



**NEW YORK CITY
CENTRAL LABOR COUNCIL AFL-CIO**

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FOR THE RECORD

**Testimony on New York City Council Int. No. 1149
Committee on Consumer Affairs**

June 20, 2016

Good morning, my name is Alex Gleason, and I'm the Policy Associate at the New York City Central Labor Council, AFL-CIO. Comprised of 1.3 million workers across 300 affiliated unions, the Central Labor Council aims to lift the floor on wages and benefits, as well as be the voice of all working New Yorkers. The Central Labor Council applauds the efforts of the New York City Council—and this committee particularly—for finding pragmatic solutions to a number of problematic elements of Int. No. 1149. While we laud these efforts, there is one outstanding issue we would like to bring to the committee's attention: prohibited areas of sale as it relates to subsection 20-556, "Restrictions on ticket sellers," section c, and the interpretations within.

The exclusion of space in pedestrian plazas precludes much of the exposure legitimate vendors would have with prospective customers. The Central Labor Council and our affiliate, TWU Local 225, are concerned the definition provided in subsection 20-556, "10 feet from any corner shall be measured from a point where the property line on the nearest intersecting block face, when extended, meets the curb," is simply too narrow. A more balanced measurement would be to the face of the building, rather than a ten-foot extension. The legislation as it stands may lead to clumping of vendors in particular areas, bottlenecking pedestrian foot traffic more than the current situation.

The Central Labor Council thanks the City Council for taking the concerns of the Central Labor Council and TWU Local 225 into consideration. We appreciate the proactive partnership with the committee on Consumer Affairs, and hope to find an amicable solution for this small technical aspect. Thank you for your time and consideration.

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FOR THE RECORD

June 20, 2016

BY HAND

New York City Council
Committee on Consumer Affairs

Re: *Proposed Int. No. 1149-A*

Committee on Consumer Affairs Members:

I represent Go New York Tours, Inc. (“Go New York”) in providing this written response to Int. No. 1149-A.

I write to supplement Go New York’s comments on the prior version of the legislation provided on April 12, 2016.

Our April 12, 2016 letter described many problems that have either remained or deepened in the new proposed legislation.

The remaining problems will prevent ticket sellers from earning a living and invite litigation.

We mention a few below.

1. To the extent the prohibition on vending “within bus stops” may prevent vending near MTA bus stops, or the approved bus stops of competitor guided tour vendors, it is vastly overbroad
2. The “10-foot rule” and prohibition on vending “within” a taxi stand are also vastly overbroad
3. The new provisions criminalizing “caus[ing] another person to violate” the prohibitions on unlicensed ticket vending and the related “rebuttable presumption” effectively impose strict liability on First Amendment-protected expression
4. The creation of new, misdemeanor criminal penalties for unlicensed or “aggressive” ticket selling flies in the face of the spirit of the recently-passed Criminal Justice Act
5. The new provisions requiring the Department of Consumer Affairs to revoke and/or refuse to renew licenses where the license or applicant has

- failed to answer two or more summonses within a one-year period will result in revocations and denials of renewal requests without due process
6. The expanded prohibitions on vending in an “aggressive manner” are vague, overbroad, lack narrow tailoring, and fail to provide ample alternatives for expression
 7. The provisions allowing the police to shut down vending whenever they make the subjective determination that there are “exigent circumstances” are vague, overbroad, lack narrow tailoring, fail to provide ample alternatives for expression, and give the police unbridled discretion to grant or deny permission to vend for any reason

Thank you for your attention to these concerns.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gideon Orion Oliver", written over a dotted grid background.

Gideon Orion Oliver