Public Affairs
Brooklyn Chamber of Commerce
Appearing for Carolos Scissura, President
Brooklyn Chamber of Commerce

David Bross Appearing for:
Natasha Lycia Ora Bannan, Associate Counsel
Latino Justice PRLDEF

2 [sound check, pause] [gavel]

3 CHAIRPERSON ESPINAL: Good morning. My
4 name is Rafael Espinal. I'm the Chair of the
5 Consumer Affairs Committee. I am joined by other
6 members of the committee. We have Rory Lancman from
7 Queens. We have Vinny Gentile from Brooklyn and we
8 also have some sponsors of these bills. We have Mark
9 Levine from Manhattan. We have Ydanis Rodriguez also
10 from Manhattan, and we have Andy Cohen joining us
11 from the Bronx. We have two items on today's agenda,
12 a committee vote on proposed Intro No. 1017-C
13 relating to protections for freelance workers and a
14 first hearing on nine pieces of legislation related
15 to street vendors. We'll start with the street
16 vendors hearing, and pause at some point to hold the
17 vote on 1017-C. Today's first hearing on nine pieces
18 of legislation collectively known as the Street
19 Vendor Modernization Act, are related to the
20 regulation of street vending in the city of New York
21 with an emphasis on food vendors. Street vending
22 became an integral part of the city's street life in
23 the last quarter of the 19th Century long before hot
24 dogs. At a fancier time, early food vendors sold
25 oysters. Street vending has long been an important

2 entry level entrepreneurial opportunity for—for new
3 immigrants as well as often the only viable
4 employment option available to them. Unfortunately,
5 since street vending's early days it has prompted
6 complaints and concerns still voiced today. These
7 are the street vendors—these are the street create
8 sidewalk-- These are the street vendors create
9 sidewalk congestion, sanitation problems, are
10 unsightly and unfairly compete with brick and mortar
11 businesses that bear significant overhead costs.

12 These concerns contrast with the fact that long after
13 Mayor La Guardia called street vending antiquate, and
14 sought to move them off the street, food trucks and
15 carts have been and remain extremely population with
16 many New Yorkers. In the early 1980s, the Cox
17 Administration in response to concerns at the time
18 capped the number of food vending permits at 3,000.
19 That number has not changed since. By some
20 estimates, there may—there may be as many as 10,000
21 food vendors operating on the city streets. The cost
22 to renew a food vending permit is \$200 for two years.
23 According to news reports, the lack of new permits
24 and the fact that many permit holders lease the
25 permits to others had led illegal food vending and a—

2 and a black market for permits in which vendors are
3 made to pay as much as \$25,000 for a two-year permit.
4 This is a violation of the law. Meanwhile, there
5 have been growing calls from the business community
6 and other stakeholders for more enforcement of
7 vending regulations. Some communities have a larger
8 share of vendors than and attendant problems and
9 concern such as street and sidewalk congestion,
10 sanitation issues and others have become acute. The
11 current approach to vendor policy does not appear to
12 be working. The legislation before the committee
13 today tackles this problem and what seems to be a
14 measured reasonable effort to balance the needs and
15 concerns of both parties.

16 Intro 1303 would gradually expand the
17 number of permits to vend food on the streets and
18 sidewalks of New York City releasing 600 permits each
19 year between 2018 and 2024 plus an additional 35
20 permits each year for veterans. At the end of the
21 seven years, the number of available legal permits
22 would—would more than double. The bill will also
23 create a dedicated vending law enforcement unit,
24 which would exclusively enforce vending laws. It
25 would focus first on hot spots in the city with known

2 vending enforcement challenges, and then move to all
3 areas as compliance improves. The bill will also
4 create a street vendor advisory board, which would
5 include vendors, brick and mortar small business,
6 representatives from the community groups and city
7 agencies to examine the rule for duplicative unclear
8 or unnecessary provisions. The enforcement unit and
9 advisory board will come on board for a full year—for
10 a full year before new permits are released to ensure
11 we have some time to improve compliance before new
12 permits are released. Street vendor policy has not
13 been assessed in many years. The committee will take
14 the opportunity to hear other bills that address
15 common sense issues, and help to bring our vending
16 laws up to date with our present needs.

17 Intro No. 1299, sponsored by myself, will
18 provide that only applications for a mobile food
19 vendor permit required the production of a
20 certificate of authorization to collect state sales
21 taxes. Currently, all person operating a food cart
22 or truck must do so, which it appeared to be
23 potentially duplicative and unnecessary practice.

24 Intro No. 72 sponsored by Corey Johnson
25 will facil-will facilitate enforcement and enhance

2 transparency by requiring the Department of Health
3 and Mental Hygiene to post on its website information
4 pertaining to the number of mobile food vending
5 permits issued for a push cart or vehicles
6 specifically reserved for veterans, disabled veterans
7 and disabled persons. Such lists will be updated at
8 least monthly.

9 Proposed Intro 78-A sponsored by Council
10 Member Margaret Chin would extend to consumers the
11 same protections they expect from brick and mortar
12 businesses by requiring mobile food vendors to post
13 the total selling price of every item offered for
14 sale either in print or a digital format, and would
15 prohibit the vendor from charging more than the
16 amount displaced. Under current law, a mobile food
17 vending permit may at the discretion of DOHMH be
18 transferred to a dependent spouse, domestic partner
19 or child or general vending license will not be
20 transferred at all.

21 Intro 432, sponsored by Margaret Chin as
22 well, will provide to both mobile food vendor permits
23 and general vendor licenses shall as a right be
24 transferrable to a dependent spouse, domestic
25

2 partner, or child upon a death or incapacitation of
3 the permit or license holder.

4 Intro No. 1061, also by Margaret Chin,
5 would grant an exemption to the current licensing
6 laws, and allow individuals to sell plants and
7 flowers on the day of the Asian Lunar New Year, and
8 for seven days before.

9 Three preconsidered intros sponsored by
10 Ydanis Rodriguez would make the following changes:
11 Require all push carts be placed within three feet of
12 the curb as opposed to abutting the curb as currently
13 required. This would keep the vendor from standing
14 in the street, which may be dangerous. Clarify the
15 law by indicating the minimum distance a vendor must
16 maintain from bus stops, taxi stands, driveways,
17 crosswalks, and subway entrances. And finally, amend
18 the law to allow vendors to place items on their
19 vehicle or push cart. It is our hope that these
20 recommended changes may reduce confusion and
21 violations for vendors for infractions that neither
22 disturb nor harm the public or consumers.

23 The committee looks forward to hearing
24 testimony from the Department of Consumer Affairs and
25 other relevant agencies, the business community,

2 street vendors and other interested parties on this
3 package of legislation. I would like to take this
4 moment to invite my colleagues to speak on their
5 bills. Councilman Mark Levine.

6 COUNCIL MEMBER LEVINE: Thank you, Mr.
7 Chair. Thank you for that excellent opening
8 statement. You know, we New Yorkers we practically
9 live in the street. We're always on the run. We're
10 usually in a hurry. We love food from around the
11 world. We don't like to wait, and for generations
12 street vendors have been meeting those needs, really
13 for centuries, and they've done it when and where New
14 Yorkers have wanted to. Along the way, they have
15 created a whole industry, which has provided
16 livelihoods to thousands of New Yorkers historically
17 and today as well. It's been a path to
18 entrepreneurship, to business ownership for so many.
19 It's really been an economic ladder for almost every
20 wave of immigrants to come through this city, and
21 that is true today as well. Street vending, however,
22 has remained frozen in time. It's really been since
23 the 1980s that we've updated the rules around this
24 industry, and the results are not working for
25 anybody. We have incredibly inconsistent enforcement

2 of the street vendor rules especially in the most
3 congested parts of the city, and we have an arbitrary
4 cap on the number of food vendor licenses, which
5 hasn't been adjusted since 1983, which as the Chair
6 explained has created a thriving black market for
7 permits, and stand for thousands of vendors to vend
8 without a permit meaning they're not under the
9 jurisdiction of the Health Department and safety
10 inspectors, and—and much else, and I'm excited that
11 Intro 1303 takes a very balanced approach to tackling
12 these problems by creating the first ever dedicated
13 enforcement unit that we've ever had in this city,
14 that would be staffed at a robust level with a robust
15 budget, and would have one and only one mandate, all
16 day everyday, which is to enforce street vendor
17 rules. We've never had that in the city, and after
18 allowing that enforcement unit to get up and running
19 for a period of a year, we would then begin to very
20 slowly and in a measured way try to drain the black
21 market by adding some additional licenses for food
22 vending. This would begin until 2018, and would roll
23 out very slowly over a seven-year period. With the
24 idea being that this would not only drain the black
25 market, it would bring more revenue for the city as

2 we increase the license fee by more than five fold.

3 It would also bring in vendors from out of the
4 shadows, and so they would be under the jurisdiction

5 of health inspections and other important

6 enforcement. Finally, we would create the city's

7 first ever vendor advisory board that would be

8 comprised, as the chair mentioned, of merchants,

9 brick and mortar merchants, of business advocates, of

10 community groups of vendors themselves. So that we

11 can closely monitor the implementation and rollout of

12 this bill, which as I explained will roll it over

13 more than seven years. This body, the Vendor

14 Advisory Board will be tasked with creating an annual

15 report, and with suggesting changes or tweaks to the

16 law as they see fit once we learn how this is

17 implemented and practices. This really has the

18 potential to be a win for everybody. I strongly

19 believe it will be a win for congested commercial

20 areas that have been crying out for clear rules and

21 consistent enforcement for years. A win for vendors

22 themselves who will have an alternative to this

23 incredibly exploitive black market, and win for New

24 Yorkers who are still going to have a quick, easy,

25 affordable way to get great street food, and I'm—I'm

2 thrilled that we've already acquired many, many co-
3 sponsors on this bill, 14 at my last count from all
4 boroughs of the city, all kinds of neighborhoods, and
5 I'm excited to learn more and discuss more about this
6 important package today. Thank you, Mr. Chair.

7 CHAIRPERSON ESPINAL: Thank you, Council
8 Member Levine. As I—as I stated earlier, we're going
9 to put this hearing on pause to vote out a very
10 important bill. Today, the committee will hold a
11 vote on proposed intro 1017-C the freelancers and
12 free act sponsored by Council Member Brad Lander,
13 which establishes protection for freelance workers.
14 An estimated 1.3 million freelance workers reside in
15 New York City, and many of these individuals
16 routinely face difficulty collecting payment for
17 their services. Under current law, failure to pay a
18 freelance worker is a breach of contract, and legal
19 actions to recover damages are adjudicated under
20 state contract law. This bill would enhance the
21 legal remedies available to freelance workers in the
22 city. In sum, the bill requires a written contract
23 for freelance services at \$800 or more would require
24 hiring parties to pay the freelance workers on time
25 and in full according to the terms of the contract or

2 within 30 days of completion of the work. It would
3 prohibit retaliation. To enforce these rights, an
4 aggrieved freelance worker would file a civil action
5 in state court where the hiring party will be liable
6 for double damages, full value of contract and
7 attorney fees and costs. The bill will created a
8 standalone cause of action for failing to have the
9 contract. For this failure, the hiring party will be
10 liable to the freelance worker for damages equal to
11 \$250 provided that that the freelance workers can
12 prove that a contract was requested. This bill will
13 also require the Office of Labor Standards to receive
14 complaints from freelance workers and forward these
15 complaints to the hiring parties along with
16 information about the rights granted to freelance
17 workers under this law. In addition, OLS will be
18 required to create a navigation program to provide
19 information and resources about the provisions of
20 this local law, and to gather data and report on the
21 law's effectiveness at improving contracting and
22 payment practices in the freelance economy. I would
23 like to invite Council Member Land-Lander to speak
24 further on this bill.

2 COUNCIL MEMBER LANDER: Thank you so
3 much, Chair Espinal and for your partnership and
4 leadership on this bill. You've got a full house
5 here to talk about vendor and vendor and vendor
6 issues so I'll brief in my remarks in the committee
7 and talk more on the floor tomorrow. But I am
8 thrilled that with this passage of Intro 1017-C will
9 make New York City the first jurisdiction in the
10 country to protect freelancers and independent
11 contractors from getting stiffed. New York City has,
12 as you say, 1.3 million freelancers, 70% of whom
13 have—report having been victims of theft of payment
14 or late payment or being forced to accept less than
15 they were fully owed for an average of about \$6,000
16 per year per freelance. That's people like Elizabeth
17 McKenzie, a film production freelancer who lived on
18 bread and rolls and worked in the dark when she
19 couldn't pay her utility bills after getting stiffed
20 out \$2,500 she had earned. Or Mauricio Niebla (sp?)
21 part of a group of 40 writers and editor cheated out
22 of a total of \$400,000 by a national publishing
23 company and Just Ramona a pattern maker from the
24 Bronx, who paid the people she owed out of her
25 savings when she was stiffed, but couldn't pay her

2 rent or her phone bill. We heard many more people at
3 the hours long hearing that you chaired, and there
4 are many, many stories out there. Intro 1017-C, as
5 you say, will establish a set of protections
6 including double damages and attorney's fees, set up
7 the Department of Consumer Affairs and its office of
8 Labor Standards as a navigator and with an ability to
9 process complaints, and help people get paid and also
10 the law will strengthen people's rights in court to
11 their right of timely payment to getting a written
12 contract, and to being protected from retaliation.
13 We made significant changes to the bill. This is
14 Intro 1017-C, which means it's the fourth edition,
15 and that came from changes made as a result of the
16 hearing that you chaired. Changes raised by
17 thoughtful concerns by members like Council Members
18 Cohen and Lancman and others. And I appreciate, Mr.
19 Chair, your role in helping us navigate that as well
20 as extensive conversations with other stakeholders.
21 I do want to especially call out the role of
22 Freelancers Union, who played a significant role in
23 bring this bill, this issue to our attention and
24 working with us to develop the bill. And I'll save
25 all my—I won't go through all the list of changes

2 except to say we increased the value of the contracts
3 that are covered from \$200 to \$800, adjusted the role
4 of the Department of Consumer Affairs to make it far
5 more feasible and effective and efficient.

6 Eliminated criminal penalties, and addressed the
7 issue of failure to contract in a way that I think
8 members feel substantially improves and eliminates
9 the risk of any lawsuits. I'll save my thank yous
10 for tomorrow except to say for Freelancers Union, to
11 the staff of the Legislative Division including
12 Rabbani Raffman (sp?) Wesley Jones, Rachel Cordero,
13 Annie Decker and Matt Gewolb. Two late aging nights,
14 not just one, four versions and really extremely
15 thoughtful lawyering to move this along. And big
16 thanks to my Policy Director, Annie Levers as well,
17 and with that, I'll save the rest of my remarks for
18 tomorrow with thanks to you and my colleagues and the
19 rest of the members of the committee.

20 CHAIRPERSON ESPINAL: Okay, they did it
21 all, (sic) but thank you to all the staff for all the
22 work they did on this bill. Again, thank you, Brad
23 for your leadership on protecting freelancers in the
24 city and for setting unprecedented protections for
25 freelancers that we haven't seen in this country.

2 Thank you for that. Will the clerk please call the
3 roll.

4 CLERK: William Martin, Committee Clerk,
5 roll call vote Committee on Consumer Affairs.
6 Introduction 1017-C. Chair Espinal.

7 CHAIRPERSON ESPINAL: I vote aye.

8 CLERK: Gentile.

9 COUNCIL MEMBER GENTILE: I vote aye.

10 CLERK: Koslowitz.

11 COUNCIL MEMBER KOSLOWITZ: I vote aye.

12 CLERK: Lancman.

13 COUNCIL MEMBER LANCMAN: Aye.

14 CLERK: By a vote of 4 in the
15 affirmative, 0 in the negative and no abstentions,
16 the item has been adopted by the committee.

17 CHAIRPERSON ESPINAL: I'll—I'll keep the
18 roll open. With that said, before we move forward I
19 just want to recognize that we have been joined by
20 Karen Koslowitz from Queens, and we have another
21 visitor from the Bronx, Rafael Salamanca. [pause]
22 So back to the main event. I'd like to give Karen
23 Koslowitz a chance to speak on her bill.

24 COUNCIL MEMBER KOSLOWITZ: Thank you.

25 First, I want to just say that the last time we dealt

2 with vendors was in the 90s when I was the Chair of
3 Consumer Affairs, and we did make some strides at
4 that time where we had people having 500 licenses or
5 more. We passed a law that one license to one vendor
6 as the vendor is their own boss. And I was very
7 happy to work with this bill. In fact, I see Jim
8 Caras (sp?) who was my counsel at the time. So now I
9 have a little bill that's not a big deal that—to show
10 pricing of all items that the food vendor sells. I
11 know many of them do, but not all of them. So I am
12 proposing the bill that will be that all vendors
13 price—have the price list of all the foods that they
14 sell. I think this is fair to the public that they
15 know when they go over to a food vendor if they want
16 to buy frankfurter, the frankfurter is a dollar. For
17 me, I know it's more, but a dollar for me and a
18 dollar for everyone else that comes to the food
19 vendor. So that is my proposed bill for today.

20 CHAIRPERSON ESPINAL: Thank you Council
21 Member Koslowitz. Council Member Ydanis Rodriguez.

22 COUNCIL MEMBER RODRIGUEZ: I'd like to
23 thank first of all the staff and Speaker Melissa
24 Mark-Viverito, Council Member Levine and the rest of
25 the council members who are putting this package of

2 legislation together. One thing that I would like to
3 say is that first of all we recognize that business
4 owners, small business owners you make the first—the
5 large and most important social jobs in our city. At
6 the same time, I'm happy to see voices not only from
7 the street vendors, but business owners, business
8 improvements districts, and the whole administration
9 to understand that it is time to do a reform, a
10 reform that we hope will be good for everyone. For a
11 street vendor to have the opportunity to continue
12 making a living. Those of you sitting back there I
13 know that working 12 hours a day you are raising the
14 new child that is going to be the next council member
15 or will be the next president of our city. As also,
16 we recognize that the business owner they also need
17 more protection. As we have heard, there is a black
18 market that persists in our city when it comes to a
19 street permit. We make our hardworking residents
20 vulnerable to arrests as well as the whims of whoever
21 owns the permit they are operating under. The
22 importance of—the important reforms we discuss today
23 are about lessening the impact of these markets and
24 offering more protection to a street vendor that have
25 always been a part of New York City's street life.

2 We also know that there's must—that there must be a
3 level of enforcement that defines the balance between
4 street vendors, business owners and the public. I
5 think that these reforms go a long way to meeting
6 those goals, and I'm glad the Council is finally
7 tackling these problems. My bill in this package
8 will help to make street vendors safer and clear up
9 some of the old rules that no longer make sense. We
10 need to be sure of the economy opportunity in the—in
11 the street flow while ensuring the safety of our
12 residents in the fiscal hope of our assisting a small
13 break in mortal business remains intact. I'm eager
14 to hear from industry representatives and the
15 administration, and I thank the Chair of this
16 committee and the Speaker for their leadership.
17 Thank you.

18 CHAIRPERSON ESPINAL: Thank you, Council
19 Member Rodriguez. For our first panel I'd like to
20 invite the Administration represented by Lindsay
21 Greene from the New York City Mayor's Office; Corinne
22 Schiff from the Acting Deputy Commissioner for
23 Division of Environmental Health; Jeff Lynch,
24 Assistant Commissioner to Intergov and Community
25 Affairs, DOT; Amit Bagga, Deputy Commissioner of

2 DCA; Deputy Chief Frank Vega from NYPD; Lieutenant
3 Domin-Domino from the-the NYPD. Would all please
4 raise your right hand for an oath. Do you affirm to
5 tell the truth, the whole truth, and nothing but the
6 truth in your testimony before this committee, and
7 respond honestly to Council Member questions?

8 PANEL MEMBERS: [off mic] Yes.

9 CHAIRPERSON ESPINAL: Thank you. You may
10 begin.

11 LINDSAY GREENE: [coughs] Good morning.
12 Thank you Chair or Chairman Espinal and members of
13 the Committee on Consumer Affairs. I am Lindsay
14 Greene, Senior Adviser to the Deputy Mayor for
15 Housing and Economic Development. I work closely
16 with several agencies that are involved with economic
17 development, public space and business opportunity
18 including the Department of Consumer Affairs, the
19 Department of Small Business Services, and the New
20 York City Economic Development Corporation among
21 others. I am joined today by several colleagues from
22 various city agencies that touch mobile food vending
23 and mobile vending including DOHMH's Careen Schiff,
24 Acting-Acting Deputy Commissioner for Environmental
25 Health; DCA's Amit Bagga, Deputy Commissioner for

2 External Affairs; NYPD's Deputy Chief Frank Vega,
3 Executive Officer Patrol Services Bureau, and DOT's
4 Jeff Lynch, Assistant Commissioner for
5 Intergovernmental and External Affairs. Each of these
6 individuals will provide direct testimony today, and
7 we are joined by many of their esteemed colleagues
8 for Q&A. Additionally, members from SBS and our
9 Department of Environmental Protection are on hand
10 for Q&A as well as they interact albeit less directly
11 with mobile vending. We are pleased to be
12 representing Mayor Bill de Blasio's Administration
13 here today. Thank you for inviting us to testify on
14 the package of bills known as the Street Vendor
15 Modernization Act. These bills specifically focus on
16 mobile food vending, which has been a part of the New
17 York City landscape for over 150 years. We would all
18 agree that vending is important to the city in
19 multiple ways. It is a colorful part of our cultural
20 landscape due to the major past economic
21 opportunities for veterans, immigrants and recent
22 arrivals to New York and its vibrancy, variety and
23 entrepreneurial spirit contributes to our overall as
24 the food capital of the world. Currently, the city's
25 vending landscape includes several categories: Food

2 carts, non-motorized carts selling various foods, or
3 all trucks including our produce green carts, et
4 cetera. Food trucks, motorized and-and mobile trucks
5 selling food, which are classified as similarly food
6 in the law. General vending, which consists of
7 individuals at non-mobile or staging is typically
8 tables with displayed items for sale such as handbags
9 and the like. It also includes First Amendment
10 vendors, non-motorized vendors again usually on table
11 selling books, music and art including paintings,
12 prints, photographs and sculptures. Veteran general
13 vendors. Again, general vendors who happen to be
14 vets and who have the special cap for general vending
15 in some instances. And disabled veteran vendors,
16 which include general or food vendors who are
17 disabled veterans who are licensed specifically by
18 the State and general business law. General vendors
19 are required to only have licenses, which are issues
20 by the Department of Consumer Affairs. Food carts
21 and food trucks receive licenses for the person
22 working on the cart, and the permit for the cart or
23 truck itself from the Health Department. There is a
24 cap on the number of health permits for carts of
25 approximately 40-4,100 excluding the 1,000 that are

2 set aside for green carts. The non-green cart food
3 permits are broken down into specific subgroups
4 including 2,800 full year citywide permits, 100
5 citywide permits exclusively for the (1) disabled
6 veterans; (2) persons with disabilities; and (3)
7 veterans in that order of priority as well as 200
8 full year borough specific permits with up to 50
9 permits for boroughs other than Manhattan, and 1,000
10 citywide seasonal permits, which are valid from April
11 through October. There are on the general vending
12 front there is a cap on citywide licenses of 853.
13 There is also a cap on specialized general
14 merchandise vending licenses issues to disabled
15 veterans pursuant to state general business law of
16 105 for Midtown only, and no limit for elsewhere in
17 the city. There is no cap on the number of general
18 vending licenses that may be issued to veterans. It
19 should be noted that a large amount of vending
20 activity that exists it's either general Merchandise
21 vending or personal vending, which includes artists
22 selling their own or other's art. As I mentioned,
23 the majority of the bills today are focused on food
24 vending and do address other types of vending. So
25 our comments will focus obviously on food vending

2 primarily, but will also address how the other
3 categories of vending interact and create issues we
4 must address when talking about any vending
5 regulatory report.

6 First, a bit about where vending is
7 taking place. While we do not have the precise count
8 of the amount of street vending activity that occurs,
9 we know that it is widely varied, and incredibly
10 dense in many major commercial corridors in multiple
11 boroughs. Through a review of complaint inspection
12 and violation and other data for mobile food vending,
13 we have identified several key hot spots in places of
14 major activity including a large part of Manhattan
15 south of 96th Street, Sunset Park in Brooklyn,
16 particularly Fourth and Fifth Avenues, Bushwick and
17 in Brooklyn particularly along Knickerbocker and
18 Wyckoff Avenues, as well as Jackson Heights,
19 Roosevelt Avenue, and Flushing and Main Street in
20 Queens and Fordham Road in the Bronx. As previously
21 mentioned, DOHMH is responsible for permitting of
22 food vending units as well as health and safety
23 inspection and issuances of licenses for food
24 vendors. DOHMH also permits and inspects food
25 vending commissaries of which there are approximately

2 100 in the city today. Commissaries are the physical
3 spaces where all food carts must, according to city
4 and state law, be taken for cleaning, maintenance and
5 storage when not in use. DCA licenses general
6 vendors and facilitates all license and permit
7 renewals for all classes of vending and fields a
8 large majority of vending complaints, which are then
9 referred to NYPD and DOHMH as appropriate. The
10 Police Department enforces vending on a day-to-day
11 basis, particularly for on a non-inspection basis and
12 issues violations to both general and food vendors.
13 These are the core agencies that are interacting with
14 mobile food vending, but in totality there are many
15 more tough points and a vast expanse of underlying
16 laws and rules governing street vending. In
17 totality, there are several city agencies directly
18 involved in some aspects of vending regulations from
19 licensing and permitting to enforcement and
20 adjudication including DCA, DOHMH, NYPD, DOT, DEP,
21 FDNY and DSNY. The direct regulatory framework
22 involves multiple sections of the Administrative
23 Code, the Health Code, the rules of the city of New
24 York, and also the New York State Sanitary Code and
25 the New York State General Business Law. This is a

2 complex web of regulations and agencies that
3 have made any change in the area very difficult in
4 the past. This complexity creates massive data
5 inconsistencies throughout various city systems, and
6 produces a set of vending guidelines that our
7 agencies are striving to enforce. You will hear from
8 many of these agencies in direct testimony today to
9 gain insights into the specifics of these
10 various regulatory topics and how things are
11 currently playing out on our streets today.

12 Generally speaking, we agree that the system
13 preventing regulation we currently have could benefit
14 from a thoughtful and diligent review. We support
15 the Council's efforts to examine this important
16 issue, and look forward to working with the various
17 stakeholders to consider the results of this review,
18 and if necessary discussing improvements that work
19 for everyone. We feel that these bills are the first
20 step in that direction. I will begin by addressing
21 the major bills overall, and my agency colleagues
22 testifying with me will offer additional feedback per
23 their areas of expertise. Generally speaking, we
24 recognize that vending is a business and vital
25 economic opportunity for those that do it, especially

2 immigrants and veterans. We must also acknowledge
3 that regulation and enforcement of vending activity
4 is incredibly important as well. Enforcement and
5 regulation topics in particular matter a lot to a
6 wide range of stakeholders including vendors
7 themselves and also local community boards, business
8 improvement districts, local property and business
9 owners and, of course, our elected officials.

10 Vending is a vital part of the city landscape, and we
11 must make sure that it is legal, safe and works well
12 for everyone. Regarding the proposed increase in
13 permits, one of the major aspects of this collection
14 of bills is this proposed increase. We are
15 supportive of the notion that legal vending is
16 obviously better than illegal vending. However, we
17 cannot truly assess the impact of the proposed
18 increase in permits without understanding the true
19 scale and scope of vending activity currently
20 happening on the ground. As much as we would like to
21 have it, we do not have a true complete vending
22 activity map that accounts for all the various types
23 of vendors, their location and whether or not such
24 activity is legal or illegal. Know that would be
25 incredibly helpful in discussing permit increases.

2 Accordingly, under the leadership of our Office of
3 Operations, we are engaging in a preliminary citywide
4 vending count starting in—starting in early November
5 that will take approximately six weeks to complete,
6 and we can offer more concrete feedback on the
7 proposed permit increases then. The count will not
8 be fully comprehensive by any means, but it will not—
9 as it will not capture seasonal vending or vending
10 that occurs in the evening and on weekends, but it
11 will obviously be the first sense of directional data
12 we can acquire as a starting point. In addition to
13 wanting to understanding the—the impact of the
14 numbers of new permits, we feel strongly that any new
15 permits must also come with geographic restrictions
16 and specifications that be similar to those that we
17 have on the books today. Further, on location we
18 have very specific public safety and security
19 concerns about the levels of current—current vending
20 activity, specifically in the Times Square 42nd
21 Street area as well as around the World Trade Center,
22 and would like to see enhanced restrictions
23 specifically in those areas. With regard to the
24 timing of this—the issuance of the proposed new
25 permit increases, we would like to utilize the

2 insights from our preliminary count to inform our
3 feedback—feedback on timing and specific sequence of
4 many of the milestones proposed in the bills as well.
5 On enforcement, we—we strongly support the concept of
6 enhanced enforcement and of more proactive
7 enforcement. As you'll hear from NYPD and DOHMH, we
8 do both proactive and complaint—complaint based
9 enforcement. Currently, any new enforcement team
10 needs to honor the current areas of expertise of the
11 various agencies involved in vending enforcement, and
12 generally we want to make sure to not dilute that
13 expertise or the resources of those involved
14 agencies. The precise structure of more enhanced
15 enforcement is something we need to evaluate more
16 closely, and we look forward to discussing that along
17 with all the relevant stakeholders. We feel very
18 strongly that a complete review and overhaul of the
19 City Admin Code as it relates to vending is worth
20 considering, review recommendations to this effect,
21 as the primary goal of the proposed Advisory Board in
22 its first year. Some of the bills proposed here
23 contain several so-called cleanup items, but we do
24 not think making changes on a piecemeal basis is
25 productive and would rather make changes

2 comprehensively. We agree that regulations need to
3 be simple and straightforward in one section of the
4 code and easy to teach and train. As you will hear
5 from DOHMH, we think a major amount of attention
6 needs to be given to commissaries of which there are
7 currently roughly 100, a number which we do not feel
8 is adequate to support an expansion of permitted
9 vendors. Without additional commissaries, carts and
10 trucks have no place to be safely stored, which also
11 creates a public safety concern. We agree that any
12 street vendor advisory board should include multiple
13 city agencies and external stakeholders, and we are
14 still formulating our thoughts on what that—what that
15 composition might best be, and we will share that
16 with you over the coming weeks as we discuss other
17 details of the bill package. We generally think that
18 the idea of using several zones across the city to
19 try out and study the impact of some new vending
20 rules and regulations has merit. Choosing those
21 areas is a complex process that needs to take into
22 account among other things areas of concentrated
23 vending activity and the variety and intensity and
24 types of vending across the city. As such, we think
25 the selection of those zones should involve multiple

2 city agencies as well as external stakeholders, and
3 we think that this is a topic appropriate for the
4 involvement of the proposed advisory board. We are
5 supportive of more transparency in public posting of
6 prices. We are supportive of transferring permits
7 among family members the way businesses are handed
8 down through generations. We also support ways to
9 legitimize major cultural events and vending activity
10 associated with them, but need to work on other
11 mechanism than—than proposed here to address
12 potential legal concerns. As I said, we recognize
13 that the current state of mobile vending is complex
14 and imperfect and we look forward to working with
15 everyone to try to make those improvements. You'll
16 hear next from several of my agency partners. First
17 from Corinne Schiff at DOHMH followed by DCA, NYPD,
18 and DOT. Thank you. [pause]

19 DEPUTY COMMISSIONER SCHIFF: Good morning
20 Chair Espinal and members of the Consumer Affairs
21 Committee. My name is Corinne Schiff, and I am the
22 Acting Deputy Commissioner for the Division of
23 Environment Health at the Department of Health and
24 Mental Hygiene. On behalf of Commissioner Bassett,
25 thank you for the opportunity to testify. I would

2 like to briefly review our work. I would like to
3 briefly review our work in the mobile food vending
4 area. The department's mission is to protect and
5 promote the health of all New Yorkers, and when it
6 comes to mobile food carts and trucks, that includes
7 educating vendors about how to safely store, prepare
8 and serve food to limit the risk of foodborne
9 illness; inspecting carts and trucks before
10 authorizing them to operate to check with the
11 required equipment for safe operation is in place;
12 and inspecting the units once they are out on the
13 street evaluate compliance with food safety laws. On
14 behalf of the city, we issue permits that allow
15 people to operate mobile food units. We maintain
16 permit waitlists, and we issue licenses that allow
17 people to vend from these permitted carts and trucks.
18 We also permit and inspect the city's commissaries
19 where according to both state and city law, food
20 carts and trucks must be taken for-for cleaning and
21 secured when not in use. Regarding the suite of
22 bills under consideration today, the department looks
23 forward to working with the Council on the following
24 issues: The first is food safety. The department's
25 top priority when it comes to mobile vend-mobile

2 vending, is to promote the safety of food served from
3 mobile carts and trucks. Commissaries, licensed
4 facilities that provide required services to carts
5 and trucks are necessary to maintain food safety
6 standards. The lack of commissary space for the
7 thousands of new permitted carts and trucks will need
8 to be addressed. It is critical and required by law
9 that every permit holder have a spot a commissary.
10 The commissaries where carts and trucks are stored
11 were not in use. So they cannot be tampered with out
12 on the street where they can be properly cleaned to
13 maintain sanitary conditions and prevent pest
14 infestation. Where was accumulated throughout the
15 day is disposed, and where food and supplies are
16 available for restocking. The number of commissaries
17 currently operating is inadequate to serve all of the
18 new units that this legislation authorizes. These
19 new permit holders will not be able to operate safely
20 or legally unless new commissaries are opened.

21 Second, we are concerned about the
22 unintended impact that an increase in permitted
23 vending units could have on air quality, particularly
24 if it results in more vendors grilling meat. Meat
25 grilling is a significant source of air pollution in

2 the city, and without controls the expansion of this
3 type of vending could contribute to the premature
4 morbidity and mortality associated with particle
5 pollution. By our estimates, one additional vendor
6 grilling meat emits an amount of particle pollution
7 in one day equivalent to what a diesel emits driving
8 3,500 miles. The Council addressed this air quality
9 concern with respect to restaurants in its recent
10 revision to the Air Code, and it is essential that it
11 similarly be addressed in this legislation. We know
12 that New Yorkers care deeply about this issue.
13 Participants in our Take Care New York community
14 consultations last year ranked air quality as a top
15 policy priority and we frequently receive complaints
16 from residents about smoke and odor coming from
17 mobile food carts and trucks. We must consider
18 adding restrictions on grilling meat to minimize the
19 consequences of increase particle pollution that
20 might otherwise result from this legislation.
21 Lastly, reforming the mobile vending industry
22 presents an important opportunity to address matters
23 of food policy. It's a chance to counter the
24 abundance of unhealthy operate-options currently
25 available in our community by increasing the

2 availability of healthy food choices sold from carts
3 and trucks. Together, we should consider setting
4 standards for the helpfulness of offerings and for
5 assuring that these units reach areas of the city
6 that have inadequate access to affordable, healthful
7 food. We should introduce measure to ensure that our
8 children in particular are not bombarded with only
9 unhealthy food offerings as the number of legal carts
10 and trucks operating in their neighborhoods expands.
11 We also want to work with the Council to mitigate the
12 effects that mobile vending changes may have on green
13 carts, which are permitted specifically to sell whole
14 fruits and vegetables in neighborhood with limited
15 access to produce, and may become a lesser use permit
16 if more flexible permits are made available. We
17 would welcome the opportunity to work with the
18 Council to promote ways to harness the vibrant mobile
19 food industry to address issues of food equity and
20 combat obesity and other nutrition related illnesses.
21 Thank you for the opportunity to testify. I'm happy
22 to answer questions.

23 [background comments, pause]

24 DEPUTY COMMISSIONER BAGGA: Thank you
25 Corinne. Good morning Chairman Espinal and members

2 of the committee. I am Amit S. Bagga, Deputy
3 Commissioner of External Affairs for the New York
4 City Department of Consumer Affairs, and I am joined
5 by several of my colleagues from the agency here this
6 morning. On behalf of Commissioner Lorelei Salas,
7 thank you for the opportunity to speak with you today
8 about vending, an important issue not only for
9 vendors but also for consumers, businesses and anyone
10 who lives or works on the street where vending takes
11 place. DCA's new mission is to protect and enhance
12 the daily economic lives of New Yorkers to create
13 thriving communities. We serve New York City's
14 consumers, businesses and working families enforcing
15 laws and providing services that address the needs of
16 New Yorkers from their wallets to their workplaces.
17 We thank the Council for calling today's hearing as
18 it gives city agencies, law makers and the public an
19 opportunity to provide comment on proposed vending
20 related legislation. As one of the many city
21 agencies involved in vending, we appreciate this
22 opportunity to offer testimony. Under current law
23 individuals who sell goods or services on our city
24 sidewalks typically known as general vendors must
25 obtain a license from DCA. These are vendors who

2 largely sell merchandise and do not sell food.

3 Previous City Councils concerned about potential

4 congestion of city sidewalks moved to limit the

5 number of general vendor license that can be active

6 at any given time. Since 1979, the total number of

7 general vendor licenses has been capped by law at

8 853. Honorably discharged veterans are able to apply

9 for general vendor license beyond this cap.

10 Currently, there are 1,910 licensed general vendors

11 in total, of which 712 are non-veterans and 1,198 are

12 honorably discharged veterans. Certain honorably

13 discharged disabled veteran vendors are granted

14 privileges to vend in areas otherwise restricted to

15 non-veteran vendors as well as honorably discharged

16 able bodied veteran vendors. These privileges are

17 granted by New York State General Business Law. DCA's

18 role in street vending is strictly limited to

19 licensing general vendors and accepting paper

20 applications from mobile food vendor license and

21 permits on behalf of the Department of Health at our

22 licensing centers. We play no role in the regulation

23 of food vendors. We have no authority of

24 jurisdiction in determining the number of licenses

25 available to the public, which is the purview of the

2 Council. Additionally, DCA does not play a role in
3 determining where and when vending can take place.

4 Furthermore, DCA does not conduct vending enforcement
5 with the exception of price posting enforcement and
6 that, too, is only conducted on the basis of

7 complaints. All vending related complaints that go
8 to 311, are routed to the New York City Police

9 Department. We also do not have the authority to
10 confiscate goods from vendors or make any arrests.

11 General vending is just one of the many types of on-
12 street commercial activities that DCA licenses. In

13 addition to general vending licenses, we issue

14 licenses to restaurants with sidewalk cafes,

15 individual newsstands and businesses that utilize

16 what are known as stoop line stands, which are the

17 wooden stands that are found most often in front of

18 grocery stores and bodegas to display produce and

19 flowers among other items. Currently there are

20 approximately 2,000 licensed stoop line stands,

21 approximately 1,300 and 1,300 sidewalk cafes and 300

22 newsstands across the city. Taken together, mobile

23 food and general vending and stoop line stands,

24 sidewalk cafes and newsstands can pose a variety of

25 quality of life concerns. As the licensing agency

2 for many of these types of business activities, DCA
3 hears complaints on nearly a daily basis from
4 community boards, residents, business organizations
5 and indeed council members and staff about such
6 issues. In the last year we've heard significant
7 concerns about these issues directly from council
8 members representing Brighton Beach, Flushing and Bay
9 Ridge among other neighborhoods. Current laws and
10 rules subject to the jurisdiction of several
11 different agencies allow for many different types of
12 commercial activity to take place on the same block
13 or set of blocks at the same time. For example,
14 Council Member Levine. In your district on Broadway
15 between West 97th and 125th Streets, vending, sidewalk
16 cafes, newsstands, and stoop line stands are all
17 permissible. On this strip in addition to vendors
18 there are 21 licensed sidewalk cafes, seven stores
19 with stoop line stands and four newsstands. Even in
20 locations where vending is otherwise largely
21 restricted and other commercial activity takes place
22 such as parts of Main Streets in Flushing and 86th
23 Street in Bay Ridge, we have been made aware by the
24 local community boards and council members that
25 unlicensed vending is commonplace and has at times

2 severely exacerbated other issues. At this time, no
3 clear mechanism exists that enables the city to
4 assess whether or not small business strips such as
5 Fordham Road, Jamaica Avenue, Manhattan's Third
6 Avenue, Kings Highway or Victory Boulevard are
7 appropriate for all, any or some portion of these
8 types of commercial activities. In fact, several
9 agencies are involved in the process of license
10 issuance for these types of commercial activities,
11 and there currently exists no process by which there
12 can be an ongoing review of the appropriate use of
13 sidewalk space for commercial activity.

14 In 1995, which is when vending street
15 restrictions were last assessed in a substantive
16 manner, the population of New York city was
17 approximately 7.3 million. Today, it stands at more
18 than 8.4 million. Additionally, a record 59 million
19 tourists are now visiting New York City on an annual
20 basis. Many neighborhoods bustling with bars,
21 restaurants, and other types of commercial activity
22 in 2016, saw a fraction of such activity in 1995.
23 The city would greatly benefit from a legally
24 authorized ability to revisit the scope of on-street
25 commercial activity as we evolve and as we grow.

2 Determining the viability of any given street to be
3 open to vending requires all of us to be mindful of
4 other commercial activity on the streets. We would
5 respectfully offer to the Council that in addition to
6 basic license issuance considerations, assessing the
7 appropriateness of a block commercial strip or
8 neighborhood for commercial activity involves
9 questions of density, transit usage, clearance and
10 congestion and importantly neighborhood character.

11 We agree strongly with the Council that the
12 regulation of street vending demands a collaborative
13 approach, and we are happy to play an appropriate
14 role as needed as part of this collaboration.

15 Identifying solutions to questions regarding vending
16 necessarily requires input from vendors, businesses,
17 consumers, communities, lawmakers and regulators all
18 of whom together need to ensure that livelihoods are
19 protected, economic opportunities are encouraged,
20 particularly for immigrants and veterans; that the
21 marketplace is fair and that our streets are clean
22 and safe. We would all benefit from concise, clear
23 and consistent guidelines for the conduct of
24 commercial activity on our streets and we look
25 forward to participating in a dialogue with the

2 Council, and all other relevant stakeholders about
3 how those can be best achieved. Before I close, Mr.
4 Chairman, we'd like to note that current DCA rules,
5 which were promulgated under the de Blasio
6 Administration do, in fact, allow for the transfer of
7 general vendor licenses to family member in certain
8 difficult circumstances including the death or
9 incapacitation of the original license holder. We
10 would also like to point out that under current law
11 all vendors are required to post their prices. Thank
12 you for the opportunity to testify today. My
13 colleagues and I will be happy to answer any
14 questions you might have.

15 [background comments, pause]

16 DEPUTY CHIEF VEGA: Good morning, Chair
17 Espinal and members of the Council. [coughs] I and
18 Deputy Chief Frank Vega, the Executive Officer of the
19 New York City Police Department's Patrol Services
20 Bureau. I am joined here today by Lieutenant Michael
21 De Maneau (sp?) Commanding Officer of Patrol, Borough
22 Manhattan's South Vendor Task Force. On behalf of
23 Police Commissioner James O'Neill, we are pleased to
24 join our colleagues and the administration to discuss
25 vendor enforcement and the proposed legislation with

2 you today. The Police Department recognizes that
3 that lawful street vending is an important part of
4 the commercial history of our city. Legal street
5 vendors contribute much to the charm and character of
6 our city, and what often makes New York so unique is
7 its ability to foster economic opportunity. While the
8 Police Department respects individuals' rights to
9 earn a living for themselves and their families, this
10 must be done so in an environment that complies with
11 laws that govern. Enforcement of the city's vending
12 laws and regulations is part of the myriad
13 responsibilities that are entrusted to our patrol
14 officers. As a quality of life issue—issue, each
15 precinct's vendor enforcement is driven by 311
16 complaints, community concerns that are often raised
17 at precinct community Council members, and by our own
18 officers' observations while out on patrol. It is
19 essential to note that illegal vending and other
20 vending law violations are persistent complaints in
21 the precincts that have high pedestrian traffic. In
22 addition to the general responsibilities of patrol
23 officers, vending enforcement is also supplied by our
24 vendor taskforce that is stationed in Patrol Bureau
25 Manhattan South. This specialized unit is charged

2 with singularly focusing on combatting illegal
3 vending and trademark counterfeiting, enforcing both
4 general and food vending rules and regulations as
5 well as training members of the larger department on
6 vending rules and regulations. Additionally, both
7 the Midtown North and Midtown South Precincts in
8 Manhattan have created patrol units that specifically
9 focus on vendor enforcement. Moreover, we coordinate
10 and provide assistance where necessary when our
11 fellow agencies seek to take enforcement action
12 relating to vending. While acknowledging that this
13 is a complex regulatory scheme, the responsibility
14 that accompanies a vending license and permit should
15 begin with observance and respect for the city's laws
16 and regulations. It is a policy of the New York City
17 Police Department to issue Environmental Control
18 Board summonses to permitted mobile food vendors.
19 For more serious violations such as unlicensed
20 vending, the Police Department can take criminal
21 enforcement usually through the issuance of a
22 criminal court summons. The City's law has also
23 authorized the Police Department and other
24 enforcement agencies to seize and remove property
25 from a vendor where warranted. Today's hearing and

2 the legislation proposed starts a much needed
3 conversation on improving the vendor environment in
4 our city both for individual vendors and the agencies
5 tasked with enforcement. In some neighborhoods in
6 the city vending contributes to crowded sidewalk
7 conditions and it is essential that the possible
8 addition of more food carts and any potential changes
9 to placement restrictions do not inadvertently force
10 pedestrians to enter into the street. A firmer
11 balance must be struck between increasing the number
12 of food vendor permits, as well as the ability to
13 take timely enforcement. While we have concerns on
14 how some of the legislation may impact sidewalk
15 conditions and the quality of life in our
16 communities, we are pleased to be a part of this
17 conversation, and look forward to partnering with the
18 Council on this important issue going forward. Thank
19 you. [pause]

20 ASSISTANT COMMISSIONER LYNCH: Good
21 morning, Chairman Espinal and members of the
22 Committee on Consumer Affairs, and other Council
23 Members here. My name is Jeff Lynch, and I'm the
24 Assistant Commissioner for Intergovernmental and
25 Community Affairs that the New York City Department

2 of Transportation. Today, I am joined by additional
3 DOT staff including Sean Quinn, the Senior Director
4 of our Office of Bicycle and Pedestrian Program and
5 Michelle Craven, our Senior Executive Director of
6 Cityscapes and Franchises. I'm glad to be here today
7 to discuss our tools for analyzing sidewalk
8 congestion, and how those could be applied to vending
9 as proposed in the bills being discussed today. I
10 would like to note that DOT currently is not
11 responsible for the regulation or enforcement of
12 general or food vending activity on sidewalks.
13 Nonetheless, we recognize our role in maintain the
14 City sidewalks as a valuable transportation asset,
15 and that our expertise as transportation planners
16 could bring key insights in making—in making changes
17 to the vending landscape. There are different tools
18 that we currently use to analyze sidewalk congestion.
19 One tool is the pedestrian level of service analysis
20 of proposed newsstands as laid out in DCA's rules.
21 The specified pedestrian level of service analysis
22 examines the width of the pedestrian clear path from
23 the front of the newsstand to the front of the
24 adjacent building and the number of pedestrians
25 walking past the proposed newsstand site at peak

2 times. This analysis is effectively a sidewalk
3 congestion measure for a single site directly in
4 front of the proposed newsstand. Next, in Times
5 Square in response to concerns from many agencies and
6 stakeholder including the Council, we assessed
7 sidewalk and plaza congestion in one of the densest
8 pedestrian environments in the world to develop a
9 regulatory framework of designated activity and
10 pedestrian flow zones that was authorized by the
11 Council this past spring. DOT used an expansive
12 method for this complicated analysis of sidewalk and
13 closet congestion through the assessment of actual
14 pedestrian travel times under real world conditions.
15 This tool was adapted from the tools we regularly-
16 regularly use to measure vehicle traffic flow. DOT
17 conducted pedestrian travel that runs through the
18 plaza during multiple time periods and combined this
19 data with a large amount of observational study to
20 develop a unique and specialized regulatory framework
21 with specific zones designed for Times Square.

22 Now, I'd like to discuss how these tools
23 could be applied to vending at-to the vending issues
24 in Proposed Introduction 1303. I want to be clear
25 about what is possible with DOT's current tools,

2 which focus on evaluating current sidewalk conditions
3 and the impact of proposed changes at a particular
4 location or corridor. The proposed legislation
5 directs DOT to identify designated vending location
6 pilot program areas based on excessive sidewalk
7 congestion and high levels of vending activity. Our
8 current tools described above are suited to assessing
9 a specific site or corridor, but not practical for
10 estimating or rating excessive sidewalk congestion
11 throughout the city. For the selection of these
12 areas, DOT would only be able to rely on information
13 about congested conditions that we already know about
14 or have directly observed. Suggestions or requests
15 received from stakeholders including Council Members
16 and/or information on summons activity and complaints
17 relating to vending from our sister agencies.
18 Additionally, the Administration's upcoming count of
19 current vending activity will be useful in making
20 decisions on potential pilot zones. Broadly
21 speaking, DOT believes that we are not best suited to
22 select these areas, and the selection of these areas
23 should be decided by a broader interagency group that
24 will be able to comprehensively evaluate the range of
25 relevant considerations after there is a clear

2 picture of the actual number and location of vendors
3 throughout the city. After specific areas are
4 selected, our technical expertise could be very
5 useful in analyzing sidewalk conditions. DOT would
6 need to do—to survey the areas, conduct—conduct
7 extensive observational studies, and develop a new
8 tool based on some of our previous experience.
9 Depending on the complexity of the analysis, this
10 could be costly and could also take up to a year
11 based on the seasonality of vendors.

12 Next, I would like to touch on some of
13 the broader challenges that could occur in any effort
14 to relocate or reorganize where vending is permitted.
15 As you know, more people are living, working and
16 visiting here than ever before, and with that comes
17 an incredible demand on our streets and sidewalks.
18 These demands for walking, biking, driving, parking,
19 loading and unloading, vending, commercial
20 entertainment and other activities are often
21 concentrated in the same busy locations in the city
22 with a finite amount of public street and sidewalk
23 space. As a result, some locations of heavily
24 congested sidewalks and high vendor activity may be—
25 that may be potential candidates for relocation, they

2 may—they may actually lack alternate locations nearby
3 for vendors to—to be—to operate out of. Expanding
4 the sidewalks might not be an option either. In some
5 of these same locations where we would like to have
6 more sidewalk space, the adjacent roadway may carry
7 public transportation buses, and already be heavily
8 trafficked. With areas where general or food vending
9 is permitted or relocated from a very high trafficked
10 area to less busy locations, vendors may have
11 challenges making a living. And stakeholders at any
12 alternate location may perceive such action as moving
13 a challenge from one place to another. These are
14 just a few examples of factors some of which and most
15 of which are beyond DOT's purview, but need to be
16 taken into account when determining the location of
17 the vendors. Therefore, DOT believes that the
18 Advisory Board in this legislation to determine the
19 recommended framework for any potential relocation of
20 permitted vending areas if that's determined to be
21 needed. Additionally, I want to take this
22 opportunity to address—address the requirement placed
23 on DOT by this proposed legislation regarding
24 signage. Intro—Intro 1303 would also require DOT to
25 mount at least one metal sign on any block in the

2 city where vending is not allowed under Titles 17 and
3 20 while exempting any block without any existing
4 street poles. (sic) In recent years, DOT has
5 embarked on an extensive policy of reducing
6 extraneous and unnecessary signage. We also caution
7 the cost of installing and maintaining signage is-is
8 not insignificant. DOT believes the tools to inform
9 the public of vending regulations whether they be
10 signage, pamphlets or other methods should also be
11 reviewed by the Advisory Board on their work.

12 Lastly, I would like to quickly express
13 DOT's concerns about the two preconsidered
14 Introductions that focus on pedestrian clearance.
15 The first reduces the clearance distances for vendors
16 from bus stops, taxi stands, driveways, subways,
17 subway entrances and exits, and crosswalks, and the
18 second expands the distance from the curb that
19 vendors can operate. We feel strongly the proposed
20 minimum space it could pose safety congestion or
21 accessibility issues. It could also pose potential
22 conflicts with transit access. Again, this could
23 also be part of the-what the Advisory Board could
24 look at in their comprehensive evaluation of-of

2 vending. I want to thank you for this opportunity to
3 testify, and I'm happy to answer any questions.

4 CHAIRPERSON ESPINAL: Thank you all.

5 Before we move forward, I just want to recognize some
6 of my colleagues who have joined us. This is the
7 most active I've seen this committee. People from
8 all over the city have come to join us on this very
9 hot topic issue. We have Councilwoman Inez Barron,
10 my neighbor in Brooklyn. We have Antonio Reynoso,
11 Carlos Menchaca, and we are also joined by one of the
12 sponsors Margaret Chin. I'll give her a chance to
13 say a few words on—on her bills. [pause]

14 COUNCIL MEMBER CHIN: Good morning.

15 Thank you, Chair. I'm Council Member Margaret Chin.

16 Today we are hearing a large number of bills
17 including two pieces of legislation I introduced,
18 Intro 432 and Intro 1061. Food and general vendors
19 makes up an important part of our local economy.
20 These entrepreneurs, many of whom are immigrants
21 looking to achieve the American dream, work long
22 hours to supplement the services that brick and
23 mortar stores offer. Prior to the Administration's
24 rule change, vendors who were unable to pass to their
25 license down to a spouse to keep the business going.

2 While the current rule now allows a permanently
3 disabled vendor to pass on the license to a spouse,
4 it does not go far enough. Intro 432 will allow both
5 general and food vendors who are temporary or
6 permanently incapacitated to pass on their license to
7 their spouse or family member in order to continue to
8 provide for their family. My other bill, Intro 1061
9 will allow vendors to sell plants and flowers, which
10 is essential for the celebration of their Asian Lunar
11 New Year. This bill will give the vendors some
12 relief and ensure that enforcement is sensitive to
13 this important holiday for Asians across our city.
14 Finally, as the sponsor of the Street Vendor
15 Modernization Act, I understand that the current
16 system does not work for vendors, not does it work
17 for the residents in my district. Almost every day I
18 hear from several residents about the spotty and
19 ineffective enforcement of vendors who do not follow
20 the rules. These vendors spoil the vending
21 experience for customers and law abiding vendors
22 alike. I want to thank Chair Espinal for hearing
23 these important bills, and I look forward to hearing
24 from residents, members of the business community and

2 the Administration on how we can have a vending
3 system that works for all. Thank you.

4 CHAIRPERSON ESPINAL: Thank you
5 Councilwoman Chin. So I'm going to get right to it.
6 One of my biggest concerns about the food vending
7 industry is the—is this black market that exists
8 because of the lack of permit. Do we have an
9 assessment of how many vendors are using these
10 permits in the black market.

11 LINDSAY GREENE: We do not know the
12 entire scope of the level of illegal vending
13 activities that is currently taking place. It's
14 something that we expect to capture with the
15 preliminary count we're initiating.

16 CHAIRPERSON ESPINAL: Do any of the
17 agencies receive complaints from vendors about how
18 much they're—they're paying in the black market or—
19 maybe some practices that these permit holders have
20 used against them?

21 LINDSAY GREENE: Yes, we are very well
22 aware of the issue. I believe multiple of my agency
23 colleagues have fielded complaints and have heard
24 anecdotes on various aspects of the black market. We
25 share your concerns, and we think it's an important

2 issue that we—that we should definitely address, and
3 we think it's one of the—the top priorities along
4 with the review of the rules and regulations that the
5 Advisory Board should take up.

6 CHAIRPERSON ESPINAL: And so I—I know
7 Mark Levine's bill looks to increase the cap to—to
8 kind offset the issue of black market. Do you feel
9 what—how do you feel is the best way to go after the
10 black market?

11 LINDSAY GREENE: I think it's a complex
12 issue that we want to make sure we address
13 appropriately. It—it has—the black market has a lot
14 of different causes and issues in addition to just
15 the number of permits, and we want to thorough—
16 thoroughly study it to have a really thoughtful
17 approach to addressing it more than we currently do.

18 CHAIRPERSON ESPINAL: Have you heard of
19 cases of—of vendors—of multiple vendors using the
20 same permit in—in a given day? Are they—are there—
21 are there—are there cases where you have let's say
22 two or three vendors in one day renting the same
23 permit? Is that possible?

24 LINDSAY GREENE: I am not aware of the
25 specifics of—of some of the—the ways that permits are

2 used illegally. Certainly I—I would imagine those
3 stories have come across some of our colleagues.

4 CHAIRPERSON ESPINAL: Okay, do you
5 believe that increasing the amount of permits will
6 help resolve this black market?

7 LINDSAY GREENE: I think we would like to
8 really study it in depth before we could determine
9 if—if increases in permits are truly going to reveal
10 the black market.

11 CHAIRPERSON ESPINAL: Okay. Now, when it
12 comes to the brick and mortars, you know, and—and—and
13 the building owners, there's—there's—I want to talk
14 currently about the issues that we see now, right?
15 There are a lot of complaints about food vendors
16 leaving trash, food vendors congesting the streets,
17 food vendors standing in front of similar businesses.
18 What is the—what is the—well, what agencies are like
19 currently responsible to handling those issues?

20 LINDSAY GREENE: Well, certainly with
21 regards to issues of garbage, I—I-I do believe that
22 the Department of Sanitation plays some role in that,
23 and I think they've really received some complaints
24 there in addition to DCA. But with regard to the
25 broader issues of competition, and where vendors are—

2 are cited, that is a complex web of regulations and
3 rules and there's nothing that specifically addresses
4 where vendors can or cannot be in relation to—so—
5 called directly or beside a store. We have heard
6 these issues and—and concerns from—from many people,
7 elected officials and business owners organizations
8 representing workers as well. We're very well aware
9 of it, and agree it's important, and it's something
10 we want to study.

11 CHAIRPERSON ESPINAL: So currently, if
12 you're—you're selling meat balls out of your food
13 truck, you can stand in front of the meat ball shop,
14 and sell meat balls?

15 LINDSAY GREENE: Currently I believe that
16 is legal yes.

17 CHAIRPERSON ESPINAL: Okay, and does
18 measure see an issue with that at all?

19 LINDSAY GREENE: It's—it's a complicated
20 issue, you know, competition has its various impacts
21 and sometimes as we've seen that it has positive
22 benefits for consumers, but again it's—it's—it's a
23 complicated issue. It's something we—we would like
24 to study and discuss further with all the relevant
25 stakeholders as part of the Advisory Board.

2 CHAIRPERSON ESPINAL: So when it comes to
3 311 complaints from building owners and small
4 businesses, what is the majority of those complaints?
5 Who fields most of these calls?

6 LINDSAY GREENE: We play no role in what-
7 in terms of where complaints are directed. A-a large
8 majority of the complaints are directed to the Police
9 Department.

10 CHAIRPERSON ESPINAL: So the Police
11 Department is currently the only agency in charge of
12 enforcing any-any rules against food trucks or
13 vendors in general?

14 LINDSAY GREENE: They enforce a lot of
15 the day-to-day issues. They-they have officers who
16 are on the street who notice a lot of things, and
17 they-they again field a lot of complaints, and a lot
18 of the complaints might be received by other agencies
19 particularly in regards to locations are often
20 referred to them.

21 CHAIRPERSON ESPINAL: How responsive is-
22 is the agency to-to these calls? Let's say, you know,
23 you have-you have a-a-a small business is having an
24 issue with a vendor and, you know, day in and day out

2 they're having—they seem to have the same issue.
3 How—how quickly do the agencies respond?

4 LINDSAY GREENE: We take all complaints
5 very seriously. I can't speak to specific response
6 time, but perhaps Chief Vega you might be able to
7 address that.

8 DEPUTY CHIEF VEGA: Yes, certainly. I
9 mean that each and every 311 call that's placed that
10 gets routed to the New York City Police Department is
11 handled in—in due fashion usually within that same
12 tour that it's given to use. Honestly, the primary
13 mission of the New York City Police Department is,
14 you know, crime reduction. You know, quality of
15 life, you know, controls as well as, you know, kind
16 of terrorism and a myriad of other important issues,
17 but none the same. You know, if a 311 complaint
18 comes into our jurisdiction for addressing in terms
19 of a vendor issue, it will be addressed that evening.
20 Depending on where that complaint comes in, obviously
21 we have special—a specialized unit that's in the
22 Patrol Borough of Manhattan South that only deals
23 with the vendor issues. More than likely they would
24 handle that issue specifically. In the outer
25 boroughs, it could be handled by the—with the two

2 guys working in that sector car answering 911 and 311
3 calls that would hand that issue. Some of our
4 commands that are part of the Neighborhood
5 Coordination Program, our neighborhood policing
6 rollout, which is about 36 commands of the 77
7 currently. Our Neighborhood Coordination officers
8 would be tasked with following up on that point,
9 because their mission is to, you know, neighborhood
10 by neighborhood basically to become problem solving.
11 Because obviously there's an issue relating to, you
12 know, business owners in connection with the vending
13 in front of their store. Obviously, we would take
14 that particular NCO officer with coming up with a
15 creative solution in regards.

16 CHAIRPERSON ESPINAL: Now, Ms. Greene, I
17 believe in your testimony, I could be wrong. It
18 could have been someone else. Someone mentioned that
19 the hot spots and Bushwick was mentioned as one of
20 them.

21 LINDSAY GREENE: Yes.

22 CHAIRPERSON ESPINAL: Do you know what
23 are the issues that we usually see in Bushwick?

24 LINDSAY GREENE: I am not personally
25 aware of it. Perhaps some of the agencies that

2 received complaints could—could shed some light on
3 what those topics might be. I was responding to some
4 data that we had seen disaggregated overall
5 complaints on this section.

6 CHAIRPERSON ESPINAL: I—I—speaking from
7 experience, I know a lot of the issues that we see in
8 Bushwick is that we have these smaller vendors who
9 are out selling for example mangos or churros. Do—
10 does this—does increasing the cap or—does increasing
11 cap help cover those individuals?

12 LINDSAY GREENE: I've—I—as I understand
13 the bill to be written any—there are multiple vendors
14 who would be eligible to apply for those increasing—
15 those extra permits as proposed. I—I don't. I do
16 not believe there would be any restrictions on some
17 of the existing vendors certainly if there was and to
18 apply for those permits.

19 CHAIRPERSON ESPINAL: So you believe that
20 they can be covered if they decide to apply?

21 LINDSAY GREENE: As I under—understand I
22 believe they could. Corinne, do you want to address
23 that.

24 DEPUTY COMMISSIONER SCHIFF: The
25 legislation as we understand it sets up three tiers,

2 three priorities for obtaining one of the new 600
3 permits that will be up-rolled out each year. And do
4 it would depend on the specifics for the-the vendors
5 you're describing, whether they met one of those
6 priorities and as a general matter we couldn't say,
7 but we could evaluate that depending whether that
8 vendor had been on a wait list or had a continuous-or
9 continuously was licensed from the date set out in
10 the legislation.

11 CHAIRPERSON ESPINAL: Does-does that
12 cover individuals who have a vendor license? Do they
13 follow any of those tiers, people who currently have
14 vendor license or applying for a permit?

15 DEPUTY COMMISSIONER SCHIFF: So as were
16 ad the legislation, the-the tiers are set out in this
17 way. First is for anyone who has been on a-on a wait
18 list since October 20-2011, and licensed continuously
19 since March 2014 and then the second tier-the second
20 priority would be not on a wait list, but licensed
21 continuously since March 2014. Then, finally the
22 third tier is on the wait-on a wait list since
23 October 2011, but not continuously licensed. So
24 again it would depend on the particular circumstances

2 for the--the vendors that you're hypothetically
3 describing.

4 LINDSAY GREENE: I'd--I'd also like to
5 reiterate that the licenses with the exception of the
6 existing green card--sorry--permits with the exception
7 of the green card permits don't have specific
8 categories or allowances for specific types of food
9 vending.

10 CHAIRPERSON ESPINAL: Back--back to
11 enforcement. Do the agencies feel they have enough
12 resources to currently enforce the--the current
13 regulations and laws and--and--that are in place now?

14 LINDSAY GREENE: Corinne and--and Frank
15 would you like to--

16 DEPUTY CHIEF VEGA: Yeah, I mean
17 obviously really the--the enforcement picture is--is
18 quite complex. We work with our partner agencies in
19 the Administration to enforce these laws. There are
20 certainly, you know, in most of the outer boroughs
21 it's a reactive to 311 complaints, community
22 complaints at Council meetings. You know, letters
23 written to the precinct and community council--the--the
24 Precinct community--Precinct Commander about some of
25 the vending issues. Those would certainly be

2 addressed. In Manhattan, we're a small, you know,
3 highly concentrated. Obviously, we have amore
4 proactive unit to address those complaints. You
5 know, certainly it's, you know, we do—we do what we
6 can, and also we—we try to set up—set up priorities
7 in terms of enforcement as it comes across, you know,
8 our desks. And certainly vending is one of those
9 things that we try to address as much as possible.

10 CHAIRPERSON ESPINAL: Do you feel that
11 you can use more help when it comes to addressing
12 vending issues?

13 DEPUTY CHIEF VEGA: No, we—we always, you
14 know, we always look for help from our partner
15 agencies, and they're always there for us. You know,
16 we—we do a multitude of things with the departments
17 at this table as well as other agencies that aren't
18 at the table right now to, you know, enforce these
19 laws.

20 LINDSAY GREENE: I think generally with
21 respect to the concept of changing enforcement or
22 doing more enforcement, we—we have to consider what
23 forms. That's up to—to proper evaluate what
24 resources might be needed.

2 CHAIRPERSON ESPINAL: So, Amit, you—you
3 mentioned in your testimony that DCA currently
4 doesn't do any regulations for—for vendors?

5 DEPUTY COMMISSIONER BAGGA: We do not
6 currently conduct any enforcement with the exception
7 of going out to check for price posting, which we
8 only do on the basis of complaint.

9 CHAIRPERSON ESPINAL: So you do price
10 posting on—on these trucks only if there are
11 complaints?

12 DEPUTY COMMISSIONER BAGGA: Only if
13 there—if we receive a complaint.

14 CHAIRPERSON ESPINAL: Okay. [pause]
15 Council Member Levine, a question?

16 COUNCIL MEMBER LEVINE: Thank you, Chair
17 and thank you, panel for being here. Ms. Greene, you
18 talked about the lack of information is prohibiting
19 you from taking a firm position on the bills today,
20 but we know there are thousands of unlicensed vendors
21 out there. We know there's a thriving black market
22 and we know that enforcement has been extremely
23 uneven. What—what more do we need to know before we
24 decide to act? [pause]

2 LINDSAY GREENE: Apologies. Truly being
3 thoughtful about vending requirements having real
4 concrete data to the best of our ability even if it's
5 just a point in time rather than relying on
6 anecdotes, and our perceptions of the—of the reality.
7 We really want to be extremely thoughtful and
8 diligent in how we think about the landscape and you—
9 you actually have to assess the real level of
10 activity to properly do that.

11 COUNCIL MEMBER LEVINE: I'm all for that
12 as long as—as long as it is not an excuse for an
13 action, and for an industry that's been around
14 hundreds of years that most New Yorkers encounter
15 everyday, and probably most people in this room have
16 a depth of experience with. I think we know enough
17 that we got—it is time to update the rules around
18 this industry, but let me move on. You—you—talked
19 about your discomfort with—you—you said diluting the
20 expertise of existing enforcement in opposition to
21 creating a dedicated enforcement unit. And I was—I
22 was a little surprise by that. You know, we have all
23 sorts of dedicated enforcement units already in the
24 city. We have an entire mayoral agency, and just for
25 this purpose the Office of Special Enforcement whose—

2 whose really precise purpose is to bring together
3 multiple mayoral city agencies together under—under
4 one team. For example, they enforce the rules
5 against illegal hotels, and arguably they have agents
6 the Health Department sends out to inspect restaurant
7 health or—or specialized enforcement. And when
8 you're talking about diluting and that—that means
9 spreading out. It seems like we're doing the
10 opposite here. We're bringing together under one
11 roof people whose sole job everyday is going to be to
12 focus on these issues proactively not reactively.
13 Isn't there a precedent for this? And—and maybe you
14 can explain again why you see that as diluting our
15 enforcement capability?

16 LINDSAY GREENE: Sure. I was actually—
17 the—the phrasing was diluting the expertise. I think
18 certainly the focus on enforcement needs to be based
19 on specific areas of expertise for each agency. The
20 inspectors of the Department of Health go through
21 rigorous training on health and safety and
22 inspections in their work, and that is fundamentally
23 different from training like a NYPD officer would get
24 or—or likewise. And so, we just want to make sure
25 that we respect that expertise when we're talking

2 about enforcement. We're open to discussing ways to
3 do it differently or improve it on the ground, and
4 I'm not—I would like to say specifically with regards
5 to the Office of Special Enforcement that it does
6 lean on expertise of individual agencies in this
7 capacity. It is—it is a coordinated effort. So we
8 are—we are certainly open to discussing that, and I
9 also—I just—I want to clarify on your questions about
10 the count, and the--the way the bill is referred to
11 increase the number of permits. We really want to
12 focus on a complete data driven picture. We are very
13 serious about doing a preliminary count before we can
14 respond effectively to the—to the proposal today. We
15 are—we are not trying to defer. We are actually
16 initiating the count. We have detailed plans and
17 that count will get underway next week, and we'll—
18 we'll be concluding within six weeks, and we can
19 share feedback with you—with you when it's done.

20 COUNCIL MEMBER LEVINE: Okay, I
21 understand. I just want to clarify that. The
22 Department of Health would still continue to do its
23 mandated job, and health inspections under—under our
24 bills. I don't believe that the Department of
25 Community Affairs—or Consumer Affairs have agents on

2 the street doing this work at the moment. Correct me
3 if I'm wrong. I don't think that DOT has agents on
4 the street doing this enforcement work, which is part
5 of the reason why we need to create more enforcement.

6 LINDSAY GREENE: Right.

7 COUNCIL MEMBER LEVINE: This is not
8 subtracting from any existing enforcement efforts.
9 It's actually entirely additive. It's something
10 that—that we needed for a long time. But I want to
11 shift to—to the Health Department. Commissioner
12 Schiff, you raised some objections about the
13 particulate matter emanating from grills, but—but
14 help me—help clarify something here. We—we have laws
15 in the city about air quality that currently
16 stipulate that any food establishment has got to have
17 a hood over a grill, and my understanding is that
18 would apply to a restaurant. It would apply to a
19 food cart. It would apply to a mobile food truck.
20 Is that not currently the law? [pause]

21 DEPUTY COMMISSIONER SCHIFF: The
22 equipment requirements that apply to the food carts
23 and trucks don't capture the air quality, the—the
24 particulate matter that we're concerned about because
25 we've had that—those experiences ourselves walking by

2 carts and trucks and meat is being grilled and we can
3 all breathe—breathe that smoke in. So, we really see
4 this an opportunity to work with the Council to think
5 through how we might use this Modernization Act to
6 improve air quality, and—and also to make sure that
7 with availability of newly legal permits that there
8 isn't some adverse affect on our air quality. But
9 the current—the current laws don't actually control
10 the emissions that we're concerned about.

11 COUNCIL MEMBER LEVINE: Well, I'm—I'm
12 anxious to have that discussion with you, but I just
13 want to clarify. So, you—you made a pretty stark
14 statement that a food cart is generating as much
15 particulate as truck driving—driving 3,500 miles.
16 And you're talking about a food cart with a legally
17 mandated hood that is over the grill and absorbing
18 the emissions, right? And—and a cart with that
19 equipment you're telling is generating as much
20 particulate matter as a diesel truck going 3,500
21 miles. I just want to clarify that.

22 DEPUTY COMMISSIONER SCHIFF: That's
23 right. That's—that's--

24 COUNCIL MEMBER LEVINE: [interposing] But
25 you--

2 DEPUTY COMMISSIONER SCHIFF: --smoke that
3 you see coming off of that--

4 COUNCIL MEMBER LEVINE: [interposing]
5 You—you want to compare it to open grills. You were
6 actually factoring in the benefit of a hood?

7 DEPUTY COMMISSIONER SCHIFF: Yes, there's
8 been—there's—the—the equipment on the carts and
9 trucks doesn't capture. It's not an emissions
10 control.

11 COUNCIL MEMBER LEVINE: Okay. Alright,
12 I—I would like to pursue that. I have a feeling that
13 what's happening here is the confusion between
14 unauthorized vendors who sometimes have an open
15 grill. We've all seen it. Sometimes it's literally
16 just a—a barbecue that's out on the sidewalk where
17 clearly there's a lot of emission, and the kind of
18 modern hood apparatus, which is designed to and does
19 absorb what's coming off the grill. But—but may-
20 maybe we can pursue that further. I'm going to
21 pause. I have a number of other questions, but I
22 want to give deference to the Chair and my
23 colleagues. Thank you.

24

25

2 CHAIRPERSON ESPINAL: Thank you. [pause]

3 Alright, next we have Council Member Gentile followed
4 by Council Member Rodriguez.

5 COUNCIL MEMBER GENTILE: Thank you, Mr.

6 Chair, and thank you all for being here.

7 Particularly a shout out to Commissioner Bagga for

8 your recognition and acknowledgement of the

9 conditions that exist in Bay Ridge, and to

10 Commissioner Lynch for your good suggestions on

11 street—the street analysis, the congestion analysis.

12 I'm wondering are we putting the horse before the

13 cart, so to speak in that we should first create and

14 convene the proposed Advisory Board before we

15 increase the number of permits here? Because think

16 about it. [coughs] As you've heard, there are 3,000

17 permits, but the—IDLS makes for about 10,000 carts in

18 the City, and that's due to a combination of illegal

19 duplication, and as we talked about the illegal

20 rental of the permits. Now, given that situation

21 where it's easy enough to duplicate the permits, and

22 certainly to illegally rent the permits, it is an

23 impossible situation I would imagine for the NYPD

24 officer who is asked to check out a cart to determine

25

2 whether or not that cart is legally licensed or not.

3 Am I correct, Chief?

4 DEPUTY CHIEF VEGA: I mean it's—it's
5 certainly complicates the—the scope of enforcement
6 but that's the same process that we—we always look
7 at, you know, each—each situation as a unique case.
8 You know, when in doubt we check with our partner
9 agencies. You know, we have specially trained people
10 in our Legal Bureau that help us out with these, you
11 know, the Administration and with the codes and
12 regulatory schemes. But certainly, you know, it's
13 one of the things that we would love to see, you
14 know, working together to have it more simplified and
15 then fixed for us.

16 COUNCIL MEMBER GENTILE: So, there is no
17 way that a police officer, though, can on the spot,
18 on the scene determine whether a permit that's up on
19 a cart is—is a valid permit, or an illegal
20 duplication?

21 DEPUTY CHIEF VEGA: I mean but based on
22 his training and relative expertise, he should be
23 able to determine if it is, in fact, fraudulent?

24 COUNCIL MEMBER GENTILE: How so?

25 DEPUTY CHIEF VEGA: What's that?

2 COUNCIL MEMBER GENTILE: How so?

3 DEPUTY CHIEF VEGA: But based on his
4 training and, you know, taking a good solid look at
5 the document itself if it's, you know, if there's
6 some kind of, you know, you know, correction on it.
7 Some over—you know, writing over it or some kind of
8 reduplication of it or, you know. It would take a
9 little bit of work, but certainly it's incumbent upon
10 the officer to do that prima facie case and make sure
11 that is, in fact, a fraudulent document or not.

12 COUNCIL MEMBER GENTILE: Okay. Alright,
13 we'll—we'll continue. My colleague just reminded—
14 just correct me that I got the analogy wrong. It's
15 cart before the horse. So, I'm sorry about that.
16 Anyway, thank you, Councilman. But you have this
17 illegal duplication. You have the illegal rental of
18 permits. I mean I—in the research I've done there
19 are permit holders that—there are permit holders
20 right now that are retired and sitting by poolside in
21 Arizona holding these permits, and collecting the—the
22 rentals on these permits year after year after year.
23 So, if we increased the number of permits, what's to
24 say that instead of 10,000 we'll have 20,000 permits

2 on the street. Without some kind of mechanism to
3 determine which are fraud and which are valid.

4 LINDSAY GREENE: We think, Councilman,
5 you raised very, very serious concerns that we share,
6 and, you know, we've heard those anecdotes as well,
7 and I think that's why we think first and foremost
8 that again doing the assessment through our
9 preliminary account of the current activity and
10 really having a scope of what is illegal versus—
11 versus will be incredibly instructive and—and
12 certainly enforcement would play a huge role in the
13 black market, and we recognize that we should
14 definitely discuss ways that that might be enhanced,
15 and we think that—that addressing the topics you
16 specifically mentioned would be something that the
17 Advisory Board should want and 100% pick up.

18 COUNCIL MEMBER GENTILE: Well, maybe
19 should we start over? Should we start at zero and—
20 and maybe employ some kind of system that eliminates
21 the rentals, you know, the rentals and duplication by
22 saying—maybe putting a computer chip on a permit so
23 that a police officer could readily tell whether
24 something is a fraud or not?

2 LINDSAY GREENE: Those are, but those are
3 certainly--

4 COUNCIL MEMBER GENTILE: [interposing]
5 Well, some kind anti-fraud stuff.

6 LINDSAY GREENE: Yeah, there's--there are
7 a number of different ideas that--that--that folks have
8 proposed, and we think that merit--merits a lot of
9 study and--and it's certainly in an initial report the
10 Advisory Board is going to do that will set the
11 current regulations we have on the books, and ways we
12 might want to amend them, and incorporate technology
13 or other tools to improve the landscape.

14 COUNCIL MEMBER GENTILE: So--so you--you
15 would--you would do--

16 LINDSAY GREENE: I think you should--I
17 guess what--what I'm saying is we--we should--we should
18 study, if that's the right approach, and take into
19 account what thoughts we have about enforcement and--
20 and what we will learn from our count about the
21 activity currently on the ground.

22 COUNCIL MEMBER GENTILE: And would you
23 agree with me that the permits that we come up with
24 should also define the distance from other food
25 establishments that a cart should be, and--and the--

2 the—the times of operations, constrain the times of
3 operations for food carts?

4 LINDSAY GREENE: All of those issues
5 times, place, manner, where they should be on the
6 street relative to any number of things is certainly
7 things we would consider as we—as we would look again
8 through the Advisory Board to evaluate the best place
9 to—to think about siting for food carts.

10 COUNCIL MEMBER GENTILE: Because
11 certainly we're not just talking about hot dogs and
12 hamburgers.

13 LINDSAY GREENE: [interposing] Yes.

14 COUNCIL MEMBER GENTILE: We're talking
15 about restaurants. We're really talking about
16 restaurants on wheels, right?

17 LINDSAY GREENE: Uh-huh.

18 COUNCIL MEMBER GENTILE: And--

19 LINDSAY GREENE: [interposing] It's
20 actually for food trucks, yes.

21 COUNCIL MEMBER GENTILE: Yeah, and it
22 really sets up this whole regulation of food carts
23 versus brick and mortar the unfair competitive
24 advantage that food carts have. For example, the
25 regulations on how and where food vending can take

2 place are really conflicting. Commissioner Schiff,
3 for example, you—you have a brick and mortar
4 restaurant that has a kitchen that needs to comply
5 with mountains of regulations, right, be graded and
6 be fined. And yet, they see food vendors carting,
7 you know, a cooler full of chicken into their cart,
8 run a generator on a public sidewalk, and pour grease
9 down the catch basin. Do—do you understand the—the
10 problem that we have here? [pause]

11 DEPUTY COMMISSIONER SCHIFF: So the Food
12 Safety Regulations set out in the New York City
13 Health Code actually apply equally to brick and
14 mortar restaurants and to mobile food units. And so
15 our inspections of the—are two types of
16 establishments, are—are essentially the same. So, I
17 think that the issues that you raise speak to things
18 beyond food safety, and that the Food Safety
19 Regulations actually apply to all food service
20 establishments, both restaurants and mobile food
21 vending units.

22 COUNCIL MEMBER GENTILE: [pause] Well,
23 pouring grease down catch basin you're saying it's a
24 DEP issue?

2 DEPUTY COMMISSIONER SCHIFF: That it's a
3 DEP issue--

4 COUNCIL MEMBER GENTILE: Okay.

5 DEPUTY COMMISSIONER SCHIFF: --and I will
6 prepare them.

7 COUNCIL MEMBER GENTILE: Okay, okay,
8 you're not saying it doesn't happen. It's just that
9 your--your jurisdiction. Let me ask you then
10 something that is within your jurisdiction. The
11 Health Department's summonses that are issued
12 actually go to the worker of the cart, and--and not
13 the owner of the cart. So that's almost like giving
14 a summons to the chef in the kitchen rather than the
15 restaurant itself. Could you explain that?

16 DEPUTY COMMISSIONER SCHIFF: To--to the
17 contrary, actually. In--and I believe it was in June
18 of 2014, but I--if that's not the right date, I'll get
19 the right date to you. We actually changed our
20 protocol.

21 COUNCIL MEMBER GENTILE: Oh, you have?

22 DEPUTY COMMISSIONER SCHIFF: We have well
23 similar to the reasons you described, and we now
24 issue the summons to the permit holder. The permit
25 holder is responsible for violations that occur on

2 the cart not to the—not the person who's working that
3 day, who may be the permit holder, but the fine—the
4 violation goes to the permit holder.

5 COUNCIL MEMBER GENTILE: Okay. So now
6 you are issuing it to—to the permit holder?

7 DEPUTY COMMISSIONER SCHIFF: Correct.

8 COUNCIL MEMBER GENTILE: Okay, that's
9 good. That's—that's great. In terms of—and I don't
10 think—think anybody on the panel is from DOS, from,
11 yeah the Department of Sanitation. So maybe our, you
12 know— I'm sorry, Ms. Greene, is it? Yes, Ms.
13 Greene. Brick and mortar stores have the full
14 liability for the maintenance of the sidewalks. So a
15 vendor, a cart vendor does not. So any time there's
16 a dirty sidewalk, any time there's oil on the—on the
17 sidewalk created by a vendor, is the brick and mortar
18 business or building owner that is responsible for
19 the maintenance of that sidewalk, and gets that
20 summons? Do you realize this something that needs to
21 be addressed?

22 LINDSAY GREENE: Yes, we recognize that
23 it needs to be addressed because it's certainly
24 within the scope of enforcement, you know, changes
25 that we would discuss and consider absolutely. It's

2 an important—it's an important issue, and it's a
3 complex one, and it needs some attention.

4 COUNCIL MEMBER GENTILE: And that really
5 needs to be addressed if we're going to really
6 modernize the—the--

7 LINDSAY GREENE: [interposing] Yes.

8 COUNCIL MEMBER GENTILE: --laws.

9 LINDSAY GREENE: Absolutely, yes.

10 COUNCIL MEMBER GENTILE: And—and since
11 DEP is not here, you can answer this, too, but it's
12 about the—the grease disposal. The kitchens in a
13 brick and mortar need to have a proof of grease
14 disposal in private carting, but food vendor carts do
15 not have that same requirement. Do you—do you agree
16 with me that we need to correct that situation?

17 LINDSAY GREENE: I—I would de—defer to my
18 colleagues at DEP and I'll get you a specific answer
19 on that as a—as a follow up, but certainly proper
20 disposal is something we would all take very
21 seriously, and would if—if that needs changed to—to
22 be able to happen more effectively than it does, we
23 would certainly consider that, absolutely.

24 COUNCIL MEMBER GENTILE: And—and another
25 area that I'll ask you about in general, New York

2 City and we always—we always deal with this here in
3 the Council we put constraints on sidewalk uses all
4 the time. We constrain sidewalk cafes, we constrain
5 street fairs, we constrain block parties. Yet, there
6 is so such limit put on the operating time for food
7 carts.

8 [background comments, pause]

9 LINDSAY GREENE: Sorry, just a follow up
10 the garbage question. Per—per the Health Code, and
11 we enforce the Department of Sanitation, all garbage
12 is actually is actually supposed to brought back to
13 the commissary, but as—as we've mentioned, we—we are
14 aware that we can certainly use more commissaries in
15 the city than we currently have.

16 COUNCIL MEMBER GENTILE: Yes, but the—the
17 point is if there is a dirty condition on that
18 sidewalk, it is not the vendor, it is the—the—the
19 abutting business that's responsible for the
20 maintenance of that sidewalk.

21 LINDSAY GREENE: The—when we have issued
22 tickets previously the—we—we definitely make an
23 effort to issue tickets to veterans and we aware of
24 those issues because they are supposed to dispose of
25 the trash at the commissary not on the sidewalk.

2 COUNCIL MEMBER GENTILE: And those are
3 Sanitation issues?

4 LINDSAY GREENE: Yes.

5 COUNCIL MEMBER GENTILE: Okay, but the--
6 the--the merchant in the brick and mortar business
7 is still responsible for the maintenance. So it's the
8 final, the bottom line according to law.

9 LINDSAY GREENE: Generally speaking yes,
10 but that's why we make--we make an effort when--

11 COUNCIL MEMBER GENTILE: [interposing] To
12 be there if that's--but if you're not there, the--

13 LINDSAY GREENE: [interposing] Yes, yes.

14 COUNCIL MEMBER GENTILE: --it's--it's--it's
15 the--the DOS inspector comes by, and writes the--the
16 summons to the--to the merchant?

17 LINDSAY GREENE: It's--so go ahead.

18 JOHN MANCUSO: Good afternoon,
19 Councilman.

20 COUNCIL MEMBER GENTILE: Are you from
21 Sanitation.

22 JOHN MANCUSO: Yes. John Mancuso, Deputy
23 Director for Community Affairs for the Department of
24 Sanitation. So in relation to any type of litter
25 issue or anything of that nature, the actual summons

2 will be written to the street vendor. Anything that
3 has to do with improper disposal in a receptacle on a
4 corner, that would be issued to the vendor because
5 they need to be taken back any type of refuse from
6 the day, and back to their commissary for proper
7 disposal, but then it's supposed to be taken back to a
8 private carter. But any type of litter or any other
9 overflowing garbage cans or anything on site, the
10 actual summons will be issued to the street vendor
11 itself.

12 COUNCIL MEMBER GENTILE: If-if-if the
13 street vendor is there at the time. Otherwise, it
14 gets issued-

15 JOHN MANCUSO: [interposing] Correct.

16 COUNCIL MEMBER GENTILE: --if there's a
17 dirty sidewalk, it gets issued to the owner of the
18 property.

19 JOHN MANCUSO: Correct, correct.

20 COUNCIL MEMBER GENTILE: Right.

21 JOHN MANCUSO: Yes.

22 COUNCIL MEMBER GENTILE: So that's an
23 issue that needs to be rectified if the vendor is
24 responsible for the dirty condition on that-on that
25 sidewalk. I just want to get back again, Ms. Greene,

2 because I—I'm—I'm out of time about the time
3 restraints on sidewalk uses. We do it to cafes, we
4 do it--

5 LINDSAY GREENE: Uh-huh.

6 COUNCIL MEMBER GENTILE: --for street
7 fairs, we do it for block parties. Would you agree
8 that we—we need to do it for the use of the sidewalks
9 in terms of vendor carts?

10 LINDSAY GREENE: We agree that there are—
11 there's complex set of rules around how activity on
12 the street takes waste both commercial and non-
13 commercial activity, and it's one of the topics that
14 we think definitely merits discussion with the
15 Advisory Board.

16 COUNCIL MEMBER GENTILE: That it would
17 merit discussion?

18 LINDSAY GREENE: Absolutely, absolutely.

19 COUNCIL MEMBER GENTILE: Okay. So I'm
20 very hopeful about what I've heard here today, but
21 these are really matters of health and fairness that
22 somehow need to be address in any modernization
23 effort that we do. So Mr. Chairman, I look forward
24 to working with you, and the sponsors on that
25 effort.

2 CHAIRPERSON ESPINAL: Thank you, Vinny.

3 I would like to put the clock at five minutes for my
4 colleagues. I usually don't put a clock, but being
5 that how popular this topic is, and how many members
6 we have here today, I'll put five minutes for my
7 colleagues, and three minutes to the public. [pause]
8 With-with a chance at a second round of questions.

9 [pause]

10 COUNCIL MEMBER RODRIGUEZ: Well, thank
11 you for your work, and we have to give credit to this
12 Administration because this conversation did not
13 happen before, and the fact that we are opening this
14 up to deal with a situation that we've been chasing
15 for many years is the hope that we have on how we can
16 reorganize, you know, the street vendor industry.
17 You know, I would like to compare the corruption of
18 black market permits-

19 CHAIRPERSON ESPINAL: [interposing]

20 Council Member Ydanis, I would like for us, the panel
21 in the future and my colleagues to refrain from using
22 the word black market. Let's use underground market.
23 Underground.

24 COUNCIL MEMBER RODRIGUEZ: Thank you.

25 Let me call the name to be us today. (sic) The

2 corruption of black market permits [laughter,
3 background comments] in our city is similar—similar
4 to corruptions interwoven. For many years it was
5 happening, and it was so big that no one preferred to
6 address it. People were very powerful. They were
7 around doing whatever they needed to do. A few of
8 them are behind bars, and everyone is being surprised
9 by what's happening. The black market permits is
10 controlled by powerful forces, and I hope that today
11 the DA joins in start investigation after the black
12 market because those three vendors who are working so
13 hard they've been paying the prices for individuals
14 that are controlling those industries selling those—
15 those permits for \$20,000, controlling more than 80%
16 of those permits, and we know and that has been
17 happening for 20 or more years. So, where have we
18 been in the past? How many investigations have been
19 opened after those powerful individuals that are
20 controlling this industry. And again, this—I'm very
21 proud to see this administration. This is something
22 that we inherit and that the current administration
23 tries to address. But my question is in your record
24 how many investigations has the city started going

2 after those individuals that control more than 80% of
3 the permits?

4 LINDSAY GREENE: Councilman Rodriguez,
5 we—we share your concerns about markets that
6 perpetrate illegal vending activity, and illegal
7 permits. It's something that we take very seriously,
8 and investigate to the best of our ability when we're
9 made aware of it. We can get back to you with the
10 specifics on how many investigations we've initiated.
11 I'm—I'm not aware of that number. I don't think we
12 have it at the hearing today.

13 COUNCIL MEMBER RODRIGUEZ: [off mic] I'm
14 sorry.

15 LINDSAY GREENE: I—I—I was saying we—we
16 share your concerns about the proliferation of
17 illegal permits, and markets that substantiate the
18 trade, but we do not believe have the exact figures
19 on investigations to be conducted in that area. We
20 can get back to you.

21 COUNCIL MEMBER RODRIGUEZ: [off mic] -no
22 agency in—of record that we can say that they've been
23 opening an investigation of those individuals
24 controlling those permits?

2 LINDSAY GREENE: I-I can't say
3 specifically one way or another. I know we're very
4 well aware of the--

5 COUNCIL MEMBER RODRIGUEZ: [interposing]
6 Is there anyone on the panel that can say?

7 LINDSAY GREENE: I'm-I--

8 COUNCIL MEMBER RODRIGUEZ: [interposing]
9 From the--from the enforcement? You know, is there
10 anyone that--do we have any record? Who was the last
11 individuals that we went after because he or she has
12 20 of those permits?

13 LINDSAY GREENE: I think we can look into
14 that question and get back to you--

15 COUNCIL MEMBER RODRIGUEZ: [interposing]
16 Okay.

17 LINDSAY GREENE: --we don't--we don't know
18 the specifics to that.

19 COUNCIL MEMBER RODRIGUEZ: Can we agree
20 that more than 50% of those permits are controlled by
21 individuals that are not necessarily the ones the
22 city gave the permits to?

23 LINDSAY GREENE: We don't know the--the
24 scale and scope of--of traders of illegal permits or
25 how the activity takes place. It's-it's--

2 COUNCIL MEMBER RODRIGUEZ: [interposing]

3 It's small, it's big, it's in the middle. Can we say
4 it's under 10, it's under 20, it's under 50%? It's
5 so big that we don't see?

6 LINDSAY GREENE: I-I don't-I honestly do
7 not think we know the exact figure. It's that we are
8 going to do our best to capture the amount of illegal
9 permits on the ground as a part of our preliminary
10 count, but we certainly do not have any insight into
11 a number of individuals who traffic in-in--in major
12 markets for the carting.

13 COUNCIL MEMBER RODRIGUEZ: [interposing]

14 Okay. So the information. That we have is they-
15 there's an estimate the 70 to 80% of permits are
16 illegally in use by someone other than the permit
17 that we hold there. Can we agree with that
18 information?

19 LINDSAY GREENE: We-we will take a look
20 at it and-and-and com-compare with what data we have.
21 I-I don't have those-those statistics here with me
22 today.

23 COUNCIL MEMBER RODRIGUEZ: Okay, but
24 thank you to the administration. You're doing a
25 great. You know, the business owners we are on your

2 side, too. We have to be on board on this one. What
3 I hope is that with this reform, we will create more
4 opportunity for the street vendors. Also, we should
5 be able to support our business owners in our
6 communities. Thank you.

7 LINDSAY GREENE: Thank you.

8 CHAIRPERSON ESPINAL: Up next we have
9 Rory Lancman, then Reynoso.

10 COUNCIL MEMBER LANCMAN: Thank you. Good
11 afternoon. It's nice to see you all. I have a
12 couple of particular concerns. They revolve around
13 the underground market as well as the impact on local
14 businesses. The district that I represent in Queens
15 for example has many—several commercial strips, the
16 Hillside Avenue, Second Boulevard, Jamaica Avenue
17 that are mom and pop stores almost exclusively run by
18 first generation immigrants, and they would be very,
19 very concerned about an increase in vendors in their
20 area when they are struggling day to day just to make
21 it. Wouldn't it make more sense, and I—I know this
22 has been brought up—been brought up, bit I think—I
23 think your testimony you said at this time no clear
24 mechanism exists that enables the city to assess
25 whether or not small business strips such as Fordham

2 Road, Jamaica Avenue, Manhattan's Third Avenue, Kings
3 Highway or Victory Boulevard are appropriate for all,
4 any or some portion of these types of commercial
5 activities. Wouldn't it make sense to use this study
6 that's been talked about before we make a decision on
7 the number of additional licenses to issue, and at
8 least set in place some kind of rules and
9 restrictions where it comes the geography where
10 different kinds of vending can-can operate?

11 LINDSAY GREENE: Certainly. I think
12 there's--there's--there's two issues in--in your
13 question, Council Member. Well, certainly with
14 regard to making an--an informed set of insights
15 regarding the appropriate or--or otherwise amount of
16 proposed increase, and we need to understand the
17 activity on the ground again, which is why we are
18 initiating a preliminary count, and secondarily we
19 also would want to take into account the various
20 agencies that have jurisdiction over the activity
21 that they place on the street both commercial and
22 non-commercial. When think about locations for
23 vending both of those things are--are topics that we
24 would--be counted as information, and the mechanism
25 for citing activities is--are things we would

2 definitely discuss in the context of the Advisory
3 Board study that's—that's being put out, and
4 certainly with regard to the question around
5 timelines and milestones we would reserve our
6 feedback on—on those milestones until we—we know the
7 results of our count in several weeks.

8 COUNCIL MEMBER LANCMAN: So on the issue
9 of the—the underground economy, as it were, and—and I
10 was a vendor once. I spent the summer selling
11 Chakita Ice Pops on 34th Street, and I remember at
12 the time-- What's that? [background comment] Yeah,
13 well, I think that I was legit. You know, I—I was
14 with some company. They gave me the card. I showed
15 up at their commissary every morning and did my
16 thing. But the—the competition for space was—was cut
17 throat, alright, and I tried to stay away from the
18 guys who were doing this for this because, you know,
19 this is what they—they have to feed their families,
20 and I was just a kid making some money during the
21 summer. Is there any basis for thinking that the
22 increase in the number of available vendor license
23 will not just merely double the size of the
24 underground economy? These things seem to be very
25 valuable, and they are making a lot of money for the

2 people who possess those licenses who choose to—to
3 sell them or sell the use of them. I just don't know
4 if there's any study or basis for thinking that
5 doubling the number of licenses will lower the—the
6 incentives, the economic benefit of—of selling one's
7 license illegally or just create a much, much bigger
8 "black market?"

9 LINDSAY GREENE: Sure. That's a—that's a
10 very valid concern, and one that we share, which is
11 why we emphasize the need to actually know the number
12 of vendors who are actually on the street so you can
13 compare that to the—the universe of permits we have,
14 and take that in context with what the bills propose
15 so we could provide some feedback. We—we cannot
16 assess what, in fact, the permits would have on—
17 excuse me—what impact more permits might have on the
18 scope of the underground market without understanding
19 the overall scope of illegal permits that we
20 currently have. It's—that's—and addressing that
21 issue is a separate matter. It goes through
22 Enforcement. It goes through a whole host of other
23 things, as you know regarding the location
24 information and things of that nature that we hope to
25 study with the Advisory Board.

2 COUNCIL MEMBER LANCMAN: And—and my last
3 one is what—what is going to be done to conform the
4 standards that vendors have to abide by in terms of
5 health and safety, et cetera that your—your mom and
6 pop storefront has to as—as well? Because that seems
7 to me to be a very, very important aspect of
8 modernizing our—our vendor system.

9 LINDSAY GREENE: Sure. Absolutely. We,
10 would look to study the—the host of vending
11 regulations that we have both as—as it relates to
12 health and—and other matters as a part of the code
13 review that we think has merit in initiating, and
14 we'd love to—to do that in conjunction with the folks
15 mentioned on the Advisory Board.

16 COUNCIL MEMBER LANCMAN: Thank you very
17 much.

18 LINDSAY GREENE: Thank you.

19 COUNCIL MEMBER REYNOSO: So thank you
20 guys for—for being here. I—I kind of want to follow
21 up with what Council Member Lancman was talking about
22 which are my same concerns, of course, always
23 thinking that a study before law be something that we
24 do, and could be good practice with lawmaking in our—
25 in our—in our body. I do want to speak to some marks

2 and to mom and pop stores, but I'm getting a lot
3 calls and-and meetings in regards to this
4 legislation. First off to-to-to preface it with the-
5 the immigrant story. You know, food vendors are
6 largely immigrant-immigrants, but so are supermarket
7 owners and so are the majority of the workers in
8 supermarkets and in these mom and pop locations. So-
9 so I just to diversity the immigrant story. Some are
10 success stories, and-and were in these communities
11 long before anyone else was there, before there were
12 Whole Food, before there were all these other places
13 we had our associations. We had our food. We had
14 our bravoos. So I just really want to put in
15 perspective that we expand that story. I also want
16 to speak to regulation, and it seems like this is the
17 story that I get. They get fined or businesses,
18 small businesses get fined for proper storage
19 handling, display, temperature checks and-and so
20 forth, taxes that they have that are completely
21 absent in the vendor space. So while it's something
22 that they're saying that they're claiming. So DCA
23 would walk in, give them fines for not properly
24 storing or keeping let's fruits and vegetables at at-
25 at a-at a reasonable temperature or-- But outside in

2 90 degree weather, they're selling the same type of
3 fruits and vegetables with no-with no real regulation
4 I guess. And they're saying that because of all the
5 infrastructure and the regulations that they have to
6 deal with, they have to sell their product at a
7 higher price than let's say someone—a food vendor
8 that has a simple cart let's say to sell. Is that a
9 legitimate concern here in—in the industry right now?

10 LINDSAY GREENE: I'll take some of that,
11 and I'll let Corinne speak to the—the health aspects.
12 There are a whole host of regulations that apply to
13 vendors about how they're supposed to handle their
14 food, how they're supposed to handle their garbage.
15 How they're supposed to display their merchandise.
16 It is—it is not an unregulated industry by any means
17 because there is actually a very complex set of
18 regulations, and we—we have said, you know, a lot of
19 that merits review and study, and if there are ways
20 to enhance that particularly with an eye towards
21 enhancing enforcement, we definitely would consider
22 that as a we do our review, and specifically on the
23 health in terms of there's a—a large set of—of things
24 to abide by there.

2 DEPUTY COMMISSIONER SCHIFF: So I can
3 speak specifically to the enforcement of food safety
4 rules. The—the New York City Health Code sets out
5 the requirements for—for food safety in a variety of
6 areas, and those rules apply to all food service
7 establishments under our jurisdiction, and that
8 includes both restaurants and mobile food vending
9 unit. And so the example you gave was holding food
10 at a safe temperature. That is required, and that's
11 because the food out temperature can increase the
12 risk of foodborne illness. And our requirements and
13 our enforcement of those through inspections is
14 actually the same. So we—we inspect restaurants for
15 food temperature holding, and we inspect mobile food
16 units as well for safe food—food holding, and all of
17 the—all the very same requirements will tie to those.

18 COUNCIL MEMBER REYNOSO: Alright, so
19 would this legislation encompass vegetables and
20 fruits stands as well, or carts that produce—that—
21 that--?

22 LINDSAY GREENE: I—I believe it's as we
23 understand the proposal, it is—it is not speaking to
24 change the—to proposing any changes in the number of
25

2 green cart permits, which are just produce. It's—
3 it's speaking to general food vending.

4 COUNCIL MEMBER REYNOSO: Okay. So
5 that's—that's good to know, the separation of green
6 carts and food carts and food vendors that's
7 important for the general public to know as well.
8 Again, I—I want to thank you guys for being here. I—
9 I've had my concerns. I really want to have a
10 comprehensive approach as to how we deal with this,
11 and I think that business owners just as much as
12 street vendors should have an opportunity to sit at
13 the table and really hash this out, and build the
14 system that works for all. And I don't think that
15 the way we're currently proposing legislation
16 necessarily does that. I think it's putting the cart
17 before the horse that Gentile says.

18 COUNCIL MEMBER GENTILE: [applause]

19 Alright, the cart before the horse.

20 COUNCIL MEMBER REYNOSO: [coughs] Chair,
21 thank you for your time, and thank you to the panel
22 for being here.

23 CHAIRPERSON ESPINAL: Thank you, Reynoso.
24 We have Andy Cohen, Margaret Chin and Karen
25 Koslowitz.

2 COUNCIL MEMBER COHEN: Thank you, Chair.

3 I—I think that what brings a lot of us here is our—is
4 our concern for exploited street vendors, and so what
5 I—I'd like to understand the—the permit is issued to
6 an individual. A corporation can't get a permit, is
7 that correct?

8 DEPUTY COMMISSIONER SCHIFF: A corporate
9 entity can get a permit.

10 COUNCIL MEMBER COHEN: They can?

11 DEPUTY COMMISSIONER SCHIFF: Yes.

12 COUNCIL MEMBER COHEN: Are most of the
13 permits issued to individuals or to corporations?'

14 DEPUTY COMMISSIONER SCHIFF: I don't have
15 those numbers but we can get that to you.

16 COUNCIL MEMBER COHEN: Do you have any—
17 any idea at all where—I mean I only ask most or
18 [laughs]?

19 DEPUTY COMMISSIONER SCHIFF: I'm—I'm
20 sorry. I don't—I don't know those numbers, but we can
21 get back to you.

22 COUNCIL MEMBER COHEN: Well—well, maybe—
23 maybe the police know. As—as the enforcement unit
24 when you see these permits, are they generally—

25

2 generally issued to individual or are they--ore are
3 they issued to corporations?

4 DEPUTY COMMISSIONER SCHIFF: So my--I did
5 just--a colleague just said that most are individuals.

6 COUNCIL MEMBER COHEN: Are individuals?

7 DEPUTY COMMISSIONER SCHIFF: Most are
8 individuals. I don't have the exact number, but most
9 are individuals.

10 COUNCIL MEMBER COHEN: So then when
11 someone comes upon a cart, and a person--the--the
12 permit is issued to--to John Smith and, you know, Sam
13 or somebody else is there, right away we know that
14 someone is vending illegally? Is that--?

15 DEPUTY COMMISSIONER SCHIFF: The--the way
16 that the laws are set up, the permit holder is not
17 required for most of the categories to be with the
18 unit.

19 COUNCIL MEMBER COHEN: I mean to me--so to
20 me that's the essence of the problem here. The
21 reason we had all of this vending is because the guy
22 in Florida can give his permit to somebody else. I
23 mean has the Administration given any thought to sort
24 of tackling that sort of--in essence what--what the
25 problem is here?

2 LINDSAY GREENE: So as we've said,
3 certainly regarding enforcement, we do require permit
4 holders to be present and accountable for violations
5 as it relates to the crime. I just want to clarify
6 that, and with regards to the proposal about the
7 distinction between licenses and permits, again it
8 is—it is an—an idea that has been suggested on
9 occasion to us, and it's something that we think
10 merits study. Again, in conjunction with multiple
11 stakeholders, we consider the—the full suite of—of—of
12 proposals as part of the Advisory Board.

13 COUNCIL MEMBER COHEN: Are they
14 unpermitted but worker at a—at a food vending cart.
15 I mean how do we know that I've gone through
16 training? How do—or did I have any, you know, food
17 preparer reg—regulation at all?

18 LINDSAY GREENE: Go ahead.

19 DEPUTY COMMISSIONER SCHIFF: To obtain a
20 license, which is required to work on a food unit,
21 you do need to take and pass our food handler class
22 at our health—the Health Department's Health Academy.
23 So we do training.

24 COUNCIL MEMBER COHEN: Even to work, even
25 if you're not the permit holder?

2 DEPUTY COMMISSIONER SCHIFF: Correct.

3 COUNCIL MEMBER COHEN: So everybody who
4 works on a food vending cart has a-has a license or?-
5 -?

6 DEPUTY COMMISSIONER SCHIFF: Every-you
7 must have a license, and to have a license, you must
8 have been trained at our Health Academy in food
9 safety.

10 COUNCIL MEMBER COHEN: But even-even if
11 you're not the permit holder--

12 DEPUTY COMMISSIONER SCHIFF:
13 [interposing] Correct.

14 COUNCIL MEMBER COHEN: --just a worker.
15 I-I have a question about enforcement. I-I represent
16 to BIDs in my Council District and we had a problem
17 both in-in the 50th and the 52nd but it took an
18 enormous amount of work and-and I felt almost guilty
19 reaching out to the-the 50th because I know that they
20 have other things to do other than try to regulate.
21 I-I wonder if the-if the NY and, you know, and
22 Manhattan South is a long way from-from-from my
23 district. I wonder if the NYPD has any thoughts on
24 the-if they are the appropriate agency to regulate
25 this industry or enforce the laws in this industry?

2 DEPUTY CHIEF VEGA: You know, working
3 with the partner agencies certainly we have an-an
4 enforcement component to the-you know, to-to these
5 roles, and-and certainly, you know, up in the Bronx,
6 you know, if a private owner applied to the precinct,
7 you know, the adequate resources should be devoted to
8 each and every complaint that comes across their, you
9 now, their desk. They're-they're always available
10 for logistical support from the Legal Bureau as well
11 as the, you know, the-the court experts in Manhattan
12 South for, you know, advice in terms of enforcement
13 stuff, but, you know, the responsibility lies in
14 those local precinct commanders to address those
15 concerns on a-on a local basis.

16 COUNCIL MEMBER COHEN: Is there any way
17 for NYPD to quantify the amount of resources already
18 devoted to enforcement in this area?

19 DEPUTY CHIEF VEGA: The-what's-other than
20 the core group of guys that work in the Patrol Bureau
21 Manhattan South, the Lieutenant is CO of that unit.
22 He has his own core group involved. A couple people
23 dedicated in the precinct Mid-Midtown North. A
24 couple people dedicate in Midtown South. Other than
25 that, it becomes incumbent upon the local precincts

2 to, you know, devote resources whether they be once
3 again from the neighborhood coordination officer,
4 from a local conditions teams if they have such a—a
5 specially equipped and trained team to address those
6 conditions.

7 COUNCIL MEMBER COHEN: Do you know,
8 though from COMPSTAT? Like do people keep records of
9 I responded to a—either 311 complaint or some other
10 complaint related to a—a street vendor?

11 DEPUTY CHIEF VEGA: Yes, we—we—we—we
12 quantify all of those complaints. Yes, yes.

13 COUNCIL MEMBER COHEN: I think we'd be
14 interested in seeing the number of complaints related
15 to—to street vending. I think that would be helpful
16 in terms of--

17 DEPUTY CHIEF VEGA: Absolutely.

18 LINDSAY GREENE: We—we have the--

19 COUNCIL MEMBER COHEN: [interposing] You
20 know I also am concerned about—about the BIDs. The—
21 the BIDs are in addition to the brick and mortar
22 store is paying rent, and the BIDs they are also
23 paying for additional services and again the street
24 vendors are—are not. And I—I think that there's just
25 an equity issue there that I think is—is of concern

2 to me, too. I appreciate that. Maybe if we have a
3 second round, I'd like to come back.

4 CHAIRPERSON ESPINAL: Thank you. Next we
5 have Karen Koslowitz and Carlos

6 COUNCIL MEMBER KOSLOWITZ: Thank you, Mr.
7 Chair. First of all, I want to make a correction to
8 Consumer Affairs. Pricing on a cart it's a law—it is
9 not a law, and that's why I introduced to be a law.
10 They me a law. Next, I noticed in the last undertake
11 by dealers in my area I have on one street I have
12 five carts. It's Continental Avenue, which is a big
13 transit hub in my community, and they just come.
14 They are—they are new, there—there are five carts
15 there. I know years ago it was used—it was one cart
16 on each corner. It could be one on this corner, one
17 on that corner, and a certain amount of inches from—
18 from a main corridor, and how do they get there?
19 Does anybody—if I have a license and I come in and I
20 get a license, and I get a cart, do I just go out and
21 decide where I want to put my cart? If I want to put
22 my cart again on Continental Avenue where, like I
23 said, there's a lot of people, can I do that? Can I
24 just make my cart the sixth cart on the block?

2 LINDSAY GREENE: There are a host of
3 rules that govern where vendors are permitted to-to
4 be with their food carts. These materials-this
5 information is avail-available in some materials and
6 I-I believe the-the Health Department can share
7 specifically as it relates to information for food
8 vendors.

9 COUNCIL MEMBER KOSLOWTIZ: So you-do you
10 have-you send them out to where they want to go? Is
11 that what you're saying?

12 DEPUTY COMMISSIONER SCHIFF: The laws
13 sets out places where vendors cannot be, and what Ms.
14 Greene is referring to is some recent materials that
15 we have sent out to all the mobile food vending
16 permit holders and licensees, which provide the
17 packet of laws, and also set out those restrictions
18 on-on where they can't vend. It's not on the list as
19 what you can vend and you can't vend, and we've also
20 just to finish our public education materials, a
21 companion to the-both to set out the-the laws, we
22 also just recently mailed to all permit holders and
23 licensees this guide, this-mostly the pictures
24 setting out information including for example where
25 some of the placement rules. And-and kind of daily

2 guide for what you need to do to vend legally. So
3 it's information. We've—we've mailed it out to
4 everybody. We've had it available in—in multiple
5 places. It's costly when once we get it, and it's
6 translated into nine languages on our website. It's—
7 it's newly updated information that we've just
8 recently sent out.

9 COUNCIL MEMBER KOSLOWITZ: So what you're
10 saying is that there could be five carts on
11 Continental Avenue, and then maybe three carts in the
12 vicinity of two blocks three more carts?

13 DEPUTY COMMISSIONER SCHIFF: So I can't
14 speak to the specific blocks without studying the
15 list, but I can say that what the law does do is set
16 out places where you can't vend, and that can vary
17 also by days and times, and so long as the location
18 is not on a prohibited—on the prohibited list, then
19 you can vend. The specifics of those blocks I don't
20 know.

21 SERGEANT-AT-ARMS: [interposing] We need
22 quiet of the floor. Please quiet down. Please, we
23 need it quiet.

24 COUNCIL MEMBER KOSLOWITZ: And what about
25 are there any restrictions how long those carts can

2 be there? Because I know some of them are there
3 overnight?

4 DEPUTY COMMISSIONER SCHIFF: And I should
5 just add that—that in addition to the block and
6 specific block and time restrictions there are other
7 restrictions, which some of which are laid out in our
8 little blue guides up her about—things about the bus
9 stop and being an attack (sic) with standards and
10 that sort of things. So all of those things would be-
11 be taken into account. And I'm sorry. Remind me of
12 your—your questions, you next question.

13 COUNCIL MEMBER KOSLOWITZ: Overnight? Can
14 they—

15 DEPUTY COMMISSIONER SCHIFF: Overnight.
16 So the law requires that when the unit, the cart or
17 the truck is not in use, then it has to be stored in
18 a permanent commissary, and it also requires that at
19 least once a day that unit be take to the commissary
20 for a cleaning. But about overnight times, again, it
21 depends on the list of restricted areas.

22 COUNCIL MEMBER KOSLOWTIZ: So what do we
23 do when the carts are there overnight? Is there
24 anybody monitoring this?

2 LINDSAY GREENE: When that happens, often
3 times there are complaints or if there happen to be
4 an officer in-in-in the neighborhood who-who would
5 observe that, it-it--it can be addressed there, but
6 certainly it-it's-it is something that we are aware
7 of that can occasionally happen. We-we do our best
8 to-to make sure that people are following the rules.

9 COUNCIL MEMBER KOSLOWITZ: Right. Well,
10 wouldn't that be a good thing for the Enforcement
11 Unit to do?

12 LINDSAY GREENE: Ab-absolutely. It is
13 something that we would consider as-as we think about
14 the scope and structure of-of what law enforcement
15 looks like. Yes.

16 COUNCIL MEMBER KOSLOWITZ: Because don't
17 forget in--in the middle of the night all the other
18 stores are closed. So they can't--they have no place
19 to go to kind of relieve themselves so to speak and
20 clean the cart?

21 LINDSAY GREENE: As-as-as Commissioner
22 Schiff mentioned, carts are supposed to return to
23 their commissary at least once in a 24-hour period
24 for cleaning, and they are supposed to I believe make
25

2 themselves available for proper sanitary conditions
3 as well.

4 COUNCIL MEMBER KOSLOWITZ: Okay, well, I
5 would like right now I mean you need the enforcement
6 for the whole city of New York because I'm sure this
7 happens in other areas. Right now I would like you
8 to look into this. It's something that's very
9 important to the community. I get constant calls.
10 So I would like someone to look into what's going on
11 right now.

12 LINDSAY GREENE: Thank you. We—we
13 understand.

14 COUNCIL MEMBER KOSLOWITZ: Thank you.

15 CHAIRPERSON ESPINAL: So just to follow
16 up on one of her questions. So theoretically
17 speaking with a couple of trucks they were to form a
18 wall in front of Trump Towers.

19 LINDSAY GREENE: That's not going to
20 happen. (sic) [background comments]

21 CHAIRPERSON ESPINAL: They did it in
22 Vegas. I was a fan of it. So that means one maybe
23 they can do here.

24

25

2 LINDSAY GREENE: I—technically speaking,
3 with this I don't know the specific streets, but it
4 is possible depending on restrictions.

5 CHAIRPERSON ESPINAL: Thank you. Up next
6 we have Carlos Menchaca, but before moving forward, I
7 want to recognize our great Public Advocate Letitia
8 James who has joined us.

9 COUNCIL MEMBER MENCHACA: Thank you,
10 Chair and thanks again for being here today, and the—
11 with the—with the limited time I really want to focus
12 on a couple of things that I think some of my
13 colleagues have been pointing to. Folks that have
14 had issues with this legislation, and those that are
15 supporting, but it's just an important thing to kind
16 of underline our—our motivations here, and this is an
17 economic justice issue not just for the vendors, but
18 also the brick and mortar. This is a safety issue to
19 make sure that people are safe and consuming these
20 goods and these products, and also making sure that
21 we keep our—our sidewalks clean and then those safety
22 issues on the sidewalk—on the sidewalks in our—in our
23 areas. How many licenses, and I'm kind of following
24 through some of the testimony, does a vendor have to
25 have before even getting to the—the street permit.

2 We already—we already talked about the food handler
3 license for example. You can just walk us through
4 what—what every vendor should have as they set up
5 shop on a street.

6 LINDSAY GREENE: Sure. I'll defer first
7 to Commissioner Schiff on—with regards to food
8 vending and Commissioner Gradau (sp?) with just
9 general vending.

10 COUNCIL MEMBER MENCHACA: Thank you.

11 DEPUTY COMMISSIONER SCHIFF: The Health
12 Department licenses and other food vending licenses
13 they're separate from the permit. You have a permit.
14 If you're permittee, you have a permit and a license,
15 but to be vendors you have license.

16 COUNCIL MEMBER MENCHACA: And so it's
17 essentially two different licenses. Someone could
18 have a food handlers license or the mobile vending
19 license, and then they get their street vending to be
20 able to be on the street as well?

21 DEPUTY COMMISSIONER SCHIFF: [pause]
22 The—if I understand your question correctly, the—to
23 then you need the mobile food vending license from
24 the Health Department. The permit applies to the—to
25 the units. So there's —there are people who have a

2 permit, and so they—it's sort of essential that the
3 owner of that unit, and then different—it's the same
4 or different people can then form that unit, and all
5 they need is the license.

6 COUNCIL MEMBER MENCHACA: Great I guess
7 what I'm—what I'm trying to point to is that there
8 are a couple of things that people need to have.
9 There are vendors right now that have one of them
10 already, and they're just waiting for us to open the
11 gates and get it. So I guess what I—I just wanted to
12 point to--and this is an analysis that we can do as a
13 committee--is people think that all of a sudden when
14 we lift the cap there's going to be a sea of new
15 vendors, and what we're actually doing is just
16 permitting some of the vendors that are already on
17 the street and have had history with a location and
18 neighborhood, and-- So I just want--there's a point
19 that I just wanted to make sure that--that as--as
20 people are understanding this, this is not going to
21 create a massive amount of new permits or new vendors
22 that are going to come from thin air. These are--
23 these are essentially going to create new
24 opportunities for currently unpermitted vendors to
25 have permits. Is--am I getting that correct?

2 LINDSAY GREENE: That is a possibility-

3 COUNCIL MEMBER MENCHACA: [interposing] a
4 Possibility.

5 DEPUTY COMMISSIONER SCHIFF: It-it-it
6 depends on the extent and the number of vendors that
7 are currently on the ground. There could be a
8 mismatch between the number of existing licenses that
9 we have and some of those may not always be
10 legitimate, and the-the amount-amount of vendors that
11 are actually on the street.

12 COUNCIL MEMBER MENCHACA: And so I want
13 to move to my next question, which is on this waiting
14 list. I want to understand that a little bit more
15 and how the waiting list is-is essentially going to
16 operate in this first-first come, first served on the
17 waiting list. Can you walk us through that again so
18 we can really understand how in March of next-in 2018
19 when we release those first new license-new permits,
20 how-how the waiting list is going to work, and-and
21 how confident you feel about that waiting list. Is
22 this a stale waiting list? Kind of give me a sense
23 of analysis on-on that as well.

24 DEPUTY COMMISSIONER SCHIFF: So as-as we
25 read the legislation, it sets out that what we were

2 discussing before three priority tiers for acquiring
3 one of the new 600 permits per year, and the bill
4 also offers departments do rulemaking. So we would
5 engage in our—in our rulemaking process to set up a
6 process for the wait list that would provide a—a fair
7 and open and equal opportunity for all the people
8 who—who can demonstrate that they meet one of these
9 priority levels established in the bill to be
10 eligible for the—one of the new permits.

11 COUNCIL MEMBER MENCHACA: So that would
12 be more clear after the rulemaking is done?

13 DEPUTY COMMISSIONER SCHIFF: We're not
14 clear yet to talk about the details of how we would
15 do that but we would engage in a rulemaking process.
16 So that would be open to public comments, of course,
17 and—and revisions.

18 COUNCIL MEMBER MENCHACA: Okay, and I
19 think there's just—just—and we're going to listen to
20 some of the advocates on—on all sides, but I think
21 we're going to—we're going to hear a little bit about
22 the difficulty in this waiting list, and—and we know
23 we have to start somewhere because there is a list,
24 but it would be great—it would be interesting to see
25 if we can listen to them. [bell] And my final

2 question if I can just pitch it to you is what role
3 does the Department of Health have, and really the
4 city have in ensuring that whatever booklet you just
5 showed us now and it's out in the world, and—and
6 really to educate folks. What role did you have as a
7 city agency or a city agencies in getting these
8 vendors to comply? What role do you have and what
9 role and accountability are you taking yourselves?
10 Not just to create the rules, but also usher people
11 into a—a healthier and rule abiding vendor community?

12 LINDSAY GREENE: Certainly. I'll—I'll—
13 I'll take a stab at that. We make every effort
14 particularly as part of our—our licensing process, as
15 Commissioner Schiff mentioned, to make sure is
16 adequate information, and there are trainings that we
17 have available in—in—in multiple places that go a
18 long way towards to ensuring that vendors are aware
19 of the vending, which they are expected to operate.
20 We are obviously open to discussing any suggestions
21 folks might have so that we can enhance that if folks
22 feel like it needs enhancement, and we think that as
23 part of the discussion we have in the Advisory Board.

24 COUNCIL MEMBER MENCHACA: And again—and
25 again, this is—I think this is part of the innovation

2 that we're going to have to bring to this discussion
3 because I think there's a lot of vendors that want to
4 comply.

5 LINDSAY GREENE: Uh-huh.

6 COUNCIL MEMBER MENCHACA: There's a lot
7 of vendors that want to view this, but I think
8 innovation is going to be required from the city's
9 perspective to figure out how we can—how we can
10 bridge that gap more, and solve some of these issues.
11 Because at the end of the day--and this is my last
12 comment, Chair—is we—essentially, we're talking about
13 people from all sides, our brick and mortars and our
14 vendors that are from the community. They live in
15 the community. They all know each other, and we're
16 all—we're all part of a family, and I know we have—
17 we've had a lot of attempts from our local Business
18 Improvement District that have—have tried to do so
19 much. But I think there's a need, they need to
20 receive real support, innovative support from the
21 City agencies to ensure that there is compliance, and
22 to offer some real gap measures to that vendors can
23 take that leap, and—and comply at higher rates. Now
24 that we have this unit, I hope this unit can also
25 take that on in a big way.

2 LINDSAY GREENE: Certainly we are—we are
3 open to discussing all those issues. We make every
4 effort to make our materials and trainings as
5 successful as possible. We offer them in—in multiple
6 language, and multiple languages, excuse, and are
7 always open to discussing ways, too, that it has
8 access for--for people.

9 COUNCIL MEMBER MENCHACA: And hopefully
10 we can—we can measure that success in the next—in the
11 next version of our—our chapter in street vendors in
12 the city. Thank you.

13 CHAIRPERSON ESPINAL: Thank you. Before
14 we move forward I want to also—I want to pause this
15 hearing again to—first to recognize Councilwoman
16 Julissa Ferreras from Queens, and open up the roll to
17 Intro 1017-C, the Freelances Act.

18 CLERK: Continuation of roll call, the
19 Committee on Consumer Affairs, Council Member
20 Ferreras-Copeland.

21 COUNCIL MEMBER FERRERAS-COPELAND: I vote
22 aye.

23 CLERK: The final vote now on
24 Introduction 1017-C stands at 5 in the affirmative, 0
25 in the negative and no abstentions. Thank you.

2 CHAIRPERSON ESPINAL: Thank you. We'll
3 close that roll and now we will switch back to the
4 Vendors Act and Julissa also has some questions.

5 COUNCIL MEMBER FERRERAS-COPELAND: Thank
6 you, Chair. I just wanted to ask—I know that the
7 predominate number of cases that we get about
8 complaints about vending is focused on illegal
9 vending. So, if you are given the additional
10 resources needed to create this enforcement and
11 actually enforce the rules that currently exist,
12 would that alleviate a lot of the concerns that you
13 get as complaints, that we all get in our office, it—
14 it-would-do you see that if we are able to actively
15 improve the enforcement mechanism that the city
16 hasn't done in the past that that can potentially be
17 a part of—of our discussions, do you see that as a
18 way to alleviated some of the complaints that our
19 residents and small business owners have?

20 LINDSAY GREENE: Councilwoman, thank you.
21 Just to clarify, your question is about would more
22 enforcement improve complaints?

23 COUNCIL MEMBER FERRERAS-COPELAND: Would
24 more enforcement reduce complaints because we will
25 have less of the illegal vending?

2 LINDSAY GREENE: That would obviously be
3 a hope and a goal of more enforcement. We would
4 absolutely want to make sure that as we think about
5 ways to enhance enforcement, we think about the scope
6 and structure of it so that we could adequately
7 address the complaints that we've seen.

8 COUNCIL MEMBER FERRERAS-COPELAND: Can
9 you walk me through the strategies the Administration
10 currently has on enforcement against any of the black
11 market, the existing black market permits?

12 LINDSAY GREENE: So, we are aware of the
13 black market. We cannot be certain particularly--

14 COUNCIL MEMBER FERRERAS-COPELAND:
15 [interposing] Can you bring your mic closer because I
16 can barely hear you.

17 LINDSAY GREENE: Sorry. Apologies. We
18 are obviously a very aware-aware of the black market.
19 We don't--cannot quantify the extent of it--and how it
20 originates. We can certainly quantify through our
21 count at least that a staff shot in time how many
22 illegal permits or licenses are--are there, but we--we
23 do not know the entire scope of the market as it
24 currently exists.

2 COUNCIL MEMBER FERRERAS-COPELAND: What
3 is the Administration's current strategy to ensure
4 that the new permits that you will issue aren't
5 easily forged or, you know, is there a mechanism? Is
6 there a way that these new permits are not going to
7 be easily forged, which is a reality that we have
8 today?

9 LINDSAY GREENE: With regards to the
10 proposed increase in permits, I can't speak to how we
11 don't--

12 COUNCIL MEMBER FERRERAS-COPELAND:
13 [interposing] Can anyone else speak to the--the
14 technical component of the actual permit? How you
15 can prevent it from being forged? So that those that
16 have, you know, are going to through this process
17 that are going to have potentially their legal
18 permitting that they're able to have the protections
19 to understand that they can't forged?

20 LINDSAY GREENE: I think that is--those
21 are the kinds of things, you know, I don't know that
22 we're aware of--of any particular deficiencies in that
23 regard as it stands today. But it's certainly
24 something we--we--we will study as part of the Advisory
25

2 Board. I-I-we-I don't we can comment on the
3 technical specifics of the-of the permits today.

4 COUNCIL MEMBER FERRERAS-COPELAND: Okay,
5 Chair, I'll just-

6 LINDSAY GREENE: [interposing] We can get
7 you with you with some advocates on that.

8 COUNCIL MEMBER FERRERAS-COPELAND: Okay.
9 Thank you, Chair.

10 CHAIRPERSON ESPINAL: Alright. Thank
11 you. I also want to acknowledge my good friend from
12 Brooklyn Jumaame Williams. [background comments,
13 laughter] Mark Levine, other questions?

14 COUNCIL MEMBER LEVINE: Sure. Thank you,
15 Mr. Chair. I do feel we need to clarify just what
16 this package of bills does and doesn't do. I think
17 there's some misinformation out there. We are
18 creating the city's first eve enforcement unit. We
19 never did this before. This will be a team of people
20 who everyday have one and only one mandate, which is
21 to enforce the rules related to street vending. So
22 many of the concerns, very valid concerns, which I've
23 heard raised over the last two and a half hours have
24 at their root been because we're not enforcing
25 consistently, and that is exactly what we are trying

2 to tackle in these bills. The first year that's all
3 we're doing. The first year is about letting the
4 enforcement settle in, and only then beginning in
5 2018 would we have a—a relatively gentle measured
6 increase in the number of legal permits over the
7 following seven years that would be matched by the
8 creation of the first ever Street Vendor Advisory
9 Board comprised of brick and mortar merchants,
10 business interest groups, community groups, vendors
11 themselves who would oversee the implementation, who
12 would prepare an annual report on its effectiveness
13 and would suggest changes to the laws if and when
14 they are needed. This is I think an incredibly
15 balanced approach which I believe addresses the
16 concerns that we've heard today. I have to say
17 regarding the Administration I have been somewhat
18 disappointed at the negative tone that permeated your
19 remarks over the last couple of hours, and your—your
20 repeated comments that you don't have enough
21 information about a problem which has been festering
22 for decades. This is not new. This is not the first
23 time the City Council has addressed this. This is
24 not the first time you've discussed this matter with
25 the Council. You've been hearing complaints from all

2 sides about this for-for year and decades, and there
3 was-your-your refusal to even concede some very, very
4 basic realities about this challenge that every New
5 Yorker knows including the prevalence of thousands of
6 unpermitted vendors is-is pretty surprising. So I-I
7 do just want to just clarify a few things. Do-do
8 you, in fact, agree that we need to have more
9 consistent enforcement of the street vending rule?

10 LINDSAY GREENE: We agree that the
11 variety of issues that you and-and your colleagues
12 and-and-and various members of different
13 stakeholders, communities raise are really important.
14 We want to make sure we get it right. We take the
15 concept of enforcement, we take our licensing and
16 permitting authorities very seriously. We want to be
17 very deliberate and make sure we get it right.

18 COUNCIL MEMBER LEVINE: Okay. I-I think
19 I heard a yes there. I'm-I'm going to take that as a
20 yes. You agree we need more enforcement. Do you
21 agree that if-

22 LINDSAY GREENE: No.

23 COUNCIL MEMBER LEVINE: --that--that the
24 basic law-did you want to clarify that?

25 LINDSAY GREENE: No. I was just-

2 COUNCIL MEMBER LEVINE: [interposing] Go
3 ahead.

4 LINDSAY GREENE: --going to say we—we
5 definitely want to discuss enforcement and the way to
6 do it effectively and if—if changes should be made we
7 obviously support the—the notion that we do need more
8 enforcement of rules with that.

9 COUNCIL MEMBER LEVINE: Yes. Okay. So
10 next question. Do you agree that if we increase the
11 number of permits that it will incentivize some
12 people to move from unpermitted vending to permitted
13 vending, and that it will lower the price of permits
14 on the illegal market?

15 LINDSAY GREENE: We can't speak to the
16 impact of permits on what happens in underground
17 markets for those permits.

18 COUNCIL MEMBER LEVINE: It is—it is the
19 law of supply and demand, right? You may increase
20 the supply. That's basic economics and the price
21 falls.

22 LINDSAY GREENE: Yes, that is one of the
23 factors that—that go into those market dynamics.
24 There are other factors that I've—we admit (sic) we
25 are aware of that at play in—in the vending market.

2 COUNCIL MEMBER LEVINE: And do you agree
3 there needs to be some form for all the relevant
4 agencies—I think there are six or more to come to the
5 table together with the relevant public interest
6 groups to evaluate this issue?

7 LINDSAY GREENE: Absolutely. We are en-
8 thusiastic in our support of the Advisory Board.
9 We've—we've mentioned a lot of times that it was—it
10 was not meant to be negative in many way.

11 COUNCIL MEMBER LEVINE: Alright, I know
12 I'd get at least one firm answer out of you. Thank
13 you very much. Thank you, Mr. Chair.

14 CHAIRPERSON ESPINAL: Thank you. Public
15 Advocate James.

16 PUBLIC ADVOCATE JAMES: So before I give
17 my comment, I just have a question for the
18 Administration. As I was entering into the building,
19 I was told that the Administration basically supports
20 an omni-omnibus bill, which would include part of
21 each of this bill into one big ugly. Is that true?

22 LINDSAY GREENE: I'm—I'm not sure I—I-I
23 follow the question. There's—there's the state of
24 the bills in consideration today.

25 PUBLIC ADVOCATE JAMES: Yes.

2 LINDSAY GREENE: There are multiple.

3 PUBLIC ADVOCATE JAMES: Yes.

4 LINDSAY GREENE: There is—there is one
5 that we would all believe to be larger in scope than
6 the others. That' 1303. So we've—we've tried to
7 comment on them as a package obviously.

8 PUBLIC ADVOCATE JAMES: So do you support
9 one omnibus bill, which would include aspects of
10 each, and bring all of the bills before us today. Or
11 do you believe that they should be voted on
12 separately and apart?

13 LINDSAY GREENE: We want to consider some
14 of the issues that are mentioned in some of the
15 bills. I think particularly as it relates to
16 particular modifications consisting of technical
17 specific in the code. We think doing those in
18 isolation without look at the rest of the code
19 comprehensively, may not be the most productive. So
20 we—we-we would like to defer the discussion on those
21 to a comprehensive code review.

22 PUBLIC ADVOCATE JAMES: Thank you. I
23 want to thank the Chair and I want to thank Council
24 Member Espinal and his staff for holding a hearing on
25 this critical—on these critical pieces of

2 legislation. I also want to thank all of my Council
3 colleagues and friends for sponsoring and supporting
4 these important bills. And I—but I particularly want
5 to thank Council Member Levine for allowing me to say
6 a few words, and for allowing me to co-sponsor his
7 bill today. I also want to thank the advocates
8 particularly the Street Vendor Project and the
9 Freelances Union for their tireless efforts. The
10 voice of the hardworking men and women who help power
11 our economy, but are often left out of the process,
12 and finally are being heard. Not only vendors but
13 also small businesses in the State of New York. For
14 far too long both freelancers and street vendors have
15 often been forced to live in a shadow economy that
16 exists besides our—beside our own providing
17 invaluable contributions to our city, but often
18 without the safeguards and lawful recourse that our
19 laws could provide. And, I am proud that we are
20 moving forward with provisions that will finally—
21 finally provide freelancers with real protections
22 against unscrupulous employers who would seek to
23 cheat them out of what they are owed. However, I am
24 primarily here today in support of measures that will
25 finally bring common sense to the confusing and

2 conflicting nest that makes up our street vendor
3 regulatory scheme. Street vendors are hardworking
4 small business owners. They are a vital part of our
5 city's future, and its flavor and its culture.
6 However, I do understand that there are at least two
7 sides to the story, and that some people who own
8 small businesses or live or work in areas with heavy
9 concentration of street vendors have legitimate
10 concerns, and that's what makes this bill such a
11 smart piece of policy. Both sides can be heard, and
12 hopefully we'll come up with a smart framework that
13 will legitimize this, and regulate street vending at
14 the same protecting small businesses in the city of
15 New York. The status quo is broken, and this does
16 not mean to-need to be a zero sum game. Everyone can
17 be a winner. If we take the time to do this right
18 with the administration with all of you here today.
19 And so I look forward to the thoughtful discussion on
20 the issues today in going forward, and it's an honor
21 and a privilege to see my former commanding officer
22 of the 88th Precinct here, and I know under his
23 leadership we'll—we will get this right. Thank you.

24 CHAIRPERSON ESPINAL: Thank you, Public
25 Advocate James. I don't believe my colleagues have

2 any further questions. So at this this—at this point
3 you're—you're free to go.

4 LINDSAY GREENE: Thank you.

5 CHAIRPERSON ESPINAL: I'd like to call
6 up the next panel. We have our great Manhattan
7 Borough President Gale Brewer, and we have our State
8 Senator from Queens Jose Peralta. [background
9 comments, pause]

10 CHAIRPERSON ESPINAL: You are—you can
11 begin. Just state your name before you give your
12 testimony.

13 GALE BREWER: Okay.

14 CHAIRPERSON ESPINAL: You're a pro, Madam
15 Borough President.

16 GALE BREWER: I like the new chairs.

17 [laughter] I am Gale Brewer, Manhattan Borough
18 President. I want to thank Chair Espinal. I want to
19 thank Council Member Levine and the Committee on
20 Consumer Affairs for having this important hearing on
21 the issue of vendor legislation. I also want to
22 thank the Speaker and the Council staff on all of the
23 hard on Intro 1303. I say this because it is not a
24 perfect proposal or solution to all of our vendor
25 issues. There is no such thing. Street vendors have

2 been a controversial issue in New York for well over
3 a century. There have always been tension between
4 food vendors and fixed location businesses, which is
5 what you hear today. In the 1800s in an effort to
6 ease these tension vendors were forced to move every
7 half hour. After the Depression, Mayor La Guardia
8 tried to move them to six off-sidewalk locations, and
9 Mayor Giuliani tried to close virtually every
10 Manhattan street to them. The reason street vendors
11 and especially food vendors persist is simple, New
12 Yorkers love inexpensive accessible good food and
13 enterprising recent immigrants want to take advantage
14 of the opportunity that this entry level business
15 affords them. In March 2015, I used a report, Small
16 Business Big Impact, which tries to look at the issue
17 the same way I believe the Council is looking at this
18 issue. Food vendors are a type of small business
19 that should be treated as a small business. In that
20 report I called for raising the cap on food vendor
21 permits. The Speaker and Council Member Levine's
22 legislation, which I am proud to join starts with
23 that promise that pairs it with an equally important
24 one, which Council Levine and others have focused on
25 given that food vending is a business that occurs on

2 public space sidewalks. We have to pay special
3 attention to enforcement. The Council legislation
4 seeks to balance new opportunities for vendors with
5 improved enforcement. Importantly the set up of the
6 Special Enforcement Office comes first. First, we
7 need to make sure we have adequate and targeted
8 enforcement, and I think we should all be open to
9 carefully considering the speed and amount of
10 increasing the cap to make sure our enforcement can
11 keep up with it. But no balanced proposal can be
12 effective without both of these critical components.
13 The Council deserves praise for the third and perhaps
14 most important element of the legislation, the
15 mandate it creates to experiment and think outside of
16 the box. I've been around long enough to know how
17 complicated this issue is and how easy fixes are
18 destined to fail. In the 1980s, Mayor Koch threw out
19 all of the street regulations in Manhattan, and in
20 the 1990s, Mayor Dooley closed most of them with very
21 little review. We see where the approaches got us.
22 This legislation requires for boroughs, specific
23 pilot programs that would allow DOT to work with the
24 community boards and the business improvement
25 districts to figure out new placement arrangements

2 for vendors that would accommodate the need of both
3 the vendors and the communities. During the time of
4 these pilot programs, new enforcement units will be
5 required to focus on these areas. That's a good
6 idea. Maybe we will come up with a program that
7 improves the situation for pedestrians and vendors.
8 Maybe we will learn which types of restrictions work
9 and which have just been unnecessarily layered on top
10 of each other throughout decades of frustration. And
11 while these experiments are being conducted, the cap
12 will be slowly lifted with each incremental lifting
13 being studied and subject to recommendation by an
14 advisory panel. At the same time, we can try to give
15 food vendors the benefit of commercial kitchens
16 through a pilot program in which we link them to EDC
17 funded kitchens and other commercial kitchens that
18 may be available for such use like senior centers.
19 This would help improve food safety and hygiene
20 especially for our newest vendors and may help some
21 businesses move past vending into opportunities for
22 catering or fixed location businesses. The academic
23 in me loves nothing more than these types of
24 controlled experiments. I also support Intro 72,
25 which I have sponsored along with Council Member

2 Johnson, Koo, Koslowitz and Levin. This proposed
3 local law would provide us with information o the
4 number of pushcarts and food trucks out on the
5 streets and sidewalks, which would be valuable in
6 crafting pilot programs in reviewing current
7 regulations. Finally, I cannot emphasize enough that
8 in order for this to work, this cannot be thought of
9 a zero sum game between street vendors and fixed
10 location businesses. I know have the tensions have-
11 have always existed that we will not be able to
12 magically erase. Boy, do I know that. This bill
13 recognizes vendors as the smallest of our businesses
14 that have a place in our city's economic life, but
15 while this legislation provides opportunities for
16 food vendors, they will also require them to take
17 their responsibilities more seriously. My hope is
18 that at the end of this, there will be some
19 additional opportunities for food vendors that we
20 will no longer have situation where there are walls
21 of vendors on particular streets block fixed location
22 businesses, and vendors stands that are four times
23 the legal size constituting whole produce stores. If
24 you want to be this big or take up this much space,
25 you really need to find a store. But improving this

2 situation for food vendors does not mean we worsen it
3 for fixed locations. In fact, our hope is that
4 vendors—I'm almost done—will become profitable and
5 want to grow, will leave the sidewalk and move into
6 fixed location businesses. I call them
7 storefronters. We need to help our storefronters and
8 those who aspire to become. That's why Council
9 Member Johnson and I are working on a bill that would
10 eliminate the commercial rent tax in Manhattan for
11 owner/operator retail and food service establishments
12 in storefronts as well as for all supermarkets. I
13 hope the Council will consider this legislation
14 together with the vendor reform bills. Today we
15 affirm our position that street vendors are
16 legitimate small business worthy of our attention.
17 We certainly can offer no less to our storefront
18 business, and must help them in their struggle to
19 survive in the face of national change and high
20 rents. Thank you for your opportunity—for the
21 opportunity to testify today on this important
22 legislation. Thank you. [pause]

23 SENATOR PERALTA: Good afternoon. I'm
24 State Senator Jose Peralta. I represent the 13th
25 Senatorial District in Queens. First and foremost, I

2 must add and start off with I thought it was tough
3 enough to get a straight from the Administration up
4 in Albany, and I can see that they dance on you, too.

5 Good afternoon and thank you for inviting me to
6 testify today on this important issue of street
7 vending regulations in New York City. First, will
8 you allow me to personally thank the Chairman,
9 Council Member Espinal for allowing me to testify
10 here today before the New York City Council Committee
11 on Consumer Affairs. Let me also extend my gratitude
12 to Council Members Koslowitz and Ferreras-Copeland,
13 Levine, Menchaca, Williams, all of whom I am glad to
14 call not only my colleagues but friends. It's my
15 pleasure to be here with all of you this afternoon.

16 For far too long, a reform of the city rules
17 governing street vendor has been overdue. As many of
18 you may recall, Mayor Giuliani formed a Street Vendor
19 Review Panel in 1995, with the mission of addressing
20 many of the same problems that have brought us here
21 today. That panel has laid dormant for over 10
22 years. While issues surrounding congestion by vendors
23 in a pervasive black market for street vending
24 permits have been allowed to grow exponentially in
25 scope and size during this time. In representing

2 State Senate District 13 I Queens, I know all too
3 well what the result of ill fated policy has been on
4 both street vendors and the brick and mortar
5 establishments that sometimes directly compete with
6 each other. My district includes Roosevelt Avenue, a
7 corridor that has always served as a welcoming point
8 for immigrants from all over the world who come to
9 New York hoping to make a better life for themselves
10 and their families. Many times these aspirations to
11 achieve to the American dream rightly come in the
12 form of starting a small business. Sometimes that
13 small business is a storefront, and other times that
14 small business is starting from the street vending
15 operation—becomes a street vending operation. Both
16 are equally important. However, with the lack of
17 real regulation of street vending practices,
18 Roosevelt Avenue like many other areas across the
19 city has fallen into a state of disarray. It is not
20 uncommon to see vendors arguing with brick and mortar
21 business owners over the distance of the pushcarts
22 from stores. It is uncommon to see serious health
23 and safety issues that arise from unregulated vendors
24 who I've witnessed emptying hot cooking oils onto the
25 street or to see litter from vending operations all

2 over the sidewalk. Along Roosevelt Avenue it, too,
3 is not uncommon to see street vendors shelling out
4 several thousand dollars year to rent a permit from a
5 holder who may not have been a street vendor him or
6 herself for several decades. In fact, I've seen
7 reports of permit holders flying back to New York
8 from as far as Florida and Pakistan to renew their
9 licenses in what's clearly become a very lucrative
10 rental scheme. Simply put, there are no legitimate
11 interest who are winning under the current regulatory
12 scheme in New York City. Now, is the time for
13 immediate action on this problem. I am pleased to
14 see that that City Council under the leadership of
15 Speaker Mark Viverito, Borough President Gale Brew
16 and Council Member Levine has acted to bring real
17 reform to the broken system of street vendor
18 licensing. I am a supporter of the introduction of
19 that introduction now under consideration by this
20 committee that is—as it is very similar to
21 legislation that I have sponsored up in Albany for
22 several years now, which would amend the New York
23 City Administrative Code to deal with these issues
24 head on with a study, a formation of the commission
25 that would study the issue and make recommendations

2 to the City Council, which I have included in my
3 testimony. I would recommend that you take a look at
4 it, and if you merit then maybe I can get a home
5 rule, but if not, that's fine. It is without
6 question that the several city agencies involved with
7 enforcing the regulated street vending must
8 collaborate effectively in order for any new policies
9 to be successful. In proposing just that, this
10 legislation creates a Street Vendor Advisory Board
11 that brings together city agencies as well as
12 representatives of street vendors and brick and
13 mortar business owners who will an equal seat the
14 table. The newly proposed Office of Street Vendor
15 Enforcement will finally bring real teeth to
16 curtailing illegal activity by the handful of street
17 vendors who do not recognize the responsibility as
18 good neighbors to all of those around me. I am also
19 pleased to see that City Council is considering
20 lifting the cap on street vendor licensing that has
21 perpetuated a salacious black market wherein some
22 vendors pay in excess of over \$10,000 a year to rent
23 a license simply for the right to do business. By
24 prioritizing applicants who have been waiting a long
25 period of time for a license, and in some cases since

2 before 2011, this legislation offers a far and
3 graduated solution to eliminating this problem.

4 Additionally, the text of the legislation is
5 strengthened by allowing the approval of licenses for
6 a smaller number of new applicants annually, which
7 recognizes the reality that there is a growing demand
8 for street rule across the city inclusive of all the
9 unique flavors and offerings that are at the fabric of
10 New York City's food scene. I will offer a strong
11 word of caution with regard to lifting the cap on
12 vending licenses, though. In anticipation of the
13 likelihood that bad actors will attempt to secure
14 more than one vending license for the purpose of a
15 rental profit, the legislation currently limits the
16 issuance of a new applicant license to one per
17 person. However the Department of Consumer Affairs
18 and other relevant agencies must be vigilant in
19 promul-promulgating rules that ensure that this is
20 how the regulatory reforms would actually proceed
21 especially with the advent of the IDNYC program there
22 exists more safeguards than ever to confirm the
23 identity of a licensed applicant. In developing the
24 new Office of Street Vendor Enforcement, I strongly
25 encourage the Administration to utilize the

2 technological developments that are at their
3 disposal, to counter the potential for duplicate
4 licenses to be issued to a simple-single applicant.
5 For instance, license-licenses could be embedded with
6 a barcode that will allow inspectors to instantly
7 determine the identity of not only the license
8 holder, but the identity of all workers who would be
9 registered to work at particular cart. This effort
10 would be a critical step forward ensuring that a
11 license holder is actually operating a particular
12 cart versus renting out their licenses to an
13 unsuspecting market entry. It is also no secret that
14 some employers routinely coerce workers into
15 dishonest behavior in order to achieve their own
16 pecuniary gain. Correspondingly, the office should
17 develop a protocol to detect situations where a
18 license holder is pressuring an employee or family
19 member to seek the improper issuance of a second
20 permit on their behalf. Additionally, the Office
21 should engage in routine inspections to determine
22 whether street vending licenses are being rented for
23 profit, rather than conducting sporadic sweeps that
24 target a group of vendors every few months. Again,
25 from experience in my district, the occasional fines

2 that issued to vendors in violation of the law have
3 largely been integrated as the cost of doing business
4 rather than having a deterrent effect. The black
5 market must be minimized at every cost in order to
6 provide legitimate street vendors with the economic
7 means that are required to succeed. Constant
8 communication and collaboration between the Office of
9 Street Vendor Enforcement and the vendors with whom
10 they would maintain oversight is key to producing
11 viable results. While I am encouraged by the
12 proposed system, which would include the publishing
13 of relevant regulations in several languages as well
14 as the proposed examination that would serve as a
15 threshold to the issuance of a new license, I believe
16 that those hired to enforce the City's street vendor
17 regulations must also receive adequate training on
18 pertinent rules and policy trends as they develop.
19 Should new regulations be promulgated as a result of
20 the Board's work, the office should embark upon
21 extent-extensive outreach campaigns to notify street
22 vendors and business owners of changes in policies as
23 well as how much such changes affect their legal
24 privileges and responsibilities. As the Department
25 of Health and Mental Hygiene testified, there should

2 be a safety and health issue component addressed and
3 I agree. An item that is not included in this
4 particular legislation is the establishment of a
5 mandatory grading system for street vendors who sell
6 food similar to that already in place for traditional
7 restaurants in the city. I am the sponsor
8 legislation that would the implementation of such a
9 system. New York Senate Bill S-1311-A. In taking
10 the street vendors in my own district, feedback
11 clearly indicates that many vendors are in favor such
12 a grading system as it brings legitimacy to their
13 business and quells the concerns of consumers who may
14 think their food is unsafe to eat. My experience
15 with street vendors is that—that the vast majority
16 are extremely proud of their offers with the vast
17 majority also preparing their food using sanitary
18 methods. While I am encouraged by the educational
19 programs the current introduction seeks to provide to
20 vendors, I believe that the establishment of a
21 grading system brings everyone a step closer to
22 putting street vendors on par with brick and mortar
23 businesses. I also commend the City Council for
24 working to initiate a pilot program in the city's
25 public school cafeterias and other commercial

2 kitchens to develop food preparation space for
3 vendors. I believe that these shared kitchen spaces
4 or kitchen incubators as they are called are an
5 essential tool in getting some small businesses off
6 the ground. In fact, Governor Cuomo recently signed
7 a bill into law that was sponsored by myself and my
8 colleagues Assembly Member Crespo, which will now
9 waive state licensing fees for the use of these
10 facilities for the first two years of their use. For
11 street vendors and other small business entrepreneurs
12 hoping to manufacture their food items on a greater
13 scale, the availability of a commercial kitchen
14 facility can be a lifeline to the expansion of a
15 business and its ultimate growth and success. In
16 Queens alone some of the borough's most popular
17 mobile vendors have recently opened up their own
18 storefronts, most notably Epilady (sic) along
19 Roosevelt Avenue in my district and the famous, the
20 King of Falafel and Shawarma in Astoria. In closing,
21 it is promising to see that the city is considering
22 leveraging new innovations and brining about real
23 solutions to the ongoing issue of street vendor
24 policy in the form of new street signage that makes
25 it clear to vendors where and when they may conduct

2 business on a development of newly designated vending
3 locations in high traffic areas. Roosevelt Avenue
4 being a prime example of undue and unsafe sidewalk
5 congestion, it is important that we come together as
6 elected officials to promote a sustainable set of
7 reform that full take the interest of all
8 stakeholders into account. As you know, this effort
9 has truly been decades in the making, and we owe it
10 to all New Yorkers to develop intelligent policies
11 that addresses every aspect of this ongoing problem.
12 Again, I thank you for inviting me to testify here
13 today, and at this point I'll be glad to answer any
14 questions.

15 CHAIRPERSON ESPINAL: Thank you. Well,
16 thank you for coming in and thank your for your
17 advocacy. We appreciate it. [background comments,
18 pause] The next panel we have Julia Chindorazo (sic)
19 from the Street Vendor's Project, Mahamed Mahia from
20 the Street Vendor Project, and Sean Bazinski from the
21 Street Vendor's Project. [background comments, pause]

22 SERGEANT-AT-ARMS: Keep it down please.

23 CHAIRPERSON ESPINAL: In the interest of
24 time we're going to keep the clock at three minutes.

2 MAHAMED ASSIA: Good afternoon, Misters
3 and now Chairman, but also known as City Council
4 Members. I firstly I want to thank you so much for
5 having mere here today. My name is Mahamed Assia.
6 I'm a food vendor. I've been vending for eight years
7 eight, and right now I work on 53rd Street and Park
8 Avenue and make smoothies. I'm a leadership board
9 member with the Vendor Project. I just want to thank
10 you so much for having this legislation introduced.
11 Firstly, we can talk about our biggest issue ever as
12 food vendors, which is the lack of the permit. So
13 now the cap has been postponing the permits more than
14 three decades ago. So, now for three decades there
15 are no more permits available for any vendors, and we
16 believe that this is the main reason that created the
17 black market, and that's why any food vendor to
18 operate legally to be vending legally on the street,
19 he has to go to the black market. There is no other
20 way to get a permit from the city, and that's why
21 this a major problem we face, and believe it or not,
22 the price in the black market nowadays goes up to
23 \$25,000. That is paid for someone as was said
24 earlier who is not a vendor necessarily who might be
25 living n a different state or a different county. He

2 just comes here for a few days to collect the money
3 and leave. This person paid the City \$200 only to
4 renew and he gets \$25,000 for two years permits. So
5 now, we believe if the city issued more permits that
6 will really attack the black market. That will make
7 a very big difference with a lot of vendors.
8 Thousands of vendors right now are vending and
9 they're dealing with the black market. If they got
10 an opportunity to get their permits of the city
11 legally, they will stop dealing with the black
12 market. So finally this is maybe the only way to end
13 the black market, and then all these vendors will be
14 vending legally. As vendors, I can tell you we work
15 so hard. We support our families, we pay our taxes,
16 we serve all New Yorkers. We serve fresh food all
17 over New York City and I believe all New Yorkers know
18 that, and they are so happy with vendors everywhere.
19 A lot of opposition is coming out from the street
20 clutter, coming out from illegal vending issues. We
21 do understand that, and we are aware of all these
22 concerns, but meanwhile you have to know that vendors
23 have a lot of rules and regulations to follow. It's
24 not only having a license and a permit and you just
25 go out there, sit anywhere and vend and do a

2 business. We have to follow a lot, a lot of the
3 rules and regulations. That makes it sometimes
4 impossible for a legal spot to be legal. So even if
5 there's a street that is not restricted for vending,
6 you can't just find nobody vending there because of
7 the big list of rules and regulations. A lot of
8 things need to be clarified. I heard a lot of
9 concerns from City Council members, and it seems to
10 be like it is not really clear, and I'm so sad that
11 the Administration didn't have enough sufficient
12 questions—I mean enough sufficient answers for you.
13 So, if you have any questions of any concerns you
14 want to ask us as vendors because we are the people
15 on the ground who will be so happy to answer. Thank
16 you so much. [pause]

17 JULIA CHINDARAZO: [Speaking Spanish]

18 TRANSLATOR: And good morning. Here name
19 is Julia. She's a food vendor. She sells ice creams
20 in Queens, and she is going to be translating.

21 JULIA CHINDARAZO: [Speaking Spanish]

22 TRANSLATOR: We need help getting the
23 permits. We a lot of times our—our products have
24 been removed. We have gotten tickets of over \$1,000
25 sometimes.

2 JULIA CHINDARAZO: [Speaking Spanish]

3 TRANSLATOR: She has two sons to support.

4 JULIA CHINDARAZO: [Speaking Spanish]

5 TRANSLATOR: Her mom suffers from

6 epilepsy.

7 JULIA CHINDARAZO: [Speaking Spanish]

8 TRANSLATOR: She supports her and a

9 brother.

10 JULIA CHINDARAZO: [Speaking Spanish]

11 TRANSLATOR:

12 JULIA CHINDARAZO: [Speaking Spanish]

13 TRANSLATOR: She would to have the more

14 permit so shouldn't have to--

15 JULIA CHINDARAZO: [Speaking Spanish]

16 TRANSLATOR: So she can create a better

17 future for her kids.

18 JULIA CHINDARAZO: [Speaking Spanish]

19 TRANSLATOR: And don't have to pay as

20 many tickets of a \$1,000.

21 JULIA CHINDARAZO: [Speaking Spanish]

22 TRANSLATOR: If we don't have permits on

23 the streets, we are treated like criminals.

24 JULIA CHINDARAZO: [Speaking Spanish]

25

2 TRANSLATOR: On the streets, they take
3 our stuff.

4 JULIA CHINDARAZO: [Speaking Spanish]

5 TRANSLATOR: And if you will help our
6 future to improve.

7 SEAN BAZINSKI: Well, thank you Mahamed
8 and thank you Julia and thank you to the Chair, and
9 also to Council Member Levine and Council Member Chin
10 who are in here and supporting vendors around the
11 city. My name is Sean Bazinski. I was a vendors
12 almost 20 years ago, and I wasn't tough enough to be
13 a vendor so I went to law school, and so I've been
14 working with Street Vendor Project ever since then,
15 and I'm really honored and privileged to be here
16 today to help lend a small voice to the thousands of
17 vendors who, of course, can't be here, Council
18 Members. They are working today. They may not even
19 know about this legislation. Many of them don't, and
20 yet they will be—their lives will be affected by it
21 fundamentally. And, in fact, I-I—and so if I can
22 speak one word properly for them I'll be lucky to do
23 so. I have here, and we've been hearing so much—so
24 many valid concerns today but I actually have here
25 the list of the 2,500 vendors on the permit waiting

2 list. It starts with Josefina Abad, and it goes onto
3 Mahamed Zurikosh (sp?), and it has 2,500 Mahameds and
4 Marias and many other names in between of people who
5 struggle every day, and who need permits to be able
6 to survive legally. They pay their taxes. They want
7 to follow the rules. The—the summary of our
8 testimony is we believe that the Street Vendor
9 Modernization Act is certainly far from our dream
10 legislation. It's far from it, but it is a
11 reasonable compromise and a real step forward in
12 terms of making a better system. The caps have been
13 talked about already very well by Mahamed and Julia.
14 So I'd like to talk on—touch on some of the other
15 things, very important things that our industry has
16 done in the modernization act quickly. They may not
17 get as much attention. One is that we support the
18 Office of Vendor Enforcement because the vending
19 rules are complicated and we need a well trained
20 group of enforcement officials to be able to apply
21 them properly. Two, are the special permits for
22 disabled veteran vendors, and I want to recognize the
23 work of two of our leadership board members who are
24 veterans Donny McKeller and Robert Swan who are here
25 who pushed to make that special permit for veterans a

2 reality, and making sure we don't leave the veterans
3 behind. As for the Street Vendor Advisory Board,
4 this will be first time that vendors have a voice
5 inside the government, and we applaud that effort and
6 we look forward to working with that board on issues
7 that came up today, issues like air quality.

8 Certainly an important issue that vendors would like
9 to deal with not just for the health or the whole
10 safety of the quality of the whole safety but their
11 own health. They are the ones who are suffering over
12 these grills everyday, and it will be great to be
13 able to work and make recommendations on the
14 technology that might be more useful, and there could
15 be incentive programs that could be used for example
16 to help with that. That is something that the Street
17 Vendor Advisory Board could do. Quickly, we support
18 the plans to make information more accessible. We
19 support the rules that make it safer to be a vendor
20 on the street like allowing the three feet for a
21 vendor to operate without being in the traffic and
22 getting hit by cars. That supports Vision Zero. We
23 do note that there are a number of things that we
24 would like to see that were not in the legislation.
25 We're disappointed in that. For example, there were—

2 we asked—we would love to see a reduction in the 20-
3 foot rule, and the overly strict existing ban on
4 vendors away from hospitals to be looked at. We
5 heard that the Administration is interested in doing
6 the study. We welcome that study, and we would love
7 to be a part of it, but vendors have been waiting 35
8 years for this change. The Administration—we
9 launched this campaign publicly 2-1/2 years ago. The
10 Administration has known very well. Cranes did a
11 report in May of 2015 that said they thought that a
12 bill would be introduced that summer, last summer.
13 And so we certainly welcome a study to be done, but
14 we don't believe that that should delay the progress
15 that needs to be made, and the time for reform is
16 now. Thank you very much.

17 COUNCIL MEMBER LEVINE: Thank you Mr.
18 Bazinski and thank you to your our panel. Just want
19 to ask a question in Spanish, and I'll repeat in
20 English. [Speaking Spanish]

21 JULIA CHINDARAZO: Si.

22 COUNCIL MEMBER LEVINE: I'm just going to
23 repeat that in English. Sorry. I just—I just asked
24 Ms. Chindarazo to clarify that if she were given the

2 opportunity to buy into the permit system to pay
3 \$1,000 would she do it. [Speaking Spanish]

4 JULIA CHINDARAZO: [Speaking Spanish]

5 COUNCIL MEMBER LEVINE: I'll—I'll
6 translate as well, and—and I'll give just a little
7 color commentary where she said yes, though she felt
8 the price was steep, but the opportunity to—to vend
9 in the street with fear would—would make it worth it,
10 and I—I think it's important to emphasize that—and
11 we'll hear from Mahamed I hope in a moment that we
12 see here someone who is actually telling us the City
13 of New York I want to work within the law. This is
14 someone who said give me the chance to work within
15 the law. That's—that's all she's asking. I think
16 that's admirable, and I think the city is better off.
17 If you are given that opportunity, and it's something
18 that—that I'm hoping we can accomplish. Mr. Assia,
19 if you care to expound on the same question about
20 whether you'd be willing to buy a permit and how that
21 calculus makes sense for you.

22 MAHAMED ASSIA: Sure. I think that would
23 be a great idea, and we as vendors we feel so sad
24 that we are paying that much money to somebody and
25 the city doesn't benefit from this. So I believe if

2 we pay \$1,000 to the city to get a permit legally
3 under our names that would be a great idea. So even
4 if it goes higher than \$1,000, that's still very good
5 for us. That's way better than paying \$25,000 every
6 two years, and the bad news I have to tell everybody
7 is the price is going higher every single year. That
8 is \$25,000 tens years go. Ten years it was less than
9 \$6,000. So you can imagine how rapidly it goes
10 higher every year. So, as the city hasn't issued any
11 more permits, in a couple of years we're expecting to
12 hear something like \$30,000, \$50,000 who knows. But
13 if the city would benefit from this much money, we
14 will be so glad to pay it. Why not?

15 COUNCIL MEMBER LEVINE: Thank you, Mr.
16 Assia, and Mr. Bazinski, maybe you can help shed
17 light on something I simply could not get an answer
18 from the Administration on. How do you explain the
19 timing of a study on an issue, which has been front
20 and center in the city for decades, and on the
21 legislative agenda of this—this council for—for a
22 long time. How do you explain the timing at exactly
23 this moment beginning in November of this study that
24 the City wants to do?

2 SEAN BAZINSKI: I don't know, Council
3 Member. I—we hadn't heard that before from the
4 Administration, but we—I do know that, you know, a
5 lot of times when people don't want something done,
6 they say let's have a study, and we've heard this
7 many times with vendors. People go oh, we need to
8 start from the beginning. Well, here on the table
9 today we have real possibilities for reform written
10 down and introduced by you, thank you, and signed now
11 by 14 Council Members. So, there's a lot of—of room
12 in the bill through the advisory board to work on
13 the—on the details, and to do more studies. I mean
14 we love to do studies, and we'd love to do a study
15 with the Administration, but I do feel like for them
16 to wait until today and say that they're going to
17 launch a study when they have known this has been
18 coming down the pipe that vendors have been clamoring
19 on the steps of City Hall for more than 2-1/2 years
20 now. I think that that's a little disingenuous
21 timing wise, but still we look forward to working
22 with them.

23 COUNCIL MEMBER LEVINE: Thank you, Mr.
24 Bazinski for your—your advocacy, and leadership on

2 this, and—and thank you to our entire panel. We
3 appreciate you being here.

4 SEAN BAZINSKI: Thank you.

5 CHAIRPERSON ESPINAL: We still have more
6 questions.

7 SEAN BAZINSKI: Thank you, I'm sure you
8 do.

9 COUNCIL MEMBER CHIN: Sean, I have a
10 question for you because I think your—the Street
11 Vendor Project did a—a report about only 26% of the
12 vendors believe that they have a good understanding
13 of the City's vending—the Vendors Law. I didn't get
14 a chance to ask you today, but can you maybe just
15 talk about your effort, I mean your organization's
16 effort in terms of educating the vendors about the
17 laws and the regulations? And also what does DCA
18 give them when they apply for a license or like do
19 people have information in different languages
20 telling them what the laws are by the City, or not??

21 SEAN BAZINSKI: No, they don't, Council
22 Member Chin, and thank you for that question. The
23 rules, as we know, are very complicated, and so our
24 organization actually produced a pamphlet, a visual
25 pamphlet in five languages to help vendors understand

2 the rules, and we have distributed more than 5,000 of
3 those at our expense. Just this past month, the-
4 after-after years of this pamphlet being out, we
5 applaud the Health Department for coming out with
6 the-a visual guide as well. But the rules are still
7 very difficult. They're still only offered in
8 English, and they come from many different locations,
9 and so training is important. Vendors are asking for
10 training, and as well as police. The vendors would
11 love to know what the rules are so that they can
12 follow them. So we look forward to the chance to
13 work with the Administration to help to make the
14 rules more understandable for all people in all
15 languages.

16 CHAIRPERSON ESPINAL: Good. Well, thank
17 you.

18 SEAN BAZINSKI: Thank you very much.

19 CHAIRPERSON ESPINAL: [pause] Our next
20 panel we have Ellen Baer and Michael Lambert from the
21 New York City BID Association. We have Monica Blum
22 from Lincoln Square BID. We have Jennifer Brown from
23 Flatiron BID. We have Jeffrey La Francois from the
24 Repacking BID. We have Lisa Soren and John Bonizio
25 from the Westchester Square BID, and we have- Again,

2 sorry if I-Kenya Braille from the New York Women's
3 Chamber of Commerce.

4 SERGEANT-AT-ARMS: Folks, if your name
5 was called, please come down. If you have copies of
6 your statements bring them with you. Those that
7 don't, please take any conversations outside, folks.
8 Any conversations, any telephone use outside please.
9 I guess anybody here for Higher Education it's in the
10 room next door. So go stand in the back, and we'll
11 get you to that room shortly. [background comments,
12 pause]

13 MICHAEL LAMBERT: Good morning Chairman
14 Espinal, Sponsor Levine and other members of the City
15 Council. Thank for the opportunity to testify today
16 on behalf of New York City BID Association the Street
17 Vendor Modernization Act. The BID Association
18 represents the City Business Improvements Districts
19 across all five boroughs. I'm Michael Lambert from
20 the Bed-Stuy Gateway Business Improvement and I'm
21 sitting here with my co-chair Ellen Baer, President
22 of the Hudson Square Connection to my right. We
23 would like to provide an overview of the
24 Association's preliminary thoughts on the substantive
25 process relative to Intro 1303 and the other bills

2 that form part of what's being called the Street
3 Vendor Modernization Act. First of all, we applaud
4 the City Council for attacking this complex issue, as
5 many have noted. The laws and regulations governing
6 street vendors have not been subject to a thorough
7 overhaul in decades. Given the dramatic changes in
8 the ways that New Yorkers use and travel through the
9 public realm, we agree that it is high time to create
10 a new framework for vendors, one that continues
11 provide economic opportunities while respecting and
12 effectively addressing questions of health, safety in
13 shared public space. In the written testimony that
14 we have submitted to you, we cover four areas that we
15 think need improvement in the legislations
16 introduced. If we had to sum it up in a single
17 phrase, however, we would ask that you treat street
18 vending as you would any other use of public space.
19 They're all familiar with the rigorous process to
20 approve a sidewalk café. Historically, we have not
21 treated food vending carts the same way because
22 they're mobile. We set general parameters, certain
23 streets are open or closed at certain times of the
24 day. The sidewalk clearance must be protected for
25 pedestrians travel—for pedestrian traffic, and health

2 and environmental regulations must be respected. And
3 we also all know that many vendors occupy the same
4 spot of the sidewalk day after day, year after year
5 just like newsstands or bike racks or Wi-Fi kiosks or
6 sidewalk cafés. All these other uses require a
7 formal process for siting with varying degrees of
8 vocal input. We—we have to gradually double the
9 number of mobile cars on the city streets. We believe
10 that a single process must be established for
11 vendors. [coughs] We are very happy to see the
12 creating of a dedicated street vending enforcement
13 unit. We believe better vending enforcement will be
14 critical to successfully managing any increase in the
15 number of food carts on city streets. The new
16 enforcement unit must be adequately resourced to
17 ensure that it is able to work effectively across the
18 city, but further we also believe that we must
19 rigorously evaluate how vending enforcement is
20 working as—not after the number of permits grows
21 along with every other impact of an increase
22 including the impact on small storefront business on
23 pedestrian safety, on sanitation, health, and the
24 environment. Before we move forward with this—with
25 issuing new permits we must have initial impacts so

2 to better understand the state of street vending
3 today. Subsequently, each year's increase should
4 also be subject to a formal valuation and approval
5 process based on objective criteria analysis that
6 measures the impact of previous increases. Finally,
7 we'd like to ask that do approve any change in the
8 current placement restrictions on vending such as
9 proximity to the curb and to crosswalks and subway
10 entrances until the new street vendor advisory board
11 has a chance to complete its comprehensive review of
12 current laws and regulations. This is a once an
13 opportunity—one in a generation opportunity to get
14 street vending right in a way that's fair to all
15 stakeholders. Such a complicated issue cannot be
16 rushed the legislative process without giving ample
17 time to the many concerned parties from small
18 business owners to local residents. Thank you very
19 much for giving us the opportunity to testify, and
20 we'll be happy to answer any questions you may have.

21 [pause]

22 CHAIRPERSON ESPINAL: Anyone?

23 MONICA BLUM: I don't know. Am I going
24 next or--?

25 CHAIRPERSON ESPINAL: Oh, yeah.

2 FEMALE SPEAKER: Yes.

3 MONICA BLUM: Okay, my name is Monica
4 Blum. I run the Lincoln Square Business Improvement
5 District. I've been the President for 20 years.
6 First of all, I want to commend the Council for
7 taking on this incredible task of trying to overhaul
8 our vending system. However, I do not think that it
9 should be done precipitously. You need to have—you
10 need to consult with all stakeholders. I support the
11 idea of an Office of Street Vendor Enforcement. I
12 think that's a very good idea, but I think it must be
13 adequately funded and must be 24/7. There's a lot of
14 street vending activity on weekends and the evenings.
15 One of the biggest problems with this bill is that
16 there is no mechanism for siting, and you must have
17 siting requirements. Right now, street vending is
18 governed by the vendors. They determine where they
19 go, and who goes where, and very often at least in
20 our district, there have been fights. So you need to
21 treat this the way you treat, and a lot of people
22 said that before the Administration, newsstands,
23 which have very, very strict criteria. Property
24 owners must be notified as they are of newsstands
25 because they're responsible for the repair and upkeep

2 of the sidewalks, and there need to be distances and
3 other requirements. New York City has changed
4 dramatically since—over the last 10 years and 20
5 years. We have a tremendous increase in street
6 furniture. Our population has increased. I think
7 the City said it went from 7.4 to over 8—I think it's
8 8.9 now. I'm not sure. We now have 59 million
9 visitors, tourists come to New York City every year.
10 So you need to take that into account. We have bike
11 lanes. We have bike share. We have bike racks. We
12 have links. We have all these things on the
13 sidewalks that were not there before. Brick and
14 mortar concerns need to be respected as well.
15 Finally, I think—it's not finally. I have a couple
16 of other points. I think a study is a great idea,
17 but you don't study something seven years after you
18 start increasing the cap. We heard today that no one
19 really has an—an idea—an exact idea of how many
20 vendors are out there. We need to get a handle on
21 the numbers. Who's legal, who's illegal, who has
22 forged—you know, forged permits. So study it first,
23 and I think the City studied, they talked about doing
24 it, you know, by November, but they're not going to
25 study it on weekends. They said specifically they

2 were going to do it during the week. So you need to
3 have a comprehensive study. In my 20 years there has
4 never to your question, Mr. Levine, there has never
5 been a study and that needs to be undertaken.
6 Finally, clearances or the three bills that deal with
7 or the two bills that deal 54-514 [coughing] and 5115
8 that deal with clearances. Those are for safety. I
9 mean for safety issues. You don't reduce clearances
10 from bus stops from crosswalks from corners from
11 driveways, and there's—and subway entrances. Those
12 are the most congested. So I would strongly opposed
13 those, and I think you should, too. So, and taxi
14 stands as well. I think that covers most of my
15 points. Thank you very much.

16 LISA SORIN: Good afternoon and thank you
17 for allowing me the opportunity to address you today.
18 My name is Lisa Sorin and I'm the Executive Director
19 for the Westchester Square Business Improvement
20 District in the Bronx. I'm here today representing
21 my 77 property owners and 156 merchants.
22 Unfortunately, my merchants aren't able to be here
23 today because unlike the businesses you are here to
24 support and look to increase the number, my brick and
25 mortar family-owned individuals do not have the

2 luxury of being mobile as they are relying on me make
3 their voices hear today. To you they're city
4 representatives. As a former entrepreneur, I
5 understand the desire individuals have to own a
6 business and provide a stable financial income for
7 their family. It is all a part of the American
8 dream, but the concern and fears shared by my
9 district is that our surrounding—and our surround
10 commercial districts is how will this bill benefit
11 them. Right now, our merchants have a long list of
12 permits required by the City to start up and maintain
13 their businesses. Not to mention being ready at any
14 given moment for the deluge of inspectors that
15 consistently visit their establishments. With that,
16 come the rent, electricity, taxes, maintenance,
17 garbage, and an in our case BID assessments, and
18 various other expenses that come with having a
19 storefront. This is without taking into account the
20 money and time spend in research and selection of the
21 community they intend to invest in. For years, our
22 property owners saw a dire need to invest in the
23 commercial corridor for their businesses to survive,
24 and to keep viable. In the last four years, these
25 owners have invested almost \$2 million to provide our

2 community with supplemental cleaning services,
3 marketing, safety in the goal increasing foot traffic
4 for family friendly—for a family friend inviting
5 place to eat, shop and play. We are respectfully and
6 strongly requesting that this bill be reviewed in
7 more depth. A study on long-term financial impacts
8 of brick and mortar, options on siting, the role of
9 BIDs when working with vendors, consistent inspection
10 and enforcement from the City, and data showing how
11 many businesses are lost under unfair vendor
12 competition. Thank you. [pause]

13 JEFFREY LA FRANCOIS: Good afternoon and
14 thank you, Mr. Chairman, Council Member Levine and
15 Council Member Chin. Nice to see you guys. My name
16 is Jeffrey La Francois. I'm the Director of
17 Operations and Community Affairs for the Meatpacking
18 District, a Business Improvement District in the
19 Southwest corner of Manhattan, which represents over
20 200 ground floor businesses, over 700 million square
21 feet of commercial office space, 3,000 residents, and
22 approximately eight miles of sidewalks. Thank you
23 for the opportunity to submit this testimony. The
24 Meatpacking District applauds the Council's efforts
25 to reform the city's antiquated street vending laws,

2 but greater consideration should be given to others
3 affected by this legislation, and the unintended
4 consequences that will arise. A patchwork of laws
5 makes up a haphazard bureaucracy that is challenging
6 to navigate for vendors and—and inquisitive New
7 Yorkers alike. The reform of street vendor laws is
8 needed, but the city should first attempt to fix the
9 current system before expanding it so drastically.
10 The first step in this process should have been a
11 comprehensive citywide study of the entire current
12 street vending landscape. The findings in that study
13 should then inform this legislative proposal. It
14 would properly address the issues while modernizing
15 the process at the same time. We support and welcome
16 the idea and proposal of a dedicated enforcement
17 unit. Enforcement of the current laws on street
18 carts is basically not in existences. Yet, this
19 legislation speaks to expand on the current
20 situation. While the proposal currently includes
21 expanded enforcement units, its funding stream must
22 be dedicated to ensure enforcement of vendors no
23 matter the city's economic standing. There are a
24 number of issues that amendment to this legislation
25 ought to address. These include a lack of

2 comprehensive citywide study; no siting or placement
3 guidelines for vendors; a creation of designated
4 vending locations program without a formal review
5 process; replacing of standards for where vendors can
6 operate on sidewalks in relation to the curb,
7 crosswalk and subway entrances; privatization of
8 sidewalk space and inhibiting on pedestrian safety.
9 Nearly every aspect of the city's public space is
10 regulated, and has specific guidelines for entities
11 to operate within the. Public space is also
12 fundamentally a land use issue. Creating criteria
13 siting and for local input from BIDs, community
14 boards, et cetera, whether prior approval is a part
15 of the annual evaluation should be incorporated into
16 this legislation. This is a once in a generation
17 opportunity to reform an historic entity of New York
18 City. The BID appreciates the efforts to create a
19 system through which street vending can legally
20 operate, but this must be a fair process. This
21 legislation will effectively double the number of
22 vendors on the street, but in reality the City
23 doesn't even know how many currently operate. Such a
24 complicated issue with sweeping ramifications must
25 not be rest-rushed through the legislative process.

2 New York City is a difficult place to do business.
3 The bureaucracy is complicated, costs are constantly
4 changing, and the Internet has dramatically
5 transformed the way people spend money, which affects
6 ground floor retail and, therefore, the City's bottom
7 line, too. This legislation is an affront to brick
8 and mortar businesses that are trying desperately to
9 keep their doors open through varying economic times.
10 And just like vendors, they keep our streets lively,
11 and New Yorkers employed. At the BID, we advocate
12 for businesses and commercial entities, but our
13 constituencies also pass through our boundaries. We
14 have a large stake in the city's public good as a
15 fair amount of the BIDs work revolves around keeping
16 the city sidewalks and streets clean, maintaining its
17 plazas and even paying for capital improvements. We
18 work hard to maintain and keep accessible the
19 Meatpacking District's eight miles of sidewalks and
20 our big public plazas. Greater consider-
21 consideration must be given to all stakeholders who
22 will be affected by this sweeping package of reform.
23 Thank you again for the opportunity to submit this
24 testimony.

2 QUENIA ABEAU: I was going to say good
3 morning, but at this point good afternoon. My name
4 is Quenia Abeau, and I'm the President of the New
5 York Women's Chamber of Commerce, an organization
6 that advocates and actively works to support women
7 especially disadvantaged women to become economically
8 empowered through business ownership, micro
9 enterprise ownership and self-employment. One of the
10 most valuable things we can do for our women is to
11 provide them with the tools that will help them
12 become economically sufficient in the city of New
13 York, and a street vendor's permit is one of those
14 tools. Street vending offers incredible opportunity
15 for countless women to make a decent living while
16 taking critical first steps in the direction of
17 growing a business without sacrificing the care they
18 take of their family. Moreover, for formerly
19 incarcerated women street vending is a highly
20 accessible way to enter the workforce as they rebuild
21 their lives. The reason why the New York Women's
22 Chamber of Commerce supports Intro 1303 with the
23 following observations and recommendations: In the
24 spirit of economic justice, a plan must be put into
25 place immediately to end the street vendor's permit

2 black-black market to ensure that only one permit is
3 given per individual. We need to punish those who
4 have made a practice of taking advantage of others by
5 renting the permit at its original annual cost. In
6 the spirit of entrepreneurial fairness and diversity,
7 new permits should not only be available for vendors,
8 but other industries also—should also be considered.
9 So we don't end overpopulate in the neighborhood and
10 saturating the city with cycle truck and hot—and food
11 trucks even though I love them. We need to have a
12 diverse and healthy mix of products available by our
13 street vendors. Order and safety must prevail.
14 Therefore a plan that addresses organization,
15 regulations, inspections, and enforcement should be
16 implemented sooner than later. In our city some
17 neighborhood are overcrowded with street vendors'
18 activities making it difficult to walk on the
19 sidewalk. A street vendor should not become
20 intrusive and an inconvenience to business owners,
21 residents and pedestrians. They should add value to
22 a neighborhood and make our city more attractive.
23 Since we started the New York Women's Chamber in
24 2002, we have turned away hundreds of women who come
25 to—who have come to our office seeking assistance to

2 get a street vendor's permit to start a micro
3 enterprise that will allow them to generate an income
4 to support their family. We are excited to see the
5 City is working to change that, and the Women's
6 Chamber applauds the efforts of Council Member Mark
7 Levine and other council members who are working to
8 increase the number of opportunities women would have
9 to enter the street vending industry, and would look
10 forward to working with you to make that happen.
11 Thank you very much.

12 JOHN BONIZIO: Good afternoon. Every
13 time I come here it's amazing how many people are
14 here when I get here, and how many people are left
15 when I leave. So I want to thank you for still being
16 here, the two of you in particular. My name is John
17 Bonizio. I'm the Chairman of the Westchester Square
18 Business Improvement District up in the Bronx. I've
19 also been tasked recently with the development of two
20 addition BIDs in the Bronx. Altogether we represent
21 378 commercial buildings and 729 merchants up in the
22 Bronx. My grandfather was a first generation Italian
23 immigrant who supports his family from the back of a
24 horse drawn vegetable cart in the early part of the
25 20th Century. I am told that he always put the cart

2 in front of the horse. He and my grandmother raised
3 11 children in their home in the Bronx and their
4 progeny grew in advance to become the hard working
5 professionals, tradesmen and entrepreneurs that are
6 part of the strong fabric of this city. As their
7 proud grandson, it is, therefore, with great regret
8 that I stand before you today in opposition to Intro
9 1303. The emotional side of me wants to support this
10 bill, but the practical side of me--another trait I
11 was told I get from my grandfather--knows that this
12 bill is flawed and an ill-considered mistake being
13 shoved down the throats of the City Council and the
14 City by a lame duck speaker whose motives, really
15 emotional--

16 CHAIRPERSON ESPINAL: [interposing] John--
17 John, are the--are the cheap shots necessary?

18 JOHN BONIZIO: No. I love Melissa.

19 CHAIRPERSON ESPINAL: It doesn't help
20 your cause.

21 SERGEANT-AT-ARMS: Keep it down please.

22 JOHN BONIZIO: Excuse me. Lame duck
23 means that she can run again, right.

24 CHAIRPERSON ESPINAL: Yeah, that's fine.

25 So--so--

2 JOHN BONIZIO: [interposing] Okay, so
3 it's not—it's not anything bad.

4 CHAIRPERSON ESPINAL: I think that there
5 are ways to--

6 JOHN BONIZIO: I understand. Okay.

7 CHAIRPERSON ESPINAL: I think there's
8 better ways to express yourself.

9 JOHN BONIZIO: [interposing] If you're
10 going to interrupt me, I will--

11 [Male protestor yelling]

12 CHAIRPERSON ESPINAL: I'm not stopping
13 anyone for talking. So you can go ahead.

14 JOHN BONIZIO: Okay. May I continue?

15 CHAIRPERSON ESPINAL: I'm not kicking you
16 out. Go right ahead.

17 JOHN BONIZIO: Thank you very much. I
18 hope I get the time back. Okay, but this bill is
19 more emotional than it is practical. Like the
20 Affordable Care Act, it has been introduced to
21 provide an answer to a problem that many recognize
22 but none have been able to adequately address, and
23 like Obamacare it has been introduced and is being
24 forced to a vote without the proper research and
25 study that are necessary to ensure that the impact of

2 the bill will not create unintended consequences that
3 will be detrimental to city's pedestrian and small
4 business communities. It's true this bill this bill
5 is overdue particularly the enforcement angle, but
6 that does not mean that you to pass it into law so
7 you can understand it. Throughout the past decade,
8 our city has adorned itself with one million trees,
9 street furniture, bike share racks, bus shelters,
10 kiosks and any number of other amenities that are
11 taking space from the pedestrians that traverse our
12 sidewalks. This bill will further reduce our already
13 overcrowded public spaces, and be exacerbated by an
14 inability to harmonize the needs of pedestrian
15 traffic flow with the unorganized site grads that are
16 sure to be the hallmark of vendor competition. The
17 politics of this legislation is obvious to nearly all
18 in this great chamber. This has been called—and I'm
19 not, this is not my words, this is in the press—The
20 Speaker's Bill, and it carries with a hands-off
21 warning that demands its approval from the rank and
22 file. But this bill is flawed, poorly contemplated
23 and ill-prepared to meet the needs of this growing
24 city. It is, therefore incumbent upon the members of
25 this great body to stand up and adhere to the oath

2 they took to protect this city and its people by
3 voting no until such time as a thorough data driven,
4 multi-stakeholder evaluation can be employed to
5 determine its true impact upon our city, and I remind
6 you that hope is not a strategy. Thank you.

7 CHAIRPERSON ESPINAL: Thank you.

8 COUNCIL MEMBER LEVINE: I am very happy
9 we've had a chance to have all your voices here on
10 the record. I've spoken to many of you, met with
11 many of you, most of you actually before today and I
12 look forward to continuing to meet with you, speak
13 with and get your input. Incredibly valuable. I
14 also appreciate the remarks of a couple of you
15 particularly Mr. Lambert and Ms. Blum who appeared to
16 understand the balance we are seeking to strike in
17 this legislation. While I understand the ways you
18 would like to see it improve, I appreciate you
19 acknowledging the way it solved many of the problems
20 that you face. For some of the others of you, I-I
21 think my role today is going to be to remind people
22 who haven't read the bill what the bill actually
23 does. This bill creates the first ever enforcement
24 unit for the City of New York dedi-dedicated solely-
25 solely to enforcing the rules around street vendors.

2 That has never existed for generations, and we are
3 seeking to do that here, and I find it pretty
4 stunning that someone could prepare remarks
5 describing a litany of problems, every one of which
6 is a lack of enforcement, without even acknowledging
7 that we have brought forth the first ever dedicated
8 enforcement unit. I'm—I'm assuming you haven't read
9 the bill, but I advise you to do and—and then I look
10 forward to hearing your feedback. As for the
11 comparison to Obamacare, which I will call bizarre, I
12 will say that if we have success comparable to
13 getting health insurance to 20 million Americans who
14 didn't have it, then—then I—I will be very proud of
15 our impact. But I—I do want to ask you—

16 JOHN BONIZIO: [interposing] Was that—was
17 that a question?

18 COUNCIL MEMBER LEVINE: --a question, Mr.
19 Bonizio. How many vendors are there on an average
20 day in the Westchester BID? Today for example, how
21 many? A rough estimate, guess.

22 JOHN BONIZIO: Four.

23 COUNCIL MEMBER LEVINE: You have four
24 vendors?

25 JOHN BONIZIO: Correct. [laughter]

2 MALE SPEAKER: [off mic] You should come
3 over to my street.

4 JOHN BONIZIO: There's a reason for that.

5 COUNCIL MEMBER LEVINE: Okay, so the-the-

6 JOHN BONIZIO: Because we enforce and
7 cause to enforce what the City does not enforce,
8 okay. So we are out there-

9 COUNCIL MEMBER LEVINE: [interposing]
10 Well, I'm not sure how a private individual is
11 enforcing the law. That's a little bit scary. I'd
12 like to perhaps understand that, but, I-I think--

13 JOHN BONIZIO: [interposing] It's very
14 simple. We call the police and we ask the police the
15 check their credentials.

16 COUNCIL MEMBER LEVINE: [interposing] I-I
17 think-how many blocks-how many blocks are--

18 JOHN BONIZIO: [interposing] Just wait.
19 I'm answering your question.

20 COUNCIL MEMBER LEVINE: Quickly please.

21 JOHN BONIZIO: I'm answering your
22 question. I've been here all day. We enforce by
23 calling the authorities and having the authorities
24 check their credentials. And as you know, as you've
25 said all day, there is a significant illegal vending

2 problem in the city of New York. True, this bill
3 brings forth an enforcement. I applaud that. It
4 also brings in other aspects, okay. In order for us
5 to get to the enforcement stage, we need to raise the
6 cap in the hope that that's going to change the
7 system. There's no reason why district attorneys and
8 police departments can't go over after what's illegal
9 before we do this.

10 COUNCIL MEMBER LEVINE: [interposing]

11 Okay, let's not--

12 JOHN BONIZIO: [interposing] This is like
13 treating a cancer--

14 COUNCIL MEMBER LEVINE: [interposing] We
15 got you. We got you.

16 JOHN BONIZIO: --by eliminating oxygen.

17 COUNCIL MEMBER LEVINE: No, it's not.

18 JOHN BONIZIO: It doesn't work.

19 COUNCIL MEMBER LEVINE: Another bad
20 analogy. Your--

21 JOHN BONIZIO: [interposing] Glad you
22 liked it.

23 COUNCIL MEMBER LEVINE: You got a pattern
24 her and once again I'm going to play my role for
25 today. This bill does not apply enforcement after we

2 have raised the cap and-and I think someone actually
3 said on the panel that it-it performs a study after
4 seven years. I believe that was you, Ms. Sorin

5 LISA SORIN: That's right.

6 COUNCIL MEMBER LEVINE: That it performs
7 a study after seven years of an in-increasing the
8 cap. So I'm going to remind you guys what's in the
9 bill. The bill says that for the first year the only
10 major implementation is of enforcement. That's the
11 first year, and that once that is underway, then we
12 can look at raising the cap by a very, very, very
13 small amount. I don't know what-what, five percent
14 of four vendors is, but I-I can tell you it is
15 modest, and as for the study, this is not a study
16 after seven years. We are created a Vendor Advisory
17 Panel, with-which your sector will have a seat on.
18 Let me repeat that. The BIDs will have a seat on,
19 and that task force is charged with creating a study
20 every year including the first year before there's
21 been any lifting of the cap. So, if there's anyone
22 who's putting the vending cart before the horse, I
23 think it's you guys, and we have been incredibly
24 thoughtful and balanced about rolling this out in a
25 way that will be a win for everybody. A win for

2 commercial districts who are desperate for more
3 enforcement. A win for vendors who just want to obey
4 the law and want to get out of the illegal market,
5 and a win for New Yorkers who want to be able to get
6 food when they are hungry on the street, but
7 obviously don't want to deal with excessive
8 congestion. So, we're over time on this panel. I'm
9 going to pass it back to the chair. Thank you.

10 CHAIRPERSON ESPINAL: [pause] Thank you.
11 Let's call the next panel. We have Paige Halper,
12 Institute for Justice; Ryan Devlin from John Jay
13 College; Alfonso Morales from the University of
14 Wisconsin; Kishnendu Ray, NYU Food Studies; Anna
15 Robinson from Food-Food Chain Workers Alliance.
16 [background comments, pause]

17 SERGEANT-AT-ARMS: Keep it down, please.
18 Quiet please. [background comments, pause]

19 CHAIRPERSON ESPINAL: You may begin.
20 Just state your name before your testimony.

21 PAIGE HALPER: Mr. Chairman, thank you
22 for the opportunity to testify in support of lifting
23 the caps on mobile food vending permits. My name is
24 Paige Halper, and I am the Outreach Coordinator at
25 the Institute for Justice. I'll be delivering the

2 remarks of IJ's Director of Strategic Research Dr.
3 Dick Carpenter whose full written testimony was
4 submitted prior to this hearing, and I brought copies
5 with me today. IJ is a national public interest,
6 civil liberties law firm that advocates for the
7 constitutional right of all Americans to earn an
8 honest living. For years we have been deeply
9 concerned about New York City's permit cap, which
10 keeps untold numbers of hardworking entrepreneurs out
11 of work or in the shadows. Lifting the caps on food
12 vending permits in New York City would open the way
13 for greater job creation, entrepreneurship and
14 economic expansion especially for those on the first
15 rung of the economic ladder, and it can be done while
16 maintaining public health and safety. My support for
17 lifting the cap is based on empirical research a
18 colleague and I recently conceded. In upwardly
19 mobile street vending and the American dream we
20 conducted a national survey of vendors as was as an
21 in-depth economic case study of New York City's
22 vending industry. We found that these diverse
23 hardworking business owners contributed more than \$70
24 million in taxes, nearly 18,000 jobs and over \$190
25 million in wages in 2012 alone. The city's vending

2 industry has generated a considerable amount of
3 economic activity even with the cap, and can make
4 even more sizeable contributions to the city's
5 economy if you lift the cap on permits. In a second
6 IJ Study: Street Eat Safety (sic) we analyzed more
7 than 260,000 food safety inspection reports from
8 seven large cities, and found that street food is as
9 safe as or safer than restaurant food. Our findings
10 suggest that the recipe for a clean and safe mobile
11 food vending simple: inspections. We support current
12 initial inspection requirements and lifting the caps
13 on permits would subject more street vendors to these
14 inspections. Thank you.

15 Hi, good afternoon. Thank you to the
16 committee for letting me testify here today. My name
17 is Diana Robinson, the Campaign and Education
18 Coordinator at the Food Chain Workers Alliance. On
19 behalf of the Food Chain Workers Alliance I am here
20 to voice our strong support to the Street Vendor
21 Modernization Act. The Food Chain Workers Alliance
22 is a national coalition of worker based organizations
23 who are—whose members plant, harvest, process, pack,
24 transport, prepare, serve and sell food. We are
25 working together to build a more sustainable food

1 system, one that not only provides healthy food, but
2 also ensures that the people who are making and
3 selling our food including street vendors in New York
4 City are treated fairly. As a native New Yorker, I
5 have enjoyed the foods from vendors my entire life.
6 From a hot dog to fruit juice they've always been
7 there when I needed a snack or a quick breakfast. I
8 was—I was first exposed to many difficulties food
9 vendors face when I was a college student. I
10 interned with a street vendors organization in East
11 Harlem, [speaking Spanish] that provided services,
12 helped to educate vendors on rules and represented
13 them in court. Through my internship, I saw the
14 hardworking vendors, the majority of them immigrant
15 women trying to raise families and give their
16 children better opportunities. I saw them trying to
17 achieve the American dream. They were also of great
18 value to the community providing foods that reminded
19 folks of home and exposing people to new tasty foods.
20 So for many years vendors have not been treated
21 fairly. The low cap on food vending permits imposed
22 in the early 1980s as the lobbying from big
23 corporations has created a system based on
24 exploitation and abuse. Exploitation at the hands of
25

2 permit owners who charge exorbitant rates—who charge
3 exorbitant rates to rent permits that they themselves
4 do not use. Abused at the hands of the police who
5 arrest and ticket vendors grave enough or desperate
6 enough—or brave enough or desperate enough to try
7 vending with permits just to support themselves and
8 their family. We know from our experience that
9 unlike most celebrity chefs we see on TV and unlike
10 most people who write books on food policy, the
11 majority of people who make and serve our food are
12 women, immigrants and people of color. This is
13 absolutely the case of street vendors in New York
14 City. They work long hours for little pay, and they
15 often do not have time to go to their community board
16 meetings. They often may not know who their council
17 members are, and yet the decisions made in this room—
18 in rooms like this dramatically affect their lives.
19 This Administration and the City Council have pledged
20 to address the inequality that exists in New York
21 City. Doing so creating a more just city and more
22 just food system can be controversial. Many people
23 in power, restaurant owners, real estate companies,
24 business associations will object. I ask you to
25 consider just as strongly as the thousands of workers

2 selling the food right now on the streets in the
3 communities across the city whose lives will change
4 forever if they receive a permit. Thank you for my
5 opportunity to testify today.

6 KISHNENDU RAY: [coughs] Thank you for
7 having me here. I'm Kishnendu Ray. I'm the Chair of
8 the Department of Nutrition Food Service and Public
9 Health at NYU, and—and I'm her to speak in support of
10 the Street Vendor Modernization Act. I think it has
11 the right combination of enforcement and judicious
12 expansion, which will not solve all the problems but,
13 in fact, ease some of the major ones of supply and
14 enforcement. I'm one of three principal
15 investigators on a research project street vending in
16 seven cities that includes New York, Toronto, Mexico,
17 Singapore, Shanghai and Sidney, and what—what we are
18 finding is based on the seven-city study of street
19 vending, we are finding that city governments are
20 changing their attitude towards street vendors from
21 opposition, which is a very 20th Century model to
22 better regulation and accommodation in the 21st
23 Century, and Sidney and for instance Shanghai and
24 Singapore look towards New York City and New York
25 City's regulations as model of the 21st Century, and

2 I think this Street Vendor Modernization Act is a
3 terrific example of that as street vendors are
4 increasingly seen as important to the character of
5 the city with a couple of things in mind. First, as
6 has been pointed out as an important source of
7 livelihood for migrants, veterans, micro
8 entrepreneurs, and good research shows that was cited
9 before that street vending—vending in New York City
10 contributes to almost 18,000 jobs, \$200 million in
11 wages, approximately \$70 million local, state and
12 federal taxes. And good research shows that the
13 increase of opportunity happens and this is important
14 with no additional public health risk. A study—a
15 number of studies have shown that street vendors are
16 about the same in terms of health—the following
17 health regulations as restaurants and—and other
18 businesses. So there is increasing consensus amongst
19 researchers that better enforcement and easing of the
20 demand curve in the underground economy will in some
21 extent reduce risk in the street vending domain,
22 which will encourage innovation in terms of food.
23 And, what is—what is available in terms of
24 nutritional, sustainable and interesting food that
25 could become available with well regulated street

2 vendors, which ensures better access to livelihoods
3 and micro entrepreneurship, and makes cities more
4 lively and secure with more regulars in street
5 corners. So, with that, I would say that the Street
6 Vendor Modernization Act can become a model of
7 flexible and innovative management of public space,
8 access to livelihoods and attention to liveliness of
9 cities. Thank you.

10 ALFONSO MORALES: Good afternoon. My
11 name is Alfonso Morales. I'm a Professor of Urban
12 and Regional Planning at the University of Wisconsin
13 in Madison. I'm very thankful for the opportunity to
14 speak here in support of Intro 1303 in support of
15 increasing the number of mobile food permits in New
16 York City. Let me say that street vendors are
17 important part of the ecology of retail. I have been
18 for more than—for more than century in this country.
19 We have to remember that street vendors and that type
20 of retail activity preceded storefront retail on many
21 occasions, and dominated the retail sector for—for
22 the majority of the history of the country. For 25
23 years, I've written about this history as well as
24 contemporary aspects of street vendors and market
25 places, and for those 25 years, the lessons in my

2 work have been applied in a variety of jurisdictions
3 including here in New York City. My research is
4 published in a variety of peer reviewed academic
5 journals and books and discussed in periodicals
6 around the county and I work with jurisdictions
7 around the country to support the integration of
8 complete streets of favorable opportunities across
9 the great use of retail activity. Let me suggest
10 three evidence based rules that fully we can all
11 support. After each of these sentences there are
12 numerous citations that we can supply with respect to
13 the veracity of these claims. First of all,
14 increasing the number of permits makes for a more
15 robust and retail environment, not simply by
16 increasing the number of retail activities, but by
17 making more dense the supply chains associated with
18 that activity. Food carts and trucks do make options
19 available to people, but they also help dispose of
20 unwanted activities in warehouses and other aspects
21 off the—the supply chain. It's very important to
22 understand that legislation like 1303 releases the
23 creative energy people are bringing from the
24 immigrant experiences as was discussed by a number of
25 people earlier, and channels that energy.

2 Regulations help channel the energy towards mutually
3 advantageous goals that we all seek. It's very
4 important to focus on that important part of this
5 legislation. I think it's also very important to
6 understand that increasing the number of permits will
7 change people's perspective about the black market
8 activities that they're engaged in. When we increase
9 the number permits, people can see the option that
10 they have to engage in legitimate activities. If we
11 take their perspective, we can understand how they
12 can make a choice in this matter. Third, and I think
13 this is also quite important, we must be able to see
14 that street vendors are business people. They have
15 succession planning that they need to do. They often
16 want to grow beyond the street in the storefront and
17 other activities. It's very important to assemble
18 teams that comprehend the variety, not simply the
19 regulatory side, but the economic development
20 opportunities that are associated with street
21 vendors. So it is this tra—this trajectory that I
22 think we all can support. Finally, the city should
23 recognize the value of this implementation strategy,
24 increase the number of permits over a number of years
25 helps accommodate the various interests in play,

2 brings people to the table to reconcile the very
3 difficult and different positions that—that they may
4 have, and helps us to see the arguments people might
5 have as moments in good conversations. The increased
6 costs of vending permits will support the business
7 aspirations involved, and I think that the city and
8 the administration working together supported-by
9 providing support services to these ambitious
10 entrepreneurs will help mobile vendors spread the
11 benefit of their hard work across this great city.

12 Thank you for your attention.

13 RYAN THOMAS DEVLIN: [coughs] Hello, and
14 thank you for giving me the opportunity to speak
15 today concerning today's proposed legislation. My
16 name is Ryan Thomas Devlin. I'm a Professor of
17 Public Administration at John Jay College here in New
18 York City, and I have spent the last ten years
19 researching and writing about street vending
20 informality and conflicts over public space here in
21 New York. My testimony here today is based on
22 evidence from my research, and based on this evidence
23 I support Intro 1303 because I feel it represents a
24 common sense even-handed improvement to an overly
25 restrictive and ultimate ineffective set of laws

2 currently in place. I think that's something that
3 both people who are against and for this bill have--
4 that's the one consensus I think we've had here this
5 morning and afternoon that the current rules don't
6 work. Vending laws that exist now serves to
7 encourage informal activity and underground markets.
8 This happens whenever laws regulating commercial
9 activity are written in ways that do not reflect
10 social economic reality on the ground. This is
11 simple--it's a simple matter in many ways of supply
12 and demand. There is a pent up demand for the goods
13 and services that food vendors provide, and food
14 vendors are trying to meet this demand, but are
15 prevented from doing so legally and efficiently
16 because of out-of-step regulations and overly
17 restrictive regulations particularly in regards to
18 permits. Raising the number of available permits
19 better reflect the economic and social realities on
20 the ground would go a long way to solving issues of
21 information practice, and black markets. In fact, it
22 was mentioned before while we raised the number of
23 permits won't that just increase the number of people
24 on the black market, and that--that doesn't-- The
25 value of the black market is dictated by scarcity.

2 If you increase the amount of permits, the black
3 market will at the very least go—reduce and probably
4 go away. It's not that people want to be in the
5 black market, it's that it exists because this is a
6 valuable bill because they are scarce. Obviously,
7 when markets functions in ways that produce
8 unacceptable side effects, government has a role to
9 step in and impose some limits and parameters for the
10 good and society as a whole. Now, one of the
11 problems with the current set of street vending
12 regulations, however is that most of these laws were,
13 especially in the early 1980s, put in place to
14 benefit the interests narrowly defined as business
15 and property interests particularly in Midtown. For
16 instance, the cap on food vending permits, which was
17 put in place by Local Law 17 of 1983 reduced the
18 number. There were 9,000 street vendors doing
19 business in the city prior to this. It capped the
20 permits at 3,000. This wasn't by the way the first
21 hard cap on permits on food vending permits in the
22 city's history, and this artificially low number was
23 arrived at largely due to pressure at the time.
24 Remember New York was emerging from the fiscal crisis
25 of the '70s and it was very open and very receptive

2 to pressure, particularly for Midtown property
3 interest to reduce vending. So we've come a long way
4 since the 1980s. New York is no longer in fiscal
5 crisis and—and the same crisis was in the '70s,
6 street vending is seen a vital welcome addition to
7 city life. Many cities, as was mentioned by my
8 colleague, across the country tried to encourage
9 street vending in every form, laws to make street
10 vending easier. New York should follow suit, and
11 resist catering to the narrow interests of anti-
12 vending set at the expense of everyday New Yorkers.
13 City government—in closing, city government should
14 not be in the business of playing favorites between
15 interests groups or progressive by a new Council that
16 cares about the needs of regular working class New
17 Yorkers should pri—prioritize the interests of
18 everyday citizens. Vendors want to pursue the
19 American dream through hard work and
20 entrepreneurialism. New Yorkers want inexpensive and
21 convenient—and innovative food. Let supply meet
22 demand and raise the cap. Thank you.

23 COUNCIL MEMBER LEVIN: Thank you, Mr.
24 Devlin, Professor Devlin. We—we are—we still have
25 over 50 people who want to testify, so I'm not going

2 to detain you further, but I—I do want to thank all
3 of you for—for your perspective. We truly appreciate
4 the—the legal angle on questions of immigrant issues,
5 and to our three academics, you've raised something
6 in our justified discussion of—in terms of our
7 congestion and sanitation issues that we focused on
8 this morning, we really hadn't had time to address,
9 which is the fact that most New Yorkers would rather
10 not live in a sterile shopping mall. Most New
11 Yorkers want to live in a place with life and
12 character. That's why people generally choose to
13 live in New York City, and street vendors do add to
14 the vibrancy and diversity of the landscape, and this
15 an important point to make, and I—I appreciate all of
16 you expounding on that today. Thank you very much.

17 RYAN THOMAS DEVLIN: Thank you, Chair.

18 COUNCIL MEMBER LEVIN: Next up we have—
19 I'm excited that we have a panel of advocates for
20 veterans, and the disabled. We have—forgive me if
21 I'm mispronouncing your name. Beazer Pits—Pifka.
22 Forgive me if I'm mis--mispronouncing that. We have
23 Robert Letterman, James Kreshner (sp?)—Again, I'm—
24 Barbara Morris, Dan Rossi, Christian Rouse, and
25 forgive me, Armando Crecen—Crecensi. Okay, if I had

2 that correctly. If-if I called your name if you
3 could please make your way up here. We're excited to
4 hear from you. [background comments, pause]

5 BEAZER PITZKER: Yeah, good afternoon.
6 My name Beazer Pitzker. (sp?)

7 COUNCIL MEMBER LEVINE: [interposing]
8 Sir, if you could sit only so that we have your voice
9 on the microphone. [pause] And-and if you could
10 tell us your name again.

11 BEAZER PITZKER: My name is Beazer
12 Pitzker. I'm a member of the Disabled Veteran
13 Vending Advisory Committee, a Board established by
14 General Business Law 35-A in conjunction with the
15 Department of Labor to help promulgate the rules with
16 our city agencies. I am here to speak in strong
17 opposition to Intro 1303, or as Madam Speaker refers
18 to it as the Street Vendor Modernization Act. On May
19 11, 2015, Speaker Melissa Mark-Viverito along with
20 Council Member Donovan Richards and Move Systems' CEO
21 James Meeks announced the pilot program to provide
22 500 safer, cleaner and more environmentally friendly
23 food carts to vendors throughout our city's
24 neighborhoods. With the pretense of an unselfish
25 objective our most crowded streets were subjected to

2 an unsafe experiment with an unproven model for the
3 benefit of greedy and wealthy corporations. I am
4 here to provide evidence that these so-called safe
5 carts are anything but that. In fact, in my view and
6 the view of many horrified bystanders, these carts
7 are extremely dangerous incendiary devices that can
8 and have exploded in a flash, literally. On the
9 morning of October 8, 2016 on 52nd Street and Sixth
10 Avenue at the southwest corner a Nathan's Corporation
11 Hot Dog cart built by Move Systems Corporation burst
12 into flames and was engulfed by intense fire, heat
13 and toxic black smoke within seconds. Thankfully, it
14 was a pre-lunch and typically the massive crowds and
15 lines for food had not yet formed. Imagine what
16 could have happened had this safe environmentally
17 food friend cart ignited then? I have some posters.
18 [off mic] This is the Nathan's cart, okay. This is
19 as the fire department is coming up, I spoke to the
20 captain, and then they decided to precipitously move
21 out of the way because they were afraid that this
22 cart might explode. Now, as you'll see that Murphy's
23 Law also comes into effect with a booted—a booted
24 vehicle that was unable to move because of the city's
25 Booting Law. So that's an unintended consequence.

2 COUNCIL MEMBER LEVINE: If-if you can
3 wrap up, Mr. Pitzker. We have--

4 BEAZER PITZKER: [interposing] Yeah, I'll
5 wrap u.

6 COUNCIL MEMBER LEVINE: --a long list of
7 people waiting to testify.

8 BEAZER PITZKER: Okay, I just would like
9 the same courtesy as the others. There are the
10 police who were afraid--the fire department, our brave
11 fire department who were afraid to move upon this
12 cart thinking that it might explode. So in wrapping
13 it up, why should the citizens and the vendors of New
14 York City as I have seen and heard of these foods--
15 food carts going up in flames in many ways. And I
16 have a vide, by the way, that portrays--

17 COUNCIL MEMBER LEVINE: [interposing]
18 Okay, so we have--we have dozens of people waiting to
19 speak. Please wrap up.

20 BEAZER PITZKER: Unfortunately, this
21 isn't an isolated incident. I have heard of other
22 incidents, but not have had the time to independently
23 investigate them. I also hope that some of the
24 reporters in this room will assist in helping us
25 document these other instance--instances. It would

2 not be in the best financial interest of Move
3 Systems' leadership--

4 COUNCIL MEMBER LEVINE: [interposing]

5 Alright, thank--thank you, sir. So we have to move on.
6 We do appreciate your time.

7 BEAZER PITZKER: --to inform the Speaker
8 and the City Council or other interested parties--

9 COUNCIL MEMBER LEVINE: [interposing] You
10 can submit your full comments for record in writing--

11 BEAZER PITZKER: --of this dangerous--

12 COUNCIL MEMBER LEVINE: --but we need to
13 move on.

14 BEAZER PITZKER: --nature of these carts.

15 COUNCIL MEMBER LEVINE: Thank you, sir.

16 BEAZER PITZKER: That you are well aware
17 of.

18 COUNCIL MEMBER LEVINE: Alright.

19 BEAZER PITZKER: Okay?

20 COUNCIL MEMBER LEVINE: We appreciate
21 that.

22 BEAZER PITZKER: If you want to--

23 COUNCIL MEMBER LEVINE: [interposing]

24 Please proceed.

25

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2 BEAZER PITZKER: --address the black
3 market--

4 COUNCIL MEMBER LEVINE: [interposing]
5 Alright.

6 BEAZER PITZKER: --or the underground
7 economy--

8 COUNCIL MEMBER LEVINE: [interposing] We--
9 we got you, but we do need to move on. You're taking
10 time from dozens of people.

11 BEAZER PITZKER: [interposing] I also have
12 information on that.

13 COUNCIL MEMBER LEVINE: Sir--

14 BEAZER PITZKER: [interposing] I have
15 contracts.

16 COUNCIL MEMBER LEVINE: --you had three
17 minutes.

18 BEAZER PITZKER: --lease agreements.

19 COUNCIL MEMBER LEVINE: Your time is up.

20 BEAZER PITZKER: Okay.

21 COUNCIL MEMBER LEVINE: We need to move
22 on. Please proceed.

23 ROBERT LETTERMAN: [coughs] My name is
24 Robert Letterman. I'm the President of Artists
25 Response to Illegal State Tactics for Artists. I

2 represent the city's 2,000 street artists. Most
3 politicians like the ones sitting in front of me have
4 a public and a private face, public story that they
5 tell about this bill Intro 1303 and a private hidden
6 corrupt agenda that's behind this bill. If you want
7 the real story on this bill to #stopintro1303 or
8 Facebook Stop Intro 1303. There are hundreds of
9 documents that will show you that this bill is an
10 attempt to privatize all vending to turn it over to
11 one corporation, and to use immigrant vendors as a
12 ploy to get this company, which is only allowed to
13 have one permit, thousands of permits. It's a
14 totally corrupt and sinister deal. Now, why does
15 this company need thousands of permits? Because
16 based on City Council law, they're only allowed to
17 have one. So, as the Speaker is term limited now,
18 she's been talking about releasing these permits for
19 her entire time in the City Council. So she's
20 waiting to the last year to suddenly get behind this
21 corporation and pretend that this bill is about
22 helping immigrant vendors. Now, let me tell you
23 something about the group that pretends to represent
24 these vendors. SVP, which is known on the street as
25 the Surveillance of Vendors Project financed by the

2 City Council, by the U.S. Justice Department, by
3 banks, by the real estate industry, by everybody
4 that's a traditional enemy of vending. That's who
5 finances the Street Vendor Project, and the only
6 vendor group in all of New York City that the City
7 Council invites to these hearings or deals with, and
8 we see Sean Bazinski going in and out of their
9 offices all day is SVP. And then they pretend to
10 thank him for your wonderful advocacy for the city's
11 vendors. None of the city's vendors except this
12 small group of people is SVP will ever deal with the
13 group. I was on the original Board of Directors. I
14 helped them be founded. He came to me and wanted
15 letters of recommendation. I was on the Board of
16 Directors with other people in this room. After the
17 first meeting we realized this is a stooge for the
18 City Council. This is not a vendor advocate. So
19 lastly-lastly, I want to say this about the black
20 market all you're going to do is duplicate the
21 problems that are here today, and double that because
22 nobody who's making a good living in the black market
23 is going to become an employee of Move Systems that
24 going to be able to surveil every single sale they
25 make. It's partly run by a company—a credit card

2 company that's going to take a cut from every hot dog
3 and shish kabob, and it's going to have advertising--

4 COUNCIL MEMBER LEVINE: [interposing]

5 Thank you, Mr. Letterman.

6 ROBERT LETTERMAN: The people that are
7 behind this company are billionaires not vendors, not
8 immigrants--

9 COUNCIL MEMBER LEVINE: [interposing] We-
10 we-thank you--

11 ROBERT LETTERMAN: --billionaires--

12 COUNCIL MEMBER LEVINE: Thank you, Mr.
13 Letterman.

14 ROBERT LETTERMAN: --from Wall Street and
15 the financial industry.

16 COUNCIL MEMBER LEVINE: We need a new
17 line.

18 ROBERT LETTERMAN: [yelling] Stop Intro
19 1303.

20 COUNCIL MEMBER LEVINE: We go—we got you.
21 [laughter/applause] Time—time to move on, please.
22 Thank you.

23 KRISTIN ROUSE: Good afternoon. [pause]
24 I am neither an artist nor a street vendor.
25 [background comments, pause] My name is Kristin

2 Rouse. I'm a veteran of the United States Army. I
3 served three tours of duty in Afghanistan, and I live
4 in Brooklyn. I am testifying on behalf of the more
5 than 200 dues paying members of the New City Veterans
6 Alliance several of whom are street veterans street
7 vendors, and who have been active in advocating for
8 reforms for New York city street vendors. Street
9 vending is a time honored tradition in New York City,
10 but our system for regulating and supporting this
11 vibrant community of entrepreneurs must re-must be
12 streamlined and updated to reflect today's economy
13 and needs, and to minimize the costs and restrictions
14 for hardworking people to make a living. For these
15 reasons we support the spirit and intent of this
16 package of street vendor modernization legislation.
17 Yet, we must remind this committee that veterans
18 street vendors have been central to New York City's
19 street vending community going back more than a
20 century, and veteran vendors merit both protection
21 and preference as the city modernizes its policies
22 and regulations. Veteran street vendors have been
23 the heart and soul of New York City's veteran
24 entrepreneur community going back to 1894 when New
25 York State established the law that assured disabled

2 Civil War veterans free and unrestricted access to
3 selling goods on the street. Today, New York City
4 has more than 1,700 veterans street vendors. Yet
5 city policies, restrictions and selective enforcement
6 has significantly scaled back the ability of veteran
7 vendors to make a living as intended by the original
8 law. Street vending is a hard job, and made it even
9 harder by complicated rules and restrictions that
10 make vendors easy targets for summonses and fines
11 that take away profits. This hefty cost of doing
12 business also feels like a betrayal of veterans who
13 were once promised unrestricted access to vending on
14 the streets. We fully support bills that streamline
15 regulation of street vending so that no one is unduly
16 punished for just trying to make a living, but we—but
17 we remind this committee that veterans must be
18 specified in these bills as a protected class of
19 street vendors. We've heard from veteran street
20 vendor that they feel unfairly targeted and fined by
21 police especially in the Midtown core while
22 unlicensed vendors appear to operate freely. City
23 policy has over the years eroded and restricted the
24 freedoms of veteran vendors provided by the original
25 state law with only their-only—with their only

2 apparent recourse being to sue the City. Our city
3 government can and must do better to honor the
4 service of veterans and the historic protections that
5 New York provides our veteran street vendors. We,
6 therefore, make the following recommendations:

7 1. Any reformed legisdate-legislation
8 must make mention of veterans in order to retain and
9 reinforce these protections. As it currently stands,
10 1303 makes only a mention that the law will not
11 interfere with State law pertaining to veteran
12 vendors. This is not enough.

13 2. Any raising of caps on mobile food
14 vending permits must protect the current minority of
15 veteran street vendors. We believe that veteran
16 vendors make up approximately 15% of New York City's
17 voting population. Set asides for veteran vendors
18 must not fall below this 15% mark.

19 I want to throw the remaining comments
20 into the permanent record. Thank you for the
21 opportunity to testify.

22 COUNCIL MEMBER LEVINE: Thank you, Miss-
23 Miss Rouse. [applause]

24 SERGEANT-AT-ARMS: Please. There's no
25 applause.

2 COUNCIL MEMBER LEVINE: Folks, we have a
3 tradition around here that if you want to express
4 approval, we go like this. This is the New York City
5 way, the New York City Council. Ms. Rouse, if--

6 MALE SPEAKER: [interposing] Thanks my
7 approval.

8 COUNCIL MEMBER LEVINE: Ms. Rouse, so
9 that I can express proper deference, would you mind
10 telling me what--what your rank was in--in the
11 services.

12 KRISTIN ROUSE: I am currently a Captain
13 in the Army Reserves.

14 COUNCIL MEMBER LEVINE: Okay. Captain
15 Rouse, I want to thank you both for your service to
16 the nation. I want to thank you for your service to
17 the veterans in New York City, and I want to thank
18 you for offering a very thoughtful, reasonable and
19 effective piece of testimony. I just want to clarify
20 one thing, which is that our bill currently more than
21 triples the number of permits that are set aside for
22 vendors from the currently 100 to 345.

23 KRISTIN ROUSE: That's great.

24 COUNCIL MEMBER LEVINE: But no, we--we are
25 very proud of it.

2 KRISTIN ROUSE: If-if we could specify
3 veterans in-in assuring that that is, in fact--

4 COUNCIL MEMBER LEVINE: [interposing] It
5 does-it does specify that.

6 KRISTIN ROUSE: Because it's--because the
7 count that I saw does not have--does not have veterans
8 called out specifically. I-I may not have not have
9 seen the updated copy.

10 COUNCIL MEMBER LEVINE: If-if-if you read
11 the whole bill, it's in-it's in-it's in a later
12 section. It makes--makes reference to that and it's
13 explicit.

14 KRISTIN ROUSE: And again, not-not to
15 quibble, but it was not in the-it was not in the
16 version that we have now.

17 COUNCIL MEMBER LEVINE: [interposing] I
18 think you have to read a little bit farther down.

19 KRISTIN ROUSE: I-I-I word searched and I
20 scrolled several times.

21 COUNCIL MEMBER LEVINE: Okay. [background
22 comments, pause] I'm just-okay. It's-it's just some
23 complicated letter sorting course, but it's--because
24 it's--because veterans are specified in the code, the

2 amended language doesn't make redundant reference but
3 it's quite explicit but--

4 KRISTIN ROUSE: [interposing] And the
5 for instance the definitions of veterans. We tried
6 cross-reference, but it-it does not-the-the quantity
7 of permitting it's--

8 COUNCIL MEMBER LEVINE: [interposing] I-
9 I-I would love to work with you to fix that. I-I
10 think there's no intent there to-to erase the role of
11 veterans. Our intent is to dramatically increase the
12 number of permits for veterans, and if you can send
13 us some good language for making that explicit we
14 would love to work with you on that.

15 KRISTIN ROUSE: Will do, sir.

16 COUNCIL MEMBER LEVINE: Okay, please.

17 BARBARA MORRIS: My name is Barbara
18 Morris. I'm the widow of a disabled veteran and I
19 have a valid food operator license. I have been
20 stuck in court for the past seven years fighting to
21 get a food cart permit under State laws banning
22 disabled veterans the right to vend because the city
23 refuses to give us priority for citywide permits.
24 I'm opposed to this proposal as it's written. If
25 Council Member Levine, you're serious about helping

2 immigrants and veterans both disabled and non-
3 disabled, before any proposal is enacted it's crucial
4 that this Council demand a clean list of all permits
5 issued to date to ensure that every permit is valid,
6 and every permit holder is legitimate and not just
7 lessee. In the past or before—in the past the Health
8 Department failed to remove the names of permit
9 holders that were revoked or expired. Thereby,
10 creating the illusion that the cap was reached and
11 there were no permits available. That proved to be
12 untrue as permits were being stockpiled. It's very
13 unlikely that there are a large number of permits
14 available right now, and there may not be a demand
15 for the larger numbers proposed in this bill, which
16 will dramatically increase the numbers to well over
17 double. Additionally, a few years ago the Health
18 Department wiped out all priority when it stopped
19 including license numbers on our licenses. We all
20 know there's a tremendous amount of illegal permit
21 leasing and no accountability as to the manner in
22 which food cart permits are issued by the department.
23 So a magical mystery lottery. It is cloaked in
24 darkness. If, in fact a list for citywide permits
25 prior to 2011 was created by a lottery, that list

2 must be abolished. Citywide permits must be issued
3 by the original date of the issuance of the license
4 to ensure that the process is fair with veterans
5 getting the highest priority. Currently, there is no
6 waiting list for disabled veterans. The 2007 list
7 was exhausted in 2012, and a new lists will not be
8 created--this is important, sir-- I will wait until
9 you're finished. I'll start again. Currently there
10 are no waiting lists for disabled veterans. The 2007
11 list was exhausted in 2012, and a new list will not
12 be created until after both the existing disabled
13 person list and the existing veteran are exhausted.
14 There are approximately 200 people combined in both
15 lists. In giving we--I don't understand why are we
16 the only category to be restricted to a 5% cap? But
17 giving 35 permits a year means it's going to take six
18 years before a list for a disabled veteran will even
19 be created for a citywide permit. Get it? I would
20 like to ask the sponsors of this bill where do I
21 stand as 69-year-old woman holding a license since
22 2009 in the disabled veteran category? There's no
23 list? Am I in the general pool? Where am I? It
24 appears from this proposal that I and all other
25 disabled veteran category are relegated to the lowest

2 denomination or is it rather that according to
3 paragraph 5 under the General Business Law, Section
4 32 all veterans and non-veterans will be issued
5 citywide permits above the 5% cap without having to
6 be on any waiting list. The Council needs to do its
7 homework carefully and honestly if it's serious about
8 helping immigrants and veterans both disabled and
9 non-disabled. Thank you.

10 COUNCIL MEMBER LEVINE: Thank you, Ms.
11 Morris. Please, sir.

12 DAN ROSSI: Yes, sir. Good afternoon.
13 My name is Dan Rossi. Councilman Levine, I'd like to
14 just ask you a simple question. We're all here as
15 vendors and veteran vendors, and we want to see
16 everyone go to work, and you've been--there's--there's
17 people here who want to go to work. They're working
18 illegally. Now, if one of those persons was to get a
19 permit today, and his business didn't pan out, and he
20 found a steady job somewhere, what do you think he's
21 going to do with that permit? The first thing that
22 person is going to do is lease the permit, and you
23 take it the other way. Let's say he's very
24 successful. What do you think he's going to do? He's
25 going to go out and lease another permit to put a

2 second cart on the street. That's business. When in
3 1995, when this city knocked out the companies, they
4 imploded the industry. We had 2,000 permit sitting
5 in the drawer for two years. No one wanted them
6 because the city said you couldn't lease it. Do you
7 know what Mayor Giuliani did? He changed the policy,
8 and he put the word out that you can now lease your
9 permit. They actually set up tables in the Health
10 Department for brokers that as a person got a permit,
11 he would go to the table, put his name on a list, and
12 that company would find someone to lease that permit.
13 So when you asked what do you do to people who are
14 leasing permits, you do nothing to them. Not if it's
15 city policy to allows leasing. If you were to right
16 now magically get rid of the black market, the food
17 vending industry would cease to exist since 90% of
18 the permits out there are involved in the black
19 market. You're going to created 4,025 more permits
20 for the black market. That's what you're going to
21 do. This is an industry. This is not one person,
22 one permit. It doesn't work that way. Every person
23 who gets a cart has to go into a commissary. For
24 that commissary to exist, it has to have a number of
25 carts. Those carts come from the black market. When

2 the permits were taken from the companies, 80% of the
3 commissaries shut down. Giuliani had a heart attack.
4 He didn't what to do. No one was coming to get the
5 permit. So the City of New York and the City Council
6 right here created the black market. Karen Koslowitz
7 was here, and was complaining about four carts on-on
8 the street in her neighborhood. She sat on the
9 Street Vendor Review Panel. They closed hundreds and
10 hundreds of streets in Manhattan. Where did you
11 think the carts were going to go? When you create
12 your first 575 permit carts, Westchester Square is
13 not going to have four carts. It's going to have
14 eight carts. Where are they going to go? Do you
15 understand this is an industry that it has to be
16 considered an industry, and you have to talk to the
17 people in the industry, not talk to the people that
18 are trying to encourage black market. That's about
19 it.

20 COUNCIL MEMBER LEVINE: Thank--thank you
21 for getting it right on three minutes. We appreciate
22 that. Thank you, panel.

23 DAN ROSSI: Okay, let's go home.

24 [background comments, pause]

2 CHAIRPERSON ESPINAL: Let's call up the
3 next panel. Ellen Goldstein from Times Square
4 Alliance, Jessica Lappin from Downtown Alliance,
5 Frank Wessels from SoHo Broadway Initiative, Mark
6 Dicus from SoHo Broadway, John Doyle from REBNY, Rob
7 Burns from the East Midtown Partnership. [background
8 comments, pause] And I would also like to call up Rob
9 Bookman. [pause]

10 SERGEANT-AT-ARMS: Can we have it quiet,
11 please on floor. [background comments, pause] Can we
12 have quiet, please?

13 ELLEN GOLDSTEIN: Thank you for the
14 opportunity to testify today. My name is Ellen
15 Goldstein, Vice President of Policy, Planning and
16 Research for the Times Square Alliance. First, we at
17 the Alliance want to thank Speaker Mark-Viverito,
18 Council Member Levine, and Chair Espinal for stepping
19 up to address such a complex issue. We agree with
20 the authors of these bills that street vendors are an
21 essential part of New York City's fabric, providing
22 economic opportunities for hardworking individuals
23 many of whom are immigrants and contributing to a
24 vibrant street life. We also agree that New York
25 City's vending regulations are confusing, convoluted

2 and long overdue for comprehensive reform. As the
3 stand today, vending rules do not work for anyone,
4 not for vendors, not for mom and pop stores, the
5 property owners and not for the officers tasked with
6 enforcement. Accordingly, we think that Intro 1303
7 subject to certain modifications and clarifications
8 present an important first step towards creating more
9 rational vending regulations and contains the seeds of
10 some powerfully potential reforms-powerful reforms.
11 Rather than delve deeply into the specifics of bills
12 that we will surely evolve in the coming weeks, we
13 wish primarily at this point to speak of a few core
14 principles that we feel should guide how the Council
15 and the Administration approach any vending reform
16 legislation.

17 1. Criteria require hard data about
18 pedestrian safety and flow should guide time, place
19 and manner of vending regulations rather than
20 endlessly modifying hundreds of one-size-fits-all
21 requirements that no one can remember. Is it three
22 feet from a curb or is it five feet from a fire
23 hydrant? Is that on a wildly crowded 15-foot wide
24 sidewalk next to a subway station or on barren 25-
25 foot sidewalk next to the west side highway? We

2 believe the starting point should be explicit
3 objective criteria which lead to a rigorous and
4 factual analysis of zones that have been identified
5 as especially problematic. Those criteria would
6 fundamentally related to how many people are on the
7 sidewalk, how many people are forced to walk in the
8 street, what are the entry and egress flows
9 immediately adjacent. Use Nationally Codified Level
10 of Service Analysis developed by transportation
11 experts with a guide for determining whether a
12 sidewalk is functioning well or not or if crowding is
13 endangering pedestrians. Hard facts will help
14 identify real problems and solve them.

15 2. Help clear mechanism for identifying
16 potentially problematic zones and allow communities
17 to have a say in the process. Make sure that there
18 is a clear process for having DOT identify areas that
19 need potential study, but the community should have a
20 voice as well even if it's not definitive.

21 3. Ongoing and iterative review of
22 regulations should be informed by the community
23 criteria and facts. Any ongoing policy setting body
24 should have true community representation input and
25 have criteria related to pedestrian flow and safety

2 and be required to regularly review and update both
3 regulations and the regularly refreshed data that
4 drivers them. Our sidewalks and public spaces are
5 utilized in innumerable ways both to accommodate
6 pedestrians and to accommodate commercial activity.
7 They have changed considerably since so many of the
8 vending regulations were last updated and will change
9 again in the future. These bills contain the seeds
10 of larger reforms if they are modified to require the
11 city and the communities' voice in the process, and
12 to recognize the unique characteristics and ever-
13 changing facts of our communities. They have great
14 potential. Thank you.

15 CHAIRPERSON ESPINAL: Thank you.

16 FEMALE SPEAKER: Hello. I'm reading
17 testimony on behalf of Jessica Lappin, President of
18 the Downtown Alliance. The Downtown Alliance is a
19 business improvement district representing Manhattan
20 south of Cambridge, and we are pleased that the
21 Council is tackling a comprehensive overhaul of
22 street vending. Lower Manhattan and New York City—is
23 New York City's second largest business district. It
24 is home to nearly 90 million square feet of
25 commercial real estate, more than a quarter million

2 jobs, over 1,000 store front businesses and over
3 60,000 residents, and that does not include the 14
4 million who will visit Lower Manhattan this year.
5 Street food vending has long been part of Lower
6 Manhattan's landscape. Clean, well regulated and
7 appropriately located street vending can provide a
8 pathway to business ownership for veterans and low-
9 income New Yorkers while contributing positively to
10 the overall retail landscape of the district. That
11 said, today's poorly thought-out regulatory system
12 has led to lax enforcement and a chaotic street
13 environment that advantages pedestrians and others
14 who compete for the use of our crowded streets. The
15 bill represents a long overdue effort to rationalize
16 the city's approach to street vendor regulations,
17 pairing a gradual increase in vendor licenses with
18 ramped up enforcement, and a serious review of many
19 locations is a reasonable and welcome approach. This
20 initiative is a crucial chance to get things right
21 and balance needs of our brick and mortar small
22 businesses and vendors. With that in mind, unless
23 certain items below are addressed, it will be hard
24 for any real reform or rationalization to take place.

2 1. Intro 1303 proposal is to allow the
3 Department of Health to entirely eliminate the
4 existing cap on street vendor licenses after March 1,
5 2025, is inconsistent with the City Council's intent
6 of taking a measured and responsible approach to
7 issuing additional permits. It unnecessarily
8 eliminates the Council's own authority, cuts out
9 communities and makes numbers proposed in legislation
10 moot. That should be eliminated. The report—the
11 proposed Office of Street Vendor Enforcement is
12 vaguely defined by Intro 1303. It failed to identify
13 an agency to be responsible for enforcement, and then
14 establish adequate staffing and sufficient resources
15 on a citywide level to deal with issues of vendor
16 cart friendliness and sanitation.

17 2. Intro 1303 further establishes a new
18 vendor—a new Street Vendor Advisory Board. The SVAB
19 appears to be charged with preparing recommendations
20 for the creating of designated community spaces for
21 vending as well as analyzing the results of the
22 increased number of vending permits. The Board
23 composition only includes one community appointment
24 in the legislation to speak on behalf of all
25 communities. This is deeply troubling. The

2 legislation does not require any form of community
3 import-input or specify a mandated venue for feedback
4 into the SVAB's work. It is unclear what metrics
5 will be used to determine the results of the proposed
6 permit expansion.

7 3. It is unclear how the City will
8 respond if all the new permit holders attempt to use
9 the same congested vending locations that are already
10 overwhelmed. The Council should consider a
11 geographically based model for street vendor
12 permitting, and street permits for high-traffic specific
13 high traffic locations such as the plaza in front of
14 140 Broadway, just a few blocks away from City Hall.
15 It provides certainty for street vendors while
16 greatly reducing conflict of proper locations.

17 4. My last point. Our public spaces
18 are critically important for-important community
19 resources and their use should be subject to serious
20 review and community feedback. We urge the City
21 Council to amend Intro 1303 to require that any
22 change to existing vending restrictions be subject to
23 the Uniform Land Use Review Process, ULURP. This
24 extensive vetting process and procedures would give
25 vendors, small business owners, local residents,

2 civic groups, property owners, community boards,
3 borough presidents, and the City Council the
4 opportunity to review new vending locations.

5 MARK DICUS: Hi. Good afternoon,
6 Chairman Espinal, Council Member Levine, and fellow
7 members of the Council. Thank you for this
8 opportunity to provide testimony. My name is Mark
9 Dicus. I'm the Executive Director of the SoHo
10 Broadway Initiative the not-for-profit that manages
11 the Business Improvement District along Broadway and
12 SoHo. The SoHo Broadway Corridor is a vibrant mixed-
13 use community that includes residential, office and
14 retail operating side by side. Vendors are attracted
15 to the robust amounts of food-foot traffic-not food
16 traffic-foot traffic that fill our sidewalks. We are
17 very familiar with the rules governing vending and
18 our close working relationships with many vendors
19 operating our corridor. We have also spent thousands
20 of dollars mapping the area and developing a guide
21 book to show where vending is permitted in our
22 district. In fact, many vendors come to our office
23 for help in finding legal locations in our district.
24 However, if you come to Broadway and SoHo, you know
25 we have a congestion problem. Our sidewalks are

2 packed. We are pleased to see that the Council is
3 interested in tackling comprehensive reform of the
4 laws governing street vending. This legislation adds
5 4,200 new food per-food vendor permits and leasing
6 several location restrictions, but the main elements
7 of what most agree is a broke system are left
8 unchanged. For example, how many food vending
9 permits were revoked—were not renewed last year by
10 the-by the Department of Health and Mental Hygiene?
11 Zero. We have a broken system, but every single food
12 vendor cart permit that applied to get renewed last
13 year was renewed. There were 12—12 permits that were
14 revoked last year. So if we have a broken system,
15 why aren't more permits being revoked? Why aren't
16 more people not getting renewed? Just food for
17 thought. The City should not be in the business of
18 creating a model where fines are just a cost of doing
19 business. The city should be creating a system that
20 incentivizes compliance with the rules, and revokes
21 the permit of those who are blatantly and continually
22 violating the rules. This legislation also does not
23 modernize food carts to address the noise and exhaust
24 pollution they create. That's a problem. We're a
25 mixed-use community, and people live right above

2 where these food carts are operating. It's not fair
3 to the food cart operators either to have to work in
4 such an environment. Please form the Advisory Board
5 and give all stakeholder including vendors the
6 opportunity to shape a system that works for the
7 City, give community boards and BIDs a formal role on
8 this Advisory Board. I'm happy to hear that that
9 might be possible. All revisions to the location
10 restrictions should be referred to this Advisory
11 Board, and no changes to those restrictions should be
12 authorized as part of this legislation. Once the
13 system is functioning, then we can determine whether
14 more carts can be accommodated. Please create the
15 Street Vendor Enforcement Unit. It will be an
16 important tool in this process. More details are
17 needed as to the size, authority and deployment of
18 this unit to ensure that it has the resources needed
19 to be successful. I'm sure more details are
20 forthcoming. Please start a pilot program
21 designating vending locations that are hot spots
22 within the city to test innovative approaches to the
23 placement of vendors in our city. However, as with
24 other uses of public space, this decision should be
25 subject to a formal community driven input and review

2 and approval process. Street vending—sorry—street
3 vending significantly impacts the quality of life of
4 the residential population, the office workers in the
5 ground floor retail businesses that call our district
6 home. This is a once in a lifetime chance to reform
7 the system, but it must be done in a way that allows
8 meaningful input for impacted stakeholders. Forming
9 an advisory board, as this legislation suggests,
10 would be the first step in that process.

11 CHAIRPERSON ESPINAL: Thank you.

12 JOHN DOYLE: [off mic] My name is John—my
13 name is John Boyle and I'm not on. [on mic] Okay, my
14 name is John Doyle and I'm Senior Vice President for
15 the Real Estate Board of New York. I've got comments
16 on four of the bills here, but I'm going to start
17 with Intro 1303 and hope that you'll use your
18 questions period to ask me about the rest of them. In
19 terms of 1303, it goes on two parallel tracks. One
20 is enforcement and the other is the issuance of
21 additional permits, but that's the problem, the
22 tracks are parallel. They don't intersect and by
23 that I mean that you have an enforcement that may or
24 may not get set up. You can't mandate what the
25 Administration does, and frankly based on the

2 presentation that was earlier, I'd say I at least
3 called them contemplator, and if they don't set up
4 the special enforcement unit, the permits get issued
5 automatically as a matter of the law, as a matter of
6 the operation of the law. And following that, in the
7 follow year you set up this advisory panel, you
8 mandate that they will do a report. You don't
9 mandate that anybody reads it. You don't mandate
10 that anybody holds a public hearing, and whether or
11 not they even write the report, the next incremental
12 permits get issued March 1st that following year, and
13 the following year and the following year after that.
14 So we've seen—heard the business community get up and
15 be very strong in their emotions about this whole
16 process, the—the issuance of additional permits. But
17 I suspect that the feelings really stem from the lack
18 of enforcement, and if you want to gain the
19 confidence of the business community, you'll deal
20 with enforcement issue and make enforcement a
21 predicate on the issuance of any additional permits.
22 Okay. So that's that. Now, in terms of a
23 comprehensive program, we believe that food trucks
24 should be required or be incentivized to use cleaner
25 fuel and take noise mitigation measures. We do

2 believe that there should be a study conducted to
3 establish where the pedestrian saturation standard
4 is, and prohibit vending in super congested area, and
5 we believe that the issue of vendor clustering needs
6 to be addressed. We don't say that those things
7 should be done in advance of issuing any additional
8 permits. These are things that should be part of a
9 comprehensive program. Now, I see I have 49 seconds
10 left. So I'm going to go to—let's do the—the change
11 on where the truck is located, okay. So you've got
12 to pedestrian clear path of 12 feet. That's what
13 your—that's the minimum that's required to situate a
14 cart, okay. Now, you're going to move the back of
15 that cart three we—three feet away from the curb.
16 The cart itself is five feet wide. That means it's
17 eight feet into the sidewalks that's 12 feet. It
18 leaves four feet in front of it for clearance, or if
19 it's crowded, don't you think pedestrians are going
20 to walk behind it in three feet that's there and have
21 them be run over? Not a very pedestrian safe measure
22 in my mind. The same thing holds true for the other
23 bill about clearance requirements. Lowering the
24 clearance requirements for bus stops, driveways,
25 subway stations, intersections and crosswalks just

2 doesn't make any sense. Pedestrian safety should be
3 the primary consideration on the siting of carts.
4 That's it.

5 ROB BURNS: I could make this really fast
6 what John said. [laughter] Hi, I'm Rob Burns. I'm
7 the President of the East Midtown Partnership, which
8 is a Midtown Manhattan Business Improvement District,
9 but I'm also co-chair of the New York City BID
10 Association's Street Vending Working Group, and in
11 that capacity I've met with almost half the members o
12 the City Council over the last year and a half as
13 well as community board members, small business
14 people, residents and vendors themselves. I'm not
15 going to go into my whole prepared remarks. They're
16 really brilliant, though. Make sure you read them.
17 I will talk on in that year and a half of emergencies,
18 and by the way, I'm having a little separation
19 anxiety. You'll hear from Co-chair for the Vending
20 Working Group, Leslie Ramos from Jackson Heights
21 shortly. But usually we're—we've been together for a
22 year working on this. So being up here alone is
23 strange, but I will tell you over the last year and a
24 half working on the issue, here are some high points
25 that I can speak on what the Business Improvement

2 Districts and other community groups are looking at.
3 One is that we love the Office of Street Vendor
4 Enforcement in concept. We think there are a few
5 things to work out, and—but we also think that that
6 or that office has to be up and running, and has to
7 be experienced, and it has to start improving the
8 results before we start putting new permits out on
9 the street. Siting is also a concern, as you've
10 heard here from many of the panelists over the
11 afternoon. Vending at the end of the day is a—a land
12 use issue, and vendors should not—we don't feel
13 vendors should be exempt from the same sort of public
14 overview that governs sidewalk cafes, street
15 furniture. We're not equating human beings to bus
16 stops. Don't get me wrong, but if they're out—if-if
17 people are—if-if-it something is out on the streets
18 and possibly impeding pedestrian flow, we think the
19 public needs input on it. The black market has been—
20 or—or the undoc— I'm sorry, what is—we are the
21 underground market. It's been—it's been cited and we
22 understand at least theoretically where the arguments
23 comes that more permits would mean a lessening supply
24 and demand chain. But what we we'd like really like
25 to see in legislation is some—some teeth that treat

2 this criminal enterprise as a criminal-criminal
3 enterprise. Right now, the worst that's going to
4 happen no matter how bad you abuse your permit, and
5 exploit workers often immigrant workers, is you're
6 going to get that taken away. There is nothing that
7 gets worse than that in the law, and we think that
8 the law should be backed up to-to give it some-some-
9 some real strength on the black market question. And
10 finally, as has been pointed out, the distance
11 researching are there for a---for a reason. Changing
12 the distance restrictions we feel in almost every
13 case directly contradicts the goals of Vision Zero.
14 They put pedestrians in a-in a crowded city. They
15 put pedestrians in a very unsafe position, but
16 backing up the framework is here for great
17 legislation. The City Council should take a little
18 bit of time and talk to more constituencies out
19 there, and this could be something everyone can be
20 proud of. Thank you.

21 ROBERT BOOKMAN: Good afternoon, Robert
22 Bookman. I am counsel to the-today to the New York
23 City Hospitality Alliance, the not-for-profit trade
24 group that represents thousands of restaurants and
25 eating and drinking establishments throughout the

2 five boroughs. I first want to say congratulations
3 and thank you to the council members who are still
4 here. You really--no seriously, you don't know how
5 over the 30 years that I've been testifying before
6 you how frustrating it is to sit for hours and hours
7 to have just the chairperson there. So even though I
8 don't think we can agree on a whole lot, you know,
9 today on this, Council Member Levine, I think you for
10 being here and staying throughout the whole things.
11 Kudos to you. You have my testimony--

12 COUNCIL MEMBER LEVINE: [interposing]
13 I'll be going to lunch now.

14 ROBERT BOOKMAN: Yes.

15 COUNCIL MEMBER LEVINE: Just kidding,
16 just kidding.

17 ROBERT BOOKMAN: You have my testimony.
18 There's no--I don't need to read it into the record.

19 CHAIRPERSON ESPINAL: You give these guys
20 too much credit. What's up with the Chair?

21 ROBERT BOOKMAN: That's alright, I'm
22 trying to--I'm trying to brownnose a little bit. So I
23 just want to go over a few points from what--what I've
24 heard today. I think you've heard a consensus from
25 the business side of the community that vending is

2 important. It's part of New York City's history, but
3 it's broken and it needs to be fixed before we have
4 comprehension addition-additional permits out there.
5 I think that is our uni-uniform position. So bravo
6 for the enforcement unit. We've been talking about
7 it literally, you know, for a long time. It's
8 needed. There obviously is a lot of details that are
9 not there. I think the most important detail that's
10 not there is we don't know where it will be, when it
11 will be up and running, when it will be effective,
12 and there should be no changes no changes until well
13 after that. So bravo for that, bravo for the concept
14 of advisory board, but we believe that that advisory
15 board really needs to be expanded and really deal
16 with a true modernization. We're talking about a
17 19th and 20th Century industry here that's being
18 regulated by 19th and 20th Century ideas. I don't see
19 a lot of 21st Century ideas in this legislation
20 though I heard a lot of interesting things just in
21 this hearing today that I think the Council could
22 work, you know, with all the parties on it. I do
23 want to make a couple of points on the underground
24 market. And I was around when the Giuliani law was
25 passed, and understand that it-it did two things: In

2 addition to ending corporate ownership of permits, it
3 made one per person, which was supposed to be, you
4 know, the solution. It effective created a black
5 market economy because the second thing that it did
6 it was it prohibited the sale of your one permit. So
7 when a person works there 20, 30 years and they're
8 ready to retire of if they've done very well, and
9 they want to move onto that brick and mortar store
10 that you talk about, there's no legal way for them to
11 sell their business like every other business in-in
12 the city and the country has to do. So what is their
13 option? Turn it in and get zero for it or illegally
14 rent it? So they're illegally renting it. That is
15 the-that was the cause. That was the beginning of-of
16 the black market. You're not changing anything here
17 by increasing by a few hundred or a few thousand the
18 number of-of permits when there are 13,000 current
19 licensed food handler permits for vendors. So you're
20 just dramatically increasing the black market, and
21 that's our fear that there's no-no teeth in here to
22 deal with the 80 or 90% of the people that are
23 illegally renting now, and it's easy enough to do
24 that. You know, there are many, many ideas. I will-
25 I will just wrap up. The Health Department was non-

2 responsive to your answers. Big shock to the Health
3 Department, but I'm on—I'm the Speaker's appointee,
4 one of the appointees in the Food Advisory Board, and
5 I can tell you that they can't handle food safety on
6 food vendors right now, which is why they don't have
7 letter grades. They're claiming they don't know—they
8 can't inspect them frequently enough and often
9 enough. So they're overwhelmed by the number of food
10 vendors out there now as far as food safety goes.
11 You double over six years without a comprehensive
12 concept with we're going to deal with this. We have
13 a problem, and last but not least--and I appreciate the
14 extra 60 seconds you've given me—is you know I do a
15 lot of sidewalk cafes. I—and I represented newsstands
16 for 30 years. I am amazed that—that I can't get a 50
17 square foot newsstand approved on the same block that
18 has a wall of 50-foot food vendors on—a daily
19 basis. I'm amazed that the clear path requirements
20 that we have for those other uses, and there's not
21 clear path requirement for food vendors. We've to
22 have a coordination and common sense approach. I
23 think you're on the right track. Kudos for opening
24 up this Pandora's Box or what we used to call when I
25 was at Consumer Affairs the third rail, but I just—I

2 think you have some answers here, but I think we've
3 got a lot more work to do before you pass
4 legislation. Thank you.

5 COUNCIL MEMBER LEVINE: I really want to
6 thank this panel for the incredibly thoughtful and
7 well thought out feedback you had on this package of
8 bills. I-I agreed with much, if not most of what was
9 said here. I think there's a lot of basis for us to
10 work with you to-to incorporate your suggestions that
11 you-you clearly know so much about this.

12 MALE SPEAKER: Next time call us earlier.
13 [laughter]

14 COUNCIL MEMBER LEVINE: I-I-I did want
15 to-to speak one very-very important and powerful
16 issue that-that Mr. Doyle and I think I think maybe
17 others raised about the futility of this entire
18 undertaking if the Administration doesn't actually
19 create the enforcement unit, or does it in a way
20 that's inadequate. And we-we obviously care as much
21 or more about that as well. We don't want to be
22 wasting our time either. I will say couple things on
23 that front. One is that the-unlike a lot of
24 proposals this one actually carries some additional-
25 additional revenue because of the increase in the

2 cost of the permits from about \$200 now I believe for
3 a two-permit to \$1,000 for a one-year permit. So I
4 guess it's a 10 fold increase from doing that, right?
5 And that would actually net a couple million dollars
6 a year for the City, which would help to offset the
7 cost of staffing on their unit, but-but I also want
8 to emphasize that-that-that I believe the Council, at
9 least those of us who support this bill, are
10 committed budgetarily to make sure that-that we on
11 the Council would fight for adequate resources for
12 this office. And I think if-if you're not talking
13 about at least, I don't know, 75 or 100 agents, if
14 that's the right word, then-then you're not really
15 talking about a viable workforce. So, you know, we
16 would welcome your feedback on-on staffing and
17 resources, but-and-and if-if you act-if some of you
18 are attorneys or you have attorneys on your staff, if
19 you want to talk about ways that we can specific that
20 in the bill, I'm open to that. What-what our
21 legislative tells me is that there some issues around
22 curtailment that prohibit us from micro managing this
23 too much that this is proper-properly thought out in
24 the budget process. If you had anything striking to

2 say on that topic now, I'd welcome your thoughts on
3 it or--

4 JOHN DOYLE: My only--my only thought
5 would be that it--rather than trying to do it simply
6 legislatively because I think that there are problems
7 with doing that. I think you should do it as part of
8 the budget. I think you should allocated a specific
9 amount of money for a specific number of positions.
10 You need to sit down with the Administration and find
11 out what agency it actually goes before them, and
12 then do an MOU with them to make sure that it gets
13 spent in a certain fashion over a specified period of
14 time.

15 ROBERT BOOKMAN: And yes and you are
16 correct. There are legislative restrictions on what
17 you're talking about, which is why I guess we're
18 suggesting that you--you--we have results--enforcement
19 results first. That way the--that you have
20 legislative control over to see that you have these
21 enforcements, and then let's--and--and simultaneously
22 with that, we have a--you know, this--I wouldn't even
23 call it a study, but we have this working group going
24 on to look at how to modernize, you know, and--and how
25 to expand the number and how to modernize it, and how

2 to do it in a way that makes sense for—you know, for
3 all the stakeholders, and then you pass the
4 legislation. Your problem is you want to do both at
5 the same time, and you're right, you know, you have
6 restrictions. You know, the cost of enforcement
7 should not necessarily be we're going to guarantee a
8 doubling of the number of permits today. Enforcement
9 should be enforcement. It needs to be done, and—and
10 that's both enforcement on the streets, and on the
11 people who are improperly renting their permits and
12 will continue to so under your law.

13 COUNCIL MEMBER LEVINE: Understood, and
14 I—I do appreciate your framing of this as being long
15 overdue modernization, and probably have to fix. I
16 would to add to the list of problems not only those
17 that you identified, but I would put the existence of
18 an illegal market as one of the problem categories.
19 So we're—we're seeking to address that now even
20 thought the implementation may be phased in a little.

21 ROBERT BOOKMAN: Absolutely and one quick
22 law story. When I left the Department of Consumer
23 Affairs as counsel in 1986, vendor reform was being
24 discussed, and one of the ideas then was that the
25 city should identify X number of thousand spots on

2 the street, put a number from 1 to 4,000 of them, and
3 do a lottery for those. Therefore, there would be no
4 illegal people at those spots. It would be your
5 spot. You would know where it was. Those spots
6 would be determined based on objective, you know,
7 criteria. There were even discussions about, you
8 know, competitively bidding them out, you know, and
9 maybe one in, you know, like rubber chutes a day
10 would—would—would get \$10 and maybe one in Midtown
11 would get \$30,000, but it would bring a revenue
12 stream to the city, and it would pay for the
13 enforcement. So that's an idea that's three decades
14 old I'd say.

15 COUNCIL MEMBER LEVINE: Definitely an
16 idea we're looking at one—one that has a—a mind
17 numbing number of challenges that—that—that we can
18 talk to at a later date.

19 ROBERT BOOKMAN: Thank you.

20 COUNCIL MEMBER LEVINE: And I'll just
21 close by one last thing because we do have so many
22 people waiting. You talked about the—the lack of
23 clearly 21st Century ideas. There is one
24 indisputably 21st Century idea in here that we
25 haven't spoken about, but it's in the bill, which is

2 it would mandate creating of an app that would
3 clearly chart locations that where vending is
4 permitted or not permitted so that the average
5 citizen has that information at their fingertips.

6 ROBERT BOOKMAN: I like that. That's a
7 good one.

8 COUNCIL MEMBER LEVINE: Alright, then
9 thank you.

10 CHAIRPERSON ESPINAL: Councilman Cohen,
11 please wait. We have--

12 COUNCIL MEMBER COHEN: I-I just really
13 have-I don't even know if it's question or just a
14 thought, but-but what John was saying is sort of a-a
15 nexus between them. I mean I wonder if we could just
16 link the number of permits to the number of
17 enforcement agents In other words, the city-if-if
18 there were 75 enforcement agents, the city shall
19 issue X amount of permits, and-and, you know, we'd
20 hire five more agents. We could issue X amount more
21 permits.

22 JOHN DOYLE: That's-that's possible. I
23 would-I would suggest that-that the first thing that
24 you can do legislatively is in the second, third,
25 fourth and fifth years. That panel that comes up

2 with the report, its report, you can mandate in this
3 legislation that there be a public hearing on it, and
4 there be a vote of the City Council to either accept
5 the report or reject the report. That can all be put
6 in that legislation right now. But the initial with
7 the enforcement unit perhaps you can do that type of
8 connections. I'm being told by my attorney—I'm being
9 told by my attorney that you can, but you should
10 check with your own legal set. But clearly you can
11 address the issues of the second, third and et cetera
12 years simply.

13 COUNCIL MEMBER COHEN: Thank you, Chair.

14 [background comments, pause]

15 CHAIRPERSON ESPINAL: Carlos Menchaca.

16 COUNCIL MEMBER MENCHACA: One more--

17 CHAIRPERSON ESPINAL: We have—we have
18 another question, guys.

19 JOHN DOYLE: Oh.

20
21 COUNCIL MEMBER MENCHACA: I just want
22 some clarity. John, I don't know if it was you or
23 the gentleman next to you, can—can you clarify a
24 little bit about the question around permits and
25 reselling of permits and what your plan is to

2 essentially that practice. I—I don't think—I don't
3 think we get the full concept. It would be great to
4 do that in this hearing.

5 JOHN DOYLE: Sure, I didn't—I didn't
6 claim to have the solution to it, but I said that
7 there was nothing in this law, which changes the
8 status quo other than making more permits available.
9 The only suggestion I did make was I—I pointed out
10 under the—when the Giuliani law was passed in the
11 '90, it's for the first time prohibited the free sale
12 of—of—of permits. So that if I'm a food vendor, and
13 I've been working hard for 20 years on the street,
14 and I've had it, and I'm ready to open a brick and
15 mortar, you know, I'm ready to retire, this law since
16 the Giuliani law was passed gives you no option other
17 than to either turn in my license, which I know is
18 silly, because it's valuable, or illegally rent it to
19 somebody. And you're not changing that system here
20 other than increasing the number of permits. So,
21 that--

22 COUNCIL MEMBER MENCHACA: [interposing]
23 So there's—there's no idea about how to solve it, but
24 you're just reiterating the problem here?

2 JOHN DOYLE: Well, no, I—well, that's a
3 solution. In my opinion if you're saying I don't
4 know what the numbers, but you guys have said that
5 maybe eight—as much as 80 or 90% of the current 3,500
6 permits are being illegally rented. If you allowed
7 those people tomorrow to sell their business, my
8 guess is you free a couple of thousand permits up for
9 people on the waiting list because those people would
10 have the opportunity to retire in dignity and move on
11 legally. So that—that is a partial solution.

12 Another Council Member mentioned earlier as a
13 possible solution requiring the permit holder to be
14 at there—you know, at their carts. That would
15 certainly be a solution. I said assign new space.
16 Is the city going to the trouble of assigning spaces,
17 and—and—and having lottery would solve that because
18 you would know who's, you know, who, you know, who's—
19 who's there at any point in time. It could be nobody
20 else, and would also make it easy for the Health
21 Department to do enforcement and letter grades
22 because right now they claim they can't because
23 they're mobile. They're all over the place. So
24 there are number of possibilities. I don't pretend
25 to have all the answers. There are a lot of smart

2 people in the city, a lot smarter than me, and I
3 think if we sit down and talk about it with all the,
4 you know, with all the interest groups including Sean
5 Bazinski who is a tremendous, wonderful public
6 servant and advocate and I've known him for years and
7 God bless him for doing this for so many years. I
8 think we can come up with creative solutions. I
9 mean, you know, Councilman Levine is a smart. I mean
10 if he sits down with us, we'll come up with solutions
11 together.

12 COUNCIL MEMBER MENCHACA: Thank you for
13 that. I just wanted to give the opportunity to expand
14 on that.

15 ROBERT BOOKMAN: Thank and I appreciate
16 it.

17 COUNCIL MEMBER MENCHACA: Thank you.

18 CHAIRPERSON ESPINAL: You're free to go
19 guys. [laughter] [background comments, pause] The
20 next panel we have Cindy Bosch, Dave Cook, Jeff
21 Orlick, Yankee Sharon, Sante Antonelli and Jack
22 Beller. [pause]

23 JACK BELLER: Good morning and thanks.
24 [coughs] Well, now good afternoon, and thank you
25 members of the City Council for your time. Some of

2 you may remember me from previous meetings of the
3 City Council on issues concerning permits. I've
4 spoken here more than once dating back to the 1980s.
5 If I look different, well, I didn't age as well as my
6 wife I guess. For most of you who do not know me, my
7 name is Jack Beller and I'm Vice President at
8 Workmans Cycles 800 buy carts. We New York City's
9 and possibly the country's oldest manufacturer of
10 mobile food vending carts, trailers, trucks and
11 kiosks, and not new systems so we don't blow things
12 up. We are also known for our industrial tricycles,
13 bicycles--and bicycles. Continuously in here--here in
14 New York City since 1898 first in Manhattan, then in
15 Brooklyn and now in our facility in Ozone Park,
16 Queens, we have provided opportunity for employment
17 throughout that time for New York City residents who
18 earn an income, pay their taxes, buy homes, raise
19 families and contribute to the overall vitality of
20 the New York City economy. I spoke against
21 restricting the number of permits back when it was
22 first conceived--conceived because I knew it would
23 create an opportunistic play market--play market
24 driving up costs, changing the game, so to speak for
25 what I felt was the original intent of food vending

2 to offer the most basic path through a capitalist
3 enterprise for those without much money. These were
4 people like my parents who were immigrants or those
5 without means due to circumstances of life that they
6 were born into. That said, any modifications to the
7 law that increase the number of available permits
8 available is a good thing. So I heartily encourage
9 the passage of—or passage of Intro 1303. This
10 modification would go a long way to return the food
11 vending permit back to its intended purpose to allow
12 people to sell food instead of what it has—has become
13 an asset used to generate income in and of itself.
14 Increasing the number of available permits will no
15 doubt be of benefit to the company I work for as well
16 because more permits means additional vendors, which
17 means more food vending permits will need to be
18 produced and sold—food vending I mean. This will
19 also benefit the city as we potentially will be able
20 to hire more personnel who pay taxes, raise families
21 here, and well, you get the picture. I'm pretty sure
22 that most of BIDs will come out against the expansion
23 of the number of permits claiming that more street
24 vendors will only hurt the businesses of the brick
25 and mortar food vendors who pay rent to the real

2 estate owners. This has been an ongoing claim since
3 the restrictions on permits were put in place.
4 However, given the high rents we know are associated
5 with New York real estate, the really low vacancy
6 rates and the number and variety of restaurants
7 available on most commercial city streets, this claim
8 seems to be unfounded. This is the kind of business
9 the city needs employing its own residents, producing
10 a product that is used within its own jurisdiction
11 generating revenue from its outset to its actual use
12 on the streets. Unlike many manufacturing businesses
13 that have left New York because they can produce
14 elsewhere at far lower cost, the mobile food carts,
15 trucks, et cetera that we produce for the New York
16 market we typically produced here for practical
17 reasons. In summary, increasing the number of
18 permits for vendors is good economic policy for New
19 York City. It potentially increases business for
20 manufacturers, which increase their ability to hire
21 fellow residents, which increase the tax rolls and
22 give people money to spend in the city further
23 enhancing the economy. I urge you to pass this
24 legislation. Thank you.

2 SANTE ANTONELLI: Dear members of the
3 Council, my name is Sante Antonelli, I am the
4 Director of Business Services for the Queens Economic
5 Development Corporation. Thank you for the
6 opportunity to present the mission of the QEDC, which
7 is to create and retain jobs for neighborhoods and
8 also to promote the great Borough of Queens. We are
9 the borough go-to resource for anyone seeking
10 business advice and counseling especially form low-
11 income communities, immigrants, minorities and women.
12 We help through the entrepreneurship process with a
13 variety of no-cost and low-cost programs and
14 services. In the last year we have assisted over
15 1,500 individuals to start more than 250 businesses.
16 We had over 500 new jobs through our Business
17 Literacy, a counseling program; helped over 1,000
18 handymen and women become fully licensed contractors
19 with New York City's Department of Consumer Affairs
20 with training offered in English, Chinese and
21 Spanish. We've worked with clients to get certified
22 as Minority and Women Owned Businesses, opening doors
23 for opportunities. We continued to grow the number
24 of food businesses via our entrepreneur space, our
25 kitchen incubator. We also opened up a needed Queens

2 retail store to help local manufacturers comply with
3 local laws, create brand awareness and sale with
4 their communities. But I'm here today to support
5 this proposal—proposed legislation to increase vendor
6 opportunities. We have worked with many individuals
7 where street vending is the only way to commence a
8 legitimate business. This is especially true for
9 those with limited language and economic ability.
10 For low-income individuals with many jobs
11 opportunities starting out as—as a street vendor is a
12 viable and entrepreneurial alternative to earning a
13 living. We would note that street vending has in
14 some instances been a launch pad for small one-person
15 endeavors to grow in and become big businesses. A
16 few blocks from us on Orchard Street Muskrat Eyewear
17 was founded in a pushcart, and further up Broadway is
18 ABC Carpet founded by Samuel Weinrib who sold his
19 rugs also from a push cart. These are just two
20 examples that scratch the surface of the immigrant
21 street vendors that have become American success
22 stories, and there are many more. In 2014, we co-
23 piloted an education program through New York City
24 EDC's Competition Thrive called the Street Vendor
25 Academy. The goal was simple. We—to help street

2 vendors to become better business people. Our goal
3 was to encourage them to operate a legal business,
4 work within the law, identify supply and demand
5 constraints, pay their taxes and utilize technology
6 to help them climb up the economic ladder. We began
7 with the Southeast Asian group of Bhutanese, Nepalese
8 and Tibetan vendors. The response was excellent. We
9 found a found a tremendous desire in the Street
10 vendor community to do the right thing. This
11 legislation will create more opportunities and the
12 support from the public and non-profit world. We can
13 help an entire sector, but even though I may
14 currently be disenfranchised, as the drive and work
15 ethic to improve the situation and in turn contribute
16 to the improvement of the micro economy of our city.
17 We hope the Council will move on this this
18 legislation. If so, please be assured that QEDC will
19 become the valued partner with you in helping the
20 vendor community. Thank you. [pause]

21 YANKI TSHERING: Good afternoon,
22 Honorable Council Members. My name is Yanki Tshering
23 and I'm the Executive Director of the Business Center
24 for New Americans. I'm a Tibetan Refugee who
25 emigrated to the U.S. in 1986. Founded in 1997, the

2 Business Center for New Americans creates a pathway
3 to self-sufficiency for immigrants, refugees, women
4 and others by providing small business loans,
5 specialized training, technical assistance and
6 personalized coaching. As of September 2016, BCNA
7 has named over 2,680 loans for a total of \$16.7
8 million. WE rea certified by the U.S. Department of
9 Treasury and the Small Business Administration. Over
10 90% of our clients are minority and 40% are women.
11 BCNA has almost 20 years of experience working
12 directly with street vendors. We provide loans,
13 specialized training to vendors who are looking to
14 start or expand a street vending business. Our staff
15 serves clients with everything from the creation of a
16 business plain, obtaining the required licenses and
17 permits to upgrade their business and to help them
18 with marketing and general business management. We
19 strongly support the expansion of permits for New
20 York City food vendors. For one thing, vendors who
21 do not have their own permits must rent them
22 illegally from others finding it very difficult to
23 formalize and grow their business. We often must say
24 no to food vendors who seek loans to buy permits on
25 the black market. We cannot justify lending money

2 for such a risky venture. Furthermore, the current
3 permit system makes it nearly impossible for most
4 vendors to accumulate wealth. Most of the money they
5 make each day goes to pay of the permit owner leaving
6 the vendor always treading water and never able to
7 swim. If vendors have their own permits, however,
8 the profits can be recirculated in expanding and
9 improving their business and taking care of their
10 families. We're excited at the prospect that there
11 may soon be hundreds of new food vendors who are
12 given the chance to legalize their business with a
13 permit. We look forward to serving these small
14 business owners with loans and technical assistance
15 to help each one of them achieve a part of the
16 American Dream. Thank you. [background comments,
17 pause]

18 DAVE COOK: Good afternoon. My name is
19 Dave Cook. I'm a photo journalist with my own
20 website, Media Translation and for other print and
21 online publications. By and large the substance of
22 my work as a writer and a photographer coincides with
23 my interest as a consumer. I enjoy seeking out
24 interesting food that's served in less formal sitings
25 off the beaten track about the city. Street food

2 vendors live all five boroughs of New York City, and
3 they run their small business in neighborhoods in all
4 five boroughs, too. In many of these neighborhood
5 especially once you travel outside the most heavily
6 trafficked areas of Midtown and Lower Manhattan, the
7 character of the vendors reflects the character of
8 the community. We should be a little surprised since
9 so many of these vendors have business close to home.
10 This affinity between street vendors and the
11 communities isn't simply a matter of what's on the
12 menu, although the variety of the streets of New York
13 may be unmatched anywhere else in the world. You can
14 taste Jamaican Jerk Chicken, Dominican [speaking
15 foreign language], Bangladeshi Jamuri (sp?),
16 Ecuadorian [speaking foreign language] Mexican
17 [speaking foreign languages] Chinese [speaking
18 foreign language] and other dishes representing
19 dozens of national and regional cuisines provide that
20 you're in right place and at the right time much as
21 coffee and donut carts in the morning give way to hot
22 dog stands in the afternoon an evening. These
23 vendors do business on the rhythm of the
24 neighborhoods. Like other small businesses, street
25 food vendors don't simply offer a reflection of their

2 communities, they also serve as stakeholders in their
3 communities. The best established of these vendors,
4 the ones whose own right to do business is secure and
5 who can confidently operate in plain sight on a
6 regular schedule often functioning much like mobile
7 mom and pop stores. They provide reliable place
8 where neighbors can meet up with one another, speak
9 the language that they speak at home, share the local
10 news and keep watch on goings on. The most
11 celebrated of these vendors attract new business for
12 their communities not only from culinary adventurers,
13 but also from residents and tourists in search of the
14 real New York, the one with all the local color that
15 they can't find anywhere else. By raising the number
16 of permits, by streamlining enforcements, and by
17 recognizing the different needs of different
18 neighborhoods the Street Vendor Modernization Act
19 will provide new opportunities for vendors and help
20 ensure that they can contribute—that they continue to
21 contribute to their communities. Thank you.

22 SERGEANT-AT-ARMS: Quiet, please.

23 CINDY VANDENBOSCH: Thank you so much for
24 having us here today and introducing this important
25 bill. My name is Cindy VandenBosch and I'm the

2 Founder and President of Turnstile Tours, a social
3 enterprise that has been offering tours about the
4 street food industry and the Financial District and
5 Midtown for over six years. In that time we have
6 shared the stories and delicious food of over five
7 dozen street vendors with thousands of people both
8 New Yorkers and tourists, and one of the vendors we
9 work with even catered my wedding a few years ago. I
10 am here today on behalf of Turnstile tours to
11 demonstrate our support for the pass-passage of this
12 bill to ensure that street vendors most of whom as-as
13 many of us have discussed today are immigrant and
14 working class people can operate their small
15 businesses and support their families with knowing
16 that they have the support of the City. At no point
17 in New York City's history have we experienced such
18 cultural diversity. New Yorkers and tourists alike
19 understand that through street food they can
20 experience the cultural diversity, that it offers
21 opportunities to taste some of the most authentic and
22 traditional cuisine from the newest wave of
23 immigrants and migrants that we have here in the
24 city. To taste dishes like kati rolls, tortas and
25 binatas, and jerk chicken and in some ways by tasting

2 this food and interacting with the vendors, we bring
3 people closer together and build community. As with
4 the waves of Jewish and Italian immigrants of the
5 past, today's street vending is still key to
6 providing entrepreneurial opportunities to immigrant
7 working class people who are the life blood of this
8 great city, but we need to do a better job to make it
9 possible for vendors to operate lawfully and make a
10 living. Aside from the vendors themselves, they are—
11 they are supporting all—this industry is supporting
12 tens of thousands of people. So on one hand there's
13 the vendors themselves, but they are the metal
14 fabricators that we heard about earlier who design
15 and produce the carts and trucks. They are the
16 graphic designers, the commercial kitchens, the
17 storage facilities and even food supply companies
18 that support the back end of these businesses. We
19 believe the changes proposed will help the City of
20 New York reset its relationship with street vendors
21 in a way that's constructive rather than destructive.
22 We give tours year round, and they're out there
23 working with street vendors in the rain, snow and
24 heat, and on holidays like New Year's Day and during
25 Ramadan. The vendors we know are hard working

2 entrepreneurs and work service, the people from
3 places like Bangladesh, Egypt, Trinidad, Mexico and
4 Ecuador. They're mom and pop businesses, and they're
5 right there in Midtown in the Financial District.
6 They are mothers and fathers, sons and daughter and
7 as with any small businesses they take great pride in
8 their work. They know the names of their regular
9 customers, and look forward to seeing them. They
10 know the comings and goings of their block like the
11 back of their hands, and they're dedicated to
12 providing quality food at affordable prices, which is
13 an increase-increasing rarity in the city. The
14 changes proposed we believe will give vendors a
15 voice, a much needed voice at the table, and
16 untangling the complex web of regulations that they
17 face on a day-to-day basis, and will simultaneously
18 improve clarity around enforcement. We also are
19 excited about the hot prospects, the fact that this
20 bill would open up opportunities for street vendors
21 to gain access to much needed affordable commercial
22 kitchen space, something we hear that the vendors
23 struggle with all the time. Lastly, we really do
24 believe that this bill probably most importantly will
25 help enable vendors to operate their businesses

2 without the constant fear of losing their permits
3 and, therefore, their livelihoods every other year
4 due to predatory black market pricing. Thank you so
5 much.

6 JEFF ORLICK: Okay. [coughs] My name is
7 Jeff Orlick. I—I created the Roosevelt Avenue
8 Midnight Street Food Call and the Taste of the World
9 Tour in Jackson Heights, Elmhurst, Woodside and
10 Corona, Queens. I also create and organize and
11 produce events linking culture and food in New York
12 City. My work in the industry has—has got attention
13 nationally and internationally, television and
14 publications, whatever, whatever, whatever, and then,
15 but today I continue to lead travel journalists,
16 professors, reporters around Queens and New York City
17 usually finding ways to link culture and food, and
18 New York City is the—the greatest place in the world
19 to do this. So my work has given me unique
20 perspective to understanding tourists, locals,
21 entrepreneurs, establish business people, BIDs,
22 business food districts. I've worked with the 82nd
23 Street BID, the Flushing BID, the Sunnyside BID, and
24 politicians. So, people usually come to me because
25 they want to see the legendary real New York. They

2 want to be immersed in our culture, and most of my
3 people are educated about New York City. They know
4 the census report, and they could—they know there's
5 no real Italian in—in Little Italy, and they know
6 there is nowhere to eat in Times Square. They want
7 the real stuff not the chains. They want nothing to
8 do with PR firms or copyright lawyers. They want to
9 see the seeds of New York. They want to see now and
10 the future, and when I bring people to Roosevelt
11 Avenue, their eyes light up with buzz on the street.
12 They get dizzy from the IRT overhead, and they're
13 comforted by rice and tacos Tia Julia, and when they
14 leave the street food of Roosevelt Avenue, they can't
15 wait to come back to 82nd Street on the next trip to
16 New York. And these are the pictures that they're
17 most excited to show their friends when they go back
18 to LA or London. This is the stuff that the NYC
19 Tourism Board should be going monkeys over rather
20 than Carnegie Deli, which exploded, which has a gas
21 line leak and it's as dangerous as much of the street
22 food places are. A hundred years ago with the Jews,
23 the Italians and Germans selling—selling on the
24 streets of New York City and today these are the
25 surnames on our buildings and business. They are

2 iconic to us. When I see the street vendors on
3 Roosevelt Avenue, I see my family from Eastern Europe
4 who created themselves on the Lower East Side, and
5 every time I see current ones fined and confused, I
6 see my own people, my grandparents trying and being
7 squashed. This is our future and our past. It's not
8 about just brick and mortar. It's about educating
9 versus suffocating. I mean you guys have to choose
10 the objective of these restrictions to destroy or
11 correct. There are too many skilled people out there
12 who are forced to abandon their business because
13 there are too many obstacles to work for themselves.
14 Now, I'll do some math. There are 4,000 vendors—
15 permits out there times \$20,000 and a gap between
16 what's asked from the city and what's asked by the
17 black market, half of that that's—that's \$40 million.
18 That's—that's up—that's in the clouds that we could
19 be using for something like the—the Advisory Board
20 or—or the—or the Enforcement Project, which everyone
21 wants. I mean we could bring on grading. This is a
22 concession you guys could sell to have one to all the
23 opposition. Remember, everyone wants to be graded.
24 The street vendors want to be said—want to be
25 considered legitimate. No one wants to be afraid of

2 the food or given a reason for people to be afraid of
3 the food. We are trying to uplift our residents and
4 our life here. There's no better way to help
5 customers and constituents feel more confident than
6 to have a grade on a vendor. Vendors want to be
7 given--given credit for being clean and they don't want
8 dirty vendors or unsafe vendors bring their whole
9 industry down to bring on the grades. Now, the last
10 panel--

11 CHAIRPERSON ESPINAL: [interposing] I'm
12 going to ask you--I'm going to ask you to wrap up.

13 JEFF ORLICK: Okay, yeah. The last panel
14 was awesome. They bring in a lot of good issues and
15 they want to have studies. Some of you want to have
16 studies and delay it, but the fact is if you're
17 ready, you're late. We can't keep putting this off
18 for 30 more years, and other people it seems like
19 fear is their opposition. And as you can see in the
20 election now, fear is probably not going to win the
21 presidential election and--and this is not a way to go
22 about life being afraid of street vendors or people
23 that are trying to make it.

24 CHAIRPERSON ESPINAL: Alright, thank you.

25 JEFF ORLICK: That's it.

2 CHAIRPERSON ESPINAL: Thank you. Andy.

3 COUNCIL MEMBER COHEN: Thank you, Chair.

4 Mr. Beller, how much does a cart cost to make it?

5 JACK BELLER: It all depends. I guess
6 the least expensive unit would be like an ice cream
7 cart. They range between \$4 and \$2,000.

8 COUNCIL MEMBER COHEN: \$4,000 to \$2--

9 JACK BELLER: From \$2 to \$4,000.

10 COUNCIL MEMBER COHEN: \$2 to \$4,000.

11 JACK BELLER: Less. Actually--no I'm
12 sorry. An ice cream cart will run between \$1,400 and
13 a little over \$2,000. A hot dog cart runs around--a
14 hot--just great hot dog and soda, which is non-
15 processing runs around \$4,000. A chicken trailer not
16 where you stand inside, but where you stand on the
17 street they can run to \$18,000. The Hallal type of
18 units where you're standing inside or things that are
19 enclosed trailers can run \$25 to \$30,000. Food
20 trucks can run--but usually most customers there will
21 buy their own trucks second hand, and they repurpose
22 it and reconvert the kitchen inside, and they can run
23 on the low end today-- It didn't used to be but today
24 say between \$30 and \$60,000 or even \$70,000.

2 COUNCIL MEMBER COHEN: And—and your
3 business is manufacturing. Is there somebody else
4 who did not come to testify today whose job is in
5 financing of these—of these carts?

6 JACK BELLER: There probably is but we
7 are—I don't get into that. We—our—our interaction
8 with the customer is what we where we will take the
9 deposits on an order, and by the time the unit is
10 completed, we get paid from them if they've gotten
11 their own financing.

12 COUNCIL MEMBER COHEN: Thank you and—and
13 I don't know. I'm not directing this to anybody in
14 particular on the panel but because—but none of you
15 are—are vendors yourselves, but in your dealing with
16 vendors, is—is it the common experience that—that
17 have permits, or—or are most of the people you're
18 dealing with are, you know, on the tour or—or
19 another—another context all using someone else's
20 permit?

21 YANKI TSHERING: Base on our experience
22 at the Business Center, the—I would say the majority
23 of the food vendors that we work with are renting the
24 permits, or using someone else's permit.

2 SANTE ANTONELLI: It's like not even a
3 question. Everyone is using someone else's permit,
4 everyone.

5 COUNCIL MEMBER COHEN: I-I guess what I'm
6 concerned about is that if you're increasing the-I
7 would like to see at the end of the day that this
8 legislation puts-gives-gives the vendors, the people
9 on the street, the people who I see out there, you
10 know, who seem to be working very hard in tough
11 conditions, at least they're in the position of
12 having their own permit, and so that they're-You know
13 because I mean right- I mean the system now not only
14 is it illegal, but it seems just right for
15 exploitation. There's no-they're-they're really
16 working for the permit holder in a way that can make
17 sure that they do not get a minimum wage, that they
18 don't get-they break all the regulations that you
19 might have if these people were employed as employees
20 versus they're sure to being the victims of
21 exploitation, and I'm just not sure if creating more
22 permits if we don't get the permits into the right
23 hands is going-is going to do anything.

24 JACK BELLER: So in-in my experience with
25 the many people in New York clients, we sell products

2 all over, and we don't only sell to individuals. We
3 sell to corporate people, too, but in my experience,
4 the people in New York most of them whether they're
5 immigrants or young college people who have started
6 trucks, which is another part of the relatively
7 recent in my experience anyway business. Most of
8 them are "leasing a permit" and leasing is not legal.
9 So what--what is done is the way--the way it's gotten
10 around is the person whose name the permit is in
11 becomes a partner in that business. So, and that
12 they--the--the person who wants to use the permit pays
13 that permit. They're given that--a certain amount of
14 money for that, right, so that they could do that.
15 That's how it's been circumvent. If--if one wants to
16 actually--Again, that's why I said if--if you don't
17 want it to be an asset, if you want it to be a means
18 of--of selling food, then if the person whose name the
19 permit is in has to be at the unit, that would solve
20 the problem. So I mean, it--it depends what the city--
21 In my mind the--the original--the reason that the
22 permits weren't--were not like taxing guns, but they
23 were not--and I may be wrong, but why else. They
24 reason they were not transferrable, they were not
25 sellable was because the intent of it was for--to

2 give—not to be an asset, but just as a means to get
3 into the system if you will. So that's all.

4 COUNCIL MEMBER COHEN: Thank you, Chair.

5 CHAIRPERSON ESPINAL: Carlos Menchaca.

6 COUNCIL MEMBER MENCHACA: Thank you,
7 Chair, and my question I want to just underscore
8 something that was said in this panel, and maybe it
9 was said a couple times before, but it's really
10 important. One, these are our neighbors in our
11 communities and they can serve as eyes and ears and
12 they understand the kind of fabrics and goings on in
13 the neighborhood, and so that's an important thing,
14 and connecting in better relationships with our
15 police department is important and all. Thank you
16 for—for saying that. Second, cooking spaces is—is
17 another kind of concept that I haven't seen, and
18 we're kind of looking at legislative pieces, but a
19 cooking location that is—that appears to the—the DOH
20 regulations, and make sure that we have safe food
21 that's prepared before it gets onto the street and
22 sold. I just want to make sure that—that we all
23 heard that, and that's an important thing for
24 everybody I think back to the safety issues, and so
25 that's an important—that's the—that's a beginning of

2 a solution. I don't know what that looks like. I
3 don't if anybody has more ideas about this, and—and
4 the testimony is on its way. We want to hear it, but
5 that's another component to this and it's—again, this
6 might not be a legislative fix, but it is a community
7 conversation that can happen where a community can
8 come together and say this is how we're going to work
9 with our vendors. This is how our vendors are going
10 to prepare food. Is there spaces that we can do?
11 Maybe the--the city has a role, and that's my earlier
12 questions to the Administration. I—I—I asked a very
13 open-ended--ended question about what's your
14 responsibility in help remove the gap of opportunity
15 that people can take. And so I have—my last and my
16 final question, Mr. Beller, you're a manufacturer and
17 have you seen opportunities to evolve your work,
18 your—specifically your carts and all the products
19 that are going out but haven't been able to do that
20 for whatever reason that can—that can help us get to
21 safe standards and better carts that can—that can
22 answer some of these questions that we're—we're
23 dealing with today, and—and again I just want to get
24 a sense about how—how you're evolving the industry as
25 well as you're hearing some of these—these issues?

2 Because I mean some of these issues are related to
3 the infrastructure that some of these vendors have at
4 the end of day on the ground in your years of
5 manufacturing?

6 JACK BELLER: Okay, so I—I think—what I
7 understand you're trying to ask is whether the
8 equipment has evolved to meet that—the production of
9 food, and—and safety and—

10 COUNCIL MEMBER MENCHACA: [interposing]
11 Handling food production.

12 JACK BELLER: Okay, so the Health—many of
13 the Health Department's regulations that are on the
14 books if they were enforced—if they were enforced and
15 if they were enforced equally across the board—board,
16 which they're—they're not, would—would actually be a
17 god send to—to the public. Earlier, much earlier in—
18 in today's meeting, I think the Department of Health
19 said something about the char—the charbroilers and
20 the emissions. Well, these—all of these units are
21 required by the Health Department to have an exhaust
22 hood with filters and fans, exhaust fans, a blast
23 fan, and they are also supposed to be enclosed on
24 three sides in the pot. That's the way the law is
25 written, and if you walk around—and—and few years ago

2 I'd say that's what happened. The Health Department
3 regulations are enforced like for two years in one
4 direction and then two years in another direction,
5 and it—it makes for as a manufacturer who likes to
6 make-- I'm sort of a by-the-book kind of guy, and so
7 I've always tried to make things according to the way
8 it's described in the regulation, but if other
9 manufactures- Well, for example, your—your cart is
10 supposed to be enclosed on three sides and the top,
11 but you'll see many of the units have sliding units.
12 That's not legitimate, and many of the vendors prefer
13 it, and because it—it gives them open air and makes
14 it visible, whatever, but that's not the Health
15 Department's description. So we, of course, will
16 adapt our manufacturing through what we'll sell also
17 because we're in the market and we have to be able to
18 sell. So even—so if we find out that from customers
19 who say well, Joe Blow has a cart with this, and
20 that's the way we want it. We're going to do that.
21 So, if the laws were enforced the way they're
22 supposed, and consistent and not tell one vendor you
23 can have this and another vendor you can have that,
24 and that's true because I've seen it. I've seen
25 people come back as failed, and for things that don't

2 even make sense like a casual--there's no--there's--a
3 couple of years ago, I--I do--I remember certain
4 things. So a couple of years ago, a customer she
5 sold nuts or something like that. She failed. One
6 of the reasons she failed was--it was the--I saw it on
7 the casters that--that were too small. There's no--
8 there's no regulation on the books relation to this
9 side of unit. Why she was, you know, failed for that
10 and not somebody else, you can only--you know, I don't
11 know.

12 COUNCIL MEMBER MENCHACA: Thank you for
13 that, and I--I think what this--this points to is--is a
14 lack of accountability on multiple parties, and I
15 think we all need to come to the table with some
16 accountability period across the table. Thank you.

17 CHAIRPERSON ESPINAL: Thank you panel.
18 Let's call up the next one. We have Eli Bueno from
19 180--180 First Street Small Businesses; Kamal Murphy
20 from the Bar (sic) Association; Richard Lipsky from
21 the Bar (sic) Association; Joe Fantano from Local 338
22 WBSU; Nelson Eusebio from the National Supermarket
23 Association. [background comments, pause]

24 MALE SPEAKER: Mr. Chairman, 338 had to
25 leave, but we have Local 1500. Can they replace 338?

2 CHAIRPERSON ESPINAL: Sure.

3 MALE SPEAKER: Brandon, if you're here.

4 [background comments, pause]

5 NELSON EUSEBIO: It says her good
6 morning, but actually it's good afternoon or good
7 evening. Good evening Chair Rafael Espinal and other
8 members of the New York City Council Committee on
9 Consumers Affairs. My name is Nelson Eusebio, and
10 I'm the Executive Director of the National
11 Supermarket Association. The NSA is a trade
12 association that represents the interests of
13 independent supermarket owners in New York and other
14 urban cities throughout the East Coast. In the five
15 boroughs alone, we represent 400 stores that employ
16 over 15,000 New Yorkers. I'm here today to testify
17 on two items rel-relevant to our membership, Intro
18 1303/2016, Intro 0072/2014. Intro 1303/2016, a local
19 law to amend the New York City Charter and
20 Administrative Code of the City of New York in
21 relation to expanding the availability of food vendor
22 permits, creating an office of street vendors
23 enforcement and establishing the Street Vendor
24 Advisory Board. The NSA has long had extraneous
25 relation between store owners and street vendors.

2 Street vendors often set up shop directly outside our
3 member stores undercutting them in pricing and steal
4 business right underneath their nose. This can
5 result in losses up to \$5 to \$6,000 a week. Maybe
6 street vendors operate illegally setting up in
7 loading zones or meter parking and operating there
8 for extended periods of time. This often results—
9 results in confrontations between store owners and
10 street vendors. I think that we can all agree that
11 that doesn't benefit anyone. With that being said,
12 NSA most certainly believes in the right to
13 entrepreneurship and the rights of street vendors
14 many of whom are immigrants that provide for their
15 families. It is precisely this balance we're seeking
16 in the Street Vendor Modernization Act. While we
17 commend the New York City Council for working to put
18 together a well thought out piece of legislation,
19 there are certain measures that need to be included
20 in order to make this legislation live up to the
21 spirit of the law and alleviate many of the issues of
22 brick and mortar stores, particularly supermarkets
23 facing from the street vending community. Our
24 suggestions are the following, if I may: More on
25 detailed enforcement unit. NSA was particularly—

2 particularly—particularly pleased to see separate
3 enforcement on a task force overseeing that arm and
4 focus on enforcement around supermarkets. However,
5 in order to ensure this union functions as intended,
6 the NSA recommends that Intro 1303 include a method
7 where our personnel can reportedly—report directly to
8 a unit, a hotline or some other method to directly
9 communicate and report violations. We also recommend
10 that the law spell out how the unit will be staffed
11 according to reasonable ratio of enforcement, agents
12 to vendors, and to require that the units lay out
13 perimeters and priorities for how they intend to
14 target illegal street vendors. [bell] Well, I have
15 a lot more here to say.

16 MALE SPEAKER: You should go into the
17 restrictions on that. (sic)

18 NELSON EUSEBIO: The supermarket industry
19 is highly regulated, and the Department of Consumer
20 Affairs mandates that stores post prices and tags on
21 each product. Stores that fail to do so, can suffer
22 large fines harming their business and indirectly the
23 communities they feed. We are glad to see that
24 measures in the level of regulatory playing field
25 with related industries selling these products.

2 However, there are many DCA and DOH regulations in
3 the supermarket industry that we believe should be
4 expanded to the push cart industry for basic consumer
5 protection reasons. But for also regulatory
6 fairness. For example, the supermarket industry
7 faces strict refrigeration requirements for
8 both displays and storage items. Push carts should
9 be held to the same standard, but instead you see
10 stands with produce sitting outside of stores under-
11 refrigerated in 90 degree weather. We implore the
12 City Council to further expand in these discrepancies
13 and consider—and consider legislative action. The
14 NSA will be happy to serve as a resource in this
15 process. Let me state that we are not against push
16 carts, but we are for the regulation of push carts.
17 The spirit of the law when it comes to our food
18 vendors and produce vendors was to provide fruits and
19 produce to neighborhoods where they weren't. When
20 these vendors are in front of our supermarkets, they
21 are not satisfying nobody needs.

22 EDDIE PEREZ: Good afternoon. My name is
23 Eddie Perez. I represent the United Restaurant and
24 Lounge Group. I'm also a spokesperson for the Bodega
25 Association of the United States, and I want to thank

2 the members of the City Council, those of you that
3 are left, for the opportunity for me to speak. Equal
4 and exact justice to all men of whatever state or
5 persuasion. Jefferson wrote that and it's on the
6 ceiling of this room. But when Council Member Levine
7 had spoken of a \$1,000 permit fee and the young lady
8 that was at this—at this very same seat, had said
9 that it was too expensive, that right there is not
10 equal and exact. When a restaurant wants to open up
11 a sidewalk café, they're faced with over \$6,000 in
12 license fees, consent fees, security deposits and
13 rigorous approval, which involves hiring an
14 architect, which also incurs additional expenses.
15 Let's put another scenario. Out of all our members
16 let's say somebody decides to open up a mobile
17 clothing boutique, right, about the same size of the
18 food truck. The member parks it in front of a mall.
19 They're going to be able to sell a lot of T-shirts, a
20 lot of clothing that otherwise would be sold by
21 clothing vendors inside the mall. That's hijacking
22 customers. Food trucks don't just compete with the
23 brick and mortars for food traffic. They also occupy
24 a long stretch of parking spots where customers look
25 to park their vehicles. Street vendors enjoy a

2 competitive advantage to brick and mortar businesses.
3 Brick and mortars they have to pay a portion of their
4 sales for rent, property taxes, downtown improvement
5 district fees, common area maintenance by their
6 landlords, the landlord's property insurance, and
7 food trucks they pay if not any, maybe very little of
8 these burdens. Traditional restaurants must sustain
9 a local workforce year round even though their profit
10 margins shrink in the winter time. Food trucks would
11 be seasonal. Most of them are and add competition
12 during the warmer months. We're not completely
13 against this legislation, right. It's a free market
14 and everybody deserves an opportunity to live the
15 American dream, but this legislation needs to be
16 thought out a little more carefully. A lot of the
17 restaurant owners, a lot of the brick and mortars
18 spend a lot of time and money on advertising and
19 promotions to bring people in, and the food trucks
20 benefit from that. Large retail operations should
21 also be concerned that vendors discourage walk-in
22 customers by blocking the sidewalks and contributing
23 to the overall degradation of the environment around
24 the store. And if we want to talk health, safety,
25 security, the street vendors may be targets for

2 crimes of opportunity because of the cash they're
3 going to carry on hand. The issue is that vendors
4 may be risk—may be risks, you know, for—for
5 additional crimes. Vendors and the power generators
6 they are noise polluters as well as air polluters.
7 It would be very beneficial if every food truck were
8 require to have an electrical plug in at the site
9 where they will sell their lunches. And in regards
10 to food safety, most of the problems arise when the
11 truck's operators illegally store food at home where
12 health inspectors cannot go. Commissaries there's
13 not enough. It was stated earlier to day, and with
14 the rampant rezoning under this Administration there
15 are very few places in Manhattan zoned for new
16 commissaries. You know, again it's—it's a debate
17 that's happening all over the district, and I'm
18 pretty sure it's happening across the country. You
19 know, we want to make sure that food trucks can
20 peacefully co-exist with brick and mortar
21 restaurants, but the investments that the restaurants
22 owners have made in New York City they need to be
23 protected. Thank you.

24 BRENDA SEXTON: Good afternoon. My name
25 is Brendan Sexton and I'm a Coordinator for UFCW

2 Local 1500. Thank you for having me today. Thank
3 you to the Chairman and—and the council members. I
4 want to read a statement that was prepared by our
5 President, Anthony Speelman and I'm the President of
6 UFCW Local 1500, New York State's largest grocery
7 workers union. I'm here today to testify on the
8 Street Vendor Modernization Act, a bill whose main
9 goal is lifting the limitation on the number of
10 license of street vendor in New York City. What is
11 missing is any substantial concern for the impact
12 that street vending has on the city's 600 or more
13 neighborhood supermarkets many of whom employ the
14 hardworking men and women of my local union. With
15 over 20,000 members, Local 1500 is one of the largest
16 locals in the UFCW. Our union represents men and
17 women in Queens, Brooklyn, Staten Island, the Bronx
18 and thousands more in Nassau County, Suffolk County,
19 Westchester and Dutchess. Our members work companies
20 that have a long history in New York City. These
21 companies such as Fairway, D'Agostino, Stop and Shop,
22 Gristides, Shop Right. They have been serving New
23 Yorkers for many years. Our members receive better
24 salaries and better benefits because of the hard work
25 Local 1500 does in the grocery on their behalf.

2 However, all is not well. Over the past 16 years, we
3 have lost many of our jobs to—have lost many of our
4 jobs as supermarkets have been forced into
5 bankruptcy. This is not the fault alone of New York
6 City. The city's regulatory environment have made it
7 difficult for our stores to compete in today's city.
8 In this challenging environment, the City Council is
9 adding one more obstacle, adding additional street
10 vendors. This proposal flies in the face of a
11 regulatory system that allows produce vendors to set
12 up shop directly in front or adjacent to our
13 neighborhood supermarkets. According to our
14 companies they lose anywhere from \$5,000 to \$7,000 a
15 week to street vendors. When those lost sales go to
16 the street, it means that workers lose hours, get
17 laid off or just don't get hired in the first place.
18 Produce is sold on the street and really good paying
19 jobs are sacrificed. The reason lies—But why? The
20 reason lies in the Council's unwillingness to take a
21 chance and reverse 70 years of bad legal precedent.
22 When the court ruled in 1943 that the city couldn't
23 restrict vendors solely on the basis of competition,
24 it did so in the face of Mayor La Guardia's effort to
25 ban all street peddling in New York, something we do

2 not want to happen because we applaud the efforts of
3 striving street vendors to pursue their vision of the
4 American dream. But we don't think that their pursuit
5 should be fulfilled at the expense of our hardworking
6 members. The legislation before you calls for a
7 greater focus on supermarkets, but the bill is out of
8 focus when it comes to the preservation of
9 supermarkets and our members. In order to get the
10 right kind of focus, the Council needs to place the
11 needs of this vital industry front and center. To
12 treat our members' survival as merely ancillary to
13 the needs of street vendors is like putting the
14 peddler's cart before the supermarket's horse. The
15 right focus means finding ways through the city's
16 overriding authority to ensure that the health and
17 safety of its citizens and to regulate where vendors
18 can operate in the public interest. I'll leave it to
19 some of my coalition partners to lay out the
20 specifics, but there are ways that the City Council
21 can do this. In order to do this, you'll need to
22 recognize the fairness—that fairness involves finding
23 the right balance. Assuming that the current bill is
24 only a dozen parts. Our members are watching and
25 hoping that the Council will amend this proposal to

2 reflect the genuine needs of their employers and
3 themselves. We stand ready to work with you in order
4 to achieve this goal. Thank you.

5 RICHARD LIPSKY: Good afternoon, Council
6 Members. My name is Richard Lipsky. I have been
7 representing the interests of bodegas and
8 supermarkets for close to 35 years. One of the
9 things that I think should be very clear from the
10 outset is that supermarkets are disappearing in New
11 York City. As my colleagues have said, the
12 challenges of operating in the New York City
13 environment are great, but I'm here today to talk
14 about a specific niche in the food chain, which is
15 the local bodega. One of the things that we have
16 seen over the last 10 years is a renewed interest
17 bodeguero to become healthier food options. We have
18 Shop Healthy, which is a—a program that's sponsored
19 by the New York City Department of Health, but
20 recently the Bodega Association has instituted
21 through a grant from the Center for Disease Control a
22 program called Healthy Bodega. Healthy Bodega is now
23 50 strong in the Bronx, and one part of the program
24 is training the store owners to provider healthier
25 food options for the residents and working with Bronx

2 Health League to create a community partnership with
3 the store owners. The other thing that the store
4 owners do is to retrofit the stores, and spend
5 thousands of dollars in new equipment in order to
6 provide those healthier food options, new deli
7 counters, new coolers for water in the front of the
8 store, rather than soda and beer, things of that
9 nature. What the Modernization bill before us does
10 or doesn't do in this case it doesn't address the
11 equity involved in getting bodegas to finally reach
12 out to the community, deal with the health issues.
13 Bronx is 62 out of 62 counties in the state of New
14 York in terms of health outcomes, and to look at that
15 and to say we need to—to encourage that experiment.
16 We need to invest in the small store owner who has
17 put tens of thousands of dollars into those stores.
18 Instead what this bill can do potentially because the
19 cap eventually becomes non-existent is to place more
20 vendors in front of those stores selling comparable
21 goods, and to the point of my colleague from the
22 Union, this Council has the opportunity to look at
23 the stores that Mr. Usega represents mostly in the
24 outer boroughs in underserved areas. The bodegas
25 that I am speaking for today, and that when those

2 stores are selling--as the supermarkets do and now
3 the bodegas are following suit--when those stores are
4 selling healthier food items in the interest of
5 public health, we need to put a perimeter around
6 those stores in those neighborhoods of at least 500
7 feet that you-- It makes no sense if the city's policy
8 is to promote supermarket retention and health
9 bodegas to then put vendors on the street to
10 undermine city policy for public health. So, to wrap
11 it up, the City Council has the opportunity not on
12 the basis of competition, but on the basis of public
13 health to say around healthy bodegas, around super
14 markets in underserved areas, we need to form a court
15 within 500 feet that gives those stores the opportunity to
16 grow and to continue to provide healthy food for
17 communities that need them. Thank you.

18 COUNCIL MEMBER LEVINE: Thank you, Mr.
19 Lipsky. Thank you to the whole panel. I think it's
20 really important that we heard from your perspective.
21 It matters a lot to me and I think everyone on
22 Council and you offered very I thought reasonable and
23 thoughtful remarks, and I really appreciate that.
24 One small thing to point out that D'Agostino, and I
25 believe also Gristides started as street vendors. So

2 I have no doubt that the next generation of your
3 members are someone where on the street waiting to
4 find their first storefront. But on a—on a more
5 serious note, I—I do believe that enforcement is at
6 the bottom of much of the challenges that you
7 describe, and uses supermarkets that I regularly
8 patronize and bodegas. Often it's—it's—street
9 vendors were not permitted or are not adhering to
10 location rules, and that is a problem that we are
11 trying to address and, in fact, the only type of
12 establishment that's singled out for priority
13 enforcement in the bill in the entire city is
14 supermarkets where this new street vendor enforcement
15 taskforce is specifically instructed to prioritize
16 enforcement in front supermarkets because of our—the
17 con—the concerns that you addressed and—and I think
18 that that would alleviate a lot of the conflict that
19 you're currently experiencing. A lot of us have
20 thought about this notion of can you—can you—could
21 you pass a law that said you can't vend the same.
22 Either your product or food in front of a storefront
23 if it's a direction conflict, and what—what our legal
24 people are telling us is that there are legal
25 challenges to that. Now, if you all have—either have

2 your own expertise, or both of those of you—those of
3 you can tap other thoughts on the legality of that
4 specific piece of prohibiting vending of one product
5 type in front of a store which sells the same
6 product. If you want to offer that thought now or—or
7 get back to us, I certainly would be—be anxious to
8 hear that.

9 RICHARD LIPSKY: Council Member let me—
10 let me address that because we did meet with staff on
11 this. We've been kind of going back and forth on a
12 decision from 1943 *Good Humor v. New York*, and what
13 that did—what that decision did was to prohibit Mayor
14 La Guardia from banning all peddling in the city of
15 New York because the Mayor didn't want them competing
16 with brick and mortar businesses. Subsequent
17 decisions in the last 75 years or so have made it
18 clear that the city municipalities throughout the
19 state have the ability to restrict locations of
20 vendors based on public health and public safety. So
21 that if you look at for instance in Manhattan where
22 supermarkets generate tremendous foot traffic, then
23 you can restrict vendors in front of those markets
24 because of pedestrian traffic issues. In the areas—
25 in the underserved areas where public health becomes

2 a more paramount concern than we believe that the
3 Council has the legal authority to restrict even
4 greater distances based on the City's own fresh
5 program, which is designed to promote and protect
6 supermarkets in the city because of public health
7 reasons. If you want to protect and promote, you
8 don't put vendors in front of stores taking \$7,000 a
9 week out of their cash registers. That's not
10 promoting, that decimating, and that's what we're
11 saying. We—we think and people coming—we're—we're
12 part of the New Yorkers for Street Vendor Reform.
13 There are people coming in. Mr. Sloan from Morton
14 Williams will testify and also someone from Goth and
15 Government Relations who is a lawyer who will go into
16 the legal details of it. But we think where there's
17 a will, there's a way. Let that be challenged. Put
18 it out there. Protect the public health and public
19 safety. Restrict the locations. I think you'll be
20 winners in that legal battle.

21 COUNCIL MEMBER LEVINE: Thank you for
22 that.

23 NELSON EUSEBIO: [interposing] Council
24 Member, if I—if I may add, and this is in regards to
25 public health and—and public safety but, you know,

2 the same way that at a restaurant, employees are
3 required to wash their hands before returning to
4 work. There should be some sort of requirement that
5 requires the food truck or the food cart employees to
6 have restroom access within 200 feet of the food
7 truck, and as far as proximity to a food service
8 establishment or a small food retailer like a bodega,
9 they should think about restricting the proximity of
10 the food trucks to not less than 65 feet away from
11 the restaurant or small food retailer.

12 COUNCIL MEMBER LEVINE: Appreciate that
13 and go along with that.

14 NELSON EUSEBIO: I'd-I'd just like--

15 COUNCIL MEMBER LEVINE: [interposing]

16 Yes.

17 NELSON EUSEBIO: --to say that what we
18 would like from the City Council is for the spirit of
19 the law to be activated here. The spirit of the law
20 when it comes to produce and vegetables is to provide
21 those areas that don't have produce and vegetables
22 that are being underserved parked in front of a
23 supermarket is not what this law was intended to be.

24

25

2 COUNCIL MEMBER LEVINE: That's an
3 absolutely fair point. I'm glad you raised it.
4 Thank you very much, pane. Thank you.

5 NELSON EUSEBIO: Thank you.

6 COUNCIL MEMBER LEVINE: Okay, next up we
7 have Rabbi Joe Jacobs, Adam Sobel, Cecil Fuentes,
8 Marlene Richard, and the Reverend Micah Bucey. I
9 hope I pronounced that correctly. [background
10 comments, pause]

11 LINDSAY DOOLE: Hello, my name is Lindsay
12 Doole. I'll be reading today on behalf of Rabbi Jill
13 Jacobs. I'm the Executive Director of T'ruah, the
14 Rabbinic Call for Human Rights, a non-profit
15 organization that brings together rabbis and cantors
16 from all streams of Judaism together with all members
17 of the Jewish community to act on the Jewish
18 imperative to respect and advance the human rights of
19 all people. I am proud to support Intro 1303, which
20 will expand opportunities for street vendors, and
21 allow them a better chance at the American Dream.
22 Today's street vendors are the direct descendants of
23 the push car sellers, once a fixture of New York
24 life. As a Jew whose family came to America from
25 Eastern Europe some 100 years ago, I know how these

2 small business ventures propelled immigrants into the
3 middle class. Today, we need policies that gives
4 vendors the same chance to follow this path. That is
5 why I am supporting the vendors' right to work
6 legally under their own permits without fearing—
7 fearing daily arrest and confiscation of their
8 equipment. Jewish law also protects the rights of
9 low wage workers establishing protections against
10 taking unfair advantage of those most vulnerable to
11 exploitation. Of course, vendors must comply with
12 the many regulations that exist to ensure public
13 health and safety, and vendors must be given the
14 fundamental right to operate their business in public
15 space. For this reason, I support Intro 1303, which
16 will increase the number of existing food permits,
17 thereby expanding the opportunity for vendors and
18 helping to secure for them a better livelihood. On a
19 personal level, my family and I have been active for
20 years in the movement for the rights of street
21 vendors in New York City. We have gotten to know
22 vendors and to understand the struggles they face.
23 We have take these struggles on as our own because we
24 believe vendors deserve to be treated with justice,
25 fairness and respect. I hope you will join me in

2 supporting Intro 1303, and other policy changes that
3 support street vendors and their campaign for
4 worker's rights and human rights in New York City.
5 Thank you.

6 COUNCIL MEMBER LEVINE: Thank you and
7 please send Rabbi Jacobs my best. Thank you for
8 being here. I appreciate that.

9 CECIL FUENTES: [off mic] Thank you
10 honorable members of the New York City--

11 COUNCIL MEMBER LEVINE: Your microphone,
12 sir.

13 CECIL FUENTES: Sorry. Thank you.
14 Sorry. Good afternoon. Honorable members of the New
15 York City Council. My name is Cecil Fuentes. I
16 represent a small organization of business owners,
17 hardworking men and women who gambled their lives and
18 most valuable possessions in pursuit of the American
19 dream. Our organization is small, but very well
20 known to people in the city. Our fans and patrons
21 are fondly nicknamed The Red Hook Food Vendors, a
22 simple name that describes where we come from and
23 what we do. The Red Hook Food Vendors have been
24 around since 1974. That's 42 years in business. We
25 are considered by many to be a Brooklyn cultural

2 institution because we have become a neighborhood
3 staple and a seasonal staple for all New Yorkers
4 through the decades. But today, we come not to tell
5 you about the life of the Red Hook Food Vendors, but
6 to advocate for the life of this proposed bill to
7 support lifting the caps that provide new life to
8 fellow small entrepreneurs like us. In order to
9 advocate for life, we would like to tell you briefly
10 the story about the death of the Red Hook Food
11 Vendors. You see, exactly ten years ago our markets
12 was sentenced to death by change. Change came to our
13 neighborhood in the form of gentrification, but we
14 persevered. Change devastated our neighbors and
15 bankrupted our fellow small mom and pop businesses,
16 but we preserved. Change chased away our most local
17 patrons and took our traditional open market feel,
18 but we persevered. We fought back against that very
19 death sentence to shut down our market, but we
20 persevered. But victory against change came at a very
21 high cost for the Red Hook Food Vendors. We had to
22 compromise some of our very things that made our
23 market so unique and special to our patrons such as
24 our open market feel. And while the compromise that
25 this was a good one was purchasing food trucks, but

2 it came at a cost that some of our vendors simply
3 could not afford. But we hope that our food trucks
4 will enable us to expand business to different days
5 and locations to offset the loans and increasing
6 overhead costs. Our compromise on the restricted
7 area permit limited our operation to a single space
8 and only a handful of days between spring
9 and summer seasons. This resulted in many of our
10 vendors going bankrupt, selling their trucks out of
11 desperation and unable to afford or continue
12 operations at the Red Hook Food Marketplace due very
13 varied permit restrictions. Among them is my family,
14 who are currently struggling financially and at risk
15 of losing their home. Today, out of 12 original Red
16 Hook Food Vendors who ten years ago were so close to
17 achieving the American Dream, only four survived.
18 The highest price the vendors have to pay to fight
19 against change and persevere is losing two-thirds of
20 its members. Of course, the Red Hook Food Vendors
21 Market as it stands today it's inevitably condemned
22 to death, a slow and agonizing death of what is
23 considered one of the great markets in New York City.
24 Honorable, City Council Members, while it may not be—
25 while it may be too late for the Red Hook Food Market

2 to ever flourish back to its glory days, the only
3 thing that we ask today is that you consider creating
4 the 4 or 5,000 opportunities for aspiring vendors who
5 still are there to gamble everything for the American
6 Dream. Who knows, perhaps amongst the shuffle there
7 is Red Hook Food Vendor is desperately waiting for a
8 second changes, because hope, Dear Council Members,
9 is the last thing we lose.

10 FRANK: [off mic] Hello [on mic] Hello.
11 My name is Frank and I will be reading the testimony
12 of Adam Sobel of the Cinnamon Snail. I started my
13 Kosher certified vegan mobile food business in 2010
14 with \$11,000 that I scraped together from working as
15 private chef. Because permits weren't available for
16 New York City, I had to start in Hoboken, New Jersey.
17 When we finally found a New York City permit to rent
18 my food truck, the Cinnamon Snail, became one of the
19 most sought after food trucks in the country drawing
20 national and international tourists to our truck
21 daily. We received numerous accolades and awards,
22 were listed as the number place to eat on any kind-of
23 any kind New York City on the yelp.com and the number
24 for in the entire USA. We serve different
25 neighborhoods providing an extra yummy vegan kosher

2 dining option in seven different communities each
3 week, which other—otherwise had no options for
4 working people of serving these dietary choices. In
5 early 2016, the cost and legal complications
6 associated with renting a New York City mobile food
7 vending permit became so large that I had no choice
8 but to shut down our food truck operations in New
9 York City. Due to the city's broken permit system,
10 our trucks now have been forced back to serving only
11 out-of-state where they still attract customers from
12 all over the country and the planet. In January of
13 2016, we launched our first brick and mortar location
14 Midtown Manhattan and are opening a second location
15 downtown this winter. We currently employ 42 people
16 who are on the books and paid a respectable living
17 wage, and are planning to hire another 18 people by
18 early 2017. Without having been able to launch our
19 business on a serious budget, I never would have been
20 able to start a business in New York City. Street
21 vending is an integral part of New York City's famous
22 food culture and way for entrepreneurs to start a
23 small business without getting themselves into
24 insurmountable debt. The City Council should pass
25 this bill and issue more food vending permits.

2 COUNCIL MEMBER LEVINE: Thank you, Frank.

3 MARLIN GUINCHARD: Hello. I'm Marlin

4 Guinchard. I'm the owner of Chile Ganacha. I

5 actually had a food truck before, but I'm going to

6 read this because it's a lot here for me. [laughs]

7 So I--now I--I own Chila & Garnacha, a Mexican

8 Restaurant in Astoria. Before I opened my restaurant

9 we had food truck called Mexico Boulevard. I am here

10 to testify in favor of Intro 1303, which would allow--

11 which would allow more food vendors and vendor

12 permits to be issued. I originally wanted to open a

13 restaurant in New York City, but in 2010 before we

14 had the food truck I tried to open the restaurant,

15 but it was almost impossible. We went to the

16 Department of Small--Small Business Administration

17 who told us that we had an excellent plan, but it was

18 very difficult to get the financing. Also, the

19 commercial space to--to lease a restaurant in New York

20 City was very scare in--in a way, and very expensive.

21 We had some friends and family that were willing in

22 our business, but they would commit to--they wouldn't

23 commit to the risk of opening a first-time restaurant

24 during the recession. So initially, we thought that

25 a food truck would be a much better option, but the

2 expense, and—and so okay. The expenses were less
3 than a restaurant, and we were able to convince our
4 investors to support it. I think I'm—[laughs]
5 Opening a food truck was a scary process. I normally
6 try to do everything by the book, but working towards
7 this food truck seemed like a criminal—criminal
8 enterprise. So we eventually found a permit holder
9 to partner with. It was crazy that we could not just
10 get a city from the permit—I mean a permit from the
11 city. Despite all these challenges, operating this
12 food truck enabled us to start and grow our business
13 and open this special restaurant we have today. The
14 food truck functions as an incubator that allowed us
15 to test our food, and see what kind of customers we
16 would attract. We tried out different neighborhoods
17 around the city, and learned what type of food worked
18 best for the area. We could never have done that if
19 we just started a restaurant. Allowing more food
20 vending permits would—means more diverse—diverse food
21 businesses will be able to start and grow. We
22 learned very quickly that people loved our food, and
23 we were lucky our truck was so successful. However,
24 New York City provided to be too hostile to food
25 vendors even though vending has such a large—long

2 history here. We couldn't deal with the broken
3 permitting system and the harassment from enforcement
4 authorities since we had no legal place to park. We
5 closed our food truck in October 2015, but running
6 our food truck allowed us to—to get financing from a
7 bank to open the restaurant. The bank no longer saw
8 us as risk, since we have the experience and success
9 from our food truck. I still have the food truck in
10 my back yard, and I'm—I'm waiting to get my own
11 permit. If that's so I will put the truck on the
12 street, and we will have very happy customers again.
13 [laughs] Thank you for the opportunity to testify
14 today. And I just have one little thing I wanted to
15 say about the—they mentioning a lot of things today
16 about food trucks do not pay rent. We do pay rent.
17 I am not a food truck vendor any more, but we do pay
18 rent because we pay rent to the commissaries, and
19 they're not cheap, and also we have to pay rent to—
20 for the commercial kitchens as well. And actually
21 one of the reasons why I opened the restaurant was
22 because we didn't have the commercial kitchen so
23 that's why we opened the restaurant so we could have
24 our own commercial kitchen and do everything again by
25 the book. And I do have like-

2 COUNCIL MEMBER LEVINE: [interposing] So,
3 therefore, what--

4 MARLIN GUINCHARD: -14 employees now.

5 COUNCIL MEMBER LEVINE: --were the
6 average rents for a commissary and a kitchen cost for
7 a food truck?

8 MARLIN GUINCHARD: Well, the--the rent was
9 like around \$1,000 a month for the--for just to park
10 the truck, and then we would have to, you know, to
11 pay per hour for the cooking, and it was like between
12 \$75 and \$100 an hour, and sometimes I mean we have
13 big operations, and also just the fact of cooking in
14 a commissary, the--the storage--there's all these issue
15 with storage that you have to deal with because you
16 have to also--they charge you per square foot of
17 storage. So you get dry storage. You get the
18 refrigerated storage and you get the--the freezing
19 storage if you need freezers. So, and then also
20 that's--that's a conflict as well because you have to
21 deal with many other people in--within the commissary
22 to just access your own stuff. So just the fact of
23 having to cook at a commissary because that's the
24 legal way to do it if you don't have a commercial
25 kitchen. It--it became like very tedious and--and

2 sometimes even unsanitary because there's a lot—they—
3 they—they have to be more enforceful for the
4 commissaries as well, you know, checking them.
5 Actually, they—they closed the—they shut down the
6 commissary for us for two weeks because of sanitary
7 problems, and that's when we decided to open the
8 restaurant immediately because we needed the
9 commercial kitchen.

10 COUNCIL MEMBER LEVINE: Thank you for
11 your story. Very information. Sir.

12 MATTHEW SHAPIRO: Hi, my name Matthew
13 Shapiro, and I'm here to read the statement for
14 Reverend Micah Bucey from Judson Memorial Church.
15 The Judson Memorial Church is a community of faith
16 wholly united and unapologetically rooted in seeking
17 the spirit of justice in its myriad and
18 intersectional forms. Justice as—as we live it is a
19 determination to ending the marginalization of our
20 neighbor. It is a unwavering commitment to securing
21 equal opportunity and jobs for all, and it demands
22 that social institutions guarantee every person the
23 continuing right to participate in economic decision
24 making that affects them. It is because of our
25 continuing tradition of justice seeking that the

2 Judson Community supports this legislation the Street
3 Vendor Modernization Act, which is a critical step
4 toward economic justice for street vendors, for New
5 Yorkers and for all. This act is an inclusive move
6 toward providing even more hardworking business
7 owners, job creators and entrepreneurs with
8 opportunities to expand their livelihood and to
9 contribute—contributing to the growth and vitality of
10 the communities they serve. This act is an
11 interpersonal move towards empowering mothers,
12 fathers, grandparents, towards empowering families
13 with stability, security and the resources to provide
14 for their loved one, and this act is a developmental
15 move towards growing the vitality of our streets
16 enriching neighborhood life and strengthening
17 community development. The Street Vendor
18 Modernization Act is critical to securing the city's
19 wealth of public life and lifting up our most
20 valuable resources: New Yorkers themselves. No
21 matter what faith tradition one holds dear, our
22 collective humanitarian commitment to the Golden Rule
23 calls us to treat others the way they would prefer to
24 be treated, and to think outside the silos and
25 systems that keep us and our neighbor from pursuing

2 and embodying justice. This current chance to
3 advance the economics of opportunity, give us and the
4 city as a whole a clearly defined and clearly
5 inclusive moral and ethical vision. The logical end
6 to the core truth of this act is that those of us
7 most marginalized by the injustices in our society
8 will be those who can transform the shape of our
9 collective future, the immigrant, the poor, the
10 families struggling to survive, the street vendor.
11 We look forward to helping to advance the Street
12 Vendor Modernization Act into ensuring the economics
13 of justice for more and more New Yorkers. Thank you.

14 COUNCIL MEMBER LEVINE: Thank you very
15 much. Well, thank you to our panel. We appreciate
16 it.

17 MATTHEW SHAPIRO: Thank you. [background
18 comments, pause]

19 COUNCIL MEMBER LEVINE: I'd like to
20 invite up Michelle Birnbaum, Sarah Gestelum (sp?),
21 Morton Sloan and Dan Biederman. [background comments,
22 pause] Hello, Birnbaum, a pleasure to see you again.
23 Please—please turn on your microphone.

24 MICHELLE BIRNBAUM: Nice to see you as
25 well. Thank you.

2 COUNCIL MEMBER LEVINE: Thank you.

3 Please start us off.

4 MICHELLE BIRNBAUM: Yes. So, Council
5 Member Levine and other Council Members, I'm
6 testifying today as Co-Chair of the Vendor Taskforce
7 Committee of Community Board 8, and also as a
8 community representative of the New Yorkers for
9 Street Vending Reform, which was actually a bit of an
10 outgrowth of a forum that our community board meeting
11 had held. I will submit a written narrative, but
12 because of time constraints, I'll give you the
13 following bullets points just in the interest of
14 time. I want recognize today as I do at the
15 beginning of every one of our meetings that I respect
16 the very hard work and dedication of the vendor
17 community, and I express that to them all the time,
18 and they are very wonderful advocates for their
19 position. However, we are opposing lifting the caps
20 today. There's—and because for a few reasons, one of
21 which there's really—there's no explanation as to how
22 you arrived at the 635 per year number. We support a
23 vendor enforcement squad, but the size of the force
24 is not addressed. There needs to be a ratio of the
25 number of enforcement agent to vendors, and it needs

2 to be substantial and active in all areas of the city
3 as is the sort of the meter enforcement squad, not
4 just active and congested areas. As a matter of
5 fact, our community board in 2006 passed a resolution
6 asking for such a force, and I would suggest after
7 listening to everyone today that it would be a really
8 good idea to make this a freestanding bill so that
9 you could act on it almost immediately. At this
10 moment there are no legal spots for truck vendors.
11 All their locations are in illegal parking spots.
12 They're at meters, no standing or loading and
13 unloading only zones, ambulance and Access-A-Ride
14 spots. There should be a sign vending locations
15 using the bidding or an Italian system or a community
16 based planning for converting parking lots, et cetera
17 to vending zones. And they should be facing the
18 ULURP process. Violations should be issued to both
19 the permit holder and the licensed vendor who is
20 manning the cart of the permittee as both are
21 contributing to the non-compliant act. The
22 Environmental Impact Statement is due to be done in
23 2024 to '25. However, it should be implemented
24 before there is any increase in the number of
25 vendors, not after just as an EIS is done prior to

2 constructing a building. The EIS should include the
3 effects of vending on the quality of life of
4 residents, which is not included in your study, and
5 how cooking odors, fumes generate a noise and oil
6 fumes affect them. Incentivizing and encourage
7 shared books in the location. This is done in areas
8 in Chinatown and by corporations such as Baskin-
9 Robbins and Dunkin' Donuts would be a good idea.
10 Parking lots should be used as well. Be aware also
11 that increased vendor locations will help to empty
12 storefronts because store owners in an effort to
13 expand their businesses will and do at this present
14 time turn to truck vending for their expansion.
15 Also, the street Vendor Advisory Board a great idea,
16 but it should include City Planning and it doesn't
17 because they after all are responsible for most of
18 what happens on the street. The Advisory Board
19 should not be proposing locations. The community
20 should be the voice of whether not vending should be
21 increased or decreased in their neighborhoods, and
22 where these locations or venues should be. If any
23 locations are proposed by a government agency, they
24 should be subject to an open hearing. There should

2 be a mechanism for an individual or group to request
3 that a street be restricted to vending.

4 COUNCIL MEMBER LEVINE: [interposing]
5 Thank you, Ms. Birnbaum, if you could just try and
6 sum up.

7 MICHELLE BIRNBAUM: I will. I want to
8 say that school kitchens in my opinion should not be
9 used for food preparation by anyone not-not
10 affiliated with the parent or student body of that
11 school as security in our schools be paramount. All
12 considerations for changes should be based on
13 community based planning. Training, mapping on the
14 website should be put into place immediately and with
15 respect to

16 COUNCIL MEMBER LEVINE: [interposing]
17 Alright.

18 MICHELLE BIRNBAUM: --Intros 72, 78 and
19 432--

20 COUNCIL MEMBER LEVINE: Thank you.

21 MICHELLE BIRNBAUM: --I believe they have
22 merit. Thank you very much.

23 COUNCIL MEMBER LEVINE: Thank you, Ms.
24 Birnbaum. Okay. Next, please.

2 MORTON SLOAN: Is this on? Yes. Thank
3 you.

4 COUNCIL MEMBER LEVINE: Yes.

5 MORTON SLOAN: Councilman Levine and
6 other members of the Council, thank for hearing what
7 I have to say today. I was going to read my speech,
8 but I can see that I won't be able to get it in three
9 minutes. So I'm going to read a small part of it and
10 then—and then make some comments as well afterward.
11 My name is Morton Sloan and I am the owner or one of
12 the owners of Morton Williams Supermarkets, a family
13 owned and operated business whose headquarters are in
14 the Bronx. We currently operate 14 New York City
15 supermarkets, employ over 1,000 New Yorkers most of
16 whom we hire from the Kings Bride Road Office. Most—
17 all of our workers are union members with good living
18 wages, and with pensions and benefits. We are here
19 today to testify on the Street Vendor Modernization
20 Act, a bill whose main goal appears to be—to me to be
21 the lifting of limitations on the number of licenses
22 currently available for vending in the city. What is
23 missing is any substantial concern of the impact that
24 street vending has on the viability of stores like
25 mine that not only pay millions of dollars in real

2 estate taxes, but also provide an important public
3 health service of the city. Especially in
4 neighborhoods that have been designated as
5 underserved because of their poor health outcomes.
6 The most compelling question that this legislation
7 asks is does the city really want street vendors to
8 replace existing taxpayer stores. The current bill
9 with potentially no limit on the number of vendors in
10 the next few years will flood the streets and make it
11 difficult for many stores, but especially
12 supermarkets to survive. And I'm just make some
13 comments. We have stores pay real estate taxes, real
14 estate taxes of as much as \$850,000 each. Each
15 super-supermarket, an individual supermarket will be
16 paying \$16,300 a week in real estate taxes. The
17 vendor who opens his produce stand in front of us
18 pays \$200 a year. On top of the \$16,300 a week, we
19 pay 4% rent tax. He pays nothing. We pay union
20 wages. We pay pensions and health benefits. We
21 provide a good career path to people who are
22 immigrants. Ninety percent of our-of our employees
23 are immigrants, who either came to this country or
24 whose parents came to this country. It's not like
25 the-the-the vendors are the immigrant class. Our

2 employees are the immigrant class, as well and they
3 should not be treated like they are some privileged
4 few who happen to work in-in a brick and mortar
5 store. They come to us because they know they have a
6 good career, and the vendors succeed by-by-by selling
7 inexpensively. Well, it's fine if you don't have to
8 pay rent. You don't have to pay Social Security.
9 You don't have to pay Disability. You don't have to
10 pay violations. A thousand things that we have to
11 pay because we have a store, they don't have to pay.
12 Take away all those expenses from me, and I'll be the
13 cheapest guy in Manhattan. Let me find one or two
14 more little points to make. As far as the-as far as
15 the clean-as far as the-the-the stores in-in-in
16 poorer neighborhoods that were intended to be the
17 beneficiaries of the Clean Health Act I think it was
18 called where-where food vendors would be allowed to
19 sell in disadvantaged neighborhoods, it's a been a
20 failure, a total failure because the-the vendors who
21 were given those permits don't sell there any more.
22 They've all flocked to the main boulevards, to the
23 subway stations, to the bus stops, the supermarkets,
24 to all the areas, the high rent areas where the
25 traffic is. They're not serving the-the

2 disadvantaged areas that—that the laws were invented
3 for. We proposed that there a 200-foot restriction
4 around supermarkets mainly for—for traffic reasons.
5 We can't—we can't get deliveries. We can't get into
6 our own stores, and we are intimidated by the—by the
7 vendors. One—one vendor who I call the police about,
8 and who is violating every imaginable law you can
9 think of, but when the police came, and—and—and they
10 finally left because they—they showed the guy he had—
11 that he had some kind of license. The vendor said to
12 me, you bother me again I kill you. I won't—I won't—
13 I won't go to my own store any more because of this—
14 this kind of activity. You've got a very lawless
15 class acting out there, and this is not fair to the
16 people--

17 COUNCIL MEMBER LEVINE: [interposing]

18 Okay.

19 MORTON SLOAN: --who obey the law.

20 COUNCIL MEMBER LEVINE: Thank—thank you
21 for your input. We need to—need to—to move onto the
22 speaker. Thank you, sir.

23 MORTON SLOAN: Thank you.

24 COUNCIL MEMBER LEVINE: Thank you.

25

2 MARTIN HILL: Hi. My name is Martin
3 Hill, and I am not Dan Biederman. I'm a little
4 dismayed that I'm the only brick and mortar
5 restaurateur to speak today, and I'm curious as to
6 why. I would like to mention that I am the son of
7 immigrants. I was raised in Jackson Heights, and I
8 currently reside in Greenpoint. My parents opened a
9 restaurant together after 14 years of working in
10 restaurants. I'll probably reiterate a bit of what
11 Mr. Sloan said. I drove a couple truck a couple of
12 summers in—during college, serving Long Island City,
13 underserved areas. I opened my first sale—my first
14 business was a deli in Sunnyside and my partner
15 operated a hot dog stand from 12 midnight to 5:00 in
16 the morning outside a bar on Union Turnpike.
17 Underserved. So I'm not anti-immigrant obviously,
18 very pro and I'm pro vendor. But it's not a level
19 playing field. They're competition. I've heard talk
20 about offering cheaper options. Well, a hamburger is
21 \$14 in mine because I'm paying commercial rent tax
22 because in one of my locations I signed a lease seven
23 years ago. On any commercial lease the real tax
24 increases get passed onto the tenant. Seven years.
25 I'm not paying \$147,000 in real estate tax, a \$40,000

2 increase this past year alone. How can I compete
3 with the street vendors? So I'm not against the
4 street vendors. The city has got to answer these
5 questions for me. How come I—how can I compete?
6 Tell me. I can't get a sidewalk permit in Midtown
7 because of congestion. Yet, there can be two street
8 carts 4 x 8 feet on the corner, the southwest corner
9 of 44th Street, which I constantly walk in the street
10 to get around it because I don't want to bump into
11 people in line. And I get a ticket for having an A-
12 frame chalkboard outside my store, \$100 ticket
13 because it's illegal if it blocks the sidewalk. You
14 have explain the rationale to me of allowing the
15 street vendors to block the sidewalks, to go into
16 competition with me when my—I feel my playing field
17 is not level. I—I am being driven out of business by
18 the city more than even street vendors, but—I mean
19 what am I supposed to do? I'm here crying to you,
20 they're here crying to you. You know, the guy who
21 said oh, the street carts really lucked out and he
22 was looking to boot those. I hate to be the guy
23 operating the Columbian Restaurant and Columbian food
24 cart opens up down the street. This guy is paying
25 the real estate tax, maybe not the commercial rent

2 tax out in Queens, but it's not a fair game, there's
3 so many other permits that we have to get that street
4 vendors just don't have to get. And as for paying
5 taxes, I'm sorry, I don't believe they pay anything
6 close to the type of sales tax, income tax that
7 they're supposed to. We know that it's a cash
8 business, and they're just paying. I know for a
9 fact. I know. I mean we have to be honest with
10 ourselves. So, if the city will help out
11 restaurants, I mean today's food section in the New
12 York Times you can read about it, the New York City
13 restaurants are having a hard time. The costs are
14 just too high. So thank you.

15 COUNCIL MEMBER LEVINE: Well, I
16 appreciate your input on it. Well, the visuals
17 behind you--

18 MARTIN HILL: The visuals behind me are
19 from the BID that--that they--they let me speak, but I
20 didn't want to reiterate what a lot of the BIDs
21 already said, but--

22 COUNCIL MEMBER LEVINE: [interposing]
23 And--and--

24 MARTIN HILL: -this is on my corner.
25 These two are right next to each other. So, you

2 know, here I am and I—I hear that—the enforcement
3 unit, and I think it's a great idea. I think the
4 bill, a lot of the things in the bill was a great
5 idea, but I'm sorry if I just don't trust the city to
6 get it right.

7 COUNCIL MEMBER LEVINE: And, but we—we
8 appreciate your perspective, but I'm disappointed
9 more restaurateurs haven't been here. We certainly
10 invited many, and we've spoken a number of times with
11 Mr. Biederman who I know has a lot of thoughts on
12 this topic, and he's very well informed.

13 MARTIN HILL: Completely different from
14 the ones I stated here today because I am a mom and
15 pop restaurant owner.

16 COUNCIL MEMBER LEVINE: Understood. I
17 think that in your case and in the case of
18 supermarket that Mr. Sloan referred to and so many
19 others that we've heard from today, many of the
20 vendors in front of your store, they're simply not
21 following the rules. Maybe they have a table longer
22 than eight feet. You can't have a table longer than
23 eight feet. We seed food vendors with expensive
24 tables sometimes. Maybe they're too close to the
25 doorway. Maybe they're simply unpermitted, and I

2 don't whether you're checking these things, but
3 statistically most vendors out there are not
4 permitted so--

5 MARTIN HILL: [interposing] You have to
6 realize I'm skeptical that the city will fix this--

7 COUNCIL MEMBER LEVINE: [interposing] I--
8 I think--

9 MARTIN HILL: --or raising the number--

10 COUNCIL MEMBER LEVINE: [interposing]
11 Right, I think that what--what your businesses need
12 and what the city needs is for the rules to be
13 enforced in a way that they're not currently, and
14 that's a huge, huge part of this bill, but I--I see
15 everyone is anxious to jump in and I want to give our
16 fourth panelist a chance to speak please, sir.

17 IAN CULOS: Thank you very much. My name
18 is Ian Culos (sp?). I'm here in place of Brad
19 Gershman. I also had my separate card. Since Brad
20 stepped out and we're from the same group, I decided
21 to step in in his spot. Good afternoon Council
22 Members, Council Member Levine. I'm here on behalf
23 of New Yorkers for Street Vending Reform. We
24 represent brick and mortar stores throughout New York
25 City, and we're here today together with our

2 Coalition a few of whom have trickled out by now, to
3 recommend four changes to the Street Vendor
4 Modernization Act, four primary changes in addition
5 to the ones that are just recommendations in the
6 memo. First, we're happy to see that the City
7 Council shares our concern over enforcement and has
8 proposed the creation of the dedicated enforcement
9 unit. We like that you're focusing on excessively
10 congested areas, and areas for stores that dedicates
11 substantial floor space to fruits and vegetables.
12 But we would like to increase or strengthen our
13 concerns for excessive congestion by recommending the
14 geographic restriction based for the vendors, based
15 on pedestrian traffic. Now this is where we get into
16 *Good Humor*, and I'll touch on that in a second. We
17 specifically propose that excessively congested,
18 which is a word in your bill, is defined as 5,000
19 customer transaction for any store, not just for-not
20 just for grocery for any store and anything deemed
21 excessively congested creates a 200-foot barrier for
22 vendors to not be able to vend in that area. Now, we
23 all know that *Good Humor* is the elephant in the room,
24 but *Good Humor* itself-- And, I'd like to let the
25 court speak for itself--said that you can restrict

2 based on traffic--and I read here from the court--any
3 use of the streets and certainly any use of the
4 street for private business purpose, which interferes
5 unduly with the use of the streets by others for
6 travel, may doubtless be prohibited in proper case by
7 the Legislature. A 200-foot restriction is indeed
8 the proper case, and it is--it would pass the test of
9 a rational basis. It would call for a legitimate
10 public purpose. [coughing] Second, and I know I'm
11 low on time here, we propose that penalties be
12 increase for repeat violators. If you're violating
13 the law repeatedly, let's face it, tickets are only
14 as good as the compliance that they foster. The very
15 definition of enforcement is to cause compliance. If
16 you're not compliant you're just paying it as a cost
17 of business. That's not good. This leads to our
18 third proposal. The third proposal is let's create a
19 mechanism by which the community can complain versus
20 311 or preferably a private cause of action that we
21 see in other legislate--in other legislation federally
22 like environmental laws, in the Clean Air Act, the
23 Clean Water Act. You can sue for an injunction for
24 people that are violating those acts. Let's do the
25 same thing here because let's face it, we're all

2 talking about enforcement issues. What would be
3 better than helping citizens enforce—having citizens
4 help you enforce a law that we're trying to pass in
5 this. And four, let's talk about raising the cap.
6 We're doubling the number of permits, but what I
7 haven't heard too much discussion about today is
8 Section 17325.3 (3) That section shifts the
9 authority from the legislature to an administrative
10 body. I believe the Department of Transportation to
11 lift the cap in the future. That's basically not a
12 cap, and I think everybody knows it. It's a cap
13 right now, because it lets say it's a cap, but in the
14 future, and now it's going to be administrative
15 decision and not be the decision of a publicly
16 accountable body, which is you, and let's face it,
17 the public cares. If they didn't care, this room
18 would not be filled. Thank you for your time.

19 COUNCIL MEMBER LEVINE: Thank you all
20 very much. We're—we're so backed up on speakers so
21 we're going to have to move onto the next panel, but
22 I really appreciate who is here today. Thank you.
23 I would like to call Mr. Swan. If I'm pronouncing
24 this correctly Autumn Roark. Forgive me if I
25 mispronounce it. It's hard to read the handwriting.

2 Martin Wheelan, Andrew Fang (sic), and Steve Harris.

3 [background comments, pause] Mr. Swan, you can start
4 off if you'd like.

5 MR. SWAN: Hello, my name is Mr. Swan.
6 I'm a veteran and I was vending before I even came
7 to New York while I was in the service, USFC. I was
8 vending without any-any military personnel when in
9 the service known as the roach coaches. Okay, that's
10 a person that serve you on base. So I was doing that
11 before I even I got out. I just got discharged. So
12 I'm doing that thing now. I was a vendor and got my
13 license in 19—in the, you know, the 1980. I had my
14 license then, but getting back to the question in
15 here, that all veterans even the Council we all took
16 an oath, right, to swear to the bar to guard this
17 country, right, during domestic and foreign. Okay.
18 A lot of these are veterans in war never came back.
19 Some come back disabled, and you can't help make a
20 living, and get—come back to New York and make a
21 living, and getting harassed by NY—NYPD, Park and
22 Police. They breaking the law—I mean 19 to state law
23 on the 19th Section, Article 35 and 35-A. We're
24 being harassed, and these—this gentlemen that's ben
25 up here talk about vending around stores and

2 supermarkets. We pay—we pay taxes. When you vend
3 like food, like you—like you, the young man was
4 saying right here we pay storage fee, kitchen fee.
5 You got to buy supplies. We talk about, you know,
6 not spending the money. Come on. That's ludicrous.
7 We are here to make a business like everybody else.
8 That's the American Dream. This country is founded
9 by immigrants. If it wasn't for immigrants, where
10 would we be? Especially New York. Vendors from all
11 over the world come to New York to make a living, and
12 this—and this bill was—we—I supported this bill
13 somewhat, but the other—by the 5% for the Marines—I
14 mean for the veterans, come on, that's a slap in the
15 face. It should be—it should move than that. But we
16 put our life on the line for this country, and we're
17 getting slapped in the face. Come on. We need to do
18 better than this. As a matter of fact, our veterans
19 who were the first vending out here since 18th
20 Century, not 19th, 18th Century. We don't mind
21 sharing, but don't joke us. We are here to make a
22 living. Everybody has to eat. We don't mind that
23 everybody eat, and these people more than the stores
24 like this. Shoot. Come one. That's ludicrous, but
25 they cry. They cry just like we cry.

2 COUNCIL MEMBER LEVINE: Thank you, Mr.
3 Swan, for—for foremost your service to our country in
4 the Marine Corps. Thank you for advocating on behalf
5 of New York City's veterans. I want to thank you for
6 speaking today. I do want to remind folks that the
7 bill includes more than a threefold increase in the
8 number of permits that are just set aside for
9 veterans, and we're going to save a lot, of course,
10 veterans that are coming to New York and have access
11 to the broader pool. I understand you'd like more,
12 but just for the benefit for the people who are here
13 and want to—I do want to establish that we have
14 almost three and half times increase. But thank you,
15 Mr. Swan, for your advocacy and for being here today.
16 Thank you. Sir.

17 ANDREW FINE: Hello, thank you for having
18 me, Councilman Levine and Menchaca. Thanks for
19 sticking it out. I've made it six hours, and being
20 a—a real estate professional, I haven't sat still for
21 six hours since 2009. So thanks for that
22 experience. In any case, I—my name is Andrew Fine.
23 I represent the East and Sixth Street Association
24 here in Manhattan. As you are probably aware, I'm
25 sure you've been to the Upper East Side, East 86th

2 Street and the local area is completely overrun with
3 street vendors. A good example would be on Third
4 Avenue between 85th Street and 86th Street where at
5 any given time there are up to eight vendors just on
6 the west side of the street. The problem that we've
7 been having is that there's been virtually no
8 enforcement whatsoever. The enforcement of the
9 existing regulations and requirements for instance
10 distance from store entrances of 20 feet, corners 10
11 feet never. It's not even 10 inches. That's that a
12 cell cover guy on 86th and Third. The subway
13 entrance, bus stop, these are routinely ignored. The
14 size in height restrictions are routinely flouted.
15 As a resident in a residential area that's extremely
16 densely packed with people, I think that the Council
17 ought to look at the residents that—the residents and
18 the pedestrians and how much space street vendors in
19 our neighborhood take up versus for instance the 21
20 million people that come and go from the East City
21 Sixth Street Subway Station. Obviously, there are
22 lot of problems with garbage in the area, and the
23 street vendors really do not seem to care whatsoever.
24 What I'm recommending and from what I've seen here
25 today is that we need to a renewed effort to enforce

2 regulations, and if that happens to come through your
3 new entity so be it, but we need that enforcement
4 first. What we don't need is any new street vendor
5 permits whatsoever. You have several thousand
6 already, and 80 to 90% of them are illegitimate.
7 What you should be focusing on is making sure that
8 the existing licenses are in the hands of people,
9 veterans that actually use them, and not a guy
10 sitting in some far away place collecting 20 or 25
11 grand. The idea that you have this entrepreneurial
12 spirit, think of the person who is renting this
13 license and trying to sell mangos or churros or what
14 have you, and he has to make that first \$20 grand
15 before he makes a nickel. That doesn't sound like
16 entrepreneurship to me. That's—that seems like some
17 sort of far flung old fashioned servitude. Finally,
18 in terms of the idea of doubling the number of
19 permits, essentially that's just doubling the
20 problem. You're not going to get rid of the illicit
21 market for street vendor licenses by doubling it, and
22 I'll give you an example and I'll make this quick--

23 COUNCIL MEMBER LEVINE: [interposing]

24 Please wrap up if you can.

25

2 ANDREW FINE: The-Wrigley Field has seats
3 for 41,000 people. The Cubs are in the World Series.
4 If you want a ticket right now, it's going to cost \$3
5 to \$5,000. If they added 40,000 seats to Wrigley
6 Field, guess what, you're still not going to pay face
7 value. There's a market for everything, but doubling
8 the black market, you may bring the prices down, but
9 you're not take the effect that.

10 COUNCIL MEMBER LEVINE: [interposing]
11 Alright, thank you.

12 ANDREW FINE: Thank you.

13 COUNCIL MEMBER LEVINE: Sir. Excuse me,
14 before you start, sir, I just-I'm-I'm reminded that
15 we left one person off this panel. I'll ask Thomas
16 Cayenne to come up, and join the panel and please,
17 sir, go ahead.

18 STEVE HARRIS: Yes, thank you for your
19 patience this afternoon. My name is Steve Harris. I
20 live at Broadway and 74th Street. I'm just appearing
21 here today on my own behalf as a citizen, and to
22 reflect some of the news of my-my fellow residents
23 and Morrisania (sic) and in the neighborhood on the
24 Upper West Side. I see you agonizing a lot with
25 micro legislation. How many feet should we have open

2 between a subway entrance and the vendor stand? I
3 think community boards are designed to deal with
4 those kinds of instances on a case-by-case basis and
5 I would really encourage the Council to seek advice
6 from the community boards in siting vendors and which
7 are their locations. They can deal with all of the
8 factors that go into it. They can allow the
9 residents to have input. One of the things we find
10 as residents with the vendor situation is we've had a
11 very difficult time communicating some of our
12 concerns and then having those concerns channeled
13 into actionable things. We go the 20th Precinct
14 meeting, and it was filled with people, over 100
15 people there one night. They were all concerned
16 about vendor issues. The police have a very definite
17 set of regulations they have to deal with. The
18 community boards can condition operations at
19 locations for restaurants, for restaurant sidewalk
20 use by hours, by type of activity and so on. But the
21 police have to apply very strict regulations and it
22 takes a lot more enforcement. So, use the community
23 boards. You've got them. Try to build that into
24 the-into this legislation in a stronger way. Also,
25 your enforcement groups sends a very adversarial

2 message. I think it sends it to-to both the vendor
3 community and to the-to the residents. What I would
4 encourage you to do is-is work on enforcement,
5 education and mediation. Give the residents or
6 people who are affected by the vendors, be it the
7 residents, a business, whoever, that may have a
8 complaint, a chance or forum. Some where they can go
9 and sit down across the table and meet with people,
10 and explain what the concerns are, and maybe there's
11 a middle ground. Everybody can work it out without
12 trying to throw rocks. The-the other thing is and
13 somebody did bring it up. It's a very good idea.
14 Allow for private right of action, and somebody is
15 continuing to do something, and-and one of the
16 reasons I got involved in this is because of the loud
17 music and the boom box that the vendor was playing
18 under my window. Give them a private right of action
19 to go get an injunction if there's-if there's
20 behavior that goes beyond the tale in the scheme of
21 things. But that's-that's a few big things. Give-
22 give residents a channel to work into the system and
23 use your [bell] community boards. Thank you very
24 much.

2 COUNCIL MEMBER LEVINE: Thank you, Mr.
3 Harris. Mr. Culligan.

4 THOMAS CULLIGAN: Mr. Chairman, thank.
5 My name is Thomas Culligan. I am a final at the
6 Urban Law Center at Fordham University, but today I
7 represent Women in Informal Employment, Urbanizing
8 and Organizing. Otherwise known as WIEGO. This a
9 global network of membership based organizations of
10 the urban working poor in the informal economy
11 spanning 84 countries. For 20 years WIEGO has worked
12 with organized street traders all over the world.
13 Our testimony today offers the global context towards
14 this goal. It is now widely recognized that informal
15 livelihoods and source go enterprises are here to
16 stay. They form the broad base of urban employment
17 not only in countries of the global south, but also
18 in countries of the global north. Street traders
19 represent as much as 24% of total urban employment in
20 some cities today. Urban policy makers and city
21 plans as draftable, are now recognizing street
22 vendors for the valuable economic contributions they
23 make. Street vendors create their own employment,
24 generate demand for large enterprises including
25 suppliers, wholesales, wholesalers and others and

2 provide affordable foods at convenient locations for
3 residents of all socio-economic classes. In other
4 parts of the world, these and other small scaled
5 livelihoods are referred to as the people's economy.
6 Four international agreements issued in the past year
7 and a half demonstrate this recognition. First,
8 sustainable development goals 1, 5, 8 and 11 commits
9 nation states to ensuring that all people in
10 particular the poor and vulnerable as well as women
11 and migrant workers have equal rights to economic
12 resources, safe and secure working environments, and
13 increase of public spaces. Second, the International
14 Labor Organization's Recommendation 204, recognizes
15 the need for member states to ensure the reservation
16 and improvement of existing livelihoods, respect
17 workers' fundament rights and ensure opportunities
18 for income security, livelihoods and
19 entrepreneurship. Third, the September 2016 report
20 issued by the first ever U.N. Secretary-General's
21 high level panel on Women's Economic Empowerment
22 identifies the need for a legal shift moving from
23 stigmatization and criminalization of informal
24 workers such as street vendors to the assurance of
25 rights and protection including regulated access to

2 public space as work bases. And finally, the New
3 Urban Agenda adopted in Kita, Ecuador last week
4 commits U.N. States to prioritizing equal access for
5 all to public goods as well as increasing public
6 spaces where the needs of all inhabitants are met,
7 recognizing the specific needs of those in vulnerable
8 situations. By expanding the number of food vending
9 permits and establishing a street vendor advisory
10 board with the representation of street vendors on
11 it, the bills before New York City Council would
12 bring New York into line with other cities in the
13 world that recognize the economic, social and
14 cultural importance of street vending and a need for
15 inclusive urban planning practices. Thank you for
16 your time.

17 COUNCIL MEMBER LEVINE: Thank you, Mr.
18 Culligan, for that unique and important perspective.
19 It's very, very helpful and impeccably time to the
20 second. Well done. Thank you panel very much. Our
21 Chairman is going to introduce the next panel. Thank
22 you.

23 CHAIRPERSON ESPINAL: Okay, it's—I'm
24 willing to stay here all night, but I'm just going to
25 do a little housekeeping. It's close to 5 o'clock.

2 We have 47 people left. Raise your hand if you're
3 looking to testify. Raise—keep your hand up if
4 you're all in favor of the bill? Alright. Keep your
5 hand up—put your hand up if you're against the bill.
6 Okay. So it seems like we have 50/50 out of 47.
7 [pause] I'll call up the next panel. We have Maria
8 Revar (sp), Maria Karchi (sp), Erma Losala (sp),
9 Belmi Zolaya (sp). We're going to put the clock at
10 two minutes. [pause] And Alanka (sic) come forward.
11 (sic)

12 BELMI ZOLAYA: [speaking foreign
13 language]

14 CHAIRPERSON ESPINAL: And so she's saying
15 that she's surprised that people continue to say that
16 vendors are a problem in the city.

17 BELMI ZOLAYA: [speaking foreign
18 language]

19 TRANSLATOR: She pays her taxes and feels
20 that they need a permit because all of the fines that
21 she's receiving are over \$1,000.

22 BELMI ZOLAYA: [speaking foreign
23 language]

24 TRANSLATOR: I had a ticket from last
25 year. It was \$1,000. I haven't even been able to

2 pay for it yet because—because it's like it's not—so
3 it's \$300 or \$400 a day.

4 BELMI ZOLAYA: [speaking foreign
5 language]

6 TRANSLATOR: And nobody cares about it.
7 They just write the ticket and that's it.

8 BELMI ZOLAYA: [speaking foreign
9 language]

10 TRANSLATOR: Thank you very much.

11 ERMA LOSALA: [speaking foreign language]

12 TRANSLATOR: My name is Erma. I sell
13 fruits and vegetables in Queens and bristles. (sic)

14 ERMA LOSALA: [speaking foreign language]

15 TRANSLATOR: I have been in this country
16 for 22 years, and I am surprised that some people are
17 saying that we do not—the country did like for
18 example with garbage. I have a container that I have
19 a contract, and if I don't pay for somebody to pick
20 up that container with the trash, nobody is going to
21 go and pick it up. I have to sweep everyday. It
22 doesn't matter that it is a day it's supposed—the
23 sweeper is supposed to go through or not, I have to
24 and—and—and sweep everyday, and sometimes the stores
25 do not provide that services.

2 ERMA LOSALA: [speaking foreign language]

3 TRANSLATOR: I do contribute to the city.

4 We do contribute to the city. We pay taxes. I am a
5 single mom. I have my kids, and I have to support my
6 kids as well. I need my permit so I can continue
7 contributing to the city.

8 ERMA LOSALA: [speaking foreign language]

9 TRANSLATOR: I hope you value not only
10 our words, our presence here, and you're able to
11 provide permits maybe for the people that are here.
12 We're also looking to better ourselves.

13 ERMA LOSALA: [speaking foreign language]

14 TRANSLATOR: We want to be heard.

15 ERMA LOSALA: [speaking foreign language]

16 TRANSLATOR: We want to be heard. We
17 contribute already. So we want to be heard and have
18 a voice as well.

19 ERMA LOSALA: [speaking foreign language]

20 TRANSLATOR: Thank you.

21 ERMA LOSALA: [speaking foreign language]

22 TRANSLATOR: [speaking foreign language]

23 ERMA LOSALA: [speaking foreign language]

24 TRANSLATOR: [speaking foreign language]

2 TRANSLATOR: Okay, I—my name is Maria
3 Revar. I've been in this country for 22 years. I am
4 paying \$20,000 for my—for my cart, and I'm paying
5 \$6,000 for my ice cream cart. It's a lot of money.

6 MARIA REVAR: [speaking foreign language]

7 TRANSLATOR: We have to pay for those to—
8 to use those permits it's \$20,000 for food, vendors
9 and \$6,000 for ice cream vendors. So the question is
10 why aren't we able to get those permits? Why—if we
11 are the ones using it, why aren't we able to get
12 those permits instead of having somebody else have
13 them?

14 MARIA REVAR: [speaking foreign language]

15 TRANSLATOR: Okay, we—on top of the fact
16 that we do pay taxes, that we have to work hard
17 because it's not that the we have great profit to
18 make those payments. We also have to deal with the
19 ticketing from the Health Department and from the
20 police. So it's—it's a lot.

21 MARIA REVAR: [speaking foreign language]

22 TRANSLATOR: The question would be and
23 my—and my—my question would be how come the city is
24 not able to—is able to provide that permit to that
25 other person who in the end—who in the end is just

2 leasing it—leasing it to us instead of letting us who
3 are working, who are the ones working with the permit
4 have our own permit?

5 MARIA REVAR: [speaking foreign language]

6 TRANSLATOR: Thank you very much for
7 hearing us. [applause] [pause]

8 CHAIRPERSON ESPINAL: The next panel.

9 Leslie Ramos, 82nd Street Partnership; Valerie Mason,
10 the 72nd Neighborhood Station; Rachel Thieme, 92
11 Dupont Street—oh, sorry, Sunnyside BID; Matthew Bower
12 from the Madison Avenue BID; Barbara Blair from the
13 Garment District BID; Patricia Goras from Manhattan
14 CB4; Jesse Bodine, Manhattan Community Board 4. Just
15 one? Terry from CB2; John Morano, Throggs Neck
16 Homeowners Association; Renee Giordano from Sunset
17 Park BID. Let's get this show on the road. Just
18 state your name and give your testimony.

19 LESLIE RAMOS: Good afternoon, Chairman

20 Espinal and Council Members Levine and Menchaca.

21 It's a pleasure to see you today. My name is Leslie

22 Ramos and I am the Executive Director of the 82nd

23 Street Partnership, a business improvement district

24 serving businesses in Jackson Heights and Elmhurst in

25 Queens. I also co-chair the New York City BID

2 Association Working Crew on Street Vending. I want
3 to thank you for your effort attacking the black
4 market for street vending permits. Over the past two
5 years I have met many victims of this immoral
6 practice and their stories are truly heartbreaking.
7 You just met a few of them. Street vending is part
8 of the fabric of the city. In the community that I
9 serve, street food provides comfort to those who have
10 left their families behind to make New York City
11 their home. Most of them small business, those
12 family and immigrant owned businesses that line the
13 street of Queens. Many of these families have worked
14 for many years as cooks and servers and are now
15 pouring all their savings into a business in order to
16 provide for their family. For them, owning a small
17 business is not a symbol of success, but instead it's
18 part of the continuous struggle. Despite owning a
19 business, many of these owners are working poor.
20 They are not only some of the most flavorful
21 businesses we have, they are also the most vulnerable
22 to unfair competition. The current proposal
23 completely ignores the impact that increasing the
24 vending, the number of permits will have on the
25 city's small and immigrant businesses. The

2 legislation calls for a study in 2025. But that's
3 nine years from now, and only after the—the number of
4 vendors have doubled, and I understand that there
5 will be an analysis on year basis—yearly basis, but
6 an analysis is not a thorough study of how this will
7 impact small business. This is unacceptable. Before
8 we proceed to increase the number of permits, the
9 city needs to understand the challenges that small
10 businesses are currently facing when they are
11 surrounded by street vendors. Also, if food vendors
12 will be allowed to park in front of restaurants, some
13 rules need to be revisited to lift regulations that
14 currently burdens these restaurants and hinder their
15 ability to compete with street vendors in this—in
16 that—and to have much lower overhead costs. For
17 example, business owners are responsible for the
18 cleanness of the sidewalk as well as for 18 inches
19 into the street. Business owners are often fined for
20 gar—garbage on the street even when there's a food
21 cart between them and that street. We need to
22 determine now not in 2015 while we are trading off.
23 In my time left, I have a few other comments. So I
24 will just submit it for the record.

2 Good afternoon, Chairman Espinal and
3 members of the committee. I'm Matt Bauer. I'm the
4 President of the Madison Avenue Business Improvement
5 District, which represents Madison from 57th to 86th
6 Streets here in Manhattan. First of all, I want to
7 say thanks to our chairs, to our association for all
8 their work in presenting to you this morning, but I
9 thought since we've got a lot of items I want to just
10 go a couple of exciting issues that we have some
11 concerns about. You know, one in the preconsidered
12 notions—motions—introductions was that the—that the
13 space could be indented where the vendors who set up
14 three feet into the curb, and since our sidewalks are
15 between—usually between 13 and 12 feet usually, if
16 you add the three feet in the space in plus the five
17 feet of the cart, you only have four or five feet of
18 clear path, which really isn't enough, and it's just
19 not us saying that because, as you know, there are
20 sidewalk café regulations. These say you have to
21 have eight feet, and that's really what it kind of
22 needs to be. The other, one of the other
23 preconsidered introductions we're concerned about is
24 that, you know, that the carts be placed within five
25 feet of the corner quadrant. You know, there's a lot

2 of timing (sic) that you'll find on the corners, a
3 lot of people, the pedestrians that we have here on
4 the street, and it really does present an issue in
5 terms of-of clearance and vision of the-of the curb.
6 And once again, there is precedent. You know, you
7 have to set a-a newsstand 10 feet back from the
8 corner quadrant. You know, third of the
9 preconsidered introduction is concerned about siting
10 on or the placement of the carts in bus stops.
11 They're 25 feet away from the sign and, you know, we
12 have a lot of buses on Madison Avenue and a lot of
13 other places and, you know, the buses, a typical bus
14 is 40 feet long. And, you know, we have a lot of
15 doubling up of buses. This is no way that that cart
16 would not be in-interfering with people exiting and
17 entering the buses and, you know, we can't-you know,
18 newsstands, news racks are regulated and they cannot-
19 first amend them further and they will have to be
20 within a bus stop. So thanks a lot for your
21 opportunity to speak. Thank you, sir. [pause]

22 JESSE BODINE: [coughs] Good afternoon.
23 I'm Jesse Bodine, the District Manager from Manhattan
24 Community Board 4 and I'm speaking on behalf of Chair
25 Delores Rubin and Community Board 4. First, I'd like

2 to thank Council Member Espinal and Council Member
3 Levine and the other members of the Committee on
4 Consumer Affairs as well as the Council and the staff
5 for the committee, which I know does the lion's share
6 of the work in these types of hearings. Manhattan
7 Community 4 welcomes the opportunity to comment on
8 the proposed package of legislation for reforming
9 street vendor operations and licensing. We
10 appreciate the long history of vending in New York
11 City and its role in population such as immigrants
12 and US veterans. We also appreciate the limit on
13 vending permits, which is not—has not be unchanged
14 for decades. I might have read that wrong, but which
15 has been unchanged for decades, and it has led to an
16 underground market of vending permits. Reform is
17 needed. However, we believe this legislation will
18 not resolve the underground market problem, and we
19 can—and would exacerbate other existing problems.
20 This legislation would eventually double the number
21 of street vendors operating on New York City
22 sidewalks, and shows—unfortunately shows little
23 regard for the public space and pedestrian safety.
24 This legislation must strike a balance for all New
25 Yorkers, and—and not endanger pedestrians and street

2 vendors. At this time, Community Board 4 opposes
3 this legislation unless the following changes are
4 considered:

5 1. Outreach and Input. A proper
6 consultation with the public is—with the public with
7 presentations to the community boards, business
8 improvement districts, block associations and other
9 relevant parties. These presentations should include
10 supporting data, much of which would have been asked
11 for today by your—by your community itself, and is
12 still unknown.

13 2. Any reform of licensing programs
14 should have proactive measurements to prevent
15 license, the license of the sale of any kind of
16 license in the underground market. New licenses
17 should and could be embedded with GDS tags. This
18 will prevent the duplication of licenses and all for
19 NYPD and other enforcements units to properly monitor
20 the location and operation. And I will be very quick
21 to wrap it up.

22 3. In terms of placement and siting, as
23 already mentioned prior—previously. No, the rules
24 should be mandate—should be made consistent with
25 Vision Zero and pedestrian flow priorities and other

2 sidewalk furniture siting. A possible logical of
3 reform would be to make street vending placement
4 consistent with newsstand guidelines, which includes
5 a 9.6 foot pedestrian right-of-way between carts and
6 property line.

7 I will just summarize the last point,
8 though. Community Board 4 would like that any type
9 of-if any form of this legislation should pass, we-we
10 would request that the Community 4-Community Board 4
11 be included or the district-Community Board District-
12 I'm Community District 4 be included in the pilot
13 designated vending area program run by the Department
14 of Transportation. Thank you very much for your time
15 today.

16 TERRI CUDE: Good evening. I'm Terri
17 Cude, First Vice Chair of Community Board 2,
18 Manhattan. I'll just talked with my colleague.
19 You've received a letter from four community boards
20 and I reiterate its main request. We ask for time
21 prior to the Council's consideration of this-of-of
22 this package of-of legislation so community boards
23 can gather community input and craft their positions.
24 That's about 45 days minimum necessary for us to have
25 hearing to-to inform the community to have a hearing

2 and to prepared our position and vote on it. On
3 another matter, in 2013 Community Board 2 Manhattan
4 had a unanimous resolution seeking a review panel,
5 and regulation of both vendor carts and trucks. Both
6 are important. We have highly desirable and
7 therefore enormously congested streets and sidewalks.
8 At the hearing I attended at the City Council in
9 2013, where and how many vendors per block base
10 including both carts and trucks was the strong focus.
11 This is vital and something the Community Boards need
12 to be a part of. We know our neighborhoods, and we
13 hear from our stakeholders in a formal well-informed
14 manner. We let people know we're going to be talking
15 about, and we listen and then we like—we make
16 recommendations to you. We need the times to do
17 this, and we ask for this deliberation to be
18 postponed so that we can give the input that you
19 should need for us. Thank you so much and I under
20 time.

21 JOHN MORANO: Thank you. Good evening,
22 Councilmen, and thank you for the opportunity to
23 testify today. I'm—I'm—my name is John Morano, and
24 I'm representing the Throggs Neck Homeowners
25 Association. I am also a community board member up

2 in the Bronx in Community Board 10. As a the
3 representatives of homeowners who live in and work
4 around a large commercial district, we are not only
5 opposing this bill, which will bring more congestion
6 both on our streets and sidewalks and without any
7 viable input from those of us, and make up the very
8 foundation of our neighborhood. When Vision Zero was
9 forced upon us, it brought questionable road changes
10 without--within our community, which I have included
11 additional meetings, corner bulbs and reducing the
12 amount of lanes. In addition, we are now the
13 recipients of more trees, benches, garbage bins. We
14 are not opposed to the city's initiative to make our
15 community safer or cleaner and more attractive, but
16 when a bill such as this is introduced it completely
17 contradicts that mission. Our family owned
18 businesses who have worked for years to establish
19 themselves in a vibrant and ever-evolving community
20 are now--I'm sorry--an ever-evolving community are now
21 being told that they will get additional competition
22 from businesses who do not have to invest in the
23 community, but just profit from it. Their
24 competition is in the form of mobile vehicles that
25 will not only take away from--will not take away some

2 of our consumers, but can do it without having to
3 worry about the financial obligations to a
4 neighborhood. The competition—the competition will
5 not have to pay rent, electric, taxes, fines from
6 various city agencies. The competitors will not have
7 to hire sanitation companies to remove their garbage
8 and the competitors will not have to struggle to
9 market their businesses. [coughs] [bell] When—when
10 they didn't—when did it become okay to punish the
11 brick and mortar businesses? They are the backbone
12 of our communities who are also immigrants trying to
13 provide for their families. Except they establish
14 themselves in a permit structure because they were
15 not lucky enough to open a business when our city
16 government decided they needed to give other
17 opportunities at the cost of those already here. The
18 three plus years of hard work being done by our
19 merchants and property owners to establish to
20 establish a business improvement district will be for
21 nothing with approval of this bill. Why invest in
22 our community where anyone can establish themselves
23 without paying into it. Why do—why do you get to
24 decide what is best for some and not for others. And
25 finally, our financial investments paid to—to get

2 better schools or—to get better schools. Our money
3 pays to make sure our streets are clean. Our money
4 pays for your salaries. Our commitments helps
5 retailers decide if they should invest in our
6 communities. Yet, your message to us is investing in
7 your community is a coin to us. We try—we, City
8 Council Members, will decide—will decide who your
9 competitors will be, and they won't have to pay for
10 it. Thank you.

11 CHAIRPERSON ESPINAL: Thank you. [pause]
12 Donde McKeller (sp), Street Vendor Project; Linda
13 Lena Afidi, ANHD; Catherine Barnett, Opportunity for
14 New York; Christine Lynch, Local Color NYC; Cliff
15 Staten, Nutsy Nuts; Craig Levine, Julia Kite, Favio
16 Ramirez Caminatti, Ariel Barbuff (sp?); Angel Del La
17 Rosa. It looks like a lot of people got scared off.
18 Jordan Lexton; Josh Gatewood. You can start with
19 your testimony. Just state you're your name before
20 you do.

21 DONDE MCKELLER: Hi. This is a statement
22 of Donde McKeller food vendor, Street Vendor Project,
23 Leadership Board and Chairman of the Veterans
24 Committee in support of Street Vendor Modernization
25 Act. My name is Donde McKeller. I'm an LGBTQ

2 disabled veteran who served from 1981 through 1985
3 active duty. My rank in the service was a disbursing
4 clerk, payroll, leave and statement and travel pay.
5 I looked at numbers all day long. I was the numbers
6 guy. I currently am on Community Board 2 in the
7 South Bronx, and I've been a street vendor since
8 2004. It is estimated that there are 20,000 street
9 vendors in New York City by the Street Vendor
10 Project. Now the Department of Consumer Affairs has
11 stated that there is 1,721 vendors—veterans who are
12 street vendors. Within that number, 144 disabled
13 veterans have specialized mobile food permits, the
14 permits, which allows them to work around the city
15 parks. The warehouse ready and 44B permits are
16 seeking for citywide standards. So I was very
17 delighted to see the 5% increase of the veteran
18 citywide permits, and this piece of legislation. In
19 New York State since 1986 after the Civil War
20 veterans have been given the right to vend, hock and
21 peddle on the streets through State Business Law 4,
22 Article 35. Veterans could vend so they could
23 provide for their families. People from all cultures
24 and all backgrounds have actively been ensured a part
25 of who they are here. This city is truly a melting

2 pot. The tourists and the native New Yorkers look
3 for diversity and appreciate it. Street Vendor
4 Modification supports New Yorkers who deserve to
5 then—who—excuse. The Street Vendor Modification Act
6 supports our New Yorkers who desire to vend food and
7 provide for the families. This is long overdue.
8 While preserving—while preserving the footprints of
9 veterans and the veterans in the communities. I do
10 wish that the City Council would review two sections.
11 First—first, transferring the permits for family
12 members. This should be reserved for U.S. Military
13 veterans. Second, veterans should be on the Veteran
14 Street Vendor Advisory Board. In conclusion, I would
15 personally like to commend Speaker Melissa Mark-
16 Viverito for and the New York City Council for their
17 time and effort they put into this much needed
18 legislation.

19 CATHERINE BARNETT: Good afternoon.

20 Thank you to the Honorable City Council Members of
21 this committee. My name is Catherine Barnett, and
22 I'm the Director of the Restaurant Opportunities
23 Centers of New York, ROC New York, an affiliate of
24 the Restaurant Opportunities Center United. For the
25 past 15 years, ROC New York has advocated for fair

2 wages and working conditions for thousands of
3 restaurant workers here in New York and nationwide.
4 Along with the Street Vendor Project, ROC is also a
5 member of the Food Chain Workers Alliance, which
6 supports workers from the farms (sic) across city
7 plans to restaurants and even street vendors. I'm
8 testifying here before you in support of increasing
9 permits for food-for vendors. Our members share
10 common circumstances. Many of them are immigrants
11 and they provide vital services, but their work is
12 often devalued and disregarded. America is now a
13 country that eats out more than we cook at home at
14 variety of locales from restaurants to food trucks.
15 And in many cases individuals turn to vending in
16 order to create a job for themselves when other jobs
17 are not available to them due to inabilities to
18 transfer credentials and experiences to the US
19 market, immigration status, attempts to reintegrate
20 into society after serving their country or previous
21 Criminal Justice System involvement after paying
22 their debt to society. Like other entrepreneurs,
23 vendors may be driven to own their own enterprises to
24 have more control over their scheduled, their
25 finances and their destiny. And in my cases they

2 employ others providing more job creation for our
3 city. At ROC New York just as we believe that all
4 restaurant workers deserve to be paid fairly with one
5 fair wage for the work that they do, and to work in
6 safe and sanitary conditions free from harassment.
7 We believe that street vendors deserve the respect to
8 conduct business like other small business owners do.
9 By increasing the number permits available, vendors
10 would be able to and we would argue prefer to sell
11 legitimately and pay taxes rather than pay to their
12 fines and have their equipment and products
13 confiscated and damaged. In fact, many restaurant
14 workers who dream of opening their own establishments
15 when they start by selling in markets or at festivals
16 and many vendors have their plans of opening their
17 own brick and mortar establishments. This year, some
18 of our own restaurant worker members with dreams of
19 entrepreneurship began selling at Baily (sic) Plaza in
20 conjunction with the Street Vendor Project. New York
21 City should continue to be a hub for the
22 entrepreneurial opportunity and growth in all legal
23 forms. ROC New York urges the City Council to lift
24 the cap and make more licenses available to food
25 vendors. Thank you.

2 CHRISTINE LYNCH: Hi. My name is
3 Christine Lynch. I'm a small business owner, and I
4 happen to be a street vendor. I don't vend food, but
5 I do own a mobile pop-up shop that sells all locally
6 made goods by local artists and designers. Even
7 though I don't sell food, there is something that all
8 street vendors have in common, and that is
9 opportunity. When I lost my job in 2013, I couldn't
10 find regular employment so I decided to start my own
11 business. When I started my business plan, I quickly
12 found out that commercial rents were out of control
13 and independent person like me could not start a
14 brick and mortar business. So I turned to street
15 vending and built a pop-up shop in a truck. Other
16 people here are looking for similar opportunities.
17 Maybe they used to have a deli or a restaurant, and
18 the rent was too high so they had to close, and now
19 they've vending on the street. Maybe they don't
20 speak English, but they make the best damn tacos that
21 you will ever have. The common thread here is
22 opportunity and, you know, I love—I love mom and pop
23 shops, and grocery stores in a city like New York
24 with millions and millions of people living and
25 visiting every year, these grocery stores should not

2 be put out of business, but because of taxes and high
3 rent. Someone having a green vendor cart selling
4 vegetables is not putting these grocery stores out of
5 business. It's the ridiculous taxes and high rents
6 that are putting these mom and pop stores out of
7 business. So I believe that there is room for
8 everyone in this great city to succeed, and I-I don't
9 think vendors are the cause of most of these problems
10 that have been talked about today. Thank you.

11 FAVIO RAMIREZ CAMINATTI: Thank you very
12 much for having me and congratulations to survive
13 through this marathonic session. My name Favio
14 Ramiez Caminatti. I'm Executive Director of Del
15 Centro Immigrante, the largest New York City workers
16 center and community-based organization. It was
17 founded in 1997 in Staten Island and since then we
18 are the oldest newest member of the National Labor
19 Advanced Network. I'm proud legal founder of the New
20 York Workers Incorporation. Our mission is to
21 promote the economic advancement of immigrant workers
22 and their family. Our centers works mainly with the
23 community of day laborers and domestic workers on
24 Staten Island but also in the other four boroughs.
25 Like street vendors, the laborers are frequently the

2 targets of anti-immigrant bias. Like vendors, they
3 are often the subject of complaints from local
4 business owners who would rather not see them on the
5 corner. Like vendors, they receive harassment from
6 the police and community residents. Even with all
7 the struggles they face, both street vendors and day
8 laborers perform vital services that our city could
9 not function without. Many people who call to
10 complain about day laborers will just as quickly hire
11 them to renovate their home or mow their lawn. The
12 same issue for vendors. Many of the titans of Wall
13 Street buy a cup of coffee from an immigrant vendor
14 each morning and it is not just the bankers on Wall
15 Street. Many of our members work such long hours
16 that they don't have the time to cook their own
17 meals. They cannot afford to eat from restaurants,
18 and they may not have the time to sit down. They
19 rely on the street vendors for their daily
20 sustenance. In this way, one the community of
21 immigrant workers is supporting the other. Isn't
22 that what good neighbors do. In recent years, the
23 City Council has made efforts to improve the life of
24 low wage immigrant workers in New York City including
25 domestic workers, day laborers, restaurant workers

2 and car washers. We ask that you do the same for our
3 brothers and sisters who sell tacos, tamales and
4 other food on the street. We stand in solidarity
5 with them in their efforts to increase the cap on
6 vending permits so that more of them can work without
7 the fear of ticketing rest and deportation. Intro
8 1303 could be a positive step forward for all
9 immigrant workers in New York. That is why we urge
10 you to pass this proposal into law. Thank you very
11 much.

12 JOHN GATEWOOD: My name is Josh Gatewood.
13 I'm the Interim President of the New York City Food
14 Truck Association, and it's not just immigrants who
15 participate in the food vending. I'm a food vendor
16 as well. My direct descendant or ancestor was in the
17 Revolutionary War so you've even got some old school
18 Americans that are doing the street vending thing.
19 But the common thread is that we are all chasing
20 after the American Dream. The mobile food vending
21 industry has been a second opportunity for me.
22 [coughs] After moving to New York City to work in
23 finance, I discovered it impossible to find a job in
24 my desired industry after much effort, and I came up
25 with an idea to start a restaurant showcasing the

2 all-American cuisine of the south, which is where I
3 moved from. I was long on dreams, but short on
4 capital. So I did what any rational person would do,
5 and I applied for Who Wants to be a Millionaire.
6 After repeat efforts of getting on the show, I
7 finally was placed in the official contestant pool.
8 Months went by with no contact from the show, and my
9 bank account quickly dwindled living in New York City
10 without any real income. I was humbly forced to get
11 on Food Stamps. With that and with about \$200 left
12 to my name, I decided to move back to Tennessee with
13 my younger sister. The Mon—the Monday after I got
14 back to Tennessee I go the phone call I was on the
15 show. I threw some clothes in a backpack and took a
16 mega bus from Knoxville, Tennessee to New York City
17 and got on the show and when host Meredith Vieira
18 asked what I was going to do when I won the million
19 dollars, I said I was going to start Yankee Doodle
20 Dandy's in New York, and that's what I did, but I
21 didn't have enough to get a restaurant. I had enough
22 to get a food truck. So, I've got a masters degree
23 from the University of South Carolina. It's the
24 number one school in classes that I majored, but no
25 amount of preparation could prepare me for the trials

2 and tribulations of street vending in New York City.

3 So, you know, this city is referred to as the big

4 city of dreams, and like I said, I'm pursuing my own

5 version of that dream. But what is comprising my

6 version of this dream is the broken permit system in

7 New York City, and that's why I'm so glad you're all

8 here to address some of the shortcomings of this—the

9 current status quo. Food trucks we have endeared

10 ourselves to New Yorkers. We provide the perfect

11 complement with the fast paced New York lifestyle,

12 but providing New Yorkers an opportunity to quickly

13 grab a gourmet lunch and return to work as soon as

14 possible. During Hurricane Sandy when much of

15 Brooklyn and Lower Manhattan and Staten Island was

16 under—was without power and could not provide hot

17 meals, the food trucks in New York City were deployed

18 to provide hot meals for New Yorkers. Recently, I

19 was contacted by the Office of Emergency Management

20 who were interested in creating a list of New York

21 City food trucks ready to be deployed in emergency

22 situations to food New Yorkers. OEM asked me what

23 could be done to make this a reality. My reply was a

24 simple one-word answer: Permits. You're not going to

25 have a list of food trucks ready to serve New Yorkers

2 if there's crazy high turnover because the permit
3 system is broken. So we're requesting that these new
4 permits be released that, you know, you look out for
5 the food trucks, and we can help create a list that's
6 ready in an emergency situation because when God
7 forbid an emergency does strike, people are going to
8 say what could have been done, you know, to-to feed
9 people or provide. And this is one of the things
10 we're offer, and I'm looking forward to being part of
11 the Advisory Board as an active vendor, and thank you
12 for your time today.

13 CHAIRPERSON ESPINAL: Thank you.

14 JORDYN LEXTON: Hi there. This is
15 exciting. Thank you for hosting this hearing. I'm
16 here to testify on behalf of organizing Drive Change
17 in favor of the passing of the Street Vendor
18 Modernization Act. Ultimately this act is about
19 access to opportunity, something that we stand for
20 completely and behind completely. Drive Change uses
21 the food truck workplace to run a one-year fellowship
22 for young adults who are coming home from jail and
23 prison. I started Drive Change after teaching on
24 Rikers Island for three years, and I called it the
25 public high school because New York, as you probably

2 know, is one of two states that automatically 16-
3 year-olds like adults in the Criminal Justice System.
4 We arrest about 50,000 16 and 17-year-olds annually,
5 and at the time that I was Rikers, I worked with
6 approximately 1,300 young people during the three
7 years that I was there. I witnessed first hand a
8 very racist and class system and nearly 80% of my
9 students were detainees who simply couldn't afford
10 bail. When a young person is released, employment
11 and enrollment in school is often--it's often
12 impossible, and some returning citizens can't live in
13 the public housing that they potentially came from.
14 For my students the road ahead was paved with red
15 lights, stop signs, dead ends. One place inside of
16 Rikers where people thriving and happy was in a
17 culinary arts class. I'm a native New Yorker. Food
18 has always been an educational tool for me. I'm on
19 the eating side. I wasn't on the food business side
20 at that point, but I thought to myself I can start a
21 food truck business as a platform for workplace
22 training fellowships for my students when they are
23 released from jail and that's exactly what I did. In
24 2012, I left my full-time teaching job. I worked on
25 Quince (sic) taco truck, and I learned about the

2 mobile vending industry. From the onset, I learned
3 how challenging the industry is. I saw the way in
4 which vibrant vendors were trying to go with the
5 regulation and law but were—it was an impossibility
6 because of the black market. Drive Change ourselves
7 we don't have a citywide permit. We all have a
8 restricted area permit because we didn't want to
9 participate in that market. As a result, we're
10 actually really challenged to find parking. It's
11 something that challenges our operation, it
12 challenges our ability to work with more young people
13 who are coming out of the system, and it forces us to
14 reconsider what growth and scale can look like in New
15 York City. We've now worked with 19 young returning
16 citizens—citizens over the course of the last two
17 years, all of whom are now in full-time jobs and
18 full-time opportunities or back in school full-full
19 time. Our food truck that we own and operate won the
20 Vending Award for best food truck in New York City in
21 2015, and we source all of our food from local
22 vendors within 150 miles. It's all farm to truck.
23 We really want to proposed that in addition to this
24 law being passed that we actually are able to put in
25 place 3% of the permits to go to vendors who want to

2 hired returning citizens as a result of using
3 employment as a tool for opportunity. Eighteen
4 vending permit per year because we know that there
5 are at least 18 per-current vendors who have already
6 approached us asking how they can use their business,
7 the platform for the social justice mission. So we
8 really encourage this-this bill. We look forward to
9 being a part of the conversation, and we look forward
10 to being a part of-of making this happen. Thank you.

11 CHAIRPERSON ESPINAL: Thank you and thank
12 you for all of your ideas and thank you for-for
13 testifying. Appreciate it. Yes.

14 COUNCIL MEMBER MENCHACA: Sorry. If I
15 could really quick. Thank you. Thank you, Chair.
16 Again, I'm also thankful for all of your testimony,
17 and I just wanted to highlight a couple of things and
18 ask a couple of questions. There was some
19 conversations here about the immigrant status work
20 that's happening on the ground and-can we-can we talk
21 a little bit about that, and-and really I think you
22 kind of brought the work that we're collectively
23 doing in the city. But, on immigration status,
24 there's no prohibition for members of-of our
25 community, residents that have an array of

2 immigration status or no status all, which is great.
3 What are—what are the issues for—for those who don't
4 have status and—and have—does this bill address any
5 of those issues beyond the access to permits?

6 CATHERINE BARNETT: Certainly I think the
7 access to permits and being able to do business
8 legitimately is going to be one of the major hurdles
9 that they will be able to overcome because in many
10 instances even just the fear of what starts as a
11 sanitation ticket then leading to, you know,
12 immigration or something like that. I think it just
13 creates a climate of fear and uncertainty among that—
14 that sector of the vendor population. We do know
15 that thanks to the great work of the City Council in
16 other areas the notion and the recognition that
17 immigrants—the immigrant workforce is a vital of our
18 community. We need to make opportunities for people
19 to at least be able to be taxpaying contributing
20 citizens and legitimize—legitimize their work as
21 opposed to just stigmatizing them because they do
22 have to create their own jobs. So that's through co-
23 ops or vending.

24 COUNCIL MEMBER MENCHACA: Thank you for
25 that, and I also just want to say thank you for—for

2 lifting the voices of the LGBT community because our
3 vendors are also in LGBT community and immigrants,
4 and-- Jordyn, I have a question for you on--on this
5 incredible program that I hope that we can talk to
6 many members about just because I think you have some
7 really interesting points to wedge more opportunity
8 out of--out of that, not just the permits, just giving
9 the permits out, but what those permits can do in a
10 workforce program--

11 JORDYN LEXTON: [interposing] Yes.

12 COUNCIL MEMBER MENCHACA: --for the city.
13 The city should get involved in this in a way that
14 they can adopt and--and make it a part of the work
15 that we have to do. We also heard from veterans
16 earlier today that they want a piece of this, get
17 some percentages set aside. And so this is--this is
18 just a healthy conversation. Do you know from those
19 18--you said there's 18 vendors that you have or
20 possible vendors with business plans that you're
21 training--

22 JORDYN LEXTON: [interposing] Yes.

23 COUNCIL MEMBER MENCHACA: --out of your
24 program. Do you know if any of them are on the
25 waiting list?

2 JORDYN LEXTON: Yeah. So I don't know if
3 they're currently--there are other already pre-
4 existing vendors who have also approached us that we
5 do know are currently on the--the waiting list itself,
6 and then some would be individuals who have not yet
7 joined the waiting list.

8 COUNCIL MEMBER MENCHACA: Got it and the
9 let's find out, and we can work offline on that
10 because I'm--I'm going to have--have some questions
11 about the waiting list as well--

12 JORDYN LEXTON: Yes.

13 COUNCIL MEMBER MENCHACA: --that I asked
14 earlier. Then--then the final thing is, and this
15 almost a question for every panel, but something we
16 have to answer is what--where do we bring--bring more
17 responsibility and accountability to all the players
18 on the street brick and mortar vendors on things like
19 quality of life issues. And so, your program I think
20 is kind of poised to train the--like a new fleet of--
21 of--

22 JORDYN LEXTON: [interposing] Absolutely.

23 COUNCIL MEMBER MENCHACA: --street
24 vendors, street and food trucks that can--that can
25 create a whole new set--set of responsibilities,

2 social justice measures that are both on the kind of
3 workforce and while you're on the ground in the
4 community, what can you do to engage to--especially
5 the mobility of the food trucks. Kind of shape--
6 reshape how--how vendors take responsibility on the
7 ground for issues that may or may or not be related
8 to them. We heard from--from brick and mortars that
9 they are responsible for the--for the cleanliness of
10 the streets and they will get cited. And--and we
11 could--we could--we could change the conversation. I
12 don't know if you have any--

13 JORDYN LEXTON: [interposing] Yeah, one
14 specific response to that is that there's actually a
15 new RFP being released by the District Attorney's
16 Office for social enterprises that are specifically
17 working with young adults coming home from jail. It
18 was then out of the Criminal Justice Investment
19 Initiative. It's a \$7.3 million RFP, and our plan
20 for applying of that RFP is to build our own garage
21 commissary. As a result of that ecosystem and space
22 we will be in a position to help with that kind of
23 regulation, which we see as like a public benefit
24 corporation style. You know, if you want to be a
25 part of this space, which we hope to be able to work

2 with the city on, then we'll be in a position where
3 people come and are part of that space. We'll be
4 able to be a part of a community that is invested in
5 the--the social components that we want to see
6 embedded in this work.

7 COUNCIL MEMBER MENCHACA: That sounds
8 incredible. Let's talk off--

9 JORDYN LEXTON: [interposing] Great

10 COUNCIL MEMBER MENCHACA: --offline on
11 that--on that work. Thank you to the panel.

12 CHAIRPERSON ESPINAL: Thank you.

13 [background comments, pause] Alright, let's call up
14 Lena Afidi (sp?), ANHD, Joel Glaser--Joe Glaser,
15 Rainier Ramirez, Steven Assaro, Almy Wong, Jerry
16 Chin, Alexis Smallwood; Vivian Deyoung (sp?), Joseph
17 Loreno, Joseph, and Mr. Chapman. Jessica Walker--
18 Jessica Walker, Sonya Enriquez, Anna Cordero, Jerry
19 Lay, Andrew Eyler, Mitchell Bowmit, Roman--Roman
20 Michel Lechek, Lowell Vandebilt. Anyone else who is
21 looking to testify? You're the last gentleman
22 believe it or not, but you can have a seat? So this
23 is the last panel. We all made it. Looking forward
24 to everyone testimony. Please state your name before
25 your testimony. You may begin. [pause]

2 VICK MAO: Thank you, Council Member. My
3 name is Vicki Mao. I will be reading the testimony
4 on behalf of Lena Alfridi. Good morning. Thank you
5 Chair Espinal and thank you to the members of the
6 Committee on Consumers Affairs and an opportunity to
7 testify on the expansion of food vendor permits. My
8 name is Lena Alfridi and I am the Policy Coordinator
9 of Equitable Economic Development at the Association
10 for Neighborhood and Housing Development, ANHD. ANHD
11 is a membership organization of NYC neighborhood
12 based community. We have nearly 100 members
13 throughout the five boroughs. Our mission is to
14 ensure flourishing neighborhoods and decent
15 affordable housing for all New Yorkers. We are
16 speaking as a part of United for Small Business NYC,
17 a citywide coalition of community organizations
18 across New York City fighting to protect New Yorkers'
19 small business and all residential tenants from the
20 threat of displacement. With particular focus on
21 owner-operated low-income minority and immigrant run
22 businesses and also low-income and minority
23 communities. ANHD and USBNYC support lifting the cap
24 on permits for street vendors. New York street
25 vendors are essential to our neighborhoods and

2 communities providing jobs in culturally relevant
3 boroughs. In a climate where small business, too,
4 may face displacement, vendors are among the most
5 vulnerable. Vendors do not have brick and mortar
6 shops for the same reasons many brick and mortar
7 businesses are closing, high cost of rent,
8 gentrification and harassment. New York is small
9 business the vendors need robust and strong
10 protections to ensure their success. Lifting the cap
11 on permits for street vendors is a necessary part of
12 a larger toolkit for establishing meaningful
13 protections for all small business. Thank you.

14 LOWELL VANDERBILT: My name is Lowell
15 Vanderbilt. I'm President of Carnegie Hill
16 Neighbors. We welcome this opportunity to testify.
17 Carnegie Hill Neighbors is located in the Upper East
18 Side, and between Fifth Avenue and Third Avenue, 86th
19 Street to 98th Street. We—we are concerned that
20 there was lack of notice for this—for this bill, and
21 we hope that you will go slow before a vote is taken.
22 It's possible that the bill could be split into
23 various components. Some could go faster, for
24 example the—the enforcement unit, which is an
25 outstanding idea. It's something that our Community

2 Board 8 in the Upper East Side has been calling for
3 many years. We would strongly support that. That
4 might go before the other, for the expansion of the
5 vendors, and we do think enforcement should come
6 first. I also want to say that wouldn't it be
7 fruitful if someone could organize the testimony of
8 various individuals today who may report. It could
9 become sort of a white paper. It could show both
10 sides, strong arguments from both sides. That would
11 be helpful, and we think that given the timeframe a
12 45-day period to allow community boards to
13 participate fully before you make any decisions would
14 be very helpful as well. We think that—I mentioned
15 priority of enforcement. The black market issue has
16 been raised again and again. This is one of the
17 first times we've had a vendor hearing where the
18 focus has been on the black market, and there—we
19 should—you should explore various possibilities,
20 maybe get advice from universities, and I just—the
21 medallion ideas has been—has been thrown forward. And
22 I think that a report or a white paper that you make
23 should include this. Another idea would be to
24 experiment with adding 400 vendors with 100 vendors a
25 year each, and that they would be auctioned. They

2 would carry a four-year period, but they would---
3 there would be a free auction. You could find out
4 what the true price is, and the city would get all
5 the proceeds. So it would create—and people could
6 renew their auction because they would bid again, and
7 once you have a stable price, the prices of these
8 auctions permits will not vary that much. So, I
9 encourage more creative thinking, more innovative
10 thinking to generate more funds, and to make a stable
11 market and to eliminate the black market. Even
12 though people have said you'll never do it because of
13 the control of the commissaries, I think that could
14 be looked into, too. Thank you very much.

15 JOE GLASER: Good evening. My name is Joe
16 Glaser. I own the La Bella Torte Dessert Truck in
17 New York City here. I currently operate off a
18 restricted area permit, which allows me to vend on
19 private property. The issue that is brought up here
20 about the black market or underground market,
21 whatever you want to consider it, is very simple.
22 There are brokers out there. These brokers work in
23 the commissaries. Some brokers control up to 1,000
24 permits each at \$20 or \$25,000. You get them and you
25 stop them, and you stop the black market. It's that

2 simple. That's just my---no it's not that simple. I
3 know what I'm saying. Also, okay, food safety. I am
4 the first one to go for public safety and quality of
5 food that I put out. I've been inspected several
6 times on several locations. Never have they been
7 able to find anything wrong with my truck. I do not
8 like being lumped in with food carts, which one
9 gentleman showed pictures of because those things
10 look like a circus show. My truck is hand painted.
11 It's a beautiful truck. I have one—I have one truck
12 now. I'm working on a second truck. If I had a
13 citywide permit, I'd be able to have ten trucks. So,
14 I thank you guys for listening to me. Also, you
15 know, what I was a plumber for 28 years of my life.
16 When the economy tanked in 2007, I went back to
17 pastry school, became a chef became a pastry chef,
18 and opened my own business. So this is a second
19 chance for me in life as well. I'm 53 years old, and
20 I'm out there and I'm working 15, 16 hours a day like
21 everybody else. If you can consider this, thank you
22 very much.

23 STEVEN ASSARO: Good evening. I'm Steven
24 Assaro. I appreciate you staying here so late.
25 We've all been waiting all day to speak. I own the

2 Crepes's truck. I also own Softee Express. My
3 family has been doing the mobile food vending
4 business for 45 years. I actually own my own food
5 vending permit. I was lucky and fortunate to win a
6 lotto more than 20 years ago. That being said, when
7 I grew up in the business, there was no talk of
8 permits being rented because everybody could get one.
9 There was no market for it because it was worthless.
10 If you can go get one for free there's no need to pay
11 \$20,000. Unfortunately, Giuliani and other people
12 have closed it off. They capped it off. They're
13 basically protecting businesses and restaurants and
14 that is the big paying lobbying group. That's why so
15 many of them spoke here today. So joined early on
16 in-in the proceedings. They carry a lot of weight in
17 government, but once they capped those permits, the
18 prices started to go up and in the mid-90s it was
19 five grand for permit. Now, it's \$25,000. So the
20 only way you're going to get rid of the black market-
21 first of all there's--there's two main reasons why you
22 want to get rid of that. First of all, the city
23 should get that money, and not some foreign person,
24 you know, and--and it's going to bring down the prices
25 to nothing because if there's lots of permit

2 available there's no need to pay people for them.

3 Number two is I own my permit. I know valuable that
4 permit is. So I'm not going to go and run my truck
5 like a circus because I'm afraid those violations
6 could cause me to lose my permit, but when you rent a
7 permit, hey I need 20—I'd paid 20 grand for this?
8 I'm going to make—and try and do whatever I can to
9 make that money back as well as the \$1,000 a month
10 for the rent, the insurance, the workers
11 compensation, thousands of dollars in violations and
12 gas. So when people rent things, they don't treat it
13 the same way as when they own it. You know, this is
14 why it's important for people to own their own permit
15 because they'll follow more rules. If you look at
16 the history of my violations, I get minimum
17 violations. A couple here and there, but the city
18 has been so harsh on the mobile food vendors compared
19 to a restaurant owner. When I worked in restaurants
20 we almost never see a Department of Health inspector.
21 When you own a food vending cart in New York City,
22 you'll see them two, three, four maybe five times a
23 summer in a course of a couple of months, you know.
24 So, you know, the city has designed this to try and
25 avoid the proliferation of carts because they want to

2 protect the restaurants. But meanwhile, this is how
3 people move up into that business. You know, you—you
4 just can't just open up a restaurant without having—
5 having some experience in making money, and food—
6 mobile vending permits have allowed people like
7 myself to get the experience, to save up money over
8 years and years and years, and you've heard stories
9 of the Cinnamon Snail and Metzger Boulevard and Mexi-
10 Cuba, you know, moved onto bigger and better things.
11 So I hope you guys would expand the number of permits
12 you release and—and see what good it can be instead
13 of hearing all of this propaganda about stealing
14 people's business. Thank you so much.

15 JERRY CHIN: I'd just like to start off
16 by saying now I'm surprised at the amount of interest
17 in the little hot dog business. I wonder if the City
18 Council gets so much, you know, so many speaker for a
19 million dollar construction business. Having said
20 that, you know, hopefully you saved the best for
21 last. My name is Jerry Chin. No relation to the
22 Honorable Council Member Margaret Chin. I am a tax
23 and business consultant and a food vendor and a
24 veteran of the US Army. I applaud the expansion of
25 the number of permits to allow greater opportunities

2 for immigrants trying to pursue the American Dream in
3 a tough economic environment. I also applaud the
4 creation of a dedicated food vending bureau to
5 regulate the industry. Takin the NYPD out of the
6 food-out of the business of food vending regulation
7 makes sense for everyone involve. The NYPD has more
8 important things on its plate in the age of
9 terrorism. The vendors, most of them new immigrants
10 with limited understanding of English or the American
11 legal system do not appreciate person with a badge
12 and a gun telling them how to achieve their American
13 Dream. I would ask the council to consider
14 implementation of a lottery or auction system where
15 the City can regulate and monetize the allocation of
16 spots. Those of us who have worked in the mobile
17 food business understand that the one crucial
18 component to success in this business just like the
19 real estate business in New York City is location,
20 location, location. The City should recognize this
21 and work together with vendors to develop a system
22 where everyone, the vendors the business improvement
23 districts representing the brick and mortar
24 storefronts and the city itself can all benefit
25 without any one party suffering disproportionately.

2 I have come to speak to my fellow vendors and my
3 fellow veteran vendors. Nobody wants to increase
4 your cost of doing business. I understand that, but
5 would you pay for stability? Taxes, fees, and
6 regulations is what makes the American economy
7 stable. Stability is the cornerstone of a
8 sustainable and successful business. We are
9 interested in the illegal black market for permits
10 and want—and want to eliminate. Putting aside moral
11 obligations—objections to what is legal and illegal,
12 there's two ways to go about controlling illegal
13 activity. You can either declare war on it, a war on
14 drugs, a war on terrorism, a war on vendors or you
15 can legalize, regulate and control the selling of
16 permits. We have a model for this in the way the TLC
17 regulates taxi medallions. So, that's it.

18 MELISSA CHAPMAN: Hi. Good evening,
19 Chair Espinal, and Council Member Menchaca. I am
20 Melissa Chapman. I serve as the Student Vice
21 President for Public Affairs at the Brooklyn Chamber
22 of Commerce, and I'm reading this evening's testimony
23 on behalf of President and CEO, Carlos Scissura. The
24 Brooklyn Chamber of Commerce is membership based
25 business assistance organization which represents the

2 interest of over 2,100 member business as well as
3 other business across Brooklyn. While the overall
4 goal of this proposal is in line with our mission to
5 promote a healthy and robust business environment
6 throughout Brooklyn, we have certain concerns about
7 the legislation in its current form. Rash
8 implementation in the absence of a wide ranging and
9 inclusive study will negatively impact small business
10 across New York City. Small brick and mortar
11 business are subject to a host of laws and
12 regulations that cut into valuable resources needed
13 to operate. These include formal licensing, public
14 approval for community board as well as approval from
15 NYC agencies. Expanding the availability of permits
16 without a serious analysis of the impact will
17 devastate brick and mortar business particularly if
18 both groups are not held to the same operational
19 standards. Another example that shows an imbalanced
20 approached to this proposal is the fact restaurant
21 establishments, as you've—as you've heard, must
22 comply with the city's letter grade system. On the
23 other hand, there is no such requirement for street
24 vendors. Further, such an expansion in permitting
25 may reduce access to metered parking spaces and

2 commercial loading zones for brick and mortar
3 businesses. As an alternative, the city should work
4 to identify specific zones in public spaces where
5 vendors can apply their trade in a way that this is
6 safe for them as well as for customers. We support
7 the portion of the bill that calls for the
8 establishment of an advisory board. However, it is
9 crucial that this one of the prerequisites for any
10 permanent change that applies to street vending
11 including an increase in the cap. As we mentioned
12 earlier, such a task force—I'm wrapping up—should
13 include a wide range of representatives. These are
14 all important considerations that this committee must
15 make in order for there to be an equitable co-
16 existence between these business groups. Otherwise,
17 any sudden expansion will create an unstable
18 commercial environment. And thank you so much for
19 the opportunity to testify on this issue.

20 DAVID BROSS: Good evening Honorable
21 Council Members. Thank you very much. My name is
22 David Bross. I am reading a statement, testimony on
23 behalf of Natasha Lycia Ora Bannan, Associate Counsel
24 at Latino Justice PRLDEF. This organization is a
25 national civil rights organization engaged in

2 advocacy and impact litigation on behalf of
3 underserved Latino communities along the East Coast.
4 Thank you for the invitation to address you today, on
5 the important issue of economic justice for working
6 class street vendors, many of whom are Latino and
7 almost all are immigrants. As you know, immigrants
8 are a vital part of New York's economy often serving
9 as the economic engine in their communities through
10 small business and entrepreneurial ventures. Part of
11 the creativity and vibrancy immigrant owned
12 businesses bring is the culinary traditions that
13 expand both the available options in their
14 communities for eth-ethnically relevant food choices
15 as well as diversifying the choices available. These
16 businesses include street vendors who carry their
17 traditions with them from corner to corner of this
18 city contributing to the culturally diverse and
19 economically vibrant communities they are a part of.
20 However, many of these workers have been laboring
21 under exploitative conditions paying upwards of
22 thousands of dollars for a permit issued years and
23 years ago because no more have been or will be issued
24 without the necessary changes to regulations. Street
25 vending is often an entry point into the city's

2 economy, a chance for immigrants, many of whom are
3 Latinos, Latinas to provide for their families, pay
4 their rent and develop business skills. Their
5 presence is often overlooked yet their contributions
6 are significant particularly within their communities.
7 Yet, laboring as part of an invisible economy that is
8 rife with exploitation and abuse often in getting
9 vendors and their families as they sell food and
10 products in our streets daily is unacceptable and
11 cannot be condoned even implicitly by refusing to act
12 on a simple measure that could create more economy
13 opportunity for low-wage workers while addressing the
14 exploitation that street vending is currently
15 infected with. We know that it is always the most
16 vulnerable among us who are most susceptible to
17 exploitative labor practices and street vending is
18 not exempt. It is incumbent upon government to
19 identify, address and eradicate such a bus when it
20 surfaces, which is what this body has a chance to do
21 today. Thank you for your time.

22 CHAIRPERSON ESPINAL: Thank you. I
23 really just want to thank everyone for staying here
24 this late, and exercising your right to testify. I
25 know it's been a long hearing, but we do take

2 everyone's testimony into consideration, you know,
3 when we move forward. So everything that has been
4 said here today will be taken back and will be
5 studied, and see if we will make any amendments and
6 things of that nature. So thank you again for coming
7 and for staying that late. I think with that said,
8 it's just me and Carlos Menchaca left in the room,
9 but I want to thank all my colleagues, Mark Levine,
10 especially my staff Lobany and Israel for the work
11 they've done on this—on this—on these bills. I also
12 want to thank the sergeant-at-arms for all the work
13 he has done to keep this—this hearing in order. So
14 with that said, everyone have a good evening. We
15 said good morning, we said good afternoon, we said
16 good evening, now good night. [gavel]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date November 7, 2016