

**Testimony of Commissioner Vilda Vera Mayuga
New York City Department of Consumer and Worker Protection**

**Before the Committee on
Consumer and Worker Protection**

**Hearing on
Fiscal Year 2024 Preliminary Budget**

March 22, 2023

Introduction

Good afternoon, Chair Velázquez and members of the Committee on Consumer and Worker Protection. I am Vilda Vera Mayuga, Commissioner of the Department of Consumer and Worker Protection (DCWP), and I am joined by members of my senior leadership team. It is our pleasure to be here today before this committee, to testify on the work of our agency and its budget for Fiscal Year 2024.

Despite being one of the City's smaller agencies, DCWP has an outsized impact on New York City. In almost every aspect of their daily lives, New Yorkers are entitled to key protections and services provided by my agency. In the workplace, our laws ensure that workers have basic rights to work with dignity. In the marketplace, our consumer protections prevent predatory actors from taking advantage of New Yorkers. We work to educate and uplift our small businesses that play by the rules so they can thrive for the benefit of our entire city and focus our enforcement on actors that flout our city's laws. And, for our households, our financial empowerment programs allow individuals and families to optimize their financial health, whether by securing crucial tax refunds or learning how to manage their budgets and tackle their debt.

When I spoke to you at this time last year, I was only two weeks into my tenure as commissioner. I laid out a fundamental goal for you: to be a steadfast partner to New Yorkers by aligning this agency's efforts with the work it does best. One year later, under my leadership and that of Mayor Adams, I feel confident that this agency has been an effective champion for the residents of our great city, and our central mission remains strong: to protect consumers and workers.

DCWP's Budget and New Mandates

DCWP licenses more than 51,000 businesses and individuals in more than 40 industries. We serve countless New Yorkers through enforcement of our consumer and workplace laws, through business education and relief efforts, and through free programming that supports New Yorkers' financial health.

To accomplish this, DCWP's preliminary budget for Fiscal Year 2024 is approximately \$64.2 million. Our authorized headcount stands at 449, with 416 active personnel. Our intrepid team has been able to accomplish a great deal in the past year. In 2022 we received almost 28,000

consumer complaints and carried out almost 60,000 inspections for predatory business activity. We initiated almost 700 worker cases and secured more than \$23 million in restitution, including the largest workplace settlement in New York City history. And, we provided financial counseling to more than 7,000 New Yorkers and prepared almost 80,000 tax returns, all for free.

In addition to this core work, DCWP has taken on a number of new mandates. Over the past year, we have implemented the delivery worker protections passed by the Council in 2021, and are moving as quickly as possible to set an equitable minimum pay rate for this essential workforce. We also expanded both of our flagship financial empowerment programs; Financial Empowerment Center counseling has been integrated into select Workforce1 Career Centers and select NYC Free Tax Prep sites began offering specialized tax preparation for self-employed New Yorkers, with more services to be offered in the coming year. Let me tell you more about each of these, as well as provide a general overview of my agency's work.

Protecting New York's Most Vulnerable Workers

DCWP knows that stability is key for New York's workers; whether you are trying to put food on the table for your family or put money away for your education, knowing that you will have stable hours, stable income, and stable employment is crucial. In 2022, our work focused on promoting this stability through the implementation of new protections and the enforcement of existing ones.

New York's large and growing population of delivery workers is one of our city's most essential workforces. I am sure that we can all remember the vital role it played in the early days of the pandemic, bringing us food when many of us were hesitant to leave our homes. Despite the importance of what they do, these delivery workers are in a precarious situation, working difficult jobs for low pay. We applaud the Council for recognizing this and taking legislative action.

In 2022, we began to enforce rights allowing delivery workers to make informed decisions about the deliveries they take, including having an option to choose the maximum distance they want to travel and receiving upfront disclosures about the route, pay, and gratuities associated with a delivery. We are working closely with workers and apps to ensure compliance with the law.

At the end of 2022, we announced our initial proposal for a minimum pay rate for app-based delivery workers, based on a rigorous study of the industry, including pay and working conditions. We recently published an updated minimum pay rate proposal for an additional round of public comment, after incorporating feedback from workers, apps, and many Council Members, including members of this committee. The public comment period will end on April 7, and we welcome any testimony you can provide. The minimum pay rate represents groundbreaking progress for New York City's delivery workers, and we want to make sure that a final rule allows New Yorkers the opportunity to review and provide input.

DCWP has continued to enforce the other worker rights under our jurisdiction. In August, we announced a major settlement with Chipotle over violations of the Fair Workweek Law, which gives fast food workers scheduling stability and an opportunity to move into full-time work, and

the Paid Safe and Sick Leave Law, which gives workers the right to take time off to care for themselves or their family. The settlement has secured more than \$20 million in restitution to approximately 13,000 workers and required Chipotle to pay \$1 million in civil penalties.¹ This represents the biggest workplace settlement in New York City history, as well as the largest ever Fair Workweek settlement in the entire country.

Our Fair Workweek enforcement has also included cases centered on the law's newest component, "Just Cause," which ensures that fast food workers can no longer be arbitrarily fired from their jobs and have a right to reclaim their former jobs if they are illegally laid off or fired. Last month, we settled with Starbucks in a case in which a longtime worker was illegally terminated. Starbucks will pay more than \$21,000 in employee relief and penalties. This builds on a previous case, in late 2021, when we obtained restitution for two Brooklyn Subway workers who were illegally terminated, to demonstrate that DCWP is here to protect the City's fast-food workers.

In December, we also announced a free mediation program for domestic workers and their employers to resolve workplace issues in a respectful and confidential manner without needing to go to court. DCWP previously conducted a study of paid care workers, which found that at least half of the City's paid care workforce, the majority of whom are immigrants and women of color, have experienced exploitation, such as wage theft, paid safe and sick leave violations, harassment, discrimination, or retaliation. This mediation program will provide an accessible forum for domestic workers to assert their rights in a supportive environment and resolve issues with their employers without the expense and adversarial nature of litigation.²

Enhancing Marketplace Fairness

Through our consumer protection work, we strive to create fairness in the marketplace. I am committed to ensuring that New Yorkers are free from exploitation when they are looking to purchase goods or services. At the same time, I also want to make sure that our city's small business owners have an opportunity to succeed. I believe that our efforts to protect New Yorkers from predatory activity should work hand in hand with supporting our small businesses and the contributions they make to their communities. It is a delicate balance, but we continue to endeavor to make progress on both fronts.

One way we try to foster an education-first approach is through our Visiting Inspector Program (VIP). We send senior inspectors to brick-and-mortar businesses that have recently received licenses from us to provide an educational inspection with the business owner. During the educational inspection, the inspector will identify any potential violations and explain how the business can correct them. Our VIP inspectors identify a potential violation at three out of every four businesses that they visit. I am proud to share that since the start of the program we have conducted more than 11,000 inspections.

¹ <https://www.nyc.gov/office-of-the-mayor/news/581-22/mayor-adams-department-consumer-worker-protection-settlement-chipotle-mexican#/0>

² <https://www.nyc.gov/office-of-the-mayor/news/883-22/mayor-adams-mediation-program-help-domestic-workers-employers-resolve-workplace>

We know that despite their best efforts at being compliant, many businesses may still receive violations. Because of that, we are committed to making sure that the penalties we charge for our violations match their gravity. Last year, Mayor Adams tasked City agencies with reviewing our most-issued violations and identifying opportunities to reduce or eliminate penalties. We went one step further, reviewing all our penalties, leading to 24 proposals, many of which lower civil penalties to zero dollars for first time violations. The bill to enact these proposals is currently before the Council as Introduction 845, carried by Council Member Menin, and is projected to save businesses almost \$1 million a year. I look forward to seeing it advance and provide substantive relief to New York City's small businesses. I'd also like to highlight that this great work also builds on our reforms under Local Law 80 of 2021, which we also implemented last year to make business-friendly changes to 30 areas of our enforcement.³

In addition to reviewing our penalties, we have also been reviewing our procedures to reduce the burden on small businesses trying to operate in New York. This year, we are using our discretion to remove criminal background questions from our license applications unless City or State law requires a fingerprint for the license. This will ensure that justice-involved New Yorkers' pasts do not limit their future. We welcome any suggestions from Council as to other ways we can increase the fairness of our license application process.

While we try to structure our enforcement to ensure that businesses acting in good faith are educated about our laws and rules and are not unduly punished for any minor violations they may incur, when we do become aware of egregious non-compliance, we take action. Let me tell you about some of our enforcement efforts to protect New Yorkers from bad-faith business actors.

Last summer, we announced two major settlements with used car dealerships. In May, we obtained \$225,000 in restitution from JF Motors, a Queens-based business that used deceptive advertising to lure in consumers before exploiting them with illegal contracts and fake fees, and in July, we obtained more than \$300,000 from two used car dealerships, Brooklyn Mitsubishi and Brooklyn Volkswagen, that used deceptive advertising and false promises of "guaranteed" financing approval to draw consumers in before selling them cars at prices well above what was advertised. Across both settlements, DCWP also secured \$650,000 in civil penalties.⁴

In October, we announced a settlement with ASA College, one of New York City's largest for-profit colleges, for running deceptive and misleading advertising that targeted immigrants on the subway and on social media. For example, one advertisement claimed that non-citizen students could get specific types of visas that would allow them to stay in the United States; another falsely claimed that students could graduate from specific programs in 16 months. ASA agreed to pay \$112,500 in civil penalties for the violations and to comply with City laws going forward.⁵

³ <https://www.nyc.gov/assets/home/downloads/pdf/press-releases/2022/Small-Business-Forward.pdf>;
<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4805925&GUID=2C7D9F71-D49E-499E-A21F-F6A9D5C76B90&Options=ID|Text|&Search=2233>

⁴ <https://www.nyc.gov/site/dca/media/pr050322-DCWP-375K-Settlement-With-Used-Car-Dealerships.page>;
<https://www.nyc.gov/office-of-the-mayor/news/510-22/mayor-adams-nyc-has-secured-more-300-000-consumers-harmed-predatory-used-car#/0>

⁵ <https://www.nyc.gov/site/dca/media/pr100322-DCWP-Settles-With-ASA-College-for-Deceptive-Advertising.page>

We also reached a settlement with Van Leeuwen Ice Cream for \$33,000 in civil penalties over repeat violations of the City's cashless ban. Van Leeuwen's 19 locations had repeatedly refused to take cash, sending a message to the more than 300,000 unbanked households in New York City that their business was not welcome there. Our settlement sends a message back that any New Yorker who wants to pay in cash will be able to, and that non-compliant businesses will be held accountable for repeatedly violating our laws.⁶

Helping New Yorkers Reach Their Financial Goals

Moving on to our financial empowerment efforts, DCWP has some excellent programs that focus on uplifting the financial lives of tens of thousands of New Yorkers every year.

NYC Free Tax Prep offers New Yorkers access to free, professional tax filings. We work closely with the New York City Housing Authority, Department of Education, Administration for Children's Services, houses of worship, and other community partners to ensure New Yorkers learn about and use this vital resource. Our tax preparers, working with non-profits in every corner of the five boroughs, are trained to help maximize tax refunds, which are the biggest annual cash infusion that many New Yorkers receive each year. Next year, thanks to support of Mayor Adams, the program will be expanding to process an additional 26,000 tax returns.

I am proud to say that many of the returns we process this tax season will likely result in a larger refund than last year's, thanks to the leadership of Mayor Adams. Starting this year, the New York City Earned Income Tax Credit (EITC) is increasing from a flat 5% match of the federal credit to a 10-30% match, in a new equity-based structure that has a higher match for filers with the lowest income levels. This means a dramatic increase in the credit's value. For example, a single parent with one child and an income of ~\$14,000 will see the EITC increase by 400%, to almost \$1,000 per month.⁷ This will make an enormous difference to our working families.

This Free Tax Prep season will also be different in that, for the first time, self-employed New Yorkers like gig workers, freelancers, and small business owners can come to us for specialized help with their taxes. Our tax preparers are currently available for annual tax filing at select sites, and will be offering estimated quarterly filing, one-on-one consultations, and presenting workshops and compiling resources on topics like best practices for recordkeeping starting later this summer. This service will be provided year-round, so we encourage New Yorkers to come to us for help with their annual tax filings this spring as well as their quarterly estimated tax filings later this year.⁸

Outside of taxes, New Yorkers can take advantage of our Financial Empowerment Centers, where they can meet with trained financial counselors to talk through any and all aspects of their financial health. I am particularly proud of this program because I personally use it. I have been seeing one of our counselors in Manhattan since last year and have really appreciated having a

⁶ <https://www.nyc.gov/site/dca/media/pr102022-DCWP-Settles-with-Van-Leeuwen-Ice-Cream.page>

⁷ <https://www.nyc.gov/office-of-the-mayor/news/075-23/nyc-kicks-off-tax-season-free-tax-preparation-services-now-tailored-self-employed-new>

⁸ Ibid.

safe space to talk about my finances and get professional advice. My counselor and I have talked about everything from budgeting to the Public Service Loan Forgiveness program.

Looking back at my childhood, I wish my mother had the same opportunity to see a financial counselor as I do now. Growing up, I watched her work multiple jobs to raise my sister and me. Being young, I did not realize there was anything more to this than my mother being a hard worker. Now as an adult, I wonder how she could have benefitted from financial counseling during those years. Did she know how to budget and find savings? Was she always struggling to stay above water? I remember distinctly how often she had to borrow to pay off debt, and I cannot help but think that some guidance from a financial counselor could have set her on an easier path.

We want to ensure that as many New Yorkers as possible can take advantage of our Financial Empowerment Centers. We talk about them in all of our outreach, when our community affairs team travels across the City to meet with communities where they are. That outreach helped us reach a milestone last March, when we surpassed \$10 million in total savings, along with \$93 million in debt reduction facilitated by our financial counselors since the program's inception in 2008. Since then, the savings have continued, with more than \$1 million in additional savings by New Yorkers last year.⁹

This year, we have taken an additional step to make financial counseling more available to New Yorkers, by bringing it to some of the Department of Small Business Services' Workforce1 Career Centers.¹⁰ Now, New Yorkers receiving job readiness services will also be able to meet with a financial counselor, to ensure that when they get that first paycheck, they know how to maximize it. I think this is a wonderful example of how DCWP, and this administration, are taking smart steps to serve New Yorkers efficiently and effectively.

Conclusion

2022 was an exceptional year for DCWP, as we continued to effectively champion New Yorkers in every phase of their daily lives. Now, as we look toward the new fiscal year, I want to reassure you that our commitment to our mission remains undiminished, and we plan to use our resources strategically to ensure that we can continue to do our core work protecting and empowering New Yorkers in all phases of their lives.

Before I conclude, I want to take a moment to thank all of you, as well as your other colleagues in the Council, for your interest in and support of the work we do at DCWP. We are fortunate that New Yorkers have such staunch consumer and worker advocates representing them. Lastly, I want to shoutout the dedicated members of the DCWP family, who strive every day to fulfill the essential work of our agency. Without the committed and passionate efforts of these public servants, our work could not succeed. Thank you for the opportunity to testify today. I look forward to answering your questions.

⁹<https://www.nyc.gov/site/dca/media/pr032322-FEC-Savings-Ten-Million-Dollars-Milestone.page>

¹⁰<https://www.nyc.gov/office-of-the-mayor/news/046-23/mayor-adams-expansion-financial-counseling-services-new-yorkers-visiting-workforce1>

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**Testimony Before the Committee on Worker and Consumer Protection
New York City Council Budget and Oversight Hearings on The Fiscal Year 2024
Preliminary Budget**

March 22, 2023

Submitted by:

Sherry Leiwant, Co-Founder and Co-President
A Better Balance: The Work and Family Legal Center

Good afternoon. Our organization, A Better Balance, is a non-profit legal advocacy organization dedicated to helping workers across the economic spectrum care for themselves and their families without risking their economic security. We have been proud to work with the New York City Council in advancing workers' rights laws that protect the most vulnerable workers in our city. We were one of the leaders of the movement to enact the earned paid sick time legislation (ESSTA) in 2013, helping to draft and negotiate that law that resulted in millions of New York City workers having access to paid sick time who had previously had not a single day they could use to care for themselves or their loved ones with pay. We were also leaders in the coalition that enacted the Fair Workweek legislation that was pathbreaking in enabling workers to have predictability and fairness in their work schedules and included the right to request and receive temporary schedule changes without retaliation. We have also advocated for the rights of domestic workers, included in ESSTA and other laws enforced by DCWP.

Our organization places a particular emphasis on enforcement. When we drafted ESSTA, there was no agency in the city that was responsible for enforcing labor



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standards. We decided that the Department of Consumer Affairs (DCA) which dealt with consumer complaints and at that time had their own ALJ system was the best place to house enforcement of the ESSTA and therefore gave that agency enforcement responsibility. Working with the city Administration and other advocates, we helped change the agency from an agency dealing solely with consumer complaints to a robust protector of workers' rights. In recognition of that shift, the name of the agency was changed to Department of Worker and Consumer Protection (DCWP) and over the course of the following years became a national example of an excellent agency devoted to ensuring that rights for workers that were passed by the New York City Council were understood, used and enforced.

Passing laws is only the first step. The success of our New York City labor laws – examples for the rest of the country—depends on vigorous enforcement. As the City Council continues to pass valuable and much-needed labor legislation, DCWP's enforcement mandate grows, and needs the resources to expeditiously investigate and resolve complaints as well as resources to do effective outreach and education on the laws under its jurisdiction.

For our city's workers, especially low-wage workers, and especially considering that we have not yet been able to pass a guarantee of a private right of action to enforce ESSTA, DCWP is often their only recourse when they believe their rights have been violated. DCWP is an invaluable resource to the thousands of New York City workers we



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have spoken to through our free, confidential legal helpline over the years. The majority of our callers are low-income women of color who bear the economic brunt of inflexible and discriminatory workplace practices and lack any rights or benefits not guaranteed by law.

Under the leadership of Commissioner Vilda Vera Mayuga and the Commissioners that preceded her (Commissioners Salas and Menin), DCWP has grown to be a strong, proactive, robust agency with an excellent staff committed to doing the best for New York City workers. While DCWP has proven incredibly effective in all aspects of their work, without adequate funding, workers' complaints will languish as agency attorneys struggle to manage high case-loads and the work of outreach and education which is so important to the workers of this city will be difficult, if not impossible. It is critical for city workers that the DCWP be funded fully as it has been in the past. We strongly object to any budget cuts to this essential agency, including [the \\$5.7 million reduction](#) in the FY 2024 budget which eliminates 36 positions at DCWP.

Among the critical functions DCWP performs most essential to us and our helpline callers are: (1) Processing of complaints from workers whose employers are not following the law with respect to providing sick time, complying with fair scheduling requirements or following the law with respect to freelancers; in particular workers who have been denied paid sick time or who have been retaliated against because they asked for, or took, paid sick time. It is



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essential that DCWP be able to process their complaints in a timely manner and provide relief; (2) Doing proactive enforcement to ensure that employers who have chronically failed to comply with the city’s labor laws are investigated and held accountable for violations; the ESSTA law specifically provides authority for such proactive enforcement; and (3) Providing education and outreach so that New Yorkers will know what their rights are and businesses can easily comply with the city’s laws. A recent report that ABB published with the Community Service Society (CSS), “[Women in the Workforce: Advancing a Just Recovery in New York City](#),” found that 55 percent of low-income women in the NYC paid workforce have not heard about their right to paid sick time. Among mothers in the paid workforce, 51 percent of low-income working mothers said that they had not heard about the paid sick time law, seriously undermining the law’s effectiveness. Clearly, there is a need for more direct outreach and education about New York City’s earned sick time law. Outreach and education takes time, money, and effective administration.

Effective administration of the laws under the jurisdiction of DCWP makes workers who have suffered from illegal treatment whole and sends a clear message to employers that failure to comply with city labor laws comes with a penalty. For example, we represented a worker who took three days off due to his own illness and that of his mother and not only was denied pay for that time even



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though he had accrued sick time but was also retaliated against for taking the time. He filed a complaint with DCWP who investigated promptly and found that other workers had also been denied pay for their sick time and some had even been fired. As a result of DCWP's efforts, our client and 159 other workers received \$60,000 in compensation and, even more importantly, the company changed their sick leave policy so that employees will no longer be denied pay for sick time or be disciplined for using that time.

The City Council has worked tirelessly over the years to ensure that New York City's labor laws are among the most comprehensive and progressive in the country and that their enforcement is a priority for each administration. New Yorkers deserve these rights not just in name, but also in practice, and that means ensuring we have a robust, well-funded labor enforcement agency. We urge you to maintain significant budget support for DCWP for FY 2024 and look forward to continuing to work with you to make New York City a safe and healthy place for all workers.



**TESTIMONY IN SUPPORT OF RENEWING LOW-WAGE WORKER SUPPORT
FUNDING FOR FY 24**
Testimony from Magdalena Barbosa
Director of Legal Services, Catholic Migration Services
Before the New York City Council Committee on Consumer and Worker Protection
March 22, 2023

Catholic Migration Services (CMS) is pleased to submit this testimony in support of the renewal of the Low Wage Worker Support funding, the only dedicated city funding for employment related legal services to assist low wage and immigrant workers. CMS provides free legal services in the area of immigration, housing, and employment to low-income New Yorkers throughout the city. CMS is a member of the CILEC coalition, a collaborative comprised of legal services providers and base building organizations that work to strengthen low-income immigrant communities.

Catholic Migration Services, along with some of our CILEC colleagues, are recipients of Low Wage Worker Support funding. We use these funds to provide legal advice and legal representation to low income and immigrant workers on issues ranging from wage theft and employment discrimination. Our clients include some of the City's most vulnerable workers, including undocumented workers who toil in the most dangerous and lowest paying jobs. They work on construction sites, in restaurants, supermarkets, salons, deliver our meals, and provide care to the homebound elderly and disabled. By and large, a majority of our clients are victims of wage theft. They are paid less than the minimum wage, work long hours without overtime pay, and fear the prospect of retaliation for speaking out. Our advocates provide advice, Know Your Rights information, engage in negotiations with employers to recover wages, and file cases both in administrative agencies and state and federal court. In 2022, our team at CMS recovered over \$550,000 in unpaid wages for our clients. This is money that families invest in covering the basic necessities for their families, groceries, rent, and resources for their children's education.

The need for legal advocacy and support for immigrant workers is even more urgent now. Over the last year we have seen thousands of migrants arrive in New York City. As these immigrants await the resolution of their immigration cases and for some the receipt of work authorization, many have and will continue to join the thousands of undocumented workers in New York City. Unfortunately, many will fall prey to unscrupulous employers who will take advantage of their precarious situations. An essential part of supporting this new population of migrants includes ensuring that there are programs available that workers can turn to for free information and employment legal assistance.

For the last five years, the City has funded this critical work. We are incredibly grateful for the Council stepping in last year to ensure that this funding stream was fully restored after it was cut by the Administration. This year, we are asking for the City to increase funding for this program from \$2.12 million to \$3 million dollars to both expand services and address the need for Cost of Living adjustments that our agencies need to keep up with rising costs to do this critical work. Failure to renew this funding will result in agencies with reduced staff that will limit the number



of workers that can be helped and may put at risk the coverage of pending cases. We urge the City Council to renew its commitment to City's low wage and immigrant workers and both renew and expand funding for this initiative

I appreciate the opportunity to present this testimony.

Magdalena Barbosa
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Chinese-American Planning Council
Testimony to the New York City Council Consumer and Worker Protection Committee
Fiscal Year 2024 Preliminary Budget Hearings
Honorable Marjorie Velázquez, Chair
3/23/23

Good afternoon and thank you to Chair Marjorie Velázquez and the rest of the City Council for the opportunity to testify today. My name is Anna Chen, testifying on behalf of the Chinese American Planning Council. I would like to thank the members of the Finance Committee for the opportunity to testify before you today and for your leadership on issues that deeply impact New York City's Asian American Pacific Islander, immigrant and low-income community members. The mission of the Chinese-American Planning Council, Inc. (CPC) is to promote social and economic empowerment of Chinese American, immigrant, and low-income communities.

CPC was founded in 1965 as a grassroots, community-based organization in response to the end of the Chinese Exclusion years and the passing of the Immigration Reform Act of 1965, which brought waves of Asian immigrants to New York City. Initially a provider of counseling services to low-income families referred by local schools, CPC has continued to expand its program offerings over the years to become the largest Asian American social service organization in the U.S., providing vital resources to more than 80,000 people per year through more than 50 programs at over 30 sites across the boroughs of Manhattan, Brooklyn, and Queens. Our revenue is approximately half New York City funding. CPC now employs a team of over 700 staff members, many of whom come from the same neighborhoods we serve. With the firm belief that social service can incite social change, CPC strives to empower our constituents as agents of social justice, with the overarching goal of advancing and transforming communities.

CPC offers holistic services that target both individual and family needs. Our programs are available for community members of all ages and backgrounds, and span three key service areas:

- **Education:** We provide high-quality learning opportunities for all ages—from Pre-K and after-school enrichment to adult English language classes—because education is lifelong.
- **Family Support:** We make it easier for individuals and families to access personalized social resources because support is fundamental at every age.
- **Community and Economic Empowerment:** We empower New Yorkers to represent and to advocate for themselves and their communities because their leadership is essential for positive—and lasting—social change. We engage with individuals to plan and develop their career paths because professional success is critical for economic independence.

Our affiliate, CPC Home Attendant Program, also offers care for homebound individuals.

Human Services Contract Support

The human services sector of our City is in crisis, yet this sector was the lifeline during COVID-19 and the economic crisis. Providers have long been sounding the alarm about the impact of the chronic underfunding of government contracts, and now we have reached a

breaking point. Without a crucial investment on our current contracts, my organization will have to reevaluate how we can engage with the City to provide crucial services to our communities. As things currently stand, we can no longer carry the deficit of our City contracts.

The gap between what the City funds on our contracts and what we can supplement with private and philanthropic dollars has grown too wide. It is vital that no cuts are made to human service programs as part of the mandated budget reductions and the chronic underfunding of the sector is rectified.

CPC Human Services staff have been on the frontlines throughout the COVID-19 pandemic. 69% of essential workers are made up of immigrants (74% of them undocumented), who risk their health daily to put food on the table through COVID-19. As of July 2020, 1.1 million individuals in NYC have lost their jobs and filed for unemployment benefits, and 30% of New Yorkers were unable to pay their rent. As of March 2021, 70% of our community members reported losing jobs or income.

We were thrilled to see that the City restored indirect funding, a critical lifeline for many organizations, but there is so much more to do to stabilize the human services sector and build a just recovery.

CPC provides services to 80,000 New Yorkers every year that the City of New York would otherwise have to provide. Our contracts last upwards of 10 years, with no cost-escalators to account for increasing costs, on contracts that are already underfunded. This lack of investment on our full contracts has a real impact on our ability to deliver quality programs and invest appropriately in our staff. Due to the gaps in funding, and lack of cost-escalators in our City contracts, we have had to take the following actions: (examples include passing health insurance costs along to staff, reducing benefits, layoffs, not making necessary repairs to buildings, spending on endowments, reducing program hours, closing programs, etc.)

Protecting Immigrant Workers and Communities of Color

Especially under the current federal administration, immigrants and communities of color face significant threats. To that end, we urge the Council to invest in the following supports for these communities:

Enhance the Communities of Color Nonprofit Stabilization Fund (NSF) to \$5 Million

Leadership development, financial management, management information systems improvements, and outcomes system development supported through the NSF will allow more community groups to strengthen their ability to serve New York City's most vulnerable communities.

Language Access and Immigrant Legal Services

The Comptroller's recent report on immigration court cases showed that AAPIs have the highest representation of immigration court cases, with Chinese New Yorkers representing fully 20% of all active cases. AAPIs experience some of the highest rates of Limited English Proficiency, with 80% of Asian Americans in New York speak a language other than English at home, and of those, more than 55% speak English less than "very well." Language barriers make it even harder for many New Yorkers to navigate government resources and support. Immigrants struggle to access the assistance they need and throughout the pandemic, CPC worked closely with them to ensure they were able to apply for those benefits, like unemployment assistance. However, during the pandemic, many community members feared applying for benefits because of their immigration status. Misinformation can spread like wildfire and within the immigrant community, it can have chilling and lasting effects. Misinformation about eligibility and

restrictions prevented community members from reaching out and applying for the benefits they desperately needed. Chinese Americans in New York have the highest rate of applying for asylee status of all ethnic groups. Yet there are no Asian American legal services providers, and no programs for creating wraparound know your rights, intake, case management, and follow-up support through Community Based organizations who have trust and language and cultural competence. Fortunately, CPC was able to host educational workshops explaining the eligibility for different types of government benefits and we were able to reassure immigrants who were hesitant to apply. Furthermore, we were able to schedule immigration consultations for immigrants who wanted to speak to an immigration attorney about their concerns. By providing educational workshops and immigration consultations, immigrants felt more reassured about their immigration situation. In order to continue assisting the growing number of immigrants in New York, we need to increase funding to language accessible immigration services and we recommend that the City and the Council prioritize building legal services programs for AAPI New Yorkers, with CBOs as an anchor.

Economic Impacts from COVID-19

It goes without saying that the economic impacts and health impacts are inextricably related. After 3 years of the COVID-19 pandemic, communities of color are both bearing the brunt of the economic hit, while simultaneously being forced to endanger ourselves while working on the front lines of this crisis. Some of the things we have seen include:

- More than half of our community members surveyed reported that they are out of work or income, and will run out of money in the coming weeks;
- Many of our community members continue to work, either because they are essential workers or because they cannot afford to stop working since they are left out of Federal relief and State unemployment benefits;
- In one of our preschool families, 20 out of 24 families lost all income within two weeks, and less than half qualify for Federal relief or State unemployment, leaving them unable to pay rent, buy groceries or pay for prescriptions;
- Our young people reporting caring for their younger siblings while their parents work (and juggling remote learning simultaneously), and rationing their daily food intake because they are running out of food;
- Our homebound seniors unable to get food delivered through the City's meal program, or receiving inadequate meals- including two pieces of bread and two pats of butter as a meal, or meal boxes featuring items like pudding, fruit cups, crackers, cheerios, and applesauce as a five-day meal supply;

Supporting the Excluded Workers Fund

It's my honor to serve our community during Covid-19 pandemic. Many people have lost their jobs. Most workers received unemployment insurance benefits while their work was put on pause. I was lucky that I was able to work continually. I did not think of those who did not qualify for such benefits until I assisted some CMs with EWF (Excluded Workers Fund) applications. I started understanding the difficult situation they are facing. We received many phone calls when the EWF application was in effect. Most of the applicants were denied due to lack of documentation and funding runs out. Only some got approved. This benefit has a huge impact on their living.

There were no-documented applicants, on call workers, freelance, from young adult age to seniors. If not because of Covid-19 they would never imagine that to lose their job, with housing issues, bills need to be paid and basic necessary food for survival. Some of the applications are younger people who may find a job easily and get back to track. However, for the elderly it can be very difficult for them, not only less job opportunities but their medical conditions can be a big concern if they return to work at that time. These workers may have been working for decades. They didn't think that unemployment benefits could be so important to themselves as well as for their family until Covid-19 happened. Our immigrant community members do essential work, and deserve to be paid fairly and to be taken care of when emergencies such as the COVID-19 pandemic hits. It is crucial to continue supporting our excluded workers, so they can support themselves while they support the rest of us. It is also crucial to ensure that items such as the EWF application are accessible digital and language wise to our community members.

We are also proud members of the #JustPay campaign, which is a racial equity and gender justice campaign committed to ending the government exploitation of human services workers by demanding sector employees under contract with the New York City and State be paid fair wages for their labor. Each year you hear from providers who are struggling due to the crisis of compounding underfunding of the human services sector as City budgets are balanced on the backs of low-income neighborhoods and BIPOC communities. This practice has resulted in poverty-level wages for human services workers, who are predominantly women (66%) and people of color (68%). To address this crisis, we ask the City to immediately adopt three core reforms:

1. Establish, fund, and enforce an automatic annual cost-of-living adjustment (COLA) on all human services contracts.
2. Set a living wage floor of no less than \$21 an hour for all City and State funded human services workers.
3. Create, fund, and incorporate a comprehensive wage and benefit schedule for government contracted human services workers comparable to the salaries made by City and State employees in the same field.

The COLA is the biggest action that can be taken right now, during this budget season. We ask that the Council include an important COLA for all human services workers, as these workers haven't seen an increase from City contracts in the last two years. Ideally we would love to see a multi-year COLA agreement, but in the absence of that, we are asking for a 5.4% COLA based on the consumer price index which mirrors the State COLA included in the Governor's budget. This would be about an \$108 million investment in an essential community workforce.

With the ongoing COVID-19 pandemic, AAPI hate crimes have surged more than 339% nationwide within just 2021, with NYC surpassing its 2020 hate crimes rate¹. CPC's community members have increasingly mentioned their fears of going outside, and the need for community safety. While some of our community members may call for more policing, many of our

¹<https://www.nbcnews.com/news/asian-america/anti-asian-hate-crimes-increased-339-percent-nationwide-last-year-repo-rcna14282>

community members also know that increased policing does not equal safer cities², or decreased crime rates. If anything, severe mental health symptoms and poverty are unjustly criminalized³, especially in Black communities and other communities of color. CPC urges the City Council to invest in preventative safety measures for our communities instead of increased policing. Investing in our communities is healthcare justice, and will also open up the conversation for increased mental health access and decreased stigma in our AAPI communities.

CPC appreciates the opportunity to testify on these issues that so greatly impact the communities we serve, and look forward to working with you on them.

CPC is grateful for the Council's leadership on the issues impacting Asian American, immigrant and low income New Yorkers. Thank you for your support and the opportunity to testify, I am available to answer questions. Additional questions may be directed to Anna Chen at achen6@cpc-nyc.org or Carlyn Cowen at ccowen@cpc-nyc.org.

²<https://www.npr.org/sections/money/2021/04/20/988769793/when-you-add-more-police-to-a-city-what-happens>

³<https://www.cambridge.org/core/journals/journal-of-law-medicine-and-ethics/article/abs/opioid-crisis-in-black-communities/8827EC7AF6155CE486CA6BDF08B3CDC0>

**TESTIMONY ON BEHALF OF THE CITYWIDE IMMIGRANT LEGAL
EMPOWERMENT COLLABORATIVE (“CILEC”) IN SUPPORT OF RENEWING
LOW-WAGE WORKER SUPPORT FUNDING (“LWWS”) FOR FY24**

Testimony from Antonia House,
Citywide Immigrant Legal Empowerment Collaborative Coordinator, TakeRoot Justice
Before New York City Council Committee on Consumer and Worker Protection
March 22, 2023

My name is Antonia House. I work at TakeRoot Justice, where I coordinate the Citywide Immigrant Legal Empowerment Collaborative (CILEC). TakeRoot is a non-profit organization whose mission is to dismantle racial, economic and social oppression by strengthening the work of grassroots and community-based groups in New York City through legal, participatory research and policy support. Our work includes the coordination of several coalitions, including CILEC—a collaborative of legal service providers and base-building organizations that work throughout the City to strengthen low-income immigrant communities. Our member organizations deliver high quality employment and immigration legal services and engage in culturally sensitive outreach to low-income immigrant New Yorkers.

Thank you for this opportunity to testify in support of the Low-Wage Worker Support initiative (LWWS), which is essential in the fight for workplace justice in New York City. **LWWS is the only city funding stream dedicated to fighting wage theft, unsafe working conditions, and workplace rights’ violations.** It is critical and effective. For the past five years, it has allowed CILEC members¹ and other recipient organizations to help workers recover millions of dollars in stolen wages from their employers, fight sexual harassment and other forms of discrimination, protect their right to paid leave, and safeguard their right to protest violations free of retaliation. Last year, the City Council took action to ensure that these life-sustaining services were not cut. This year, the Council must renew and expand funding for this vital program. Additional funding is crucial to expand services and address the need for Cost of Living Adjustments that has been neglected for far too long.

In New York City, employers steal nearly \$1 billion per year from low-wage workers, and in doing so extract billions from our city’s economy.²

Wage theft is rampant throughout New York City’s economy – in construction, restaurants, warehouses, delivery, domestic work. Employers pay less than the minimum wage, violate prevailing wage requirements, fail to pay nonexempt employees time-and-a-half for overtime hours, steal tips, require off-the-clock work before and/or after the workers’ shift without pay, and make illegal deductions from pay.

¹ Specifically TakeRoot Justice, Make the Road New York, Catholic Migration Services, New Immigrant Community Empowerment and Workers Justice Project.

² Center for Popular Democracy, *By A Thousand Cuts: The Complex Face of Wage Theft in New York* (November 2015).

Employers evade compliance by threatening and retaliating against workers who come forward to enforce their rights, falsifying their business records, knowingly misclassifying employees as independent contractors, and forcing their workers to sign arbitration agreements to keep claims against them out of court. Immigrant workers are even more vulnerable to workplace violations and face much higher barriers to enforcing their rights.

The impact of these workplace violations goes far beyond the directly-impacted worker and extracts billions of dollars from our city's economy. Stolen wages and other violations rob working families of money that they would have used to pay rent, groceries, tuition, and medical expenses. Workers cheated of wages spend less at local businesses, draining working class communities of much-needed resources. Employers who evade enforcement are also emboldened to cheat other workers in the future, fueling pervasive abuse. Unscrupulous employers also drain city and state coffers by failing to pay unemployment insurance taxes or procure required workers' compensation insurance, or withholding payroll taxes.

Effective enforcement of workplace protections requires the city to fund legal services and outreach for low-wage workers.

Despite strong laws on the books, enforcement has simply not been robust enough to ensure that workers are getting the benefit of higher wage and benefits standards that the city and state have passed in recent years.

The New York State Department of Labor (NYSDOL) does not have enough resources to promptly investigate the complaints that come into the agency, let alone enforce state employment laws in workplaces where workers are too scared to report violations. Meanwhile, the City lacks the authority to pass or enforce minimum wage and overtime laws. City agencies' limited resources are used to educate workers about and to enforce the laws that do fall within their jurisdiction—including the NYC Paid Sick Days law, anti-discrimination laws, and scheduling and just cause protections for high violation industries. Further, private attorneys are reluctant to represent workers whose claims are not worth enough to cover the costs they will incur in bringing the case. As a result, many low-wage workers cannot find a law firm to help them, and face long waits when they attempt to file complaints at government agencies.

Low-Wage Worker Support is the only city funding stream dedicated to filling this gap in services for low-wage workers. For the last five years, it has provided free community-based rights education, alongside individually-tailored, holistic employment civil legal services, case management and advocacy. Each year, it helps thousands of low-wage workers – the overwhelming majority of whom are from Black, Latinx, Asian, and immigrant communities – enforce their rights and access economic justice.

In Fiscal Year 2022, the City's \$2.12 million investment in this program allowed recipient organizations to:

- **Advise and represent workers in over 2300 cases** to recoup unpaid wages and enforce laws relating to paid sick leave, unemployment benefits, discrimination and retaliation;
- Connect hundreds of low-wage workers to community-based organizations,
- Conduct 73 community trainings on workplace rights, and
- **Obtain more than \$3 million in settlements and judgements for workers.**

And the impact of these services goes beyond the legal successes afforded to individual workers. Vindicating workers' legal rights in this way is a vital avenue to fight for social justice. When people assert and protect their rights at the workplace, the sense of mobilization, empowerment and consciousness they gain carries into every other part of their lives, as people realize they are change-agents. Furthermore, our work strengthens the efficacy of agencies such as the Department of Consumer and Worker Protection and the New York State Department of Labor, because when workers prevail in these forums, it creates confidence that these agencies can protect their rights and enforce the law.

Low-wage workers are relying on the City Council to adequately fund Low-Wage Worker Support

Despite the dire need to enforce rampant violations of low-wage workers' rights, and the demonstrated effectiveness of the Low-Wage Worker Support initiative, the Administration stopped contributing to the program in FY23. The Council, recognizing the unique role fulfilled by the program and the need to support the low-wage workers whom New York City relies on, stepped in to ensure the program was fully funded.

On behalf of our low-wage worker members and clients, we as LWWS recipients are grateful for the Council's support. However, current funding levels mean that we can reach only a fraction of the workers who need help. To ensure our city's low-wage workers have access to economic justice, and to fight the rampant wage theft that robs the City's economy of billions of dollars each year, we respectfully request that the city renew and increase funding for the Low Wage Worker Support initiative to expand services and address the need for Cost of Living Adjustments that has been neglected for far too long. Failure to do so will have a devastating impact on low-wage workers, who may be left with pending claims and no legal representation, or representation by legal service providers that are far stretched beyond capacity due to reduced staff. **We urge the City Council to renew its commitment to NYC's low-wage and immigrant workers by funding the Low-Wage Worker Support citywide initiative at \$3 million in FY24.**

We look forward to continuing our work with the City Council to ensure that New York's low-income and immigrant communities are not deprived of vital services that support their livelihoods and their ability to advocate for their rights under the law.



1700 G Street NW, Washington, D.C. 20552

March 22, 2023

Councilmember Marjorie Velázquez
Chair, New York City Council Committee on Consumer and Worker Protection
New York City Hall
City Hall Park, Broadway
New York, New York 10007

Dear Councilmember Velazquez:

The Office of Community Affairs at the Consumer Financial Protection Bureau (CFPB) strongly supports the work of the Office of Financial Empowerment (OFE) in the New York City Department of Consumer and Worker Protection (DCWP). We are extremely grateful to have a long-term partnership with the OFE and have worked closely with the Office to pursue our shared goal of helping economically vulnerable and traditionally underserved consumers build the capability to achieve their financial goals.

The CFPB is tasked with addressing through regulation and enforcement some of the unfair, deceptive, and abusive practices being employed by the financial services industry that further penalize traditionally underserved communities. Through our scrutiny of industry practices, we strive to reduce the high cost of being poor by making the system more competitive, transparent, and accountable to consumers.

At the same time, we endeavor to increase the capability of consumers to help them to be more prepared to navigate the financial system and to leverage the products and services available to meet their personal financial objectives. The OFE has established and continues to grow four strategies we believe are essential to this endeavor:

1. Providing free tax preparation services to consumers with low incomes to help them to access and maximize the benefit of all the credits available for which they are eligible through the tax system such as the earned income tax credit and child tax credit. This service alone can help consumers put a few to several hundred dollars back in their pocket by avoiding paying a high cost for tax preparation services and the additional costs of associated fee-based products offered by the tax preparation industry. Putting money in the pockets of individual consumers has a multiplier effect because it provides much needed financial resources back into struggling small businesses, neighborhoods and communities. In addition, two New York City policies serve to increase the financial security and protection of consumers during the process of filing tax returns. The combination of expanded free tax preparation services for small businesses and freelance workers and the recent expansion in the NYC EITC will provide increased opportunities for more New Yorkers to maximize the benefit of their tax refund and increase their financial stability.
2. For people that use paid tax preparers, the New York Consumer Bill of Rights Regarding Tax Preparers provides a much-needed level of transparency and disclosure of costs in advance of engaging a commercial tax preparer. Commercial tax preparation providers have profited greatly over the years at the expense of consumers with low incomes by their lack of pricing transparency and this protection will help New Yorkers make informed decisions about where they get their taxes prepared and which, if any, additional settlement products offered by the firms will be to their benefit.
3. Maintaining financial empowerment centers around the City to increase access to a variety of services and resources including opening accounts, building credit, dealing with debt, identifying predatory financial services, and accessing government resources. This service helps to bring financial services and guidance to people in their communities that is invaluable in empowering people to make financial decisions that will be the most beneficial to themselves and their families.
4. Offering counseling and coaching to individual consumers helps them to productively address their challenges and to make progress toward achieving their financial goals. We

are very supportive of the newly launched joint initiative between DCWP and Small Business Services to offer financial counseling along with job readiness services at Workforce Centers so that more New Yorkers can increase their financial health and well-being. The coaching and counseling services the City provides are also especially important this year because many New Yorkers with lower incomes may have received stimulus payments and enhanced tax credits the previous year and may be having to adjust their expectations and their ability to make ends meet now that those benefits have reverted to policies in place prior to the pandemic.

These essential services have proven effective in reducing the impacts of poverty and increasing opportunities for people with low incomes to survive financially and to make progress toward their short-and longer-term objectives. Many of these services were first offered at scale in New York and the City remains a leader in the field of financial empowerment.

Additionally, we want to commend the DCWP for the successful results in recent enforcement actions. Two that we want to highlight are:

- The lawsuit against Berkeley College which delivered \$20 million in debt relief to former students. The CFPB has also sought relief for students in several enforcement cases over the years against for profit colleges and student loan servicers that have engaged in practices that harm students.
- The settlement reached with two Brooklyn car dealers that provided over \$300,000 in relief to consumers that were subject to deceptive practices in the sale of used cars. The CFPB receives thousands of complaints and takes actions against entities that engage in unfair, deceptive or abusive practices in the sale of cars, which often harms the most economically vulnerable consumers.

These support services and legal actions have become even more important because many people have experienced financial distress the effects of which could extend for years to come. This is especially true for people in Black and Brown communities in New York and across the country who have borne an undue burden from the health and economic disruptions caused by the pandemic. The impacts of COVID on these communities have also brought into greater relief

the long term institutionally induced challenges of the racial income and wealth gaps. While we collectively address the systemic barriers, it is essential to maintain and expand basic support services so that New Yorkers can recover and rebuild their financial lives.

The CFPB continues to work closely with the OFE to make sure that New Yorkers are aware that if they have experienced financial harm because of unfair or predatory practices by service providers they can file a complaint with the CFPB or other regulators. We in turn seek a response to each consumer complaint from the financial service provider in question. Some complaints result in the service provider changing their decision and even providing restitution to the consumer. Others result at least in a better explanation of the decision so that the consumer understands why it was made. Finally, we use the information we receive from consumer complaints to identify patterns of discrimination and unfair deceptive and abusive practices and when we find such patterns, we investigate them for the potential to penalize the providers in question and seek restitution for consumer harm.

In all this work the CFPB Office of Community Affairs is excited to continue to collaborate with the City of New York DCWP / Office of Financial Empowerment to expand opportunities for consumers to survive and thrive financially and over time to increase their financial well-being. We strongly encourage the Committee on Consumer and Worker Protection to continue its support for this important work.

Sincerely,

Daniel Dodd Ramirez
Assistant Director, Office of Community Affairs, CFPB

David Sieminski,
Senior Policy Analyst, Office of Community Affairs, CFPB



Make the Road New York Testimony on Supporting Low-Wage Immigrant Workers

March 22, 2023

New York City Council Committee for Consumer and Worker Protection

Make the Road New York is pleased to submit this testimony to the New York City Council Committee on Consumer and Worker Protection, on the subject of the critical need to ensure city funding to support low-wage immigrant workers and provide adequate resources to the NYC Department of Consumer and Worker Protection (DCWP), the primary agency charged with enforcing workplace justice laws in the city.

Make the Road New York (MRNY) is a non-profit community-based membership organization with over 25,000 low-income members dedicated to building the power of immigrant and working-class communities to achieve dignity and justice through organizing, policy innovation, transformative education, and survival services. MRNY's five community centers in the New York City area, including Jackson Heights, Bushwick, and Port Richmond, provide a broad array of support to thousands of New Yorkers every year. Our workplace justice legal team represents hundreds of workers each year in cases to enforce their workplace rights and provides community rights education that reaches thousands more. This critical work is possible in large part to city funding through the Low Wage Worker Support (LWWS) initiative. Thanks to this crucial funding, MRNY and other legal services and community based organizations that are our partners in the Citywide Immigrant Legal Empowerment Collaborative (CILEC) have helped workers recover millions of dollars in stolen wages from their employers, fight sexual harassment and other forms of discrimination, protect their right to paid leave, and safeguard their right to protest violations free of retaliation. Limited resources for workers' rights enforcement and outreach means that we can reach only a fraction of the workers who need help, however. The city has not yet committed to sustaining this funding stream for the coming year. The uncertain future of LWWS places CILEC's work at risk and workers' well-being at jeopardy, just as the need for employment legal services has never been more urgent, in the wake of the COVID-19 pandemic and prolonged economic uncertainty.

The Council must commit to renew and expand funding for employment-related civil legal services for low-wage immigrant workers through the Low Wage Worker Support initiative at the \$3 million level and the Council must increase funding for outreach and organizing to these workers. The City must also prioritize resources for the Department of Consumer and Worker Protection, the primary agency responsible for enforcing workplace rights for workers in New York City.

This past year, Make the Road represented a client who worked at a bakery warehouse and was discriminated against when she got pregnant. Her employer refused her requests for accommodation and required her to continue to lift heavy loads, compromising her and her baby's health, and then fired her. We filed a case in federal court and reached substantial settlement for her through mediation. The settlement agreement also requires the company to re-train all of their New York managers and Human Resources staff on pregnancy discrimination, ensuring better compliance company-wide. Workers across the city depend on the programs supported by LWWS to help them enforce their workplace rights.

Workplace Violations are Rampant among New York City's Immigrant Workforce

Wage theft is rampant throughout the City's economy – in construction, restaurants, warehouses, delivery, domestic work – where, despite strong laws on the books, enforcement has simply not been robust enough to ensure that workers are getting the benefit of higher wage and benefits standards that the city and state have passed in recent years. Effective enforcement of basic workplace protections requires the city to commit consistent resources for legal services and outreach for immigrant workers so they can enforce their rights.

Every year, an estimated 2.1 million New Yorkers are victims of wage theft, robbed of \$3.2 billion in wages and benefits they are owed.¹ In New York City alone, low-road employers steal nearly \$1 billion per year from low-wage workers, including by paying workers less than the minimum wage, violating prevailing wage requirements, not paying nonexempt employees time-and-a-half for overtime hours, stealing tips, requiring off-the-clock work before and/or after the workers' shift without pay, and making illegal deductions from pay, among others. Employers evade compliance by threatening and retaliating against workers who come forward to enforce their rights, falsifying their business records, knowingly misclassifying employees as independent contractors, and forcing their workers to sign arbitration agreements to keep claims against them out of court.

Immigrant workers are even more vulnerable to workplace violations and face much higher barriers to enforcing their rights. A landmark national survey of 4,387 low-wage workers in New York, Chicago, and Los Angeles, *Broken Laws, Unprotected Workers: Violations of Employment and Labor Laws in American Cities*, found that undocumented workers are far more likely to experience wage and hour violations than U.S.-born workers and workers with work authorization.² Thirty seven percent of undocumented workers were not paid the minimum wage in the workweek preceding the survey, compared to 21 percent of documented workers and 16 percent of U.S.-born workers.³ *Broken Laws* also reported that, of those workers who complained about a workplace issue or attempted to form a union in the previous 12 months, 47 percent experienced employer threats to fire workers or call immigration authorities.⁴

¹ Center for Popular Democracy, *By A Thousand Cuts: The Complex Face of Wage Theft in New York* (November 2015).

² National Employment Law Project, *Workplace Violations, Immigration Status, and Gender: Summary of Findings from the 2008 Unregulated Work Survey*, August 2011, available at http://www.nelp.org/page//Justice/2011/Fact_Sheet_Workplace_Violations_Immigration_Gender.pdf?nocdn=1

³ Id.

⁴ Annette Bernhardt *et al.*, *Broken Laws, Unprotected Workers: Violations of Employment and Labor Laws in America's Cities* (Sept. 2, 2009), available at

The impact of these workplace violations goes far beyond the directly-impacted worker and extracts billions of dollars from our city's economy. Stolen wages and other violations rob working families of money that they would have used to pay rent, groceries, tuition, and medical expenses. Workers cheated of wages spend less at local businesses, draining working class communities of much-needed resources. Employers who evade enforcement are also emboldened to cheat other workers in the future, fueling pervasive abuse. Unscrupulous employers also cheat the state by failing to pay unemployment insurance taxes procuring required workers' compensation insurance, or withholding payroll taxes.

The current public enforcement scheme is simply insufficient to address the scope of violations and the city must adequately resource the Department of Consumer and Worker Protection. The New York State Department of Labor does not have enough resources to promptly investigate the complaints that come into the agency, let alone enforce state employment laws in workplaces where workers are too scared to report violations. New York City has passed critical and innovative workers' rights legislation, including the NYC Paid Sick Days law, scheduling and just cause protections for high violation industries, and legal protections for freelance workers. The City's Office of Labor Policy and Standards (OLPS) in the DCWP has worked hard to educate workers about their new rights and enforce the laws it has jurisdiction over. Agency funding for OLPS, as well as the New York City Commission on Human Rights, has not kept pace with its growing responsibility, as new laws have gone into effect. The overall cuts to social services in NYC have dire consequences for low-wage workers and their families, and the need to fully resource the agencies charged with enforcing workplace rights is critical. The city must prioritize funding to fully staff the DCWP in order to ensure real enforcement.

MRNY and our partners in CILEC fill the gap in services for low-wage immigrant workers. We are able to do this primarily through city funding, especially the Low Wage Worker Support initiative. Created in 2019, LWWS is the only dedicated city-funded program that provides free, individually-tailored, employment civil legal services and case management support to low-wage workers in NYC. Each year, LWWS helps thousands of low-wage workers – the overwhelming majority of whom are from Black, Latinx, Asian, and immigrant communities – access justice so they can enforce their rights.

We urge the Council to make sure the city meets the needs of low-wage, immigrant workers and fully funds the LWWS. To meet the needs of low-wage workers and increase services, our organizations hired new attorneys and legal staff and took on cases that will last well past the end of this fiscal year. Without ongoing robust and sustainable funding, our organizations' ability to continue to effectively address the employment-related legal needs of the city's low wage essential workers, and retain and hire new staff for this crucial work, is in jeopardy. Sustained, dedicated city funding for low wage essential workers in need of employment-related civil legal services is critical to our city's economy and the well-being of its most essential workers.

We respectfully request that the city stabilize and expand funding for the Low Wage Worker Support program to support a robust network of community-based organizations and legal providers to train, support, and represent workers in litigation and administrative proceedings.

<http://www.nelp.org/page/-/brokenlaws/BrokenLawsReport2009.pdf?nocdn=1>.

We thank you for the opportunity to present this testimony and look forward to working with the City Council to protect workers' rights.

David Orkin
Workers' Rights Advocate, Workplace Justice Legal Team
Make the Road New York
david.orkin@maketheroadny.org



NICE Testimony at DCWP Hearing in support of LWWS

Hi, my name is Sara Feldman and I'm the Director of the Worker Rights Program at New Immigrant Community Empowerment (NICE). I'll be translating for our member Kevin Yumiguano and speaking on behalf of NICE.

(Translation)

Kevin's story is just one of many examples of how wage theft is so harmful to immigrant workers. Today I will testify in support of the stabilization and expansion of the Low-Wage Worker Support funding (LWWS), which is essential to combat wage theft in NYC.

Wage theft is systemic in New York City- it is sadly the business model in the construction, cleaning, and restaurant industries, disproportionately affecting immigrant workers, the population which NICE serves. We know this because at NICE, we receive **more than 500** wage theft, workplace discrimination, and accident cases per year. **In 2022, \$1,009,540.95** was reported to NICE in stolen wages by our members alone, but we know that the amount is significantly bigger and underreported since most of the victims, who are fearful of retaliation or consequences with immigration, do not report their cases. We know as well that this is only a fraction of the about \$1 Billion dollars in wages that are stolen from New York City workers every year.

In NICE's Worker Rights Program, our organizers do Know Your Rights trainings weekly to make sure immigrant workers are aware of their rights. Workers come to NICE when they experience wage theft. We collect all information about the case, research the employer, and contact the employer directly to try to reclaim stolen wages. If it's a group of workers, we organize a direct action outside the worksite (as we did last week at La Macarena Restaurant in midtown) to put public pressure on the employer to pay the workers back. If we're unable to resolve the cases through these direct actions, we collaborate with legal services attorneys or with enforcement agencies such as the DOL, DA and AG's offices to investigate the cases.

All of this work is done directly by our organizers as we have no attorneys on staff. And yet, through our unique model, in 2022 alone, NICE was able to recover more than **\$265,000 in stolen wages** for our membership.

LWWS is the only funding stream that directly supports defending the rights of vulnerable low wage workers in NYC. And although CBOs like NICE receive very small amounts of funding, the role of these community organizations is absolutely critical in responding to the pandemic of wage theft. Because our community members trust us, and we know the community and the industries in which they work, we are well placed to help them demand payment. This year, we're asking for LWWS to be expanded to \$3 million dollars, and for more of that funding to go to Community Based Organizations who do so much of this work and are often not compensated for it. Thank you.



**Jackson Chabot, Open Plans' Director of Advocacy and Organizing,
DSNY Oversight of Street Vending**

March 23rd, 2022

Good afternoon, my name is Jackson Chabot, and I am the Director of Advocacy and Organizing at Open Plans, an over 20-year-old non-profit dedicated to safe and livable streets. We are proud members of the Street Vending Justice Coalition and believe vendors are integral to our public space. Vendors are our eyes and ears on the streets, watching over us all in the early morning and late at night. Feeding us, and keeping us nourished. They are also our neighbors, people just like us.

Last week we rallied with the Street Vendor Project and vendors outside City Hall to call for reforms. Needless to say, we were dismayed and frustrated to see the administration move street vending from DCWP to DSNY. This is a change that no one asked for and no one wants. Our vendors are people, not trash, nor waste, nor sanitation. In no way, shape, or form does this decision make sense. We believe that this decision should be reversed immediately and rectified.

Moving forward, we need to implement the street vendor justice coalition reforms to create a just system that allows vendors to work with dignity and gives potential vendors a legitimate pathway and opportunity to be able to provide for their families. Please use your power and authority to hold the administration accountable for this decision and pressure them to reevaluate this horrible and misguided decision.



Good afternoon, Chair Velazquez and members of the committee.
I'm Mohamed Attia, the managing director of the Street Vendor Project (SVP) at the Urban Justice Center.

SVP is a membership-based organization with 2,900+ member street vendors who call NYC home and make a living in our streets and sidewalks.

I'm here today to share with you the grievance of our members who feel that they're being disrespected and targeted by the City Hall decision to transition the Office of Street Vendor Enforcement from DCWP to DSNY.

According to their website, **DSNY's mission is to keep New York City clean, safe, and healthy** by collecting, recycling, and disposing of waste, cleaning streets, attacking the scourge of illegal dumping, and clearing snow and ice.

How is that relevant to street vendor enforcement?

What is the administration trying to tell us?

Is the administration considering street vendors waste and recyclables that need to be collected?

We need an explanation from the administration... I think we deserve it! The vendors deserve it.

We'd love to know how this decision was made?

Who was consulted?

And when will the city think about anything else besides enforcement, when it gets to street vending?

Local law 18 created 4,450 new food supervisory licenses, 445 of which should have been available since July last year! And yet, we haven't seen one supervisory license available.

Thousands of vendors are waiting for a chance to formalize their businesses by obtaining the appropriate business license from the city, and yet, nothing is being done to address that.

No matter how much enforcement the city invests in, it will never work as long as the system is unfair and impossible to work with.

We hope the city will rollback their decision on the enforcement transition and treat vendors with respect... that's the least the city can do.

DCWP is well funded to conduct street vendor enforcement and last year the number of tickets issued for vendors almost tripled compared to 2019, prior to the pandemic. (By NYPD & DCWP)

We should rethink our approach to handling street vending in this city, our smallest businesses.

Thanks for the opportunity to testify.



The Citywide Immigrant Legal Empowerment Collaborative (CILEC) is comprised of legal service providers and multi-lingual base-building organizations that work throughout New York City. Through organizing and legal representation we help strengthen low-income immigrant communities. The citywide **Low-Wage Worker Support (LWWS)** initiative makes this work possible.*

LWWS enables nonprofit legal service organizations to provide thousands of low-wage workers across the City with a range of free employment-related legal services, including individualized legal advice and full legal representation in pre-litigation settlement negotiations, unemployment insurance hearings, and individual and group cases before state and federal courts and administrative agencies.

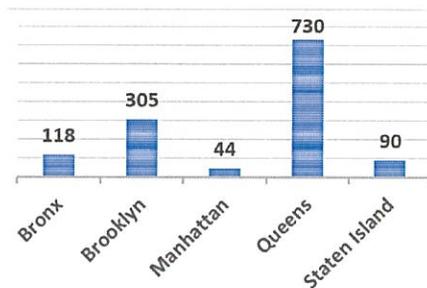
LWWS also funds community-based organizations to conduct outreach, provide education for low-wage workers about their workplace rights, engage in non-legal advocacy to help workers recover stolen wages, and refer workers who need legal assistance to legal service providers.

LWWS is unique: it is the only city funding stream dedicated to fighting wage theft, unsafe working conditions, and workplace rights' violations. It is also unique because it funds community-based, holistic legal services and advocacy that provide low-wage workers access to economic justice.

LWWS is effective. In FY22, CILEC organizations that received LWWS funding:

- **connected over 1450 low-wage immigrant workers in NYC to organizing;**
- **conducted 65 community trainings on workplace rights;**
- **advised & represented NYC workers in over 1075 cases** to recoup unpaid wages and enforce laws relating to paid sick leave, unemployment benefits, discrimination, and retaliation;
- **provided case management to 230 workers;** and
- **obtained more than \$2.4 million** in settlements and judgments for workers.

Workers Served by CILEC in FY22, by Borough



LWWS is necessary. Nearly \$1 billion in wages are stolen from low-wage workers in New York City every year, with devastating consequences for low-income communities, and the City's economy as a whole.

New York City needs the Council to renew and expand this initiative to \$3 million to ensure low-wage workers have access to the life-sustaining services it provides.

*In FY23, LWWS was awarded to CILEC members TakeRoot Justice, Catholic Migration Services, Make the Road New York, New Immigrant Community Empowerment and Workers' Justice Project. Other FY23 LWWS recipients are NYC for Occupational Safety and Health, Legal Aid Society of NYC, Legal Services of NYC and NYLAG.

Contact: Antonia House, CILEC Coordinator, at 646.602.5616 or ahouse@takerootjustice.org.



STUDENT
BORROWER
PROTECTION
CENTER

New York City Council
Committee on Consumer and Worker Protection
March 22, 2023

Good afternoon, members of the committee:

My name is Amy Czulada and I am the Outreach and Advocacy Manager at the Student Borrower Protection Center, a national nonprofit policy organization focused on ending the student debt crisis. I'm here today to voice my support on behalf of the SBPC for the New York City Department of Consumer and Worker Protection (DCWP).

Over the past several years, especially during the height of the pandemic, our organization has partnered with DCWP on multiple webinars featuring information on the Public Service Loan Forgiveness Program, President Biden's Debt Relief Plan, the end of the student loan Payment Pause and the Return to Repayment, and many other topics. Thousands of New York City employees attended these sessions and received vital information on how to prepare for the various moving parts within the student loan regime over the past three years.

The last three years has been characterized by multiple student loan servicing transfers, major and temporary changes to the Public Service Loan Forgiveness Program, Income Driven Repayment, and programs aimed at getting borrowers out of default, to name a few. The student loan stage rapidly changed and borrowers were consistently left in a lurch often without many resources on what they needed to manage their student loans. Throughout these educational opportunities, DCWP provided valuable and trusted information to New Yorkers in need of it, often in the absence of other reliable sources of information.

This is important work, and an investment in DCWP reaps literal millions for working New Yorkers who either enroll in more affordable repayment plans or have their loans cancelled outright thanks to information provided by the department. According to the most recent data from the U.S. Department of Education, the average amount of student loan debt cancelled in New York through the Public Service Loan Forgiveness program is \$70,000. That's real money.

In addition to these borrower-facing and life-changing services, the DCWP is leading the nation in terms of studying the effects of student loan debt at the city and even neighborhood level. We have been proud to advise on past reports the department has published, and look forward to continuing to do so.

We value DCWP's leadership on student loan related issues because it directly intersects with our work, but we recognize that this is only a small part of the department's work. The



STUDENT
BORROWER
PROTECTION
CENTER

department is consistently advocating for better policies and implementing the policies already in existence to protect New Yorkers as both workers and consumers.

We therefore urge the Committee to work with the DCWP to ensure that its work is adequately funded and supported so that it can continue to delivering life-changing information and financial stability to New Yorkers. We look forward to working with DCWP on more initiatives in the years to come.

Sincerely,

Amy Czulada, on behalf of The Student Borrower Protection Center



**Testimony of Kevin Yumiguano for City Council Hearing for Department of
Consumer and Worker Protection, March 22, 2023**

(English below)

Espanol

Mi nombre es Kevin Michael Yumiguano Ramirez

Tengo tres años siendo miembro de la organización NICE.

Trabajo en servicio al cliente y en limpieza.

Lamentablemente he sido víctima de robo de salario

Conseguí un empleo donde estuve trabajando como supervisor de unas compañeras que realizaban la limpieza por varias semanas para la compañía NGC Cleaning.

El empleador me dijo que me daría mi pago el fin de semana y posteriormente me lo prolongó a dos semanas.

Transcurrieron las dos semanas para que yo obtuviera mi pago, lo obtuve pero en forma de cheque, deposité mi cheque y resultó sin fondos pues con el transcurso del tiempo no pude cobrar mi salario.

Es muy frustrante vivir esta situación, Me siento decepcionado, triste e impotente, como ustedes saben uno tiene obligaciones de pagar servicios básicos.

No me gustaría que esto le pase a la demás personas. NICE me ha apoyado a darle seguimiento a mi caso, es un gusto contar con una organización como NICE ya que no hay muchas organizaciones que ayudan a los trabajadores inmigrantes, es por eso que estoy apoyándolos en esta actividad ya que fui víctima de Robo de salario y necesitamos detener esto.

Necesitamos que den recursos a organizaciones como NICE quienes se encargan de atender los miles o millones de casos de robos de salario que suceden en la ciudad de New York.

English

My name is Kevin Michael Yumiguano Ramirez.

I have been a member of NICE for three years.

I work in customer service and cleaning.

Unfortunately I have been a victim of wage theft.

I got a job where I was working as a supervisor for some colleagues who did the cleaning for several weeks for the NGC Cleaning company.

The employer told me that he would give me my pay on the weekend and later extended it to two weeks.

Two weeks passed for me to get my payment, I got it but in the form of a check, I deposited my check and it turned out without funds because over time I couldn't collect my salary.

It is very frustrating to live in this situation. I feel disappointed, sad and powerless, as you know one has obligations to pay for basic services.

I wouldn't want this to happen to other people. NICE has supported me to follow up on my case. It is a pleasure to have an organization like NICE since there are not many organizations that help immigrant workers, that is why I am supporting them in this activity since I was a victim of wage theft and we need to stop this.

We need you to give resources to organizations like NICE who are in charge of dealing with the thousands or millions of cases of wage theft that happen in New York City.

TESTIMONY

New York City Council Committee on Contracts
Fiscal Year 2024 Preliminary Budget Hearing
March 21, 2023

My name is Shu Su, and I am a human services worker here in New York City.

As a human services worker, I, along with my social worker colleagues, provide essential services in our community and integrate cultural awareness and personal center plan into home visits and provide information about child development and psychological education and establish goals in accordance with the situation of the case and the family. Despite the fact that social workers and other human services providers help connect New Yorkers with lifesaving resources, employees at human services agencies receive low wages that barely cover the cost-of-living in a City like New York. Our work is necessary to New York City's economy and safety, and we deserve to be paid fairly under City contracts for my labor.

My nonprofit, like so many, is funded by City contracts, and these contracts set the salaries for myself and my colleagues. A 6.5% COLA would raise the salaries of City-contracted human services workers to better align with inflation and allow us to better support ourselves as we support New Yorkers in your district.

Because of the lack of a COLA, human service workers are not paid a living wage. NYC has always been expensive, and prices on household staples have risen dramatically due to inflation.

I am concerned about my ability to work within the public sector due to the low wages. I might have to work in private practice. I would much rather work with the population I am most passionate about, yet I might have to choose to work in a private institution so I will be able to support myself financially.

Supporting a 6.5% COLA will help human services like me stay in the jobs we love, the jobs that are essential support systems for New Yorkers who depend on us to provide child care and mental health care, aging and housing support, after school and older adults programs.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: MEGAN DIMOTTA

Address: _____

I represent: BROOKLYN STARBUCKS BARISTA

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: AUTUMN WEINTRAUB

Address: _____

I represent: SEIU 32BJ DIRECTOR OF FAST

Address: FOOD ORGANIZING

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Magdalena Barbosa

Address: _____

I represent: Catholic Migration Services

Address: 191 Joralemon, Brooklyn, NY

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

Name: Carlos Ortiz (PLEASE PRINT)

Address: _____

I represent: Assistant Commissioner DCWP

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: 3/22/23

Name: Vilda Vera Mayuga (PLEASE PRINT)

Address: _____

I represent: DCWP

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: 3/22/23

Name: Michael Tye (PLEASE PRINT)

Address: _____

I represent: NYC DCWP

Address: 42 Broadway

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Kenny Minaya

Address: _____

I represent: First Deputy Commissioner

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Mohamed Attia

Address: Brooklyn

I represent: Street Vendor Project

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: Marzo-22-2023

(PLEASE PRINT)

Name: Sonia Perez

Address: Knickerbocker Ave. Brooklyn, NY 11237

I represent: Street Vendor Project

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Spicente Giamilla

Address: Grand Concourse Bronx

I represent: S.V.P.

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Guadalupe Sosa

Address: 116th Street New York NY

I represent: S.V.P.

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Ana Lucia Mallonado

Address: corona plaza Queens

I represent: Street Vendor project

Address: _____

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 03/23/23

(PLEASE PRINT)

Name: Minerva Calderon

Address: 51 Corona Ave

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Eliazar Campos

Address: _____

I represent: Queens NY Corona

Address: Boosbell

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Miledis Morel

Address: Vernon Ave Brooklyn, NY

I represent: Street Vendor Project

Address: _____

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: CARINA KAUFMAN GORRITZ

Address: 74th Street

I represent: Street Vendor Project

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Joana Nabor

Address: 102 Street

I represent: S.V.P

Address: _____

Please complete this card and return to the Sergeant-at-Arms