

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON SMALL BUSINESS

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HELD AT: Council Chambers - City Hall

B E F O R E: Mark Gjonaj  
Chairperson

COUNCIL MEMBERS: Mark Gjonaj  
Selvena N. Brooks-Powers  
Eric Dinowitz  
Stephen T. Levin  
Bill Perkins  
Ydanis Rodriguez  
Helen K. Rosenthal

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

Jonnel Doris  
Commissioner  
New York City Department of Small  
Business Services

Jeffrey Dupey  
Senior Advisor  
New York City Department of Small  
Business Services

Lucy Sexton

Kathleen Reilly

1  
2 CHAIRPERSON GJONAJ: [gavel] Good morning.  
3 I'm Council Member Mark Gjonaj, chair of the  
4 Committee on Small Business, and I'd like to welcome  
5 you to our hearing today on the Key to New York City  
6 mandate. Our goal today is to hold oversight on the  
7 mandate to understand its successes and challenges  
8 and to hear from our small businesses and advocates  
9 about their experience in complying. The Key to NYC  
10 mandate is a well-intentioned effort to increase  
11 vaccination rates in the city, ensuring New Yorkers  
12 and visitors it's a safe business to patronize and to  
13 reduce the spread of COVID. The vaccination mandate  
14 requires all individuals 12 and older are to have  
15 received at least one dose of COVID-19 vaccine to  
16 enter indoor dining establishments, indoor fitness  
17 establishments, and indoor entertainment venues.  
18 Under the mandate, staff working at any of these  
19 locations are also required to show that they have  
20 received at least one dose of the COVID-19 vaccine.  
21 Employees working in dining, fitness, and  
22 entertainment establishments are tasked with ensuring  
23 compliance with the Key to NYC mandate. Businesses  
24 must check the vaccination status of all staff and  
25 customers age 12 and older, post a sign that notifies

1 employees and patrons about the vaccination  
2 requirement, and keep a written record that describes  
3 how they will verify proof of vaccination for staff  
4 and patrons. While I understand the intent of Key to  
5 NYC, I have a number of concerns that will be  
6 discussed at our hearing today. To start, some  
7 workers have experienced harassment since businesses  
8 reopened. According to a study from One Fair Wage,  
9 80% of restaurant workers experienced or witnessed  
10 hostile behavior from customers in response to staff  
11 enforcing COVID-19 safety protocols. 60% of these  
12 workers said they experience such hostility on a  
13 weekly basis that this treatment of workers is  
14 completely unacceptable. I fear that forcing workers  
15 to check the vaccination cards, an issue that has  
16 become controversial and contentious for some, will  
17 lead to further harassment and abuse of workers and a  
18 hardship for the industry that are impacted by this  
19 mandate. I look forward to hearing from the  
20 administration on the resources they are supplying  
21 workers and businesses, from educational material,  
22 resources to protect and help workers experience  
23 harassment. My second concern is the impact of the  
24 mandate on small businesses. As chair of this  
25

1  
2 committee it is my responsibility to advocate for the  
3 fair treatment and success of the city's small  
4 business community. Small businesses are starting  
5 the slow process of recovery from two extremely  
6 difficult years of operating, having weathered the  
7 pandemic, supply chain issues, and labor shortages,  
8 businesses in neighborhoods with low vaccination  
9 rates must now also operate with a smaller percentage  
10 of available local customers. For example, in  
11 Borough Park, Brooklyn, under 50% of residents have  
12 received their first dose of the vaccine.  
13 Accordingly, businesses operating in this  
14 neighborhood, which I want to point out are a large  
15 portion of M/WBE businesses, must continue to pay  
16 their fixed costs, such as rent, inventory, taxes,  
17 and wages, with only half of their available  
18 customers available to support their businesses in  
19 store. According to one business owner in Borough  
20 Park, "If we open up the store and put up the  
21 required sign on vaccinations nobody's going to walk  
22 in." For struggling businesses that are forced to  
23 turn away paying customers, they may even consider  
24 not enforcing the mandate to keep their doors open so  
25 that they can survive. I look forward to hearing

1 from the commissioner about what enhanced resources  
2 they are offering all small businesses with this  
3 forced vaccination mandate and the businesses in  
4 neighborhoods with lower vaccination rates. We must  
5 ensure and do as much as possible to support our  
6 small businesses so that they can survive and be  
7 successful. The uncertainty of whether the mandate  
8 will negatively impact business owners' revenues may  
9 be enhanced by the unclear timeline on how long the  
10 mandate will be in effect, mainly, if business owners  
11 have not been updated on whether the mandate will  
12 exist in perpetuity, whether it will be a shorter  
13 term policy, or to increase vaccination rates in the  
14 city. And if to increase vaccination rates what will  
15 be the goal before the mandate is lifted - 60%, 70%,  
16 80%, or 100%? Our small businesses need clear  
17 directions. The administration must learn from past  
18 mistakes. Short-term notices do not serve our small  
19 businesses well. We must give small business owners  
20 time to plan and make decisions. With that said, I'd  
21 like to thank my legislative director, Austin Sacher,  
22 our legislative counsel, Stephanie Jones, our policy  
23 analyst Noah Meixler, and finance analyst Aleah Ali,  
24 for all of their hard work in preparing for this  
25

2 hearing. With that, I turn it over to Stephanie  
3 Jones.

4 COMMITTEE COUNSEL: Thank you, Chair. I  
5 will be administering the oath at this time. Please  
6 raise your right hands. Do you affirm to tell the  
7 truth, the whole truth, and nothing but the truth  
8 before this committee and to respond honestly to  
9 council member questions?

10 COMMISSIONER DORIS: I do.

11 JEFF DUPEY: I do.

12 COMMITTEE COUNSEL: Thank you. You may  
13 begin.

14 COMMISSIONER DORIS: Good morning, Chair  
15 Gjonaj and members of the Committee on Small  
16 Business. I'm Jonnel Doris, the commissioner of the  
17 New York City Department of Small Business Services.  
18 At SBS we aim to unlock economic potential and create  
19 economic security for all New Yorkers by connecting  
20 them to quality jobs, building stronger businesses,  
21 and fostering our thriving neighborhoods across the  
22 five boroughs. I'm pleased to testify on the Key to  
23 NYC initiative today along with Jeff Dupey, the  
24 senior advisor managing and, ah, managing the Key to  
25 NYC compliance inspection program. In the spring of

1 2020 it became clear that small businesses would be  
2 hit especially hard by the economic impacts of COVID-  
3 19. The agency quickly shifted our work to meet  
4 these challenges. SBS created a small business  
5 recovery plan designed to jump start the economy in  
6 the short term while laying the ground work for  
7 sustainable small business recovery in the long term.  
8 This small business recovery plan, developed in  
9 collaboration with business leaders, industry, ah,  
10 associations, and government partners was based on  
11 four strategies to ensure an equitable citywide  
12 recovery, support, number one, support business  
13 innovation to increase revenue, equip entrepreneurs  
14 with tools to adapt and lower operating costs, foster  
15 close collaboration with businesses to cut red tape,  
16 and promote equitable economic growth while  
17 supporting diverse businesses of the future. As a  
18 result, we launched 40 recovery program, initiatives,  
19 and campaigns. Our team, ah, received more than  
20 74,000 calls to our hotline, visited more than 175  
21 commercial corridors, hosted more than 800 webinars  
22 with more than 55,000 attendees, ah, connected more  
23 than 60,000 businesses to 258 million in state,  
24 local, and federal and philanthropic funding,  
25



1 assisted them, ah, with more 4000 businesses in  
2 applying for 305 million in PPP loans. Overall, SBS  
3 has helped New York City small businesses access more  
4 than half a billion dollars in aid to weather this  
5 crisis and build back stronger. And throughout this  
6 work we have assisted businesses of all types across  
7 the city with a special focus in supporting small  
8 businesses in the hardest hit communities, including  
9 vulnerable minority- and immigrant-owned businesses.  
10 But ultimately we know, no matter what we do, ah, to  
11 mitigate the economic impacts, this crisis is a  
12 health crisis and we cannot fully recover until  
13 COVID-19 is under control. With the increase of the  
14 highly contagious delta variant this summer, health  
15 experts advised that additional measures were needed  
16 to increase vaccination rates in New York City in  
17 order to save lives. Health experts have shown time  
18 and time again that vaccines are the most effective  
19 way to combat COVID-19. A study by Yale University  
20 estimates that by July of 2021 vaccines had already  
21 saved more than 8000 lives in New York City. To  
22 protect businesses and save lives, more vaccinations  
23 were and are needed. On August 3 the mayor announced  
24 the Key to NYC would require vaccination proof for  
25

1 indoor dining, entertainment, recreation, and  
2 fitness. According to health experts, vaccinations  
3 protect the public by reducing the spread of COVID-19  
4 and the risk of severe illness and death. Vaccines  
5 also protect businesses, reducing the likelihood of  
6 closures due to COVID-19 cases among the staff. Our  
7 job at SBS is to help businesses comply with the  
8 city's health policies and to offer them education  
9 and support. SBS gathered information and feedback  
10 from individual businesses, industry groups and  
11 leaders, BIDs, merchant associations, chambers of  
12 commerce. With this feedback, SBS created industry-  
13 specific guidance, documents for entertainment,  
14 restaurants, and fitness centers on, ah, how best to  
15 comply with Key to NYC. To get the word out, the  
16 city created a website landing page, launched a 10  
17 million multi platform, ah, paid media campaign, and  
18 deployed hundreds of canvassers to tens of thousands  
19 of businesses, ah, businesses across the city.  
20 Outreach education was particularly focused on  
21 neighborhoods that were identified by the task force  
22 on racial inclusion and equity as disproportionately  
23 impacted by COVID-19. SBS hosted weekly webinars and  
24 staffed a hotline with experts who answered thousands  
25

1 of calls from businesses. The city also, ah, took on  
2 an education first approach to inspections, provided  
3 warnings rather than violations in many cases.  
4

5 Additionally, the city expanded vaccine incentives to  
6 include \$100 cash option to individuals receiving  
7 their first vaccination and extended the vaccine  
8 referral bonus program to businesses who help members  
9 of their community get protected. As Key to NYC  
10 continues the data shows overwhelming compliance by  
11 businesses across the city. As my colleague will  
12 testify, there have been very few inspections that  
13 have resulted in violations, and since the initiative  
14 was announced the number of people vaccinated city  
15 has increased by 9%, nearly 800,000 New Yorkers.

16 Today more than 85% of adult New Yorkers have had at  
17 least one dose of the vaccine. Ah, these are the  
18 numbers that we hope will continue to reduce the  
19 transmission, save lives, and keep businesses and the  
20 economy up and running. We are seeing, ah, similar  
21 programs become the norm across the country in both  
22 public and private sector, major cities, private  
23 airlines, vacation resorts, the individual businesses  
24 have all announced vaccination policies to keep their  
25 staff and customers safe. Additionally, the federal

1 government announced there will soon be vaccination  
2 requirements for businesses with more than 100  
3 employees. These policies reflect the fact that  
4 mandates work to increase vaccination rates. SBS  
5 will continue to help New York City's many and  
6 diverse small businesses to comply with Key to NYC  
7 and all health precautions needed to fight the  
8 pandemic and save lives. By, by listening to  
9 businesses and providing relevant education,  
10 outreach, and support we are providing the tools  
11 necessary to help businesses weather the crisis. And  
12 we all hope as more people are vaccinated that we will  
13 continue to see a decline in the COVID-19 rates in  
14 the city. As always, thank you for your partnership,  
15 ah, Mr. Chair and the council in helping small  
16 businesses get through the pandemic, and thank you  
17 for the opportunity to speak on this initiative. We  
18 welcome your questions. Thank you.

20 COMMITTEE COUNSEL: Mr. Dupey, you can  
21 testify next and we can follow with questions.

22 SENIOR ADVISOR DUPEY: Thank you. Good  
23 morning, Chair Gjonaj and members of the Committee on  
24 Small Business. My name is Jeff Dupey. I'm the  
25 senior advisor managing the Key to NYC Compliance

1           Inspection Program. Thank you for holding today's  
2           hearing. Thank you for holding today's hearing and  
3           giving Commissioner Doris and me the opportunity to  
4           talk about the success of the Key to NYC program. As  
5           Commissioner Doris said, our goal from the inception  
6           of this program has been to focus on working with and  
7           helping impacted businesses to comply with the simple  
8           steps required under the emergency executive order.  
9           That's why the mayor gave nearly a six-week window  
10          from the announcement of the program on August 3  
11          until the start of enforcement on September 13.  
12          During that time, city staff conducted extensive  
13          outreach to every corner of the five boroughs, with  
14          canvassers going door to door to businesses, nearly  
15          59,000 times, to distribute educational materials in  
16          more than a dozen languages and having multiple  
17          agencies host dozens of listening sessions in Q&A  
18          forums with businesses, BIDs, trade associations, and  
19          community groups, and more, as Commissioner Doris  
20          explained. The inspections themselves are designed  
21          to be quick and nonintrusive as possible. Inspectors  
22          only need to check for three elements - a sign that  
23          can be seen from outside, that the business is  
24          checking entering customers for vaccine status and  
25

1 corresponding ID, and a written plan that describes  
2 how the business is implementing their process.

3 That's it. We intentionally made the inspection  
4 program business friendly to limit engagement and  
5 disruption. There are no gotchas or hyper technical  
6 reviews. No secrete shopper or undercover stings as  
7 part of the main inspection program. And we give

8 businesses the opportunity to remedy certain

9 noncompliance before issuing violations. Inspections  
10 are conducted by staff from 10 different city  
11 agencies and coordinated by the mayor's office.

12 We've been working hard to ensure that inspections

13 are uniform across the agencies and across our city's  
14 neighborhoods, through rigorous quality assurance and

15 data analysis and weekly training sessions with both  
16 inspectors and our agency supervisors. When the

17 inspection phase of the program began we focused on

18 inspecting as many locations as possible and did not  
19 reinspect any businesses for the first two weeks.

20 This gave businesses found to be noncompliant an

21 extra period to take any remaining steps they needed

22 to become compliant, with inspectors issuing only

23 corrective warnings. Combined with the six weeks

24 between the announcement and enforcement this adds up  
25

1 to about two months of listening, outreach,  
2 education, and supportive correction. In fact, more  
3 than 10,000 businesses were inspected before a single  
4 violation was written, and though the executive order  
5 is clear, the businesses are subject to violation  
6 immediately upon a noncompliant inspection. We had  
7 as a matter of policy been giving businesses a  
8 warning upon the first noncompliant inspect. The  
9 goal is not to fine businesses. The goal is to  
10 support businesses to successfully implement the  
11 requirements of Key to NYC and let businesses lead  
12 the way. New Yorkers want to go where they feel safe  
13 and safe businesses encourage more New York, more New  
14 Yorkers to get vaccinated, which in turn means more  
15 New Yorkers can fully and regularly support our local  
16 businesses throughout the five boroughs by engaging  
17 in activities that make New York City the amazing  
18 place it is. This education and support first  
19 approach has led to an astoundingly high compliance  
20 rate. As of Wednesday, we've inspected 20,843  
21 businesses that offer indoor dining, fitness, or  
22 entertainment and have only issued 21 violations -  
23 one in the Bronx, two in Brooklyn, 13 in Manhattan,  
24 two in Queens, and three in Staten Island. We have  
25

1 found that most businesses that received a warning  
2 during their first inspection have been fully  
3 compliant during subsequent inspections. Thank you,  
4 Chair Gjonaj, ah, for allowing me the time to give  
5 you background on Key to NYC compliance, ah,  
6 compliance inspection program, and I look forward to  
7 answering any questions you have.  
8

9 CHAIRPERSON GJONAJ: Thank you for those  
10 testimonies, ah, Commissioner and Mr. Dupey. Um,  
11 first of all, Commissioner, I'm grateful to you for  
12 your hard work and commitment to small businesses,  
13 um, for reiterating the purpose of SBS, and that is  
14 to ensure the economic potential of our small  
15 businesses. First question that comes to mind is why  
16 only these industries, why not all small businesses,  
17 if the intent is to make New York City safer and  
18 encourage or entice vaccinations so that you can  
19 enjoy all of the culture, the eateries, New York City  
20 venues, entertainment, why not share that  
21 responsibility across the board with other  
22 industries?

23 COMMISSIONER DORIS: Yes, certainly. Ah,  
24 thank you for the questions, ah, Mr. Chair. Um, as  
25 you, as you, as you stated, um, you know, this



1 particular mandate is intended to, ah, allow the city  
2 to address this pandemic that is a crisis, um, you  
3 know, health crisis that now strong [inaudible]. I  
4 think as our health experts and those who reviewed,  
5 ah, the various ways that we encourage folks to  
6 actually get vaccinated, ah, these particular  
7 industries, I believe was chosen, um, and the  
8 outcome, which I think is really what, ah, you know,  
9 we should be highlighting in part today, is that  
10 800,000 New Yorkers are now vaccinated in part  
11 because of this particular, ah, policy. And so, um,  
12 you know, certainly, ah, I hear the question about  
13 other industries but, ah, for us, um, as we just  
14 follow the, ah, direction of the, the health experts  
15 and, and certainly we see the results of it, which  
16 is, you know, 9% increase in vaccinations and 800,000  
17 New Yorkers getting vaccinated.

18  
19 CHAIRPERSON GJONAJ: Thank you,  
20 Commissioner. But, Commissioner, the three  
21 industries, restaurants, ah, entertainment industry,  
22 and gymnasiums have been those that have been hardest  
23 hit, catering halls, um, children, ah, entertainment,  
24 um, venues have been the ones that have suffered at a  
25 great expense over the last two years. Here we are

1  
2 again selecting those industries to bear this burden  
3 and responsibility for making sure New York remains  
4 healthy and COVID-free. I just can't understand why  
5 these industries and why not share that burden with  
6 all industries, or remove the burden altogether from  
7 small businesses and put it on government in other  
8 venues, or in other means to entice vaccinations.  
9 Why not barbershops, beauty salons, where there's a  
10 connection, ah, so close in proximity? Why not  
11 schools where every child over the age 12 and older  
12 should have a vaccination to enter that building?  
13 Why not grocery stores, supermarkets, and countless  
14 other small businesses in New York City?

15                   COMMISSIONER DORIS: Yeah, no, I  
16 appreciate the question. I think my answer is, um,  
17 you know, probably gonna be the same as it was before  
18 in the sense that, you know, we're following  
19 direction of the health experts and ultimately I  
20 believe the, the result that we see is that, ah, we  
21 are, we are moving forward in getting New York City  
22 vaccinated. I, I think that's the ultimate goal and,  
23 and, and I think we're seeing that with the existing  
24 program that we have.

1                   CHAIRPERSON GJONAJ:  What health expert  
2                   has made the decision that with protocols in place,  
3                   social distancing, mask wearing is not a safe  
4                   environment compared to a beauty salon, where you get  
5                   your hair done, your nails done, where you get a  
6                   haircut in a barbershop?  The proximity to that  
7                   person performing that service and that customer is  
8                   as close as you could possibly get.  Grocery stores,  
9                   while waiting on line to check out or a supermarket,  
10                  in a school setting where children are one, on top of  
11                  one another, including teachers and administrators  
12                  and staff of that school?  My point is, Commissioner,  
13                  and, ah, Mr. Dupey, we've targeted again three  
14                  industries.  Someone has made that unilateral  
15                  decisions that, yep, these are the three industries.  
16                  It's gonna be your burden, your responsibility.  
17                  We're gonna give passes to everybody else.  Why not  
18                  in a taxi?  Why isn't that driver asking that  
19                  passenger show me your vaccination card before you  
20                  enter my vehicle?  That's certainly is gonna be in a  
21                  closer proximity, passenger to driver, than in, in a  
22                  restaurant setting, in an entertainment setting where  
23                  you can space out the seats, in a school setting.  
24                  Why these three industries?  And when you say health

1  
2 experts, Mr. Dupey or Commissioner, whichever one,  
3 you've interpreted that. This administration has  
4 made the determination that these are the three  
5 industries that are gonna, we're gonna have this  
6 burden placed on. New Yorkers want a safe city. But  
7 they also want that burden, that responsibility,  
8 shared equitably across the board. They also want  
9 the opportunity to profit and stay alive, and not  
10 have the overhead of having a person sit at a door  
11 constantly asking for proof of vaccination and be  
12 subjected to harassment, or choose which customer  
13 could enter and leave, when you are struggling just  
14 to make ends meet. So please answer any of those  
15 questions in any order that you see fit.

16           COMMISSIONER DORIS: Well, I, I will  
17 start by saying, you know, we certainly, you know,  
18 Mr. Chair, I mean, as you mentioned in your opening  
19 statement and, and certainly, ah, you know, our  
20 commitment of, of, of understanding where businesses  
21 are working together this last year and a half to  
22 walk the streets and, and knock on doors and, and  
23 help businesses. And I believe that that's, that's  
24 in the vein in which we sort of approached, um, you  
25 know, getting businesses that type of information and

1 help and support that they needed that ultimately, as  
2 my colleague mentioned, it was seen, ah, just a real,  
3 ah, ah, high compliance rate here. You know, you put  
4 600 people on the street to knock on, you know, tens  
5 of thousands of doors and help folks to understand  
6 it, you know, that's, that's where we see a relief  
7 of, of a burden that a, of, of uncertainty and, and,  
8 ah, the inability to interpreter whatever is these  
9 rules are. We are providing that assistance and that  
10 support. If we're doing additional trainings or the,  
11 ah, webinars that we had with yourself and, and so  
12 many others, you know, walking folks through the  
13 process, ah, assisting them in understanding what the  
14 requirements are and those three simple requirements,  
15 um, we also provided the, the materials that they  
16 needed to post, um, a, a, a plan that they can  
17 actually utilize and create, ah, from our template.  
18 So while I do hear the concern and we've heard it and  
19 we've, ah, been walking these corridors, talking to  
20 these businesses, um, you know, the more we get to  
21 talk to them and the more we get to demonstrate to  
22 them the process and, and how it was thoughtfully,  
23 ah, put together in the sense of there's three things  
24 that need to be done, here are the three things, this  
25

1  
2 is how you do it, and, ah, most of the businesses,  
3 again, like I said, we're seeing it, um, that they  
4 are, ah, complying and they are, um, you know,  
5 aligning with this overall, ah, message about  
6 vaccinations. And I think we see that and I think  
7 that's supported by, by those, ah, those efforts. I  
8 don't know if you, you want to add anything to it?

9           SENIOR ADVISOR DUPEY: Sure. Thanks,  
10 Commissioner, and thank you, Chair, for all of those  
11 questions. The, the one that sort of jumps out at me  
12 most is that, you know, we were very surprised when  
13 we started inspections at just how compliant  
14 everybody was, and I think that there are a few  
15 reasons for that. It's extremely simple to comply,  
16 right? There's nothing technical like there was  
17 during the previous inspections that were mandated by  
18 the state. Ah, I think a lot of businesses were, um,  
19 had very negative experiences because of the  
20 constantly changing requirements during, ah, the  
21 COVID inspections before. Ah, and feedback that I've  
22 heard from businesses is that they were relieved,  
23 it's very simple to implement. Ah, most places,  
24 every place that I've been out, ah, I finally feel  
25 safe enough to go businesses again, ah, you know, to

1 eat inside of restaurants, ah, and every restaurant  
2 that I've been to, ah, you know, I'm just chatting  
3 with them about it and people have said that feels  
4 more comfortable, knowing that they're serving people  
5 who are vaccinated, knowing that they are safe. Ah,  
6 so in a lot of ways the fact that we, we do have this  
7 mandate across the entire industry, it levels the  
8 playing field for the entire industry and allows, ah,  
9 New Yorkers to start engaging in these activities  
10 more because they know it's safe now. So instead of  
11 thinking of it as placing a burden on these industry,  
12 we're giving these industries a lever to start to  
13 reopen in a very real way and...

14  
15 CHAIRPERSON GJONAJ: Jeff.

16 SENIOR ADVISOR DUPEY: ... what it means  
17 is that the overwhelming majority of our city, over  
18 80% of adults are now vaccinated, I forget the exact  
19 number, did you say 80?

20 COMMISSIONER DORIS: It's 85.

21 SENIOR ADVISOR DUPEY: 85% of New Yorkers  
22 are now vaccinated, of adult New Yorkers are now  
23 vaccinated.

24 CHAIRPERSON GJONAJ: What percentage?  
25

2 SENIOR ADVISOR DUPEY: This means that we  
3 get to go out.

4 CHAIRPERSON GJONAJ: What percentage?

5 SENIOR ADVISOR DUPEY: 85, Jonnel just  
6 said.

7 CHAIRPERSON GJONAJ: No, the, the, this  
8 mandate is for 12 and older.

9 SENIOR ADVISOR DUPEY: Right.

10 CHAIRPERSON GJONAJ: So you gave me a,  
11 um, percentage of adults. Twelve and older, 85% of  
12 New York City.

13 SENIOR ADVISOR DUPEY: Adults.

14 CHAIRPERSON GJONAJ: No. So the mandate  
15 is for 12 and older, and I love the play on words and  
16 I must say, Mr. Dupey, I don't know what world you  
17 come from. You're saying I'm helping these small  
18 businesses in this industry by putting a forced  
19 mandate on them to post a sign, to have someone, um,  
20 inspect and verify vaccinations, and to keep a log of  
21 the procedures and, ah, in compliance. That's not  
22 helping, my dear friend. That's a burden. And if  
23 that's helping I can speak for all small businesses.  
24 Stop helping. The more you help the more you hurt.  
25 I asked a question. It's not simple to comply. It's



1 a burden to comply, to make sure that your sign is up  
2 in the proper place, to make sure that someone  
3 doesn't rip down that sign, to make sure every time  
4 you clean that window it gets pulled down and put  
5 back up, to make sure that you pay a person to sit  
6 there at that entrance for the entire time that  
7 business is open to ask for a vaccination card, to  
8 have that employee subjected to abuse and harassment,  
9 to have someone log. This is not easy. It's a  
10 burden. And perhaps the larger businesses, the chain  
11 businesses, have the ability to absorb that. But our  
12 mom and pop shops, our micro businesses, don't. They  
13 don't have that ability, to run from the door, back  
14 to the cashier, back to the kitchen, we're not  
15 talking about large restaurants, small restaurants  
16 with less than three employees, with one in the  
17 kitchen, one at the counter, and now one at the door.  
18 They don't have the ability to take this  
19 responsibility and burden to make New York City safe.  
20 They're still paying their taxes. They're still  
21 maintaining their businesses, paying their employees,  
22 and trying to survive, and we haven't given them any  
23 additional resources. Financial resources, because  
24 this is costly. It is a financial burden. So when  
25

1  
2 you say we're helping small business, I've never  
3 heard of anything so absurd. Someone has made this  
4 decision for these three industries. Someone's made  
5 a decision that other industries and other  
6 environments don't have to comply. This  
7 administration has made that decision. I can't even  
8 think of all the other environments that could make  
9 for a safer New York City that haven't been burdened  
10 with this, as you put, with so easy three things that  
11 have to be done. School buses, New York City  
12 controls that. Why isn't that bus driver or that  
13 attendant on that bus asking every child for a  
14 vaccination card? Twelve and older. Who made that  
15 decision? Why is it supermarkets, grocery stores,  
16 ah, other public buildings, ah, schools. Who made  
17 that decision to exclude that group? That in a, in a  
18 classroom environment where children are there for  
19 seven hours a day on top of one another, are safer  
20 and don't have this burden than someone that is  
21 casually dining with their family that they live with  
22 on a daily basis, and it's [inaudible] with. It's an  
23 unfair burden that has identified and targeted three  
24 industries that have suffered during the last two  
25 years, that have not been able to succeed. My

1 passion is for all New York City businesses, but  
2 government has to lead the way with taking the  
3 responsibility to first lead by example and not hurt  
4 these small businesses, not hurt the very businesses  
5 that we constantly say we're here to help. Minority-  
6 owned businesses, women-owned businesses, the most  
7 vulnerable, poor neighborhoods are paying the price.  
8 People of color are paying the price because someone  
9 made a decision, in essence picking winners and  
10 losers, in essence picking who can enjoy a quality of  
11 life, what business can have an advantage to succeed  
12 over another. That's not the New York City that we  
13 know. Either we're all New Yorkers or we're not New  
14 Yorkers. We're all small businesses in New York City  
15 or we're not. Commissioner, we've traveled  
16 commercial corridors together. We've seen firsthand,  
17 we've seen the tears and the struggles of these small  
18 businesses. The restaurant business has been hard  
19 hit. Entertainment businesses that have even, that  
20 have not even had the chance to open. Entertainment,  
21 how can we look them in the face and ask them to once  
22 again be burdened with a responsibility, face  
23 additional financial, ah, ah, financial impacts that  
24 undermine their very existence. We went into a small  
25

1 restaurant, mom and pop, husband, wife, child, it was  
2 in Queens, barely surviving. How are we gonna force  
3 that micro business, family operated business, to now  
4 take this burden on or face a potential fine of  
5 \$1000? When the business right next door could be a  
6 beauty parlor, a hair salon, a grocery store, people  
7 coming and going, not wearing a mask. How do we  
8 morally look that business owner in the face  
9 coverings while he's pleading, help me.  
10 Commissioner.

12 COMMISSIONER DORIS: Ah, Chair, yes, I, I  
13 certainly hear you and, and I think, um, you know,  
14 when we consider how we're going to assist these  
15 businesses and, and, and help them to understand, ah,  
16 how to [inaudible]...

17 CHAIRPERSON GJONAJ: Understand, comply  
18 because understand is easy. You dictate it and they  
19 have to comply. The understanding is if you don't  
20 comply we're gonna hit you with a violation. That's  
21 not much of a understanding here. That's I'm  
22 dictating to you, comply, or face a fine of \$1000 on  
23 a first offense, and what's it on a second offense?

24 SENIOR ADVISOR DUPEY: We haven't issued  
25 any second offenses yet, but, ah...

1 COMMITTEE ON SMALL BUSINESS 29  
2 CHAIRPERSON GJONAJ: But what does the,  
3 the code call for a fine of up what dollar amount?

4 SENIOR ADVISOR DUPEY: Ah, \$2000 on the  
5 second noncompliant, which we've not had any. Ah,  
6 \$5000 for the third noncompliant, which of course was  
7 have also had not any.

8 CHAIRPERSON GJONAJ: So a business that  
9 is not even making ends meet in a Brooklyn, in a  
10 neighborhood in Brooklyn, a poor neighborhood, a  
11 neighborhood of color, where half the residents are  
12 vaccinated, that means now your pool of potential  
13 customers is at 50% its potential of the residents in  
14 that neighborhood could face a \$1000, \$2000 for a  
15 second offense, or \$5000 on a third offense  
16 violation. Do you understand that they're counting  
17 pennies, that they've been operating under the red  
18 for the last two years? So when you say help them  
19 understand, it doesn't work. It doesn't. I'd be  
20 encouraged if you were to say to them we're gonna  
21 figure out how to do this. We're gonna make New York  
22 safe, we're gonna make New York City safe for all.  
23 We're gonna encourage and entice vaccinations 'cause  
24 that's what the experts are calling for. Well, why  
25 don't you give them the money to comply? Why aren't

1  
2 you paying or giving them a tax break so that the  
3 person that they're putting at that door is not a  
4 financial burden? That would be helping them. That  
5 would be greatly appreciated. And then maybe they  
6 can take on the burden making sure the sign is up and  
7 making sure that no one rips it down, make sure that  
8 they're, that they can spend the extra time to log  
9 the procedures. Then maybe they can say it's even  
10 worth the harassment that my employee, that young  
11 lady or young man will have to face on a daily basis.  
12 Help, not only am I going to pay them, but I'm going  
13 to give them extra to make sure that they can benefit  
14 from that harassment. That's the point I'm making.  
15 That's what our businesses want to hear. That's what  
16 they're afraid to even share and speak up on because  
17 they're afraid of government. They're afraid that if  
18 they speak up and take a position contrary to this  
19 mandate someone's gonna show up tomorrow, not only  
20 inspect for the mandate, but start bringing  
21 Department of Health, bringing Fire, and let's give  
22 them a real rundown. That's the truth of what our  
23 small businesses feel. That government is an enemy.  
24 That government is there to hurt them, fine them,  
25 penalize them. The very backbone of our economy, the

1 tax base that they provide, the employment that they  
2 provide, the culture and entertainment that they  
3 offer that makes this city so great, feels like it's  
4 a target. On one hand you have a hammer and the  
5 other hand you have a pair of scissors, and we're  
6 saying we're helping you, small business owner.  
7 We've got a hammer or a scissors. Pick and choose.  
8 We'll beat you with the hammer 'til you close your  
9 doors, or we'll cut your revenue and income until you  
10 close your doors. That's the help that we're  
11 offering with this mandate, on top of the other  
12 burdens, on top of the other regulations and forms of  
13 taxation. My frustrations, I am echoing their  
14 frustrations. I am echoing what they tell me and  
15 what they're afraid to say to you, and what they're  
16 afraid to say in this room and in this hearing. The  
17 hypocrisy is neck deep. You make, and, and I want to  
18 make sure I quote you correct, 800,000 New Yorkers  
19 got vaccinated because of Key to NYC. Please explain  
20 to me how you know this was because of NYC, Key to  
21 NYC. Or is that just the number of people that  
22 received vaccinations from September 13 or when the  
23 mandate took place to today? What's that number  
24 reflective of?  
25

2 COMMISSIONER DORIS: I believe the number  
3 that we listed there was the vaccinations since the  
4 start of the program, so, ah...

5 CHAIRPERSON GJONAJ: [inaudible]  
6 program, but?

7 COMMISSIONER DORIS: Not in the start of  
8 the program, correct.

9 CHAIRPERSON GJONAJ: So if someone  
10 doesn't dine out, someone doesn't use entertainment  
11 facilities, and someone, ah, does not, um, um,  
12 entertainment, restaurant, and, um, what was the  
13 third?

14 COMMISSIONER DORIS: Fitness.

15 CHAIRPERSON GJONAJ: Fitness. Doesn't  
16 work out. And they were one of the 800,000. You  
17 didn't force them then. You didn't entice them. So  
18 you're taking credit or, or substantiating the  
19 purpose of this program based on that number. How  
20 many New Yorkers are vaccinated or have one  
21 vaccination to date?

22 COMMISSIONER DORIS: Umm.

23 CHAIRPERSON GJONAJ: Of the 8.6 million  
24 residents, what is the number of total vaccinated New  
25 Yorkers who have at least one vaccination?



2 SENIOR ADVISOR DUPEY: We don't have that  
3 number at hand...

4 COMMISSIONER DORIS: The exact number,  
5 but I...

6 SENIOR ADVISOR DUPEY: ...but I can pull  
7 it up on my phone.

8 CHAIRPERSON GJONAJ: When you can, when  
9 you, when you get a moment maybe someone can give  
10 this, give this information. The point being is that  
11 percentage of New Yorkers received their vaccinations  
12 before this mandate. And if this mandate were to  
13 end, I'm sure others will continue at a slower rate  
14 to receive this vaccination. But I am not gonna  
15 justify this forced mandate on three industry as, and  
16 give credit for the 800,000 vaccinated because of  
17 that burden. Hell, I believe the mayor has even  
18 offered, um, a financial incentive to get vaccinated,  
19 am I correct?

20 COMMISSIONER DORIS: Correct.

21 CHAIRPERSON GJONAJ: Well, let's do those  
22 businesses, since they did their part. Let's give  
23 them the cash incentive, and I believe it was \$500,  
24 am I correct?

2 COMMISSIONER DORIS: It's \$100 per  
3 business or, ah, organization.

4 CHAIRPERSON GJONAJ: Great.

5 COMMISSIONER DORIS: And then \$500 for...

6 CHAIRPERSON GJONAJ: Thank you,  
7 Commissioner.

8 COMMISSIONER DORIS: ...[inaudible].

9 CHAIRPERSON GJONAJ: So, let's give  
10 credit to those three industries for the 800,000 New  
11 Yorkers, which would be a total of now, ah, you're  
12 looking at 80 million, am I correct here? Let's see  
13 here. 80 million dollars. Cash back to those small  
14 businesses that have made it possible for those  
15 800,000 New Yorkers to get vaccinated. Now I would  
16 applaud that. They would, they would be grateful  
17 since they did their part, and that would go a long  
18 way to help them with the financial burden. Would  
19 you support something like that, Commissioner? Would  
20 you support something like, Mr. Dupey, going back to  
21 the administration and say dollar for dollar, let's  
22 give credit to those three industries and give them  
23 that \$100 per vaccination, per New Yorker that's been  
24 vaccinated. Are you ready to go down that hall and  
25

1 talk to the mayor and his team and make that  
2 proposal? I'll join you.

3  
4 COMMISSIONER DORIS: Oh, I'm sorry. Ah,  
5 so the, currently a business who, ah, refers, ah,  
6 someone to get vaccinated, um, they get \$100. Um, an  
7 organizations who do that they can get \$100, too.  
8 See, that's an ongoing program. Um, we just did, ah,  
9 [inaudible] to the movies as well recently, um, and  
10 other types of, ah, programs, so that's, that's an  
11 ongoing program, certainly encourage, ah, folks who  
12 are referring, ah, New Yorkers to get vaccinated to  
13 get vacated.

14 CHAIRPERSON GJONAJ: Commissioner, we  
15 just went on record and said Key to NYC, this  
16 program, this mandate, was responsible for 800,000  
17 New Yorkers getting vaccinated. And I'm saying if  
18 that's going to be your position, then I'm happy to  
19 apply the cash incentive of \$100 per New Yorker that  
20 gets vaccinated and credit back to those three  
21 businesses. Give them that money, since they were  
22 responsible for those 800,000 vaccinations. They  
23 played a role, according to you, according to the  
24 testimony that we just heard. Why aren't we giving  
25 them the actual cash credit for doing their part,

1  
2 that reward, that incentive? That will go a long way  
3 to help offset the financial burdens for complying  
4 with the mandate. Difficult question to answer, I  
5 know. But it's not absurd to request. And by the  
6 way, I'm getting indications that New York State  
7 Restaurant Association is not only here, but agrees  
8 with my statement and my comments. And I think of  
9 the bureaucracy and I'm, I'm just gonna put this out  
10 there again. How many inspectors, what was the total  
11 number of inspections that were performed, 20,843  
12 businesses? Businesses.

13 SENIOR ADVISOR DUPEY: Businesses.

14 CHAIRPERSON GJONAJ: How many inspections  
15 does that actually equal?

16 SENIOR ADVISOR DUPEY: 52,078.

17 CHAIRPERSON GJONAJ: 52,000...

18 SENIOR ADVISOR DUPEY: Attempted  
19 inspections.

20 CHAIRPERSON GJONAJ: Attempted.

21 SENIOR ADVISOR DUPEY: 52,000.

22 CHAIRPERSON GJONAJ: 52,000 attempted  
23 inspections.

24 SENIOR ADVISOR DUPEY: Attempted.  
25

2 CHAIRPERSON GJONAJ: How many inspectors  
3 are there out there performing the 52 inspections?

4 SENIOR ADVISOR DUPEY: Approximately 150.

5 CHAIRPERSON GJONAJ: 150?

6 SENIOR ADVISOR DUPEY: Um-hmm.

7 CHAIRPERSON GJONAJ: We gotta do so math  
8 here. How many days has this, the inspection been  
9 going on?

10 SENIOR ADVISOR DUPEY: I don't have that  
11 in front of me, sir.

12 CHAIRPERSON GJONAJ: What was the date of  
13 the first inspection?

14 SENIOR ADVISOR DUPEY: September 3.

15 CHAIRPERSON GJONAJ: September 3? Third?

16 SENIOR ADVISOR DUPEY: 13th.

17 CHAIRPERSON GJONAJ: 13th. OK. So we'll  
18 do some quick math. Today's date is, ah, the 29th.  
19 29 plus, ah, 17, roughly 46 days. OK. And we want  
20 to take out weekends, or maybe we should. 46 days...

21 SENIOR ADVISOR DUPEY: We do inspections  
22 on weekends, sir.

23 CHAIRPERSON GJONAJ: OK, good. So, let's  
24 just take a look at this. Math is the only variable  
25 that I trust in. 52,000, divide that by, um, 150, is

2 roughly 346 per inspector, divide that by 46, 7.5  
3 attempted businesses a day are approached by each,  
4 and that's all 150 are out there on seven-day  
5 schedules.

6 SENIOR ADVISOR DUPEY: It fluctuates from  
7 day to day.

8 CHAIRPERSON GJONAJ: How many of those  
9 inspectors have been vaccinated?

10 SENIOR ADVISOR DUPEY: I don't have that  
11 number in front of me. Ah, however, as of today all  
12 city staff are required to receive the first  
13 vaccination.

14 CHAIRPERSON GJONAJ: No, no, but this has  
15 been going on since September 13.

16 SENIOR ADVISOR DUPEY: [inaudible]

17 CHAIRPERSON GJONAJ: Today's October 28.

18 SENIOR ADVISOR DUPEY: Yes.

19 CHAIRPERSON GJONAJ: How many of the 150  
20 inspectors that are conducting vaccination mandate  
21 requirements are vaccinated?

22 SENIOR ADVISOR DUPEY: Again, sir, I  
23 don't have that number in front of me. However, um,  
24 the inspections are designed to be a quick and  
25 limited purpose, which are carved out in the Key to

1  
2 NYC. So, ah, the, the entire interaction is very  
3 brief. I can explain the process of the inspector...

4 CHAIRPERSON GJONAJ: No, no, not the  
5 process. I'm asking a question. If you don't know  
6 the number, is there even a requirement for those  
7 that are performing the inspections to be vaccinated?

8 SENIOR ADVISOR DUPEY: As of today, yes.

9 CHAIRPERSON GJONAJ: From September 13  
10 through October 28.

11 SENIOR ADVISOR DUPEY: Ah, until today...

12 CHAIRPERSON GJONAJ: Until today, October  
13 29.

14 SENIOR ADVISOR DUPEY: ...[inaudible]  
15 city employees were required to adhere to city policy  
16 on vaccination or weekly testing, which as the mayor  
17 has described we, we are climbing the ladders here,  
18 so the, one of the latest ladders announced was the  
19 mandatory vaccination of all city staff.

20 CHAIRPERSON GJONAJ: No, but for the  
21 period of September 13 through October 28, at 46  
22 some-odd days...

23 SENIOR ADVISOR DUPEY: There were  
24 certainly some number of inspectors statistically who  
25 were not vaccinated. However, we were not keeping

1 track inspector by inspector who was and who was not  
2 because the, they were governed by the city policy,  
3 not by the Key to NYC. They were not participating  
4 in those activities. However, your point is  
5 understood, sir.

7 CHAIRPERSON GJONAJ: Jeff, the point and  
8 the irony here is that small business, that little  
9 eatery, did not have a choice, that their dinner,  
10 that person trying to frequent their restaurant had  
11 to either show a vaccination card or could not be  
12 served indoors. But that city employee that was  
13 there to conduct to make sure that the mandate was  
14 being complied with did not have to be vaccinated.  
15 That's irony at its best. That's the, you know, the  
16 phrase of don't do what I do, but do what I say, it's  
17 insane. Unreasonable. Unacceptable. That the very  
18 person that's there to make sure that you're  
19 complying doesn't have to themselves be in compliance  
20 with a vaccination card. Up 'til today, 47 days  
21 later. And you know what the other reports that I've  
22 heard from some of those small businesses? When they  
23 ask the inspector for their vaccination card they  
24 became abrasive. They were offensive to the person  
25 demanding to see their vaccination card. Here is a



1  
2 city employee tasked with the responsibility of  
3 compliance for a forced mandate that is being paid to  
4 be there, being offended because they were asked for  
5 a vaccination card. Well, what about the patron of  
6 that establishment who's paying out of his own pocket  
7 to dine and eat, being asked? We've set up a  
8 terrible environment, one that we risk the health and  
9 safety of that person responsible with asking for  
10 vaccination cards, subjecting them to abuses that  
11 they do not or should not ever have to be subjected  
12 to, while a city employee who's being paid, being  
13 paid to do that job doesn't have the same burden  
14 requirement. We have lost our minds, folks. We have  
15 lost our minds. The hypocrisy is neck deep and this  
16 thing stinks to the high heavens. We've been joined  
17 by my colleague, who's been, doesn't want to sit too  
18 close, I guess.

19 COUNCIL MEMBER DINOWITZ: Gotta see your  
20 vaccination card.

21 CHAIRPERSON GJONAJ: Mr. Dinowitz, do you  
22 have your vaccination card is right. Ah, Council  
23 Member Dinowitz has joined us. Do you have any  
24 questions, Council Member...

25 COUNCIL MEMBER DINOWITZ: Always.

2 CHAIRPERSON GJONAJ: ...for the  
3 commissioner and, ah, Mr. Dupey?

4 COUNCIL MEMBER DINOWITZ: Yes. Is it  
5 morning still? Good morning. Thank you for joining  
6 us and thank you, Chair Gjonaj, for, ah, recognizing  
7 me. I, I first just want to go over some of the  
8 numbers. You said that 20,843 businesses have, ah,  
9 been visited by inspectors?

10 SENIOR ADVISOR DUPEY: Yes.

11 COUNCIL MEMBER DINOWITZ: And then you  
12 said there were 52,078 attempted inspections?

13 SENIOR ADVISOR DUPEY: Correct.

14 COUNCIL MEMBER DINOWITZ: So that means  
15 the same businesses are being visited two or three  
16 times?

17 SENIOR ADVISOR DUPEY: Yes.

18 COUNCIL MEMBER DINOWITZ: OK, and what is  
19 the purpose behind the second and the third visit?

20 SENIOR ADVISOR DUPEY: Compliance, ah,  
21 well, two points. Thank you for those questions and  
22 allowing me to clarify. Um, all businesses that are  
23 inspected and found to be noncompliant are issued a  
24 warning as the first, ah, noncompliant inspection.  
25 We, of course, want to return to those businesses to

1  
2 make sure that they are complying, you know, are in  
3 compliance in follow-up inspections. It's also very  
4 simple stuff complying, any moment, right? So we  
5 realize that inspections are just a snapshot of  
6 compliance. So we want to make sure that we are  
7 continuing to confirm compliance across the board.  
8 And the good news here is the, the numbers are  
9 overwhelming positive. You know, the, the, the  
10 picture that the council member just painted, ah, is,  
11 is pretty, pretty far from the reality that we are  
12 seeing on the ground. Businesses are doing this  
13 across the board. Ah, and that's the very good news.  
14 Um, the attempted inspections, ah, that includes  
15 businesses that were not open at the time, are doing  
16 take-out only, which are not covered premises. Um,  
17 so we haven't nearly inspected every business twice.  
18 Um, and the goal is for these to be as, as brief as  
19 humanly possible. And if I, if I can explain the  
20 process of the inspection.

21 COUNCIL MEMBER DINOWITZ: I don't, ah,  
22 this a timing thing, not a respect to you thing.

23 SENIOR ADVISOR DUPEY: Sure.

24 COUNCIL MEMBER DINOWITZ: That's not  
25 something, I mean, it's pretty straightforward how

2 you got the, the, your check-in note, great. Um,  
3 what I'm asking is you're going back to these...

4 SENIOR ADVISOR DUPEY: Yeah.

5 COUNCIL MEMBER DINOWITZ: ...these  
6 businesses, OK, and so you issue a warning. So I  
7 have a diner. I don't, but let's pretend I do. I  
8 have a diner. You come to me and I have a 16-year-  
9 old kid who's seating people at the door, ah, dealing  
10 with homework assignments. They forget to check your  
11 vaccine card. The business gets a, a warning?

12 SENIOR ADVISOR DUPEY: Yes.

13 COUNCIL MEMBER DINOWITZ: And then you  
14 come back to the diner at some undetermined time and  
15 you check and the kid, it's a different kid, 16-year-  
16 old kid, you know, seating people, also forgets.  
17 What happens then?

18 SENIOR ADVISOR DUPEY: Ah, if a business  
19 is found to not be checking vaccine status after, ah,  
20 after a warning they will get a violation.

21 COUNCIL MEMBER DINOWITZ: And what's the  
22 violation?

23 SENIOR ADVISOR DUPEY: \$1000 for the  
24 first, ah, for the first violation, which is the  
25 second noncompliant inspection.

2 COUNCIL MEMBER DINOWITZ: OK, and what's  
3 the second violation cost?

4 SENIOR ADVISOR DUPEY: Ah, the good news  
5 is we haven't issued any second violations yet, but  
6 it would be \$2000.

7 COUNCIL MEMBER DINOWITZ: OK. And of the  
8 20,843 businesses, how many of them are, you know,  
9 McDonald's or Olive Gardens, you know, big  
10 businesses?

11 SENIOR ADVISOR DUPEY: We, we, it's  
12 impossible to break that information down that way.  
13 Um, but statistically the, the commissioner may be  
14 able to answer that. Um, but the, the point here is  
15 of the 20,000 that we've inspected 0.01% of them have  
16 received a violation.

17 COUNCIL MEMBER DINOWITZ: What, what I'm  
18 asking really is, you know, trying to discern the,  
19 you know, the difference between a diner, a local  
20 diner, where we know they've been struggling and  
21 trying to figure stuff out. I want everyone to be  
22 vaccinated. I love mandates. But I want to make  
23 sure city agencies are treating them fairly compared  
24 to the, the, the times where Olive Garden, where, I,  
25 I mean, it's different, right? It's a huge

1  
2 corporation or, you know, company, and they're taking  
3 in lots of tourists, people from outside of New York  
4 City are probably going there 'cause, you know,  
5 they're family when they're there. Um, so I, I, I  
6 just, I, I just want to know, I guess you don't have  
7 the numbers, you don't, of comparing these big  
8 companies that attract probably people from out of  
9 town, especially now that theaters are opening up,  
10 you don't have numbers that compare those to smaller  
11 businesses, mom and pop restaurants and stores?

12 SENIOR ADVISOR DUPEY: Not per se, but  
13 the numbers that we do have is compliant across the  
14 board. So I think that if we compared the big  
15 businesses to the small businesses we would see  
16 they're all compliant. All within, you know...

17 COUNCIL MEMBER DINOWITZ: I, I think  
18 someone's gonna disagree with that.

19 CHAIRPERSON GJONAJ: Yeah, I'm just  
20 gonna, can you give us the names or the type of small  
21 businesses that received those violations? There's  
22 21 of them. I know you broke them down by borough.

23 SENIOR ADVISOR DUPEY: I don't have  
24 those, I don't have the names or the types of  
25

1 establishments in front of me, my apologies. But we  
2 can follow up with you on it.

3  
4 CHAIRPERSON GJONAJ: Because that's what  
5 I think we're headed with, and, ah, thank you, ah...

6 SENIOR ADVISOR DUPEY: But even with  
7 that, the, the breakdown would be restaurant,  
8 fitness, or indoor entertainment. It wouldn't  
9 necessarily between, be between large and small.  
10 It's just the, the data doesn't exist that way. My  
11 apologies for it.

12 COUNCIL MEMBER DINOWITZ: You know,  
13 right, I, I think something you hear, ah, I hear  
14 Council Member, ah, Chair Gjonaj talk about this all  
15 the time. It's something I talk about all the time.  
16 Commissioner Doris, you, you know this 'cause in our,  
17 our tour of Jerome Avenue I brought this up, is, is,  
18 you know, the outer boroughs, especially the Bronx,  
19 being treated fairly and equitably, and I want to  
20 make sure that in everything we do as a city the  
21 Bronx is represented fairly. That includes whether  
22 it's the enforcement or the roll out of the Key to  
23 NYC. And I, you know, I love vaccinations. I think  
24 they're the, I guess, Key to NYC, but I, but I, but  
25 we have to make sure that the enforcement isn't, you

1 know, you're not strangling the small businesses or  
2 threatening them, the ones who can least afford the  
3 thousand bucks, versus the big companies who seem to  
4 get away with anything, right? If they had to pay a  
5 thousand-dollar fine, that's the cost of doing  
6 business. A thousand dollars for a small dinner is,  
7 is a big deal. Um, I, I saw in here in this  
8 committee report, it said something like 60% of  
9 people in Wakefield, which I represent, are  
10 vaccinated. Um, which means, you know, that fewer  
11 people can go to the restaurant and gym there. Um,  
12 fine, whatever, that's not my question. My question  
13 is are you working with small businesses and with  
14 other city agencies, right, 'cause your job isn't  
15 just to enforce vaccine mandates, your job is to  
16 uplift and support businesses. So have you been  
17 working with the small businesses and the communities  
18 and other city agencies to improve vaccination rates  
19 in low vaccination rate areas?  
20

21 SENIOR ADVISOR DUPEY: I wasn't sure if  
22 that was a question for me or the commissioner. I  
23 think we will both...

24 COUNCIL MEMBER DINOWITZ: Ah, it's a  
25 question for anyone who could answer.



1  
2 SENIOR ADVISOR DUPEY: Ah, I think, ah,  
3 the commissioner and I will have similar but  
4 different answers on that. Ah, my answer is yes, we  
5 work very closely with the, the VCC, ah, Vaccine  
6 Command Center, ah, and sort of share out our numbers  
7 on noncompliance. Ah, the challenge, this is gonna  
8 sound strange, but the challenge is that compliance  
9 is so high that, ah, that there aren't any sort of  
10 clear indicators saying, oh, well this area has lower  
11 compliance, so let's focus more...

12 COUNCIL MEMBER DINOWITZ: So can I pause,  
13 the, the indicators are based on what you are  
14 measuring, and so for example you're not measuring  
15 big businesses versus small businesses, one, in this,  
16 um, testimony which, which I have on my desk, you  
17 know, there are other things which you, you measure  
18 not, ah, not by Small Business Services going into a,  
19 a business, but with, with surveys. And are you  
20 quantifying whether businesses are potentially losing  
21 business and what you're doing, are you quantifying  
22 that, first of all, and other things that maybe are  
23 less quantifiable, the qualitative, right? And then  
24 are you going to those neighborhoods that are  
25 struggling because of the vaccine mandate, which,

1 again, I like, but it doesn't me we leave our  
2 restaurants high and dry, um, because they made it.  
3 So are you going in to the areas where businesses  
4 have complained about lower, um, lower attendance or  
5 lower, ah, lower businesses? Are you even asking  
6 that question? Are you asking the qualitative  
7 questions about how are businesses are doing with  
8 this?  
9

10 COMMISSIONER DORIS: Well, I would say  
11 that part of our role at SBS as, as you know, Council  
12 Member, [inaudible].

13 COUNCIL MEMBER DINOWITZ: Good to see you  
14 again.

15 COMMISSIONER DORIS: [inaudible] morning  
16 still. Um, but, but, you know, part of our role at  
17 SBS is, is to, to, you know, figure out from our  
18 small businesses, um, what challenges they face and  
19 help resolve them for them. We, we have a hotline.  
20 The hotline received, ah, you know, thousands of  
21 calls on this issue and a lot of it was around  
22 clarification and we did that. Um, folks are saying,  
23 you know, that presenting the, the, the situation  
24 where as we were walking, hey, can you, can you  
25 explain, again, and, and I don't want to undermine

1 this reality of information as, as really, um, you  
2 know, a commodity here. That's, ah, ah, you know, I  
3 think we seem to dismiss that a little too much. If  
4 folks understand things, um, I believe that they and  
5 they're very shameful, a lot of compliance, it, we,  
6 we, we see that that's a benefit to every business,  
7 particularly through the pandemic, which, which was a  
8 major function of what we did at SBS. Which is  
9 making sure you understand what it is and helping you  
10 to do it. So are we hearing from businesses that  
11 this is challenge? I think what we heard was I need  
12 you to help explain it to me so I can do a good job  
13 of doing it, right?

14  
15 COUNCIL MEMBER DINOWITZ: That's not, I,  
16 I think, I think we're talking about two different  
17 things, and I know I had a lot of questions within my  
18 one question. It's not just compliance, right, this  
19 isn't just about, ah, compliance, right, because when  
20 you look at your spreadsheet and you tell me that  
21 you've only issued 10 fines, I, I know that that  
22 looks good and that probably is good because it means  
23 that the restaurants are doing what they're told to  
24 do. What I'm really asking is when you get those  
25 complaints or concerns. Well, first of all, do, do

1  
2 businesses all even know that they can contact you  
3 and that's something that, you know, we've spoken  
4 about. Um, do they know they can even contact you to  
5 begin with, but then once they do are you working  
6 with the vaccine center, and, and I'll just tell you  
7 in my district when they put vaccination sites at  
8 schools over the summer we only got two, for three  
9 community boards there were only, existed in one of  
10 them, and it didn't include Wakefield, which is  
11 mentioned in the committee report as having a low  
12 vaccination rate. And so there, there's a lot of  
13 work that needs to be done in coordination. If, if  
14 we know this information exists, that there are low  
15 vaccination rates, and you know that there are  
16 businesses, whether or not they know to reach out to  
17 you, but we know there are businesses that are going  
18 to be impacted by this, I mean, don't you think that  
19 you have a job to do, to not only check for  
20 compliance but also to work with the vaccine center  
21 to, to bring in that information, to talk with the  
22 businesses. Maybe the businesses can help be  
23 validators for the vaccines. Has that, has anything  
24 like that, close to that happen?

1  
2                   COMMISSIONER DORIS: Absolutely,  
3 apologies, ah, Council Member. I was trying to deal  
4 with the, the education issue. So, yeah, so, you  
5 know, again, um, we had, ah, you know, days where we  
6 had at one point a specific program where we had, ah,  
7 restaurants, for instance, around the city, ah, who  
8 participated in that program, where we had vaccine  
9 vans in front there. I was in the Bronx at the time  
10 doing that as well. Folks were coming in on that  
11 specific day. They were getting vaccinated, right in  
12 front of the restaurant, in partnership with  
13 restaurants all across the city. We had education  
14 and the cross, I hear you on the cross sort of, um,  
15 the cross functional role that we have to play,  
16 making sure that we connect the business to the  
17 actual, ah, vaccines, and then the, the cross  
18 education as well. So I certainly hear you on that,  
19 and we've been, been doing that. We worked with the  
20 Latino Restaurant Association as well. Ah, with all,  
21 many of their restaurants. We, ah, as you know,  
22 [inaudible] out in Harlem. We had the same thing  
23 there as well. And we continue to do it all across  
24 the city, where we bring back vans to these locations  
25 to help these businesses, ah, and to, ah, encourage

1 the folks who are coming there and from the  
2 surrounding community, which, by the way, that's what  
3 we absorbed, ah, you know, a lot of folks from the  
4 surrounding community, ah, when you bring it to their  
5 doorstep, ah, folks are coming in there, actually  
6 engaging. So out in, out in Inwood we did the same  
7 thing. And, and I can go on. There's a long list of  
8 places we did this.  
9

10 COUNCIL MEMBER DINOWITZ: You don't have  
11 to. I just, I just, you know, first of all I want  
12 the Bronx to be on that list multiple times.

13 COMMISSIONER DORIS: Of course.

14 COUNCIL MEMBER DINOWITZ: And the other  
15 question is, you know, who is we? And so the, the  
16 existence of the, of the vans is great. That is an  
17 important step. You know, there, there is access to  
18 the vaccine. But who is the we who's really engaging  
19 with the community? Who are the validators? Who's  
20 going out? I, you know, I don't know how many more  
21 ads I can see on Hulu to tell me the, the vaccine's  
22 safe before I could say, you know, it would be nice  
23 to see something else, and if I'm someone who's been  
24 seeing those adds, seeing those things for a long  
25 time and I'm still not vaccinated, knowing there's

1 vans outside my restaurant, which, which again, I, I  
2 believe you exist. I haven't seen them in my  
3 district except for one street fair on Jerome Avenue.  
4 Um, but the, they exist. I, I would love to see more  
5 vans in the district. But, again, who those, who's  
6 we and who are the people encouraging the vaccines?  
7 And I know we're here about a business, the small  
8 business committee, ah, but, but it really is like an  
9 all hands on deck thing. It, it has to be done in  
10 conjunction with all the city agencies, with the  
11 Department of Education at our schools, they have  
12 access sites at the school, right? With, with, with  
13 the vaccine center, with, we talked about it with  
14 Veterans Services in my previous, ah, committee  
15 meeting, right. There has to be better coordination  
16 between our city agencies, because our city is not  
17 about compliance. Our city is not about Excel  
18 spreadsheets. It's about people, right, and keeping  
19 them healthy, and, and that's about, you know, if the  
20 threat of vaccine, not being allowed in a restaurant  
21 with a vaccine hasn't worked yet we need to try  
22 something else. I just have a few more questions and  
23 I'll turn it back to the chair. So Pfizer and  
24 Moderna got approved, ah, to administer vaccines to  
25

2 children age 5 and older. So is that 5 to 11 age  
3 group going to be added to the Key to NYC program?

4 SENIOR ADVISOR DUPEY: Ah, we do not yet  
5 have a policy decision on that.

6 COUNCIL MEMBER DINOWITZ: OK. Are you...

7 SENIOR ADVISOR DUPEY: I mean, it's hot  
8 off the press, right?

9 COUNCIL MEMBER DINOWITZ: I'm sorry.

10 SENIOR ADVISOR DUPEY: The, the news that  
11 you just reported that it's been approved is hot off  
12 the press, right? It hasn't actually...

13 COUNCIL MEMBER DINOWITZ: Hot off the  
14 press, yeah. Yes. So I, are you planning for it,  
15 because...

16 SENIOR ADVISOR DUPEY: We're aware that  
17 there may be something down the line, but it is not  
18 currently, ah, it has not reached...

19 COUNCIL MEMBER DINOWITZ: OK, so, ah, I  
20 don't know if I'm not asking it right or what. One  
21 of the problems we've seen throughout this, the COVID  
22 crisis is not that parents and families and  
23 businesses owners aren't adaptable. It's that a lot  
24 of the decisions happen last minute, right? They're  
25 hearing oh, by the way, did you know last week you



1  
2 were supposed to be doing this and you didn't do it,  
3 and that's not just your agency, that's every city  
4 agency. You know, I, I felt it acutely when I was a  
5 teacher last year that we would find out things that  
6 were going to be happening in our school that day by,  
7 by a press conference that was happening that  
8 morning. And so I'm asking, are, is, are there real  
9 plans in place to plan for, for the fact that these  
10 vaccines are going, they're going to be fully  
11 approved. Parents are gonna start vaccinating their  
12 kids. Are you planning now for what that could look  
13 like, and you are starting to communicate or solicit  
14 feedback from, from, from businesses to ask them what  
15 that would look like so that when it gets approved  
16 when it starts going out in the vans, the, the child  
17 who starts going on those vans that exist, that the  
18 restaurants and the businesses, the entertainment  
19 industry, will all be prepared, and it won't be a  
20 last-minute decision? Is that planning happening  
21 now?

22 SENIOR ADVISOR DUPEY: Ah, the shorter  
23 answer, short answer, is that planning will take  
24 place, ah, in a reasonable timeframe and in terms of  
25 the, um, the timeline of this program, ah, it was a

1  
2 full six weeks from the time that the mayor announced  
3 it until we did our first inspection. During that  
4 time we, we were out knocking on doors of businesses  
5 59,000 times with canvassers going door to door to  
6 give this education. We realize that this isn't just  
7 about spreadsheets and this is about real people  
8 doing real important work, ah, and offering services  
9 that make New York City what it is. It is in front  
10 of us at every moment. Ah, and yes, during, during  
11 the early times of the pandemic lots of things  
12 changed very, very quickly. But we're luckily at a  
13 stage now where we are able to give advance warning  
14 and, again, when the mayor announced this program he  
15 did it on August 3. Ah, between August 3 and, ah,  
16 September 13, six weeks, we knocked on 59,000 doors  
17 of businesses.

18 COUNCIL MEMBER DINOWITZ: How many  
19 businesses are there?

20 SENIOR ADVISOR DUPEY: Ah, we actually  
21 don't have an exact number of covered premises  
22 because the city, we know how many restaurants there  
23 are, but we don't, we don't actually permit all gyms  
24 and we don't permit indoor entertainment, so it's  
25

1  
2 sort of a, an amorphous number. I think the number  
3 that SBS came up with was...

4 COMMISSIONER DORIS: Yeah, the covered,  
5 ah, well, again, 'cause you could be a business, a  
6 restaurant just offering take-out and this doesn't  
7 apply. I mean, so, but there's about 31,000  
8 businesses that this particular mandate could  
9 potentially apply to.

10 COUNCIL MEMBER DINOWITZ: So...

11 COMMISSIONER DORIS: OK, I have...

12 COUNCIL MEMBER DINOWITZ: ...the reality  
13 of what we saw from inspections, though, is that  
14 businesses did understand and were fully prepared to  
15 comply, ah, before the inspections began. And...

16 COMMISSIONER DORIS: But, I mean, that...

17 COUNCIL MEMBER DINOWITZ: I, I apologize,  
18 but that can't be true, because if you went to 20,843  
19 businesses and you had 52,078 inspections because you  
20 had to go back, because there were a number of  
21 warnings issued...

22 SENIOR ADVISOR DUPEY: Warning is a  
23 corrective action, though, right? So, and that's one  
24 of the reasons that we added, ah, we added those  
25 warnings in to make sure that we're, the goal of

1  
2 these was to actually do real education, right? The,  
3 the plan for this program is we want businesses to  
4 comply so that all restaurants, all gyms, they're,  
5 they're all, indoor entertainment, are competing on,  
6 ah, a level playing field, right? Ah, they're  
7 protecting their, their customers. They're  
8 protecting their staff, ah, by making sure that  
9 everybody is vaccinated. They're also encouraging  
10 unvaccinated people to get vaccinated so that they  
11 can, you know, fully participate in the life of New  
12 York City.

13 COUNCIL MEMBER DINOWITZ: Yeah. I'm, I'm  
14 just saying, or whatever. I'm just saying that there  
15 must be some sort of disconnect if you're saying on  
16 the one hand you had six weeks and all the  
17 restaurants, if you did 50-somewhat-thousand knocks  
18 and there are only 30-whatever-thousand, that means  
19 you went to these businesses more than once, which I,  
20 I, I don't think is true 'cause there are restaurants  
21 and businesses in my district that did, did not get  
22 that human contact. But it's, it's just hard to hear  
23 that on one hand you did this and all the restaurants  
24 knew and got the education and they knew and they  
25 were prepared, and yet you're still issuing tens of

2 thousands of, of warnings and, and means that  
3 there's, is my number wrong?

4 SENIOR ADVISOR DUPEY: Not tens of  
5 thousands. The, um...

6 COUNCIL MEMBER DINOWITZ: Well, if I do  
7 52,000 minus 20,000...

8 SENIOR ADVISOR DUPEY: Well, sorry. The,  
9 the numbers get a little fuzzy because we're  
10 reporting on attempted inspections. That's what the  
11 52,000 is. So as the commissioner said, if a  
12 business is doing take-out only we only know that by  
13 attempting to inspect. But, ah, it's not actually a  
14 covered premise. Therefore, ah, it's not a full  
15 inspection, if that makes sense.

16 COUNCIL MEMBER DINOWITZ: It does. So do  
17 you have a different number?

18 SENIOR ADVISOR DUPEY: Ah, well, that's  
19 the 20,843, I think represents the, the most accurate  
20 number of locations we have now inspected. Um, I can  
21 tell you that we've issued, ah, 8000, ah, warnings  
22 total, but of those 8000 warnings 3358 of them were  
23 warnings that could lead to a violation if not  
24 corrected. And I can explain a bit more about that  
25 as well.

1  
2 COUNCIL MEMBER DINOWITZ: No, I, I want  
3 to, you know, I want to, I want to wrap it up. Oh  
4 man, I wish these hearings could go on for hours  
5 'cause I have a lot of questions. Um, I, I, I just  
6 hope, I just hope it's clear that there is a  
7 disconnect between, and you've said this, so thank  
8 you, ah, but, but what you seen on your spreadsheet  
9 and the reality that exists for the businesses, ah,  
10 if, if there are businesses in my district that have  
11 not gotten that human contact I, I've actually, as  
12 you know, offered to help go door to door with the  
13 businesses to make sure that, um, that they're aware  
14 of programs and grants, because we also know the  
15 Bronx was left out of a lot of grants, ah, and loans,  
16 um, from, we know from, I think two hearings ago we  
17 discussed that in depth. There's a disconnect there,  
18 and there's a disconnect between the education that's  
19 occurring and 8000 warnings out of, out of 20,000,  
20 you know, businesses, it's like 40% of the businesses  
21 are, didn't get the right education. And so that's  
22 why I'm encouraging you now when we know the, the  
23 Pfizer and Moderna vaccines are, are gonna be  
24 approved to just make a decision now and a plan now  
25 about what you're gonna do for that age bracket, so

1  
2 that our businesses can, can prepare. And don't feel  
3 bad, I'm saying the same thing to the DOE. So I'll  
4 say it to any city agency to just, just prepare, let  
5 our business owners know, let our families and  
6 parents and our children know what to expect, so we  
7 can, so we can actually prepare logistically about  
8 vaccines, but also prepare emotionally so we're not  
9 just, nothing's shoved down our throat, OK? Thank  
10 you. I'll turn it back to the chair. Thank you.

11 CHAIRPERSON GJONAJ: Thank you, Council  
12 Member. Ah, we've also been joined by Council Member  
13 Rosenthal and before she asks her question, um, I  
14 have three, ah, and I know that the commissioner  
15 knows this of me and he knows this is not personal,  
16 and it's just the sentiment and the, and the advocacy  
17 that I'm doing on behalf of the small businesses.  
18 You're the, ah, target because you're here  
19 testifying, and these are their concerns and their  
20 frustrations that I, that resonate through me. So  
21 with that, again, I, I hope you understand it's not  
22 personal. Has anyone determined the cost to the  
23 small businesses of these three industries for  
24 complying, the actual cost in compliance?

2 COMMISSIONER DORIS: Um, you mean to put  
3 up a poster, which we provide [inaudible].

4 CHAIRPERSON GJONAJ: Provide the poster,  
5 which, and maintaining the poster.

6 COMMISSIONER DORIS: We provide, we  
7 provide posters [inaudible].

8 CHAIRPERSON GJONAJ: The daily logs...

9 COMMISSIONER DORIS: Yep.

10 CHAIRPERSON GJONAJ: ... that are needed.  
11 And, more importantly, which is probably the biggest  
12 expense, the cost of having someone at that  
13 entranceway checking ID, ah, vaccination cards and  
14 matching with IDs for the entire time that business  
15 is open. Do we have any estimates as the, to the  
16 actual cost?

17 COMMISSIONER DORIS: No, we don't have an  
18 estimate to the cost as you laid it out. Um, I think  
19 in part restaurants, gyms, entertainment centers,  
20 individuals are already at those doors. Um, we  
21 talked to, ah, the restaurant associations and visit  
22 restaurants themselves. There's a greeter, generally  
23 speaking, at all those institutions. When you go to  
24 the gym you have to...



1 COMMITTEE ON SMALL BUSINESS 65  
2 CHAIRPERSON GJONAJ: My local pizzeria  
3 does not have a greeter. They have a counter and  
4 they have a cash register and they yell out next.

5 COMMISSIONER DORIS: Got you. And  
6 folks...

7 CHAIRPERSON GJONAJ: My diner does not  
8 have a greeter. My coffee shop does not have a  
9 greeter.

10 COMMISSIONER DORIS: Like I said, the  
11 folks, um, generally the industry, right, they  
12 generally have, if you have indoor seating, um, so  
13 those folks would utilize those, ah, individual  
14 employees to help them, ah, execute this. We're not  
15 saying that this, um, for some, it won't be, it won't  
16 be something that they have to adjust and that what  
17 we've, ah, showed them how to do that, um, for  
18 instance with gyms, ah, one of the ways that they can  
19 be helpful is that when someone comes in you go there  
20 every day at 5 o'clock. They, first one time they  
21 log, ah, you as having your, ah, vaccine and there's  
22 no other additional, ah, interaction needed in times  
23 to come afterwards. So because they already have it  
24 logged that they already that you, you are  
25 vaccinated.

2 CHAIRPERSON GJONAJ: Thank you.

3 COMMISSIONER DORIS: So, so that was part  
4 of the, ah, some of the, um, best practices that  
5 we've put out and guidance that we put out, ah,  
6 during this time. We sort of have those types of  
7 tools to help folks to navigate, ah, this particular,  
8 ah, process, so.

9 SENIOR ADVISOR DUPEY: And if I could  
10 add, ah, Commissioner and Council Member Chair, um,  
11 the, the example that the commissioner just cites of,  
12 ah, having sort of a special plan for regulars was  
13 something that we instituted directly from feedback  
14 from businesses during the listening sessions.  
15 There, that was not part of the original plan. But  
16 we understand that a lot of businesses do have people  
17 who come in every single day and that's part of what  
18 the, ah, what the written plan is as well, just to  
19 verify that if they have a regular they don't need to  
20 check them every time. They can, you know, simply  
21 log the fact that this regular showed this staff  
22 person's name, just an example. We don't mandate how  
23 they log it. But they simply have that some process  
24 in place to do that. The other thing worth noting,  
25 we're well aware of the fact that there's a lot of

1 fast, casual dining that doesn't have servers or, you  
2 know, doesn't have somebody at the door. Ah, I think  
3 the reality of those situations, you know, living in,  
4 ah, in outer boroughs ourselves, we see that, um, you  
5 know, you go to the counter, they say for here or to  
6 go, and when I say for here, they say great, can you  
7 show me your vaccination card, and it actually, it  
8 takes six extra seconds and they don't need to hire  
9 any additional staff, so I think the fact that we  
10 have not mandated how business is implemented, we, we  
11 put out the general mandates that businesses need to  
12 do this in some way and then let businesses decide  
13 what makes best for their business model. It does  
14 make it difficult...

16 CHAIRPERSON GJONAJ: Folks, I get it.

17 There, but you can't be deaf to the fact that there  
18 is an expense here. It's an extra step. It's  
19 another person. It's something more that had to be  
20 done that wasn't required before. That's not part of  
21 their business model. That's the point, that there's  
22 a resource that's being used rather than have,  
23 addressing the long lines, whether you're at  
24 McDonald's at lunch hour or in a pizzeria or the  
25 bagel shop in the morning that is serving coffee for

1  
2 those that are en route to go to work. There's an  
3 extra step that's creating a delay and an extra  
4 responsibility that may require additional employees  
5 during rush times or during, for the sake of  
6 compliance. That's the point I'm making, that we  
7 should also be looking into what is the cost of  
8 compliance for these small business. What you're  
9 telling is, oh, they're already doing this. We're  
10 just asking them to do a little bit more. It's not a  
11 real expense. It is expense. I come from that  
12 world. I worked in a pizzeria. Lunch hour we had  
13 two times the staff to accommodate the rush. And if  
14 that meant now longer lines because you had to ask  
15 and verify and let me find my ID, let me find my  
16 vaccination, hold on a second, I left it in the car,  
17 I'll come back, it's a delay in service. There's a  
18 cost associated with that. Second question, and I  
19 hope that you'll maybe look into this or ask our  
20 partners, whether it be chambers or BIDs or  
21 associations that actually come back with a real  
22 number as to the cost. The second cost, loss of  
23 business from these three industries. We don't know  
24 the total number of New York City, New Yorkers that  
25

2 are vaccinated of the 8.6 million. Did we get that  
3 answer?

4 SENIOR ADVISOR DUPEY: We did get that  
5 answer. Give me one moment. 6,099,742.

6 CHAIRPERSON GJONAJ: 6,999,000, so let's  
7 round it up to 7 million. So that makes roughly...

8 SENIOR ADVISOR DUPEY: 73.2% from all New  
9 Yorkers.

10 CHAIRPERSON GJONAJ: And New York City  
11 has 8.6 million residents. We won't count...

12 SENIOR ADVISOR DUPEY: 85.9% of adults.

13 CHAIRPERSON GJONAJ: So I'm looking at a  
14 number of roughly 1.6 million New Yorkers that are  
15 not vaccinated, correct? Just doing math.

16 SENIOR ADVISOR DUPEY: Ah, yep.

17 CHAIRPERSON GJONAJ: 7 million...

18 SENIOR ADVISOR DUPEY: Yeah.

19 CHAIRPERSON GJONAJ: ...minus 8.6.

20 SENIOR ADVISOR DUPEY: I read them. I  
21 didn't remember them.

22 CHAIRPERSON GJONAJ: In addition to those  
23 that are visiting New York City, that are employed in  
24 New York City but live in Westchester or other parts  
25 of the state and other states, there's a number

1 there, that whatever that number is, we know that it  
2 starts at 1.6, could, but it could go much higher,  
3 are not frequenting these businesses 'cause they're  
4 not vaccinated. So there's a lost revenue, a market  
5 share that these small businesses are not able to tap  
6 into, no matter what extent of marketing, no matter  
7 what discounts they offer, no matter what membership  
8 they offer, they're not able to target a percentage  
9 of New Yorkers that could be patronizing their  
10 business, and that means lost potential revenue.

11 That also means a previous customer that is not  
12 vaccinated for whatever reason is not patronizing  
13 that business. That translates to real lost income.

14 So when we speak to our partners, our BIDs, our  
15 chambers, our associations, if we can help get a  
16 better understanding of the impact of this mandate in  
17 actual cost for compliance and lost revenue. My  
18 third is when these fines were issued and we asked  
19 for a breakdown by business, I'd really love to know  
20 what type of businesses they were, but what were the  
21 fines issued for? Of the 21 violations that were  
22 issued how many were for lack of proper signage, lack  
23 of, ah, requests, requirement for showing and proving  
24

1 that you've been vaccinated with vaccination cards  
2 and IDs and for your daily log?

3  
4 SENIOR ADVISOR DUPEY: Um, 13 businesses  
5 have received a violation for not checking the  
6 vaccination only. Four businesses have received a  
7 violation for not displaying a sign, which is  
8 interesting because our inspectors have signs with  
9 them after doing inspections and we allow for  
10 correction for a lack of sign in real time. So these  
11 businesses made the choice to not post a sign and  
12 instead to take the violation. Ah, and we've had  
13 four, ah, violations that were issued for a lack of a  
14 sign and lack of checking vaccination status. I will  
15 note not a single, ah, violation has been issued for  
16 not having the written compliance plan. And we  
17 would, we would very much like places to have the  
18 written plan because it ensures the businesses, ah,  
19 will, it, it will encourage future compliance and  
20 ensure that there are not lapses between shifts,  
21 which I, I forget who gave the example, if you gave  
22 the example of, or, ah, Council Member Dinowitz gave  
23 the example of a 16-year-old kid who is checking and  
24 forgets. That's the point of the written plan, ah,  
25 and just like any training, right, um, ah, businesses

1  
2 are responsible for what their employees do. Ah, but  
3 that's the breakdown, so the, the majority of them,  
4 of the extremely small number, ah, were businesses  
5 that were not check vaccine status at the time. They  
6 were observed not checking vaccine status.

7           CHAIRPERSON GJONAJ: So based on what you  
8 just said, four businesses said I don't care to put  
9 up the sign, give me the fine?

10           SENIOR ADVISOR DUPEY: Apparently.

11           CHAIRPERSON GJONAJ: I'd really like to  
12 see, and, and couldn't there have been a language  
13 barrier problem, it couldn't be I'm sorry, the  
14 manager is not here, the owner is not here, and I  
15 don't know what you're asking me to do. I just can  
16 understand a business facing a choice, of making the  
17 wrong choice, saying give me a \$1000 fine instead of  
18 putting up this sign that I'm giving you. There is  
19 something wrong there. That does not make sense.

20           SENIOR ADVISOR DUPEY: I mean, obviously  
21 there's been a...

22           CHAIRPERSON GJONAJ: But based on...

23           SENIOR ADVISOR DUPEY: ... a deeply  
24 politicized issue and, ah, you know, there are  
25



1 certainly businesses that are choosing to be  
2 noncompliant to make a statement.

3  
4 CHAIRPERSON GJONAJ: Well, maybe not a  
5 statement. Could you imagine that it's, hey, if I  
6 put up that sign and I chase my business away, my  
7 doors are being shut. That I'm gonna, I'm gonna lose  
8 much more. Could it be a financial decision maybe  
9 for those, 'cause I don't think on principle  
10 someone's gonna take that position. I would imagine  
11 it would be if I put up this sign I'm gonna lose a  
12 percentage of my business. If I'm asking for  
13 vaccination cards I'm going to lose a percentage of  
14 those walk-in customers that I know will walk right  
15 out and never come back again. This is the real  
16 world, folks. Pennies matter. A decision makes a  
17 difference whether or not you're gonna show profit or  
18 loss for the day, for the month, or for the year.  
19 There's real consequences. This isn't government.  
20 This is livelihoods that are at stake, investments,  
21 life savings that are at stake. And when they make  
22 those decisions it's because it will have a real  
23 determination on whether they stay in business,  
24 whether they turn or profit, whether they can pay  
25 their employees, pay the utility bills, pay the taxes

1  
2 that are overdue. I'm really looking forward to  
3 those 21 businesses, those violations, and I'm  
4 looking forward to actually, and if they're listening  
5 today, I'm asking them to get in touch with me so I  
6 can have a real conversation with them. I know  
7 they're afraid to speak to you. But when they  
8 understand that I'm there fighting for them, they  
9 share a lot more with me, and are willing, with the  
10 understanding that they remain anonymous as to who  
11 they are, and I have to constantly make that pledge  
12 to them. I promise not to divulge who you are, your  
13 location, your address, your name. Speak freely.

14 SENIOR ADVISOR DUPEY: Sir, if I may.

15 CHAIRPERSON GJONAJ: Yeah.

16 SENIOR ADVISOR DUPEY: Um, we've  
17 inspected 20,843 businesses, so I think focusing on  
18 the 21 that didn't do the right thing instead of the  
19 99.99% that did, I think paints a very different  
20 picture of the reality. This isn't government, as  
21 you said. This is the real world and in the real  
22 world businesses are complying with this because it's  
23 easy to do.

24 CHAIRPERSON GJONAJ: My dear friend, it  
25 is not easy to do it because it requires resources.

1  
2 It requires time and it requires staffing. And there  
3 is a price associated with compliance. Please wrap  
4 your hands around that. It's not free. They're not  
5 making money from that compliance. You're not giving  
6 them the return for complying. You're not even,  
7 you're giving them the credit but not when it comes  
8 to the financial credit. It's a burden.

9           SENIOR ADVISOR DUPEY: It's also  
10 possible, sir, that more people are attending  
11 businesses now because we feel safe. I didn't go out  
12 to eat in restaurants before Key to NYC. I do now.  
13 I realize speaking from personal example is not the  
14 best thing to do here, so I'd be interested to hear  
15 the, the testimony from the businesses. But the  
16 places that I have been out have said that they've  
17 returned to pre, ah, to the highest business that  
18 they've had since the pandemic. Again, very small  
19 sample size the places that I've been. But there is  
20 a reality that should not be ignored here.

21           CHAIRPERSON GJONAJ: Thank you. Let me  
22 pass it to Council Member Rosenthal, who has a  
23 question for you.

24           COUNCIL MEMBER ROSENTHAL: Thank you so  
25 much, Chair Gjonaj. Thank you so much, um, to both

1 of you for coming today. I have a question about,  
2 um, ah, at what point, how, how are you thinking  
3 about at what point we lift the, um, the mandate for  
4 restaurants, um, probably for schools as well, but  
5 I'm guessing that this is a public health question  
6 that goes to Dr. Chosky or the public health people.  
7 But have they given you guidance, um, in terms of the  
8 metrics to say that, you know, and, and you just said  
9 the percentage, I didn't quite hear you. I think you  
10 said 73% of all New Yorkers are vaccinated? What was  
11 the, or some percentage of adults?  
12

13 SENIOR ADVISOR DUPEY: Oh, yeah, my  
14 apologies. Ah, 73.2% of all New Yorkers and 85.9% of  
15 adults.

16 COUNCIL MEMBER ROSENTHAL: Right. So  
17 let's just call it 73%, um, of all New Yorkers have  
18 been vaccinated. Um, are, are there discussions  
19 within City Hall about metrics for when you might  
20 lift the mandates?

21 SENIOR ADVISOR DUPEY: Ah, not  
22 discussions that I'm a part of. Thank you very much  
23 for that question. It's, it's a regular question  
24 that we get from businesses. It's a question that we  
25 get from inspectors, how much longer are we going to

1  
2 be doing this program. Ah, the answer that I have is  
3 we have not yet been given, ah, a threshold to cross  
4 [inaudible] stop.

5 COUNCIL MEMBER ROSENTHAL: Gotcha. Um, I  
6 guess, um, you know, there's this funny dynamic we're  
7 dealing with a public health crisis and one that no  
8 one's ever experienced before in our lifetime. Um,  
9 so, um, what did Rumsfeld say, there are a lot of  
10 unknowns that are unknown? Um, but it strikes me  
11 it's we don't know anything. So, um, but we do know  
12 that when people get vaccinated, um, that they're  
13 less likely to end up in the hospital if they get  
14 COVID. There's a reason we want people vaccinated  
15 and wearing masks. But if I could ask you to bring  
16 that back to your team in City Hall just to say that,  
17 um, sort of what you just said. You're getting the  
18 questions all the time from businesses and to the  
19 extent that the public health experts could say, um,  
20 you know, I think you can be pretty assured that by  
21 the time we're at X% the mask mandate and other  
22 mandates would be, you know, the, the mandate that  
23 you're required to show your vaccine, whatever it is,  
24 ah, card, um, that would I think clearing up the  
25 ambiguity, um, would be really helpful, and I like

1  
2 the way Council Member Dinowitz said it, when he was  
3 like just tell us what it is and we'll do it, you  
4 know? Um, if we're gonna have a mandate that kids,  
5 now that there is a vaccine available for 5 to 11-  
6 year-olds, OK, every restaurant is gonna be asking  
7 now to see that card given that, um, I think the  
8 highest rates of COVID infection now are among the  
9 little ones, um, it's sort of like a fish or cut bait  
10 thing, you know? Just tell us what you want us to do  
11 and, and then we'll deal with enforcement and  
12 inspections and all that. But the sooner you can cut  
13 through the ambiguity the better. Does that make  
14 sense?

15 SENIOR ADVISOR DUPEY: It makes sense and  
16 we'll certainly take it back, yes.

17 COUNCIL MEMBER ROSENTHAL: Thank you.

18 CHAIRPERSON GJONAJ: I have a question.  
19 Thank you, Council Member. I, I think we're done  
20 with our questions, Council Member? I want to again  
21 thank you, um, for, I'm gonna ask that you're gonna  
22 leave someone behind. We have others that are gonna  
23 testify, um, that I'm hopeful, ah, we can follow up  
24 on some of their questions and concerns, ah,  
25 Commissioner, Mr. Dupey. I'm not sure if you can

1  
2 have staff behind or if you're gonna stay behind. We  
3 have a limited number of those that are going to  
4 testify and it's only two, I believe. Thank you, and  
5 thank you again for hearing me, and this is not me,  
6 it's the frustrations of those small businesses. We  
7 have the same objective. That is to help these small  
8 businesses survive. Make it where New York City is a  
9 city where these businesses can thrive. And I know  
10 that that's behind what we do, but we also have to  
11 understand that we're hurting these small businesses  
12 by asking them to comply when others don't and  
13 there's a real price in compliance, so thank you.

14 SENIOR ADVISOR DUPEY: Thank you, Chair.

15 COMMISSIONER DORIS: Thank you.

16 CHAIRPERSON GJONAJ: Lucy Sexton and  
17 Kathleen Reilly. And we're gonna have Kathleen  
18 Reilly, ah, testify first.

19 KATHLEEN REILLY: Hi, everyone. Thank  
20 you for inviting us here today. I have to say I'm  
21 honestly a little surprised at the low attendance of  
22 this hearing 'cause it's really so critical. You  
23 brought up so many wonderful questions, um, in the  
24 earlier panel. But I'm here. I'm Kathleen Reilly.  
25 I'm here from the New York State Restaurant

1 Association and we are the largest hospitality trade  
2 association in the state. We're here today to  
3 discuss the implementation of Key to NYC. Um, I know  
4 we heard a lot about the actual ability to comply and  
5 information about understanding the program, which is  
6 one question, but we are really more here today to  
7 talk about what it has meant to businesses to be  
8 subject to this mandate. Specifically, we want to  
9 talk about the challenges that restaurants are  
10 experiencing as a result of the mandate. Um, I've  
11 heard people in the public sphere assert that  
12 checking for vaccine status should be easy because,  
13 after all, we check for IDs to enforce the drinking  
14 age already. But remember that not all restaurants  
15 have a liquor license. Not all restaurants normally  
16 have a host checking people in at the door, and not  
17 all restaurants even have servers out on the floor.  
18 And by and by, it's neither new nor politicized that  
19 there is a drink age and that people need to meet it  
20 to drink at bars and restaurants. Those are all  
21 critical differentiators when it comes to enforcing  
22 the vaccine mandate. To see for ourselves the  
23 repercussions, the restaurant industry now faces from  
24 the vaccine mandate we conducted a survey. I know  
25



1    you said math speaks to you, so I'm glad to tell you  
2    we've got some statistics from our survey results for  
3    operators around the city. We made special attention  
4    to make sure that the Bronx was well represented.  
5    The results that we saw were striking. Over 90% of  
6    restaurants report having challenges with their  
7    customers and over 75% reported challenges with their  
8    staff. The impact on business was bleak. 76.8% of  
9    restaurants referred, reported worse business as a  
10   result of the mandates. 57.6% specified much worse.  
11   And when it comes inspection time, there's no telling  
12   that the inspector from one of 13 agencies knows what  
13   they're allowed to ask for. In our survey of those  
14   who were inspected, about one in five saw an  
15   inspector who asked for the wrong kinds of documents,  
16   including staff vaccination resources, which are not  
17   required to show, and records of those who dine  
18   indoors, which are not required to show. Breaking  
19   down the customer challenges even further, we see a  
20   really astonishing pattern of behavior. Our survey  
21   reveals the following issues are pervasive for  
22   restaurants. Customers refuse to dine with them  
23   after seeing they're enforcing the vaccination  
24   mandate, 67.2%. Customers take extra time at check-

1  
2 in and must be persuaded to present proof of vaccine,  
3 66.4%. Customers cancel future events because of the  
4 vaccination mandate, 61.6%. Customers are hostile  
5 towards the host, yelling or swearing at them, 59.2%.  
6 Customers attempt to bypass the host, 51.2%.  
7 Customers leave negative reviews or online comments  
8 because of the vaccination mandate enforcement,  
9 42.4%. And, finally, customers are physically  
10 threatening or violent towards the host, 33.6%.  
11 Imagine you're the 20-year-old host at the door to  
12 one of these restaurants. How many times would it  
13 take for you to be berated, argued with, walked out  
14 on, or God forbid, physically threatened before you  
15 would have enough? Imagine you're the operator of  
16 the restaurant and try as you might this keeps  
17 happening to your valued staff members who are just  
18 trying to enforce this industry-specific mandate.  
19 Could you stand it? Circling back to our survey  
20 results, we found 44% of operators have staff members  
21 who refused the vaccine and had to be placed on  
22 leave. Another 42.4% had to reassign staff to  
23 monitor the door, and 39.2% said their staff are  
24 spread too thin to easily enforce the mandate. This  
25 all comes as a cherry on top for restaurants that

1 entered the summer already understaffed, already  
2 spread thin, already forced to cut their operating  
3 hours to work with whatever staff they did have. Our  
4 restaurant operators are so very tired of being  
5 called upon to act as public health enforcers on the  
6 front lines of some as divisive as a vaccination  
7 mandate. They also want to know when does this end.  
8 We are an industry that is still struggling hard to  
9 get back on its feet and dig out from the deaths and  
10 losses sustained over the last year and a half. We  
11 are an industry whose costs of goods has been rising  
12 precariously due to widespread supply chain issues.  
13 We are an industry that has still been relying  
14 heavily on outdoor dining, which will become even  
15 more difficult as colder fall and winter weather  
16 come. Meanwhile, our city vaccine rates of adults  
17 are extremely high, 86% apparently, we just heard.  
18 And our operators have to ask what will be enough for  
19 this administration? We need to have a reasonable  
20 threshold in mind and perhaps one that has already  
21 been crossed so that restaurants can have some sense  
22 of coming relief, and as long as this program remains  
23 in place we need stronger support from the city to  
24 protect and compensate restaurants who have been  
25

1  
2 paying the price of the city's public health  
3 campaign. Thank you.

4           CHAIRPERSON GJONAJ: Thank you so much,  
5 ah, Ms. Reilly. Do you have an estimate as to the  
6 actual cost of complying with this mandate in the  
7 form of payroll and oversight that it's costing the  
8 industry or an average establishment?

9           KATHLEEN REILLY: We, we haven't gathered  
10 it in dollars and cents for this first survey. We  
11 were more asking people to give us a ballpark  
12 estimate in terms of better, worse, the same, ah, and  
13 the responses were really overwhelmingly that it was  
14 worse, but they didn't provide, um, like an estimate  
15 of how much extra that staff cost or how much the  
16 value of the loss of business was, but it's, for them  
17 it's overwhelming.

18           CHAIRPERSON GJONAJ: It certainly is,  
19 when they're still trying to get out of the debt that  
20 they've incurred over the last year and a half, going  
21 on to two years. Kathleen, I'm going, I'm going to  
22 be, continue to be an advocate for your industry, and  
23 you are certainly serving your industry and those  
24 restaurants, ah, and eateries, um, with your heart  
25 and soul, and I'm grateful to you.

1 COMMITTEE ON SMALL BUSINESS 85  
2 KATHLEEN REILLY: Thank you. We're happy  
3 to send you the full survey data if you'd like us to.

4 CHAIRPERSON GJONAJ: Let's hope that we  
5 get a conclusion as to at what time, at what point  
6 will this mandate end, and what's the threshold. Is  
7 this going to be a percentage of New Yorkers that get  
8 vaccinated, when we hit that threshold at least we  
9 know we help our small businesses prepare and plan  
10 ahead. We don't want them to consistently think  
11 because of predictive scheduling and other  
12 requirements, ah, that our establishments are faced  
13 with that they have to continue to have this person  
14 on any longer than they necessarily and absolutely  
15 have to. So, thank you, Kathleen. Thank you.

16 KATHLEEN REILLY: Thank you.

17 LUCY SEXTON: Hi. Katherine, you made a  
18 good point about the attendance and I just want to  
19 add that, ah, I highly encourage the council to  
20 continue to provide virtual options for hearings, as  
21 it allows so many more hard-working New Yorkers to  
22 come and testify. Also, my printer ran out of ink  
23 this morning so I emailed the testimony to all of  
24 you. I apologize that I don't have the print-outs.  
25 Ah, thank you, Chair Gjonaj, and hard-working members

1 of the City Council. My name is Lucy Sexton and I  
2 lead the cultural advocacy coalition, New Yorkers for  
3 Culture and Art. I am here to the Key to NYC  
4 mandates fell hard on arts and cultural  
5 organizations, which includes for-profit and  
6 nonprofit small businesses and which are so critical  
7 to get, driving, ah, attendance in restaurants and  
8 the businesses around our, our establishments. Ah,  
9 culture was the first to close and will be the last  
10 to fully reopen. At the end of 2020 New York State  
11 reported that culture was second hardest hit sector,  
12 behind gas extraction, which has recovered, and ahead  
13 of tourism, which depends on us to recover. We have  
14 been saying that reopening would mean our  
15 expenditures would go up, losing money while our  
16 audiences slowly returned. Just as this was starting  
17 we were hit to Key to NYC, which has been devastating  
18 economically. It comes with increased costs for  
19 small organizations who are just holding on. These  
20 include staff costs for the extra work needed to  
21 enforce the vaccine checking, cost of accommodating  
22 staff that were allowed to continue to work remotely,  
23 safety equipment, including new air filters, which  
24 are required by the new New York State Heroes  
25

1 mandates, loss of rentals by educational groups and  
2 others who are not required to vaccine, ah, the cost  
3 of de-escalation trainings for staff, legal costs as  
4 we attempt to insure ourselves against possible fines  
5 and lawsuits, and to create legally allowable  
6 documentation of our safety procedures. A lack of  
7 clarity on what we need to be in compliance is a big  
8 issue. A small for-profit theater was renting their  
9 space to a film crew, a valuable source of income.  
10 And they, and the film crew had strict vaccine  
11 requirements for anyone in the space. An inspector  
12 came to the door. The theater owner asked to see  
13 vaccine cards. They did not have them. She said  
14 they were not allowed to enter, but could talk to  
15 them outside. They told her she would be issued a  
16 warning for noncompliance. I know that the Key to  
17 NYC allows unvaccinated visitors to enter for short  
18 periods of time, but a private business has every  
19 right to have stricter safety rules for entry to  
20 their space. So if inspectors are not willing to be  
21 vaccinated they need to accept meeting outside the  
22 space. A small dance studio in Coney Island was  
23 visited by an inspector last week. The owner showed  
24 her 10-page safety plan, detailing her compliance  
25

1 with all aspects of Key to NYC. She was also told  
2 that she would be issued a warning as she had not  
3 filled out the template on the Key to NYC website. I  
4 invite anyone to try and find that template buried on  
5 the site. Instead, guidelines refer again and again  
6 to a written plan, which she had. We must make clear  
7 what is required by businesses and what is required  
8 of inspectors. There's too much room for harassment  
9 and unnecessary stress and legal worries. Finally, I  
10 want to talk about an organization called Mind  
11 Builders in the Bronx. They're an arts education  
12 organization that provides dance and many other art  
13 classes for 700 families in the hardest hit  
14 neighborhood in the pandemic. They had the highest  
15 COVID death rates and they have the lowest  
16 vaccination rate. Now they must tell too many of  
17 their teen students that they cannot attend class as  
18 their families are too worried about the vaccine to  
19 get their teens vaccinated. These are families and,  
20 these are the families and children most in need of  
21 the stress relief, physical and creative outlet, and  
22 the extraordinary healing that engagement in the arts  
23 provides. At the last testimony, ah, on, on this, on  
24 the vaccine mandates in the City Council in  
25



1  
2 September, the speaker from Mind Builders could not  
3 finish her testimony as she was overcome with emotion  
4 and tears, having seen these children be turned away  
5 at the door, long-time students. So what has Mind  
6 Builders done? They've conducted seminars and  
7 webinars for their parents, educating them in a  
8 respectful way and allowing families to have all  
9 their questions about the vaccine answered. They've  
10 asked the mobile vaccination van to be parked outside  
11 the venue as often as possible. Larger dance  
12 organizations, like Dance Theater of Harlem, are  
13 doing their best to continue to provide classes  
14 virtually to those kids unable to attend. But who is  
15 paying for all of this? The small cultural  
16 businesses who are already out of money. When this  
17 initiative was announced the city proudly said they  
18 would spend 10 million dollars on a public, public  
19 relations campaign, which was absolutely needed. But  
20 why can't the city find another 10 million dollars  
21 from the federal relief money which is specifically  
22 designated for public safety and relief to the  
23 hardest hit sectors? The city should not be  
24 requiring culture to execute public health initiative  
25 without financial support. Further, as Mind Builders

1  
2 illustrates, our cultural organizations are uniquely  
3 positioned to help with culturally appropriate  
4 education and outreach on the vaccine and public  
5 health. We stand ready to partner with the city to  
6 keep all of us as safe as possible. I will end by  
7 imploring the city to stop punishing small cultural  
8 organizations and provide funds to support them in  
9 this critical work at this critical time. Thank you  
10 for allowing me to testify.

11           CHAIRPERSON GJONAJ: I want to thank you,  
12 Ms. Sexton, for that very passionate, heartfelt  
13 testimony of yours. You're fighting for an entire  
14 industry. You're fighting for the soul of New York  
15 City. And when we lose our arts and we lose our  
16 cultural institutions we do an injustice to every New  
17 Yorker and the next generation. So I promise that  
18 we're gonna continue, um, to fight, and which the  
19 Mind Builders, that was where in the Bronx?

20           COUNCIL MEMBER DINOWITZ: Wakefield.

21           LUCY SEXTON: They're in, yeah, they're  
22 in the northeast Bronx.

23           COUNCIL MEMBER DINOWITZ: [inaudible] a  
24 lot of my, ah, constituents, so I was...

25           LUCY SEXTON: Fantastic.

1 COMMITTEE ON SMALL BUSINESS 91  
2 COUNCIL MEMBER DINOWITZ: ...very pleased  
3 to bring them up.

4 LUCY SEXTON: Thank you, Council Member  
5 Dinowitz, yep. They're an extraordinary organization  
6 and they, they responded exactly how they should  
7 have, by outreaching to their community, by actually  
8 talking to them and taking seriously and doing the  
9 vaccine outreach that was necessary. But they  
10 receive no support for this. And they were already  
11 on the edge of closing financially, so.

12 CHAIRPERSON GJONAJ: So here's my point.  
13 This is in the northeast Bronx and Bronx borders  
14 Yonkers, and which does not have this forced mandate.  
15 We're losing, New Yorkers, New York City residents  
16 and those that have been accustomed to enjoying the  
17 arts and the culture and the restaurants and the  
18 eateries and the, the gymnasiums in the five boroughs  
19 and crossing over McLean Avenue, that defines  
20 Westchester from the borough of the Bronx, and we're  
21 forcing them to make that extra, or walk across the  
22 street for that same product, the same service. Lost  
23 revenue, lost tax dollars, lost enjoyment of life and  
24 what makes our neighborhoods and communities so great  
25 to live in. It's absurd. It's insane. You've

1 suffered enough, and this mandate which is targeted  
2 to three industries, has a consequence. So I'll  
3 continue to fight for both of you, and I believe Mr.  
4 Dinowitz has a question for you.  
5

6 COUNCIL MEMBER DINOWITZ: Yeah. Well,  
7 first, first I want to thank you. You're gonna hear  
8 me ask you and say a lot of the same things I said to  
9 the administration. Thank you for bringing up a  
10 story about Mind Builders. It's, um, an incredible  
11 organization. They do a lot of work for my  
12 constituents in the Bronx and we often hear the Bronx  
13 being, being left out of these conversations, so  
14 thank you. Um, and of course the arts are so, so  
15 vital to especially to our, our children. You know,  
16 just like our restaurants are not spreadsheets, our  
17 children are not data points, they're people. Um,  
18 and, you know, I agree, the government should be  
19 working, um, for the people, and you kind of touched  
20 on this, both of you, um, so this is a similar  
21 question I asked the administration. Um, are the  
22 restaurants and the arts organizations, in your view,  
23 are they working proactively to vaccinate people, not  
24 just by turning them away, but in the case of, I  
25 guess it was Mind Builders, having those vans and

1  
2 doing those seminars. Do you see that as a pattern  
3 or is Mind Builders more of a example of what could  
4 be done?

5           LUCY SEXTON: I view them as an example  
6 of what could be done and when, when Madaha testified  
7 about it, she said, you know, who is funding me to do  
8 this work? And that is the way that, you know, we  
9 are, there's many, many organizations that would do  
10 it, that would do it in a heartbeat, that are trusted  
11 members of the community, that know the families and  
12 know, know the folks who live there, and they're the  
13 ones who, you know, who really need this information  
14 and, of course, if we can increase vaccination rates  
15 that's great. Um, but I don't feel that in those  
16 communities it has been done in a culturally  
17 competent way and there are cultural organizations  
18 that would be happy to do that, but they are already  
19 stretched, so they don't have the dollars to put into  
20 these kind of programs. Sorry, go ahead.

21           KATHLEEN REILLY: Oh, oh, you're good.  
22 Um, I would say we have seen some examples of that  
23 within restaurants. I know the administration gave  
24 examples of some cases where, ah, vans are parked  
25 outside of restaurants, things like that. The

1 reward, rebate program where he recommends someone,  
2 I'm not sure you document this, but if you recommend  
3 someone to get a vaccine you get \$100. We have made  
4 all that information available to our members. I  
5 know that when I got interest from someone who said,  
6 oh, I want to host a clinic, like can I, put me in  
7 touch with the right person, I want to host a clinic.  
8 And when I reached out to the administration, I can't  
9 remember if this was through Test and Trace or the  
10 Vaccine Command Center, they said we have such a  
11 backlog that we probably wouldn't be able to set  
12 anything up for at least a couple months. So, not  
13 that there's no interest, but it has to be met with  
14 the same capacity from the city as well.

16 COUNCIL MEMBER DINOWITZ: Right.

17 KATHLEEN REILLY: And I think that  
18 addresses one portion of restaurants and, and people  
19 across the board, you know, want to get people  
20 vaccinated. But you also have a portion who are  
21 feeling a little bit spiteful about this whole thing.  
22 Like, we were hit so brutally during COVID and now  
23 you've drafted us as one of three industries to fully  
24 be the front lines and support this mandate without  
25 any compensation, it's like, yes, we want to help and

1  
2 we want to do what we can, but how, how much further  
3 above and beyond and beyond and beyond can we go  
4 before we start to get a little bit of support?

5 COUNCIL MEMBER DINOWITZ: Do, um, so, so  
6 I, you know, I asked the administration to, you know,  
7 work with the other agencies, right. SBS should be  
8 working with the DOE and the health department and  
9 all that. Have they been a, a part, have, have, have  
10 they been a partner, in your estimation? Have they,  
11 when you needed something, whatever it is, have they  
12 been helpful? You know, the, the mandate aside,  
13 because, um, you know, [inaudible] my feelings on the  
14 mandate, but that, that aside, have, when you needed  
15 something have they been a partner in that?

16 KATHLEEN REILLY: We are in regular touch  
17 with SBS. We have someone from SBS who actually  
18 listens into our operator calls every week, um, for  
19 New York City. So I think she in particular and SBS  
20 in general want to hear us, but whether hearing us is  
21 enough to actually change the way the policy works is  
22 sort of where the holdup happens.

23 COUNCIL MEMBER DINOWITZ: So just as an  
24 example, um, Ms. Sexton, you said there were vans  
25 sometimes outside Mind Builders. Is, were they able

1  
2 to get those vans when they wanted? Were, were those  
3 available?

4 LUCY SEXTON: Yes, ah, in, in my  
5 experience, of what I'm hearing from my constituents  
6 from my coalition is not, is that there's a lot of  
7 access. We can, we can get the access. The problem  
8 is there's not been a lot of outreach and education,  
9 um, and engagement with the community. You could  
10 offer them \$100, but that, they're not gonna...

11 COUNCIL MEMBER DINOWITZ: Right.

12 LUCY SEXTON: They're gonna be protective  
13 of their 14-year-old, um, and say, no, I don't want  
14 my 14-year-old girl vaccinated because of maybe  
15 misunderstandings or what-not, or maybe because it's  
16 a community that hasn't been engaged in the public  
17 health system...

18 COUNCIL MEMBER DINOWITZ: Yeah.

19 LUCY SEXTON: ... they're only engaged  
20 with public health is when you go to the emergency  
21 room. So that type of outreach and that type of  
22 things that I think churches and, ah, cultural groups  
23 and people who are in the community, ah, can be done  
24 and I think that that is the effort that, that could  
25 be made much and funded much better.



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2 COUNCIL MEMBER DINOWITZ: And so you  
3 recommend the, you know, providing funds and support  
4 for organizations to [inaudible]. As, as I said  
5 before, if, if the ads on YouTube and Hulu haven't  
6 done it by now you gotta figure out something else.  
7 I'll say to you, but it sounds like you're saying,  
8 ah, the same thing. Um, I have two more questions.  
9 One is easy. Can you also send me the survey data?  
10 I'm sure everyone else on the committee...

11 LUCY SEXTON: Absolutely.

12 COUNCIL MEMBER DINOWITZ: ...would  
13 appreciate it. But my other question is this. Are,  
14 you, you have shared concerns about the vaccine  
15 mandate. Are you then saying that there should not  
16 be a vaccine mandate for these institutions?

17 LUCY SEXTON: My, my first and foremost  
18 response is that it's an unfunded mandate. Um, I  
19 think it's great, it's great. It's encouraged more  
20 people to get vaccinated, and here we are, 86%.  
21 That's fantastic. I couldn't be happier about that.  
22 Um, but, again, where are the problems and how do we  
23 actually invest in the people in those neighborhoods,  
24 and I worry very much in terms of culture that it  
25 become a, a, a whiter audience, um, because they have

2 a, you have higher unvaccination, higher vaccine  
3 hesitancy in communities of color. Um, so,  
4 particularly black.

5 COUNCIL MEMBER DINOWITZ: And, and Staten  
6 Island. But whatever.

7 LUCY SEXTON: And Hispanic. Yes, true.  
8 And Staten Island's, ah, you know, culture needs to  
9 be supported. So, again, how can you engage with  
10 people and actually have conversations and fund that  
11 and have it be something that is welcoming and not  
12 punitive and goes into a us and them situation.

13 COUNCIL MEMBER DINOWITZ: So you think  
14 the funding is for that, that average. But I mean  
15 in, in the interim, survey data that's not here is,  
16 is, um, how a customer might feel.

17 LUCY SEXTON: Well...

18 COUNCIL MEMBER DINOWITZ: Do, do you have  
19 that, so I know, so I know that you have the data.  
20 The survey was, um, operators, I think it says  
21 operators around the city...

22 LUCY SEXTON: Right.

23 COUNCIL MEMBER DINOWITZ: How, what, so,  
24 so, um...

1  
2           KATHLEEN REILLY: A whole portion was  
3 dedicated to the customer responses that they have  
4 seen so far. So that's not a customer survey, but I,  
5 I would suggest that it's more important what  
6 behaviors people are witnessing at their doors,  
7 because even if, let's, I'm throwing out a pretend  
8 number, 70% of New York City patrons like the vaccine  
9 mandate and don't mind showing their card. Well,  
10 that's all well and good, but if 30% of people are  
11 throwing a fit at the door and berating the host and  
12 getting hostile or physically violent, it doesn't  
13 matter if you've six smiling people come in your door  
14 if you're [inaudible], you know?

15           COUNCIL MEMBER DINOWITZ: Yeah, yeah, no,  
16 no, I hear that. I'm, I'm interested to know the,  
17 the impact of the vaccine mandate versus, you know,  
18 other places in the state. I wonder, and I'm  
19 wondering if this is data you have, how many people  
20 are going, and, 'cause, 'cause I think the, the  
21 Restaurant Alliance actually did say something to  
22 this effect, like how many people are now comfortable  
23 going to a restaurant or a gym, ah, or an art  
24 institution because of the mandate, and so that's, I,  
25 I, I don't expect you have that information. If, if

2 you find it I'd love to see that because it is, it is  
3 a balance.

4 KATHLEEN REILLY: Our data was  
5 [inaudible] net negative based...

6 COUNCIL MEMBER DINOWITZ: OK.

7 KATHLEEN REILLY: ...on the business  
8 impact that people have reported.

9 COUNCIL MEMBER DINOWITZ: OK.

10 KATHLEEN REILLY: 75% of people said  
11 their business is worse.

12 COUNCIL MEMBER DINOWITZ: OK.

13 KATHLEEN REILLY: So even if a few people  
14 have been persuaded, like the member of the  
15 administration, more people have been dissuaded.

16 COUNCIL MEMBER DINOWITZ: Good. Not  
17 good.

18 KATHLEEN REILLY: Then the question  
19 before about the vaccine mandate in general, we have  
20 said all along that the structure of this mandate,  
21 targeting only certain industries, making it a  
22 customer-facing mandate, puts our staff members and  
23 our industry and our operators at a really  
24 uncomfortable, unfortunate friction point...

25 COUNCIL MEMBER DINOWITZ: Yeah.

2 KATHLEEN REILLY: ...for making this  
3 public health, public policy goal, that is, that's,  
4 that's not our mission statement. I mean, obviously,  
5 restaurants want people to be healthy, but to tap  
6 three industries and say it is now your job to be the  
7 person...

8 COUNCIL MEMBER DINOWITZ: Yeah.

9 KATHLEEN REILLY: ...who bounces people if  
10 they haven't been vaccinated, for, for free, by the  
11 way...

12 COUNCIL MEMBER DINOWITZ: Right.

13 KATHLEEN REILLY: ...is, is really not a  
14 position that we want our industry to be in, as you  
15 can imagine.

16 LUCY SEXTON: And another answer to that  
17 about outreach is, you know, provide free de-  
18 escalation trainings.

19 KATHLEEN REILLY: I think there is a  
20 webinar, but that really just doesn't, that doesn't  
21 cut it.

22 COUNCIL MEMBER DINOWITZ: Right, right.

23 Well, no, no, I certainly think, um, making sure our  
24 organizations who have those relationships,  
25 culturally competent relationships, with, in areas of

1  
2 low vaccination rates, empowering them to work with,  
3 with families and individuals to get vaccinated. So  
4 it doesn't sound like access is, is, is a problem,  
5 which is good, that when you've called the van  
6 they've been there. It really is that, that, um,  
7 that outreach. So, and I'll, you know, I'll leave it  
8 there. I'm sure the, the Chair has many questions,  
9 but I thank you both for your time and your advocacy  
10 and I look forward to, to that extra survey data.  
11 Thank you so much, and for the work you do, and for  
12 including the Bronx in your stories. Thank you.

13 LUCY SEXTON: All the time. Thank you.

14 CHAIRPERSON GJONAJ: Thank you, Council  
15 Member. Again, thank you for your testimony and  
16 being here. You're speaking for many. This will end  
17 today's hearing on small business. [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 25, 2021