



Testimony

of

Corrinne Schiff
Deputy Commissioner
Division of Environmental Health
New York City Department of Health and Mental Hygiene

before the

New York City Council Committee on Consumer Affairs and Business Licensing

on

Mobile Food Vending Reform

April 11, 2019
City Hall, Council Chambers
New York, NY

Good morning, Chair Espinal and members of the Consumer Affairs and Business Licensing Committee. I am Corinne Schiff, Deputy Commissioner for the Division of Environmental Health at the Department of Health and Mental Hygiene. On behalf of Commissioner Barbot, thank you for the opportunity to testify.

The Health Department's mission is to protect and promote the health of all New Yorkers, and when it comes to mobile food carts and trucks, our charge is to educate vendors about safely storing, preparing and serving food to reduce the risks of foodborne illness; inspect food carts and trucks for required equipment before issuing the permit that authorizes them to operate; and inspect the units when they are out on the street and operating, in order to evaluate compliance with food safety requirements. The Department issues the licenses that allow people to vend food from permitted carts and trucks, and permits and inspects commissaries, where food carts and trucks are required to be taken for cleaning and storage when not in use.

The Department looks forward to working with the Council on this legislation to ensure that food safety, air quality and healthy food policy concerns are addressed as part of mobile food vending reform.

The Department's highest priority when it comes to mobile food vending is to promote the safety of the food served from the carts and trucks. With respect to Introduction 1116-A, a key component of food safety that should be considered is the commissary. A commissary is where food carts and trucks are securely stored when not in use so they cannot be tampered with; where they can be properly cleaned to maintain sanitary conditions, such as remaining free of pest infestations; where waste accumulated throughout the day is disposed; and where food and supplies are available for restocking and preparation. Servicing vending units at a commissary is a requirement of both city and state law, and new permit-holders will not be able to operate safely or legally unless new commissary spaces are also available. It is critical that any plan to expand the number of carts and trucks also include a plan for a corresponding expansion of commissary space.

Next, a plan to expand food vending should consider potential adverse impacts on local air quality, such as if the number of vendors grilling meat, poultry or fish using an under-fire charbroiler increases. An under-fire charbroiler is equipment that uses a heat source under a slatted grill. As the food cooks, fat drips directly onto the heat source, resulting in combustion that releases fine particulate matter, called PM2.5, into the air. PM2.5 can be inhaled deep into the lungs and studies have linked exposure to particulate matter to breathing problems, reduced lung function, heart disease and premature death. To avoid adverse consequences for the environment and the health of vendors and New Yorkers generally, any expansion of food carts and trucks should include emissions controls.

Reforming the mobile food vending industry presents an important opportunity to address matters of food policy. The Department supports the provisions in Intro 1116-A that would allow Green Cart vendors to sell water and raw, single ingredient nuts, as well as other healthy foods designated by the Health Commissioner. Green Cart vendors currently bring whole fruits and vegetables to neighborhoods with limited access to produce. Allowing these vendors to expand their offerings further promotes access to healthy food and increases the economic viability of this important program.

The Department would like to work with the Council to be sure that the neighborhoods where Green Carts are authorized to vend align with those areas of the city that lack adequate access to produce. The Department would also welcome the opportunity to find other ways to harness the vibrant mobile food vending industry to address issues of food equity, obesity and other nutrition-related illnesses.

The Department appreciates the Council's emphasis on training vendors to promote compliance with relevant laws and regulations. Every mobile food vendor is required to pass the Department's food protection course. Introduction 1116-A would require retraining for vendors who are issued at least one violation in a two-year period. The Department looks forward to discussing with the Council the appropriate threshold and frequency for retraining.

Regarding Introduction 292, the Department supports this bill, which would allow vendors to place items *on* the cart or truck in addition to *in* and *under* it. This change will help vendors protect food and equipment from contamination by increasing available space for placement and storage.

Thank you for the opportunity to testify. I am happy to take questions.

**Testimony of Lindsay Greene, Senior Advisor to the Deputy Mayor for
Housing & Economic Development before the
New York City Council Committee on
Consumer Affairs and Business Licensing**

**Hearing on Street Vendor Reform Package
Intro's 1116, 287, 288, 292, 832, 1749**

April 11, 2019

Introduction

Good morning, Chairman Espinal, Councilwoman Chin, Councilman Menchaca and other members of the Committee on Consumer Affairs. I am Lindsay Greene, Senior Advisor to the Deputy Mayor for Housing & Economic Development. I work closely with several agencies that are involved with economic development, public space and business opportunity, including the Department of Consumer Affairs (“DCA”), and the New York City Economic Development Corporation (“EDC”) among others. I am joined today by several colleagues from various city agencies that touch mobile vending, including DOHMH’s Corinne Schiff (Deputy Commissioner for Environmental Health), DCA’s Casey Adams (Director of City Legislative Affairs), and DOT’s Michelle Craven (Assistant Commissioner for Cityscape and Franchises), each of whom you will hear from in direct testimony and whom are joined by many of their esteemed colleagues for Q&A. Additionally, members from SBS and NYPD are on hand for Q&A as they also interact, albeit less directly, with mobile vending. We are pleased to be representing Mayor Bill de Blasio’s administration here today.

Thank you for inviting us to testify on the Vending Reform proposal and for this opportunity to provide updates on our vending system since we last gathered on this topic in 2016.

These reforms specifically address mobile food vending, which has been a part of the New York City landscape for over 150 years. We want to state upfront that the Administration believes that vending is an important part of New York City and should remain that way. We would all agree that vending is important to the City in multiple ways. It is a colorful part of our cultural landscape, it is a major path to economic opportunity for veterans, immigrants and recent arrivals to New York, and its vibrancy, variety and entrepreneurial spirit contributes to our overall status as the food capital of the world.

Currently, the City's vending landscape includes several categories:

- Food Carts – non-motorized carts selling various foods
- Food Trucks – motorized and mobile trucks selling food
- General Vendors – individuals who sell, or offer for sale, goods or services (e.g. handbags)
- 1st Amendment Vendors – non-motorized vendors (usually tables) who sell books, music and art (including paintings, prints, photographs and sculptures)
- Veteran General Vendors – under state law, honorably discharged veterans who are New York residents can apply for a general vendor license notwithstanding the numerical cap.
- Disabled Veteran Vendors – under state law, honorably discharged veterans who are New York residents and have a service-related disability can apply to DCA for a specialized vending license that allows them to vend in places that are otherwise restricted.

General vendors are required to only have licenses, which are issued by DCA. Food carts and food trucks receive licenses (for the person working the cart) and a permit (for the cart/truck itself) from the Health Department.

There is a cap on the number of health permits for food carts and trucks of 5,100 and a cap on general merchandise vendor licenses of 853. The non-green cart food permits are broken down in specific sub-groups with a large chunk serving as citywide permits and other specific to boroughs and veteran vendors and seasonal vendors.

There is a cap of 105 on the number of specialized general vending licenses that authorize vending in the midtown core, which are only issued to disabled veterans (per State General Business Law). There is no cap on the number of citywide general vending licenses that may be issued to veterans. It should be noted there is a substantial amount of vending that exists that isn't the focus of this bill package, including general vending and 1st amendment vending, which includes artists selling their own or others' art.

The proposals under consideration today are focused on food vending, thus we will primarily focus our comments on this type of vending. However, we will also address issues related to other types of vending in the context of potential regulatory reforms.

Current Vending Regulatory Framework

As previously mentioned, DOHMH is responsible for permitting of food vending units as well as health and safety inspections, and issuance of licenses for food vendors. DOHMH also permits and inspects food vending commissaries (of which there are currently approximately 100 throughout the City). Commissaries are the physical spaces where all food carts and trucks are required to be taken for cleaning, maintenance and storage when not in use.

DCA licenses general vendors and accepts applications for food vendors on behalf of DOHMH at its licensing center. The Police Department enforces vending on a day-to-day, non-inspection basis, and issues violations to both food and general vendors. The Parks Department

also does day-to-day vending enforcement specifically in parks across the City.

These are the core agencies interacting with mobile food vending, but there are many more touch points and a vast expanse of underlying laws and rules governing street vending.

In totality, there are multiple City Agencies directly involved in some aspect of vending regulation in addition to DOHMH and DCA – including NYPD, DEP, Parks and DSNY, and still others who make important policy contributions, including FDNY, DOT and several mayoral offices, including those focused on immigrant affairs. The direct regulatory framework involves multiple sections of the Administrative Code, the Health Code, the Rules of the City of New York and also the NY State Sanitary Code and NY State General Business Law.

UPDATES

Since we last gathered in 2016, the City has taken strides to better understand and improve the vending ecosystem. We have undergone two distinct mobile vending counts and now have a better understanding of the environmental and administrative conditions vendors face while conducting business in our city.

The Mayor's Office has led two surveys to develop a useful snapshot of all street vendors across the five boroughs. The first survey endeavored to determine the total number of vendors, both food and general, by location and found that the majority of food vendors (79%) are located in Manhattan.

Reflecting on feedback and input from several stakeholders, including the Street Vendor Project, the second count adopted a different methodology and measured activity during different times of day, larger range of days, and a slightly broader range of vendors. Key findings from this survey captured the variation in timing based on the

type of cart, for instance, general vending is much more present during evenings and weekends, where the inverse is true for food carts.

Both surveys provide an increased understanding on the numbers of vendors and where they congregate. The majority of vendors operate on blockfaces with other vendors, and many areas have several vendors per blockface. We also affirmed that there are several key vending hot spots, many of which are in the places you would expect. This includes a large swath of Manhattan south of 96th Street, as well as major commercial corridors throughout the boroughs including Sunset Park Brooklyn (4th & 5th Ave's), Bushwick Brooklyn (Knickerbocker & Wyckoff Ave's), Jackson Heights Roosevelt Ave and Flushing Main Street in Queens, and Fordham Road in the Bronx, all of which we noted in 2016.

The biggest insight from the counts was that the number of vendors working at any point in time is disconnected from the concept of the cap. We are happy to provide more details on these counts in follow-up conversations.

In addition to the vendor counts, the Administration – led primarily by DOHMH- has implemented a number of new improvements in recent years that we think add value for the vending community. These include the implementation of the mobile food vending grading program, and the roll-out of multi-lingual, user-focused guidebooks and reference materials for vendors.

GENERAL

Generally speaking, the Administration agrees that the current system for vending regulation could benefit from reforms. While that has long been the case, the work of the broad community gathered for these hearings in the past few years has created an atmosphere of compromise and solution-oriented policy discussion that did not fully

exist previously. We agree that there is an opportunity to affect real and positive change here for everyone.

We support the Council's efforts with this legislation to examine this important issue and look forward to working with the various stakeholders to discuss our thoughts on the best way to set vendors up for success in a system where they can thrive.

We feel that the Council's proposal is the first step in that direction, but could benefit from some changes to achieve its stated goals. I will address the recent learnings from the past several vendor counts including the existing enforcement challenges, the proposal, and additional solutions in improving our current system. My agency colleagues will then testify to offer additional feedback per their areas of expertise.

CONSIDERATIONS OF CURRENT PROPOSAL

That said, it is worth highlighting that much of the debate thus far has focused on the number of permits and the cap structure, which we have increasingly come to feel is the wrong debate. We fully support the idea that every vendor on the street should be legitimate and shouldn't have to acquire a right to do business from an illegal market.

But for context, as you know, the City, with its thriving economy, has attracted more visitors, workers, and residents than ever before. Since 1990, we have added more than 1.2 million people to our population—the equivalent of a city nearly the size of Dallas. Last year we welcomed over 65 million tourists, an increase of over 70 percent since 2000. The number of jobs in the city has swelled to over 4.3 million, up more than half a million since the pre-recession peak of 2008. And development is everywhere: in recent years the city has added tens of thousands of new housing units and millions of square feet of new office space, while

also making upgrades to our utility infrastructure, and dealing with the street disruptions that come along with such work.

So our streets, curbs, and sidewalks are busier than ever, and increased deliveries, driven by the growing population and economy and burgeoning e-commerce, have added even more to the mix. New York City's nearly 6,000 miles of streets and 12,000 miles of sidewalks facilitate the movement of pedestrians, transit riders, cyclists and motorists and the delivery of goods and services throughout the city. The streets themselves also serve as public spaces, fostering social, economic and recreational activities. So with greater demands than ever placed on our streets, including our sidewalks, we need to reform our street vending system and get this right in a way that works for everybody. Getting it right is not necessarily about managing the number of vendors that have licenses or permits but about managing, very specifically, how, when and where that vending is taking place.

It does not seem to set vendors or their customers or the proposed new enforcement unit up for success to put new vendors and new officers on the street when we do not have a predictable and easy to understand way to know when and where vendors can do business.

The current proposal recommends creating a new license structure that maximizes flexibility for vendors. While the proposed license structure is beneficial for addressing economic opportunity and flexibility for vendors it *does not* do anything to improve the conditions in which these businesses must operate. Additionally, the proposal does not take into account when and where a vendor can operate – two variables that fluctuate greatly and have a major impact based on location. Thus, it doesn't solve for basic physical challenges including the feeling of a congested commercial thoroughfare with 4-5 vendors in one blockface or the interruption of bus stops, fire hydrants and areas where people tend to congregate. The reforms we make moving

forward must take these factors into consideration before we allow for additional licenses to enter the market. The best way to identify areas for reform here is to review key pain points and try new fixes in the context of the proposed pilot zones. It will take a little time to research and agree upon the right set of things to try in those proposed pilot areas, but the concept of test and evaluation is one we strongly support.

ENFORCEMENT

We recognize that regulation and enforcement of vending activity is incredibly important. Enforcement and regulation topics in particular matter a lot to a wide range of stakeholders, including vendors themselves, and also local Community Boards, Business Improvement Districts, local property and business owners, and of course elected officials. Vending is a vital part of the New York City landscape and we must make sure that it is legal, safe and works well for everyone.

We strongly support the concept of enhanced enforcement and of more proactive enforcement. We do both proactive and complaint-based enforcement currently. Any new enforcement scheme needs to honor the current areas of expertise the various agencies involved in vending enforcement and generally, we want to make sure to not dilute the expertise and resources of these agencies. The precise structure of more enhanced enforcement is something we need to evaluate more closely and look forward to discussing that with all relevant stakeholders.

Drawing from our most recent studies, we must first consider the existing enforcement challenges.

We need to ensure that any regulatory and enforcement system is sufficient to motivate compliance, control and reduce unlicensed activity and deter other illegal vending behaviors. Our experience

suggests that many fines and penalties are currently viewed as a cost of business to be absorbed.

It's important to note the common misconception that congested areas including 42nd Street in Times Square are overrun with illegal vendor activity. In that area, however, the majority of vendors are appropriately located and are fully licensed and permitted. All of this suggests that the conditions we have in place do not allow the accommodation for more vendors before resolving the existing challenges.

SUMMARY OF CONCERNS WITH CURRENT PROPOSAL:

As it stands, the current proposal provides a new license structure that maximizes flexibility for vendors. While we share this goal, the proposal does not address when and where a vendor can operate. We should not implement a new license structure before we first understand and improve both the environmental and administrative conditions in which these businesses operate.

Furthermore, the addition of a new dedicated enforcement resource unit will be beneficial for the long-term, but we must first solve the existing enforcement challenges.

We agree with the solutions in the proposal, however, our recommendation is to reverse the order of operations. We agree in the long-term to allow more licenses, however, we must first institute a system-wide reform so the licenses are operating within a more effective and functional system.

RECOMMENDATIONS & NEXT STEPS:

In order to accurately and effectively improve our current system, we should undertake an effort, similar to the one suggested in this proposal, to comprehensively review our vending regulatory system and identify areas for improvement and most importantly some

potential solutions. This will be a long and methodical process that will need to involve many different stakeholders, but it is the best way to help produce a system that supports success for all participants in this industry. We are aware of, and you all will no doubt hear testimony today about other municipalities who have recently implemented vending reforms. With all due appreciation and respect for those places, it is important to note that no city has the scale and scope, or the breadth and diversity of types of vending we see here in New York City. There are certainly things we can and should learn from the efforts of other cities and there are likely elements of other proposals that might merit study in the context of the proposed pilot zones. However, it would be ill advised to assume that we can simply copy and paste other templates and apply them citywide in New York in short order. By conducting a thorough study, we can then evaluate, tailor and test these practices in order to find a compatible structure that works for everyone. The current proposal separates the tracks of studying and recommending system changes, and does not include the necessary fixes of existing structural challenges. In order to avoid aggravating an already chaotic situation, we must reverse the order of operations to ensure vendors especially, but also enforcement agents, are set up for success.

CONCLUSION:

In conclusion, I'd like to reiterate that we support the goal of increasing economic opportunity, legitimacy and dignity for vendors. We know that vending is an important aspect of New York City and we share the goal that it should be a mature, compliant and vibrant industry like many others. We know we are not there yet. The current state of mobile vending is complex and imperfect in many ways and we look forward to working with everyone to help create a system that works for everyone and allows vendors a more hospitable environment to work. You'll hear next from several of our Agency partners, first from DOHMH, followed by DCA and DOT.

**Testimony of Casey Adams
New York City Department of Consumer Affairs**

**Before the
New York City Council Committee on Consumer Affairs and Business Licensing**

**Hearing on
Introductions 287-2018, 288-2018, 292-2018, 832-2018, 1116-2018, and 1479-2019**

April 11, 2019

Good morning, Chairman Espinal and members of the committee. I am Casey Adams, Director of City Legislative Affairs for the New York City Department of Consumer Affairs. I would like to thank you for the opportunity to testify today on behalf of Commissioner Lorelei Salas.

DCA's mission is to protect and enhance the daily economic lives of New Yorkers to create thriving communities. We do this by licensing approximately 80,000 businesses across more than 50 industries and enforcing key consumer protection, licensing, and workplace laws that apply to countless more. As one of the many City agencies involved in vending, we appreciate this opportunity to offer testimony about our role.

Under current law, individuals who sell, or offer for sale, goods or services in public places must obtain a general vendor license from DCA. The general vendor license is separate from food vendor licenses and permits issued by our sister agency, the Department of Health and Mental Hygiene (DOHMH). Previous City Councils, concerned about congestion on our sidewalks, limited the number of general vendor licenses DCA is authorized to issue. Since 1979, the total number of general vendor licenses has been capped by law at 853. Because of this cap, DCA maintains a waitlist for non-veteran New Yorkers who wish to apply for a general vendor license when one becomes available.

State law allows honorably discharged veterans of the armed forces to apply for general vendor licenses notwithstanding the cap. There are currently 2,069 licensed general vendors, of which 792 are non-veterans, 633 are honorably discharged veterans, and 644 are honorably discharged veterans with a service-related disability. State law also allows honorably discharged veteran vendors with a service-related disability to vend in areas of the city otherwise restricted to vending. Finally, state law makes disabled veteran vendors eligible to apply for a specialized vending license that allows the holder to vend in the midtown core. Only 105 such licenses may be active at a time.

DCA's role in street vending is strictly limited to licensing general vendors in accordance with the legal requirements I have touched upon, among others, and accepting paper applications for mobile food vendor licenses and permits on behalf of the DOHMH at our licensing centers as a service to New Yorkers. We do not play a role in the regulation of food vendors. We do not have authority to change the number of licenses available to the public, which is set by a combination of local and state law. Additionally, DCA does not have the authority to determine where and when general vendors may vend. DCA does not conduct on-street vending enforcement, with the exception of

price posting by food vendors, which is largely complaint-based. DCA inspectors do not have the authority to stop or arrest vendors on the street.

Identifying solutions to questions regarding vending requires input from vendors, businesses, consumers, communities, lawmakers, and regulators, all of whom together need to ensure that livelihoods are protected, economic opportunities are encouraged, and our streets are clean and safe. We would all benefit from concise, clear, and consistent guidelines for vending and DCA looks forward to participating in a dialogue with the Council and all other relevant stakeholders about how those can best be achieved.

Thank you for the opportunity to testify today. I will now be happy to answer questions from the committee.



Testimony of the Partnership for New York City
New York City Council Committee on Consumer Affairs and Business Licensing
Street Vendor Legislation
April 11, 2019

Thank you Chair Espinal and members of the committee for the opportunity to submit testimony on legislation concerning street vendors. The Partnership for New York City represents the city's business leaders and largest private sector employers working to enhance the economy of the five boroughs of New York City and maintain the city's position as the pre-eminent global center of commerce, innovation and economic opportunity.

The Partnership recognizes that street vending can be a first step on the entrepreneurial ladder for aspiring immigrants, veterans, and other New Yorkers. Vending also provides a needed service in locations that do not have alternative, affordable meal options. Without further study, however, we oppose an increase in the number of licensed vendors and creation of yet another city agency that is unlikely to have the resources to effectively supervise vending activity or enforce the laws and licensing requirements.

Street vendors, both legal and otherwise, contribute to the pedestrian and vehicular traffic congestion that clog our streets and sidewalks. They also interfere with brick and mortar businesses, both by blocking access, emitting smoke and odors, and competing with small business owners who are paying rent and real estate taxes.

We agree that the status quo on vending is unacceptable, but legislative remedies are premature. The city has not collected complete data on the licensed and unlicensed vendors who are currently operating on its streets and sidewalks, including which people on the permit waiting list work on rented carts, the current location of vendors, and the times of day they operate. The Council should support a study to collect this information before enacting new legislation.

Increasing the number of new cart permits (Int. 1116-A) as well as allowing them to vend further from the curb (Int. 287) will exacerbate current conditions of congestion. Pedestrians, tourists, bike and scooter riders, construction and delivery activities, newsstands, street furniture and sidewalk cafes all compete for limited sidewalk space.

The Council has recognized and sought to assist small businesses in neighborhood retail corridors that are being forced to close or relocate as a result of rising rents, taxes and utilities costs and competition from online retailers. Doubling the number of vendors is contradictory to the efforts to provide relief to these local businesses.

The proposed legislation would also do little to address the existing black market for permits or to ensure improvements in enforcement. Although Int. 1116-A requires the creation of an Office of Street Vendor Enforcement, it is unlikely such an office will be able to deal effectively with the increased numbers of vendors and such matters as maintaining clear paths for pedestrians, making sure vendors are in legal locations, and regulation of the black market in permits.

Finally, reform of the vending system should include on-going evaluation of the impact of reform and a mechanism to increase enforcement and roll back permit allowances in response to findings.

Street vending is an urban tradition, but as the city becomes more densely populated and consumer habits change, there is a need to carefully examine whether and how the street vending ecosystem needs to be adjusted to respond to new conditions. Advocates for more street vendors are only looking at one dimension of a more complex set of issues that need to be examined before legislating a one-sided solution. Street vendor reforms should include plans to decrease or manage congestion in the most crowded areas, mitigate harm to brick and mortar businesses, reduce illegal vending and ensure effective enforcement. None of these are adequately addressed in the bills under consideration.

Thank you.



**TESTIMONY BEFORE NYC COUNCIL CONSUMER AFFAIRS COMMITTEE
APRIL 11, 2019
REGARDING OPPOSITION TO INTRO. 1116-A, ETC.**

Good Morning Chairman Espinal and members of the Committee.

My name is Robert J. Benfatto and I am the chair of the NYC BID Association ("Association"). The Association and its 76 individual BID members are stewards of New York City's commercial corridors and take very seriously the impact of policy changes on brick and mortar businesses, the pedestrian experience, and overall neighborhood vibrancy.

We agree that the current street vendor permitting system is broken and thank the Council – especially Members Chin and Menchaca – for continuing the hard work towards a comprehensive solution. The present Intro. 1116-A is a start but there are still several serious concerns about how the proposed framework would be enforced and whether it can truly fix, or alleviate, what is broken.

We believe that street vendors add a wonderful vibrancy to our neighborhoods. However, it must also be recognized that street vendors can harm and compete directly with tax paying, brick and mortar, storefront businesses which are already struggling to survive. While this bill has been touted as a pro-immigrant empowerment initiative, those most directly threatened by the impact from street vendors are often small businesses and restaurants also owned and operated by immigrants.

We believe that street vendors can enhance the pedestrian experience by adding additional food options to neighborhoods. However, it must also be recognized that many operate where they shouldn't, can physically overwhelm sidewalks, and often produce plumes of smoke and food waste that from time to time result in fines for the storefront businesses.

Existing siting and operational requirements are rarely enforced. And often the upshot is the decline of our storefronts. If the Council remains serious about addressing the issue of storefront vacancies, and we are confident that is the case, then we strongly encourage Members to be careful what is put into legislation that would impose additional challenges on them.

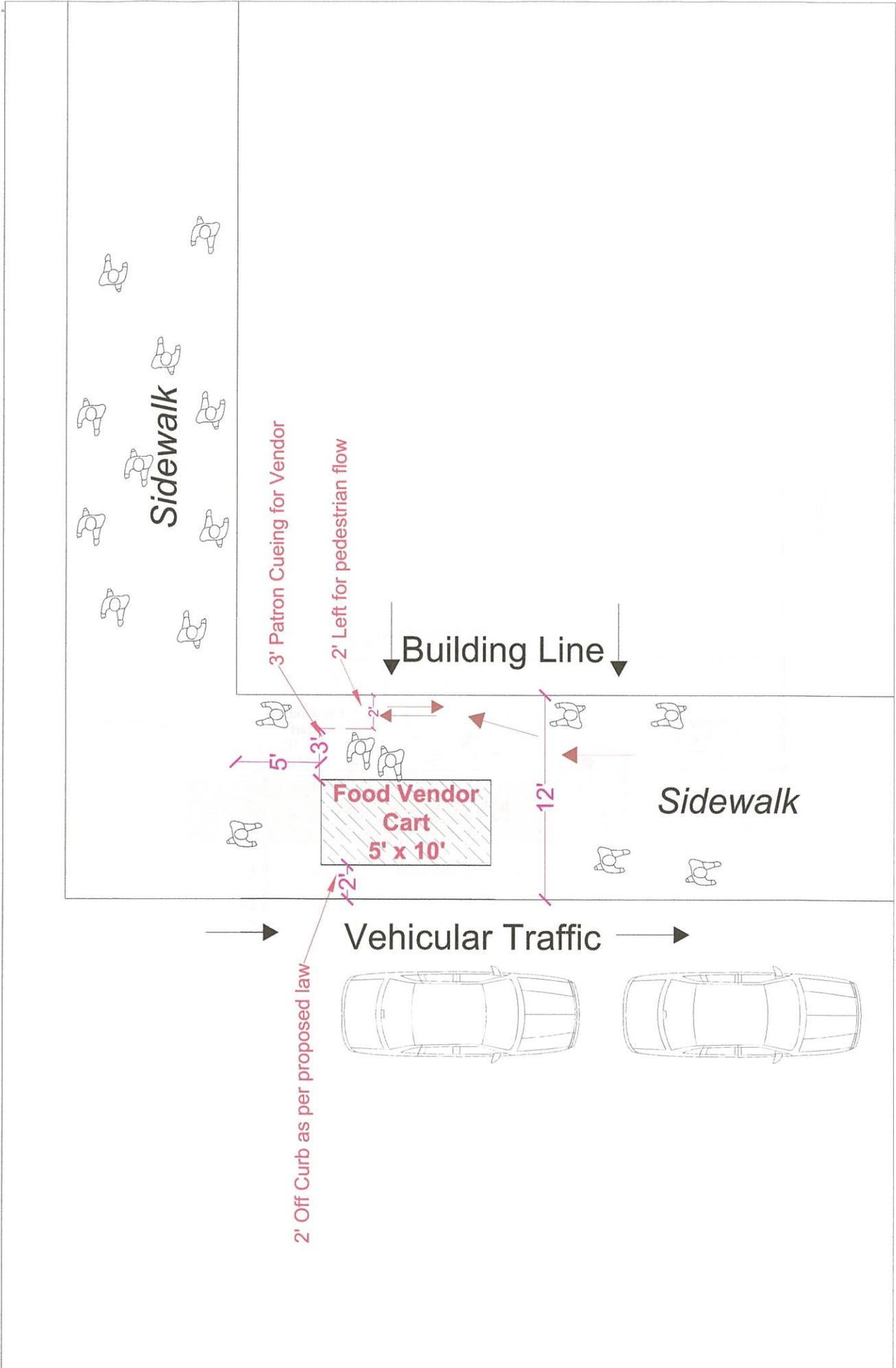
The proposed framework must truly clean up our streets, protect brick and mortar businesses, and maintain the vitality of our neighborhoods. Otherwise it's just increasing permits with no change, and merely increasing available permits to garner more opportunities for street vendors — a worthy goal — without immediately addressing enforcement, the needs of public space, and the dire economic straits of brick-and-mortar retail, helps no one."

Thus, we ask for the following:

- ❖ Ensure that the Office of Street Vendor Enforcement is fully funded, operational, and effectively enforcing the law for one full year before any new licenses are granted.
- ❖ This bill requires the new enforcement office to inspect 75% of all licensees annually – why not 100%?
- ❖ Consider increasing permit fees to cover the cost of adequate administration and enforcement.
- ❖ Ensure an annual review of street-level conditions before issuing new or additional licenses. The last version of this bill required DOHMH to conduct an environmental review of the impacts of the new licenses before issuing new licenses – this new version has no such review.
- ❖ Nothing in this bill addresses the existence of illegally transferred vending permits, which is a serious issue. Council should consider an amnesty or incentive program that rewards vendors who turn in illegally acquired permits in return for a new supervisory permit.
- ❖ The bill as written would create a Street Vendor Advisory Board comprised of 4 street vendor representatives and only two representatives of small businesses. Representation should be equal.
- ❖ Companion Int. 287 would allow for pushcarts to be placed as far as two feet from the curb. This allows street vendors to operate in the middle of the sidewalk and in front of bike racks, bollards and other things. This increases public safety risks to pedestrians, particularly those with disabilities (see attached drawings).
- ❖ And companion Int. 288 would allow for vending 25 feet from bus stop signs and taxi stands. The average city bus is 40-60 feet long. This will clearly present challenges for straphangers (see attached drawings).

The BID Association remains committed to working with all stakeholders on finding a way forward that both protects our city's storefront businesses and provides greater opportunity for street vendors. Although the present bill and companion bills don't get us to an outcome we are comfortable supporting, they are worth further efforts to make them better. We look forward to continuing this dialogue.

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Sidewalk

3' Patron Cueing for Vendor

2' Left for pedestrian flow

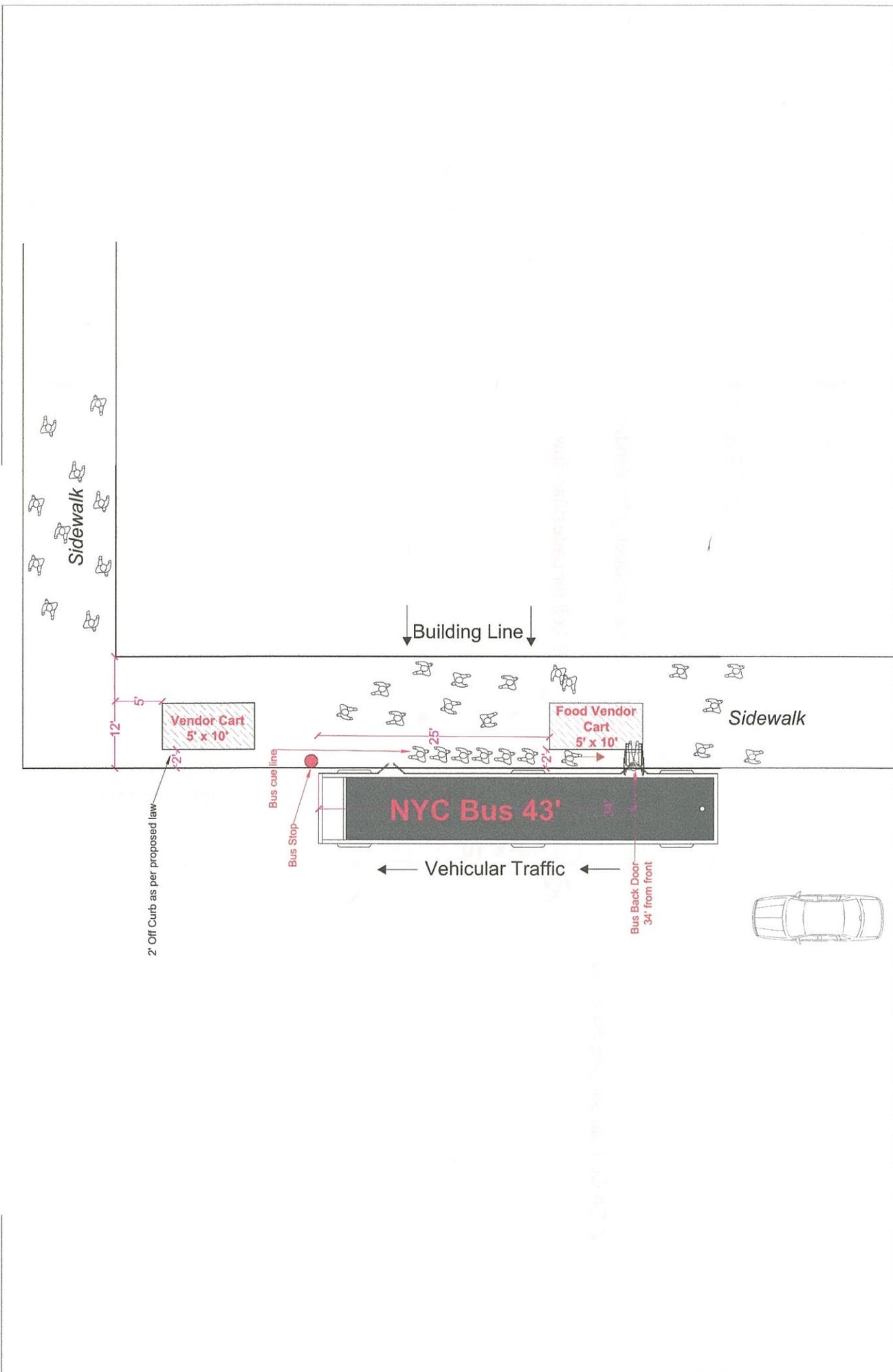
Building Line

Food Vendor Cart
5' x 10'

Sidewalk

Vehicular Traffic

2' Off Curb as per proposed law



2' Off Curb as per proposed law

Vendor Cart
5' x 10'

Building Line

Food Vendor Cart
5' x 10'

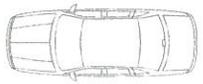
Sidewalk

Bus queue line
Bus Stop

NYC Bus 43'

← Vehicular Traffic ←

Bus Back Door
34' from front



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Testimony on Intros 0287, 0288, 0292, 0832, 1116 2018

April 11, 2019

Good morning Council Members. Thank you for hearing my testimony today.

My name is Michele Birnbaum, and I am the Co-chair of the Vendor Committee of Community Board 8 in Manhattan, and I am representing that Community Board today. We've had many resolutions over the years, which if implemented, would have addressed most of the concerns we are hearing about today.

I gave extensive testimony on Intro 1303 last year and was heartened that that Intro never came out of Committee, as it was sorely lacking as a comprehensive bill needed to address the many concerns that street vending poses to the business, retail and residential communities. But, sadly, the new proposals don't do the job either.

While proposing to double the number of vending licenses, not one of these bills offers any measure which would deal with location assignments for vendors, and they all fell short of proposing remediation methods that take advantage of modern technology i.e. electronic chips on carts and trucks so that locations can be tracked and entry to the commissaries could be logged to insure compliance with health standards and readable chips on licenses themselves that would serve to identify the legal vendor.

While calling for a separate vendor enforcement agency fully cognoscente of vendor law, and while it is a good idea that one executive office have the power and duty to enforce all vending rules and laws, the standard falls short when it calls for 75% enforcement in the pilot zones, and not an attempt at 100% of enforcement everywhere. It provides for and excuses a shortage of inspectors and justifies not using all the new technological tools available to track carts, trucks and vendors.

These are not bills for the 21st century. They are bills that reflect the interests of only one segment of our city's population – the vendor population while excluding consideration of veteran vendors and disabled veteran vendors. Doubling the amount of licenses while excluding benefits for veterans and while ignoring the concerns of the rest of the tax paying citizens and business in this city is unconscionable and has no justification. You have heard testimony to that effect a thousand times over the years.

None of these new bills address issues of concern to the general population, and it's particularly unfortunate, because we have the solutions, as outlined in our many Community Board 8 resolutions which have been sent to many of you. We now have the technology to successfully implement.

Further, the proposal to add “healthy products” and water to the inventory of vendor carts is very misguided. Healthy is a very subjective concept, and the increase in the kinds of products to be sold from an 8 foot table or cart is a bad idea. Is whole wheat bread healthy?” Are juices, nuts, eggs, granola, low sugar, low fat muffins, protein bars, shakes, etc. healthy? You have turned the cart in to a grocery store with the necessity of a cooler on the ground, because no one wants to buy warm water.

You have encouraged street vendor competition with supermarkets, bodegas and newsstands all while suggesting that the cart be brought 2 feet further in to the pedestrian way, and while also saying that vending should not infringe on adjacent retailers that dedicate substantial floor area to the sale of fresh fruits and vegetables or areas with high levels of complains about vendor activity.

While trying to decrease emissions in the city, you are now proposing that a “Green Cart” can now also be a “Green Vehicle,” adding further negative public impact to an already failed program.

Significant community representation is blatantly missing from the new Street Vendor Advisory Board. There should be equal representation among all stakeholders, and siting decisions should come before Community Boards just as they do for newsstands and outdoor cafes.

With the exception of street vendors, who in this city is calling for more street vending, more business conducted on the streets, more cooking fumes, more illegally parked cooking trucks and inventory trucks, more crowding of the sidewalks, more sanitation concerns? Why don’t you have concerns about the business and residents that are adversely affected by cooking and selling on the streets. Why aren’t you concerned about the hospitals who have to deal with the pop-corn vendor remaining all day in the ambulance and Access-a –Ride lanes? An assigned legal location would help with this.

Vendors have a place in our communities, but not in our residential communities. They should be in converted parking lots, sharing interiors of storefronts, in entities such as the new Essex Street Market, or under the elevated train tracks in La Marqueta and not be encouraged to be on the street in arbitrary locations of their choosing. The laws favor the vendor community without enough regard for the tax base and without controls that take advantage of modern technology which could and should be used to mitigate their impact on the public and the public way.

Assign locations, use tracking devices to insure commissary use and other compliance so that data electronically flows back to law enforcement or the appropriate agency which would automatically generate a violation summons and enforcement.

Back to the drawing board.....

Thank you.

Michele Birnbaum, Co-chair
Vendor Committee
Community Board 8 Manhattan

**Testimony before NYC City Council
In Support of Intro 1116A-2018**

Good afternoon honorable members of the City Council. My name is Natasha Lycia Ora Bannan and I am Associate Counsel at LatinoJustice PRLDEF, a national civil rights organization engaged in advocacy and impact litigation on behalf of underserved Latino communities along the east coast. Thank you for the invitation to address you today on the important issue of economic justice for working class street vendors, many of whom are Latino and almost all are immigrants.

As you know, immigrants are a vital part of New York City's economy, often serving as the economic engine in their communities through small businesses and entrepreneurial ventures.¹ Part of the creativity and vibrancy that immigrant-owned businesses bring is the culinary traditions that expand both the available options in their communities for ethnically relevant food choices as well as diversifying the choices available. These businesses include street vendors, who carry their traditions with them from corner to corner of this city, contributing to the culturally diverse and economically vibrant communities they are a part of.

¹ Nearly three-quarters of the 4.4 million immigrants in New York State live in New York City, and another 18 percent live in the surrounding suburbs. Immigrants account for 43 percent of New York City's workforce. <https://www.osc.state.ny.us/osdc/rpt7-2016.pdf>

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FOR THE RECORD

April 10th, 2019

Dear New York City Council

My name is Fahd Ahmed, and I am the Executive Director at DRUM- Desis Rising Up & Moving. DRUM is a 19-year old civil rights organization of low-income South Asians and Indo-Caribbeans fighting for their rights as immigrants, youth, workers, and as communities of color.

On behalf of our 4,000 members, nearly 150 of whom are street vendors, I am writing to submit this written testimony in support of Intros. Nos. 1116-2018 (Permits), 0832-2018 (Permit transfers), 0287-2018 (Curb placement), 0288-2018 (Distance restrictions), 0292-2018 (Storage on carts).

Our members have been seriously concerned for years how the policies of our city drive street vendors to the margins and lead to their economic deprivation. While our city claims to stand with workers and immigrants, we see the practices and policy decisions to manifest the opposite.

Street vendors are a fundamental of New York City's fabric. They provide the fuel which makes this city run. From our morning coffee and bagels, to quick and delicious lunches, to affordable goods, to things needed while on the run. Street vendors are one of the most diverse sector of workers in this city, coming from NYC, from Senegal, from Bangladesh, from China, from Egypt - from all over the globe. They are our friends and our neighbors.

Street vending is an essential source of income and livelihood for many, especially among immigrant communities and beyond, who may not be able to access other types of employment. It is sometimes the only options for many recent immigrants, for those with limited English proficiencies, for those with particular disabilities, etc.

But these same people also face significant hurdles from being able to set up carts to vend comfortably. As a result of the vending cap, many vendors either have to rent from existing permit-holders on the expensive underground market, or be forced to vend without permits while risking fines, arrests, and property confiscation.

An increase in the number of permits (Int 1116-2018) would allow such vendors to come out of the shadows, and vend without fear of harsh enforcement. The fact that the proposal bill would require license-holders to be present at the cart at all times would mean that those licenses will not be rented out on the underground market. But the ability to transfer a permit (Int 0832-2018) to dependents will allow families to continue utilizing the permits in case the primary permit holder and income earners is unable to continue doing so, thus providing sustainability and longevity for families.

The remaining bills (Int 0287-, 0288-, and 0292-2018) will improve the safety and quality of workplace for the vendors which benefits all of us as a whole.

DRUM urges City Council to stop criminalizing street vendors, and support these measures which greatly would improve the life and work of street vendors, their families, their communities, and also improve the quality of life of our city.

Thank you.

Testimony presented by:

Fahd Ahmed

Executive Director

DRUM – Desis Rising Up & Moving

**NEW YORK CITY DEPARTMENT OF TRANSPORTATION
TESTIMONY FOR HEARING BEFORE THE CITY COUNCIL COMMITTEE ON
CONSUMER AFFAIRS AND BUSINESS LICENSING
REGARDING INTROS. 287, 288 and 1116-A
April 11, 2019**

Good Morning Chair Espinal and members of the Committee on Consumer Affairs and Business Licensing. My name is Michelle Craven, Assistant Commissioner for Cityscape and Franchises at DOT. I am glad to be here today on behalf of Commissioner Trottenberg to discuss our tools for analyzing sidewalk congestion, and how they could be applied to vending as proposed in Intro 1116-A.

I would like to note that DOT's sister agencies regulate and enforce general and food vending activity on sidewalks. Nonetheless, we recognize our role in maintaining the City's sidewalks as valuable transportation assets and that our expertise as transportation planners could offer some insights in making changes to the vending landscape.

The proposed legislation directs DOT to identify designated vending location pilot program areas based on high level of vending activity and vendor complaints. Our current tools are suited to assessing conditions at a specific site or corridor. For the selection of these areas, DOT would only be able to rely on suggestions or requests received from stakeholders, and/or information on summons activity or complaints relating to vending from our sister agencies. Additionally, the vendor counts commissioned by the Mayor's Office of Operations would be informative. DOT believes that the selection of areas should be decided based on broader interagency feedback, informed by the data, with the input of the Council, and incorporated directly into any final legislation.

After specific areas are selected, our technical expertise could be useful in analyzing sidewalk conditions. DOT would need to survey the areas, conduct extensive observational studies, and develop a new tool based on our previous experiences. Depending on the complexity of the analysis, this effort could be costly and take at least a year based on the seasonality of vending. And any evaluation using the tools at DOT's disposal would be dependent on consistent enforcement being in place first, to know whether the current rules are actually appropriate and effective if enforced, and for any new rules to be meaningfully applied.

Next, I would like to touch on some of the broader challenges that could occur in any effort to relocate or reorganize where vending is permitted. As you know, more people are living, working, and visiting here than ever before, and with that comes incredible demands on our streets. These demands for walking, biking, driving, parking, loading and unloading, vending, and commercial, entertainment, and other activities are often concentrated in the same busy locations in the city, with finite public roadway and sidewalk space available. As a result, some locations with heavily congested sidewalks and high vendor activity may be potential candidates for relocation, but may lack available alternate locations nearby.

Another option, expanding the sidewalk, is something DOT has undertaken from Times Square to Flushing to relieve pedestrian crowding and enhance safety and mobility at key hubs. However, in addition to being more expensive and complicated than it may seem, it is not

always an option: in some of the same locations where we would like to have more sidewalk space, the limited adjacent roadway may carry public transit buses and be heavily trafficked. And the purpose of sidewalk expansion is not to just create additional room for vendors versus pedestrians.

Finally, if areas where vending is permitted are relocated from high pedestrian traffic areas to less busy locations, vendors may not be able to make a living. And stakeholders at any alternate location may perceive such an action as moving an issue from one area to another.

These are a few examples of factors, some that are beyond DOT's purview, that need to be taken into account when determining locations of vendors. Therefore, DOT believes that the advisory board in this legislation should determine a recommended framework for any potential relocation of permitted vending areas, if needed.

Lastly, I would like to quickly express DOT's concerns about two of the other bills before the Committee today. Regarding Intro. 288, while vending is currently excluded from the entirety of a bus stop or a taxi stand, the bill would exclude it only from the first 25 feet after a sign. Bus stops are typically 100 feet or more, from the bus stop sign to the next parking regulatory sign or the corner, clear space that is essential to facilitate loading and unloading. And Intro. 287 expands the distance from the curb that vendors can operate. We feel strongly that the proposed bills as drafted pose safety, congestion, and accessibility issues, and would conflict with transit access.

Thank you for the opportunity to testify and I would be happy to answer any questions.

**Comments For the Committee on Consumer Affairs and Business Licensing
April 11, 2019**

**Mark Caserta, Executive Director
Park Slope Fifth Avenue Business Improvement District**

FOR THE RECORD

My name is Mark Caserta. I am the Executive Director of the Park Slope Fifth Avenue Business Improvement District, which runs from Dean Street, adjacent to the Barclays Center to 18th Street. That's 30 blocks of storefronts through the heart of Park Slope, Brooklyn. Our commercial district is host to more than 500 businesses, a vast majority of which are small and locally owned.

Our small businesses struggle every day. Rent is a large and growing expense, the property taxes that they pay increase every year without fail, the minimum wage has grown significantly over the past few years, as has the cost of supplies, goods and utilities. Add to this the challenges presented by numerous local, state and federal rules and regulations and competition from online businesses and you have an extremely challenging small business environment. In fact, on more than one occasion, I've heard our merchants quip that, really, they don't work for themselves, anymore. They work for their landlords and for the City.

It is in this context that we are concerned about any proposal to expand the number of vending licenses or alter placement restrictions. It is true, food truck owners and cart vendors are small business owners and entrepreneurs. We praise them for that and we respect their initiative. But placed in the context of a commercial district with high rents, high taxes and a heavy regulatory burden, they become an additional unwelcome challenge. It's literally the last thing that our restaurant owners need.

Recently one of our restaurant owners called us because a food truck with the same sort of food was parked just a block away. It's a common problem, from what we understand, but one that we have very little experience with along Park Slope Fifth Avenue. The truck had all its permits BUT it was illegally parked in a metered zone. The NYPD was unable to convince the vendor to move and the officers were unwilling to cite the truck owner for the violation. It remained in the location illegally parked at a meter for several days.

With the addition of vendor permits, we imagine a lot more trucks parked illegally or under looser siting regulations along our commercial district, especially near the Barclays Center where the foot traffic is highest and the rent and taxes are the most challenging for our merchants. If not handled carefully, the results could be catastrophic for our small business community. We urge the City Council and the Mayor to proceed cautiously when making a decision about these bills.

So what can be done?

- First and foremost, the enforcement agency that Intro 1116 proposes must be in place and operating well before the number vending permits is increased. We need enforcement agents on the street NOW who understand the law and we need the law to be properly enforced with the current number of vendors.
- Second, the City needs to listen to the voice of small business owners. They are busy people and, as you know, have a hard time coming to important hearings like this. So go out in the streets and talk to them or form a Task Force and bring representatives to the table to give them a voice in these important policy decisions. The City of San Francisco does this on a regular basis. It's time for New York do the same!

- Third, treat brick and mortar small businesses and vendors equally. If the City Council is interested in reducing the barriers to running a food truck or cart, why not get serious about reducing the barriers to running a restaurant? Take a serious look at the regulations that affect small businesses, with direct feedback from small business owners, and rework the city's regulations to make them smaller, easier to understand and fairer. At the same time, in a well regulated and enforced vendor marketplace, food truck and cart owners should be assisted and trained by the Department of Small Business Services like any other business in this city.

Thank you for the opportunity to provide comments. I look forward to working with you to make the City a more welcoming place for all small businesses and entrepreneurs.



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Gale A. Brewer, Borough President

April 11, 2019

**Gale A. Brewer, Manhattan Borough President
Testimony in Support of Int. No. 1116-A
New York City Council Committee on Consumer Affairs and Business Licensing**

Thank you Chair Espinal and members of the Committee on Consumer Affairs for having this important hearing on these important pieces of vendor legislation. I am Manhattan Borough President Gale A. Brewer.

I want to also thank and congratulate Council Members Chin, Menchaca, Lander and Rose along with Council staff for their work on Int. No. 1116-A. Echoing what I said when I last testified before this Committee back in 2016 on the proposed vending bills: this is not a perfect proposal or a solution to all our vendor issues. There is no such thing. Street vendors have been a controversial issue in New York City for well over a century.

The reason street vendors and especially food vendors persist is simple: New Yorkers love inexpensive accessible food and enterprising recent immigrants want to take advantage of the opportunity that this entry level business affords them.

In March, 2015, I issued a report called "Small Business Big Impact" which tries to look at the issue in the same way I believe the council is looking at this issue: food vendors are a type of small business that should be treated as a small business. In that report I called for raising the cap on food vendor permits and voiced my support again at the Council's Consumer Affairs Committee 2016 public hearings.

Int. 1116-A, which I am proud to support, starts with that premise by expanding new permits, called supervisory licenses requiring the licensee to be present at all times, but pairs it with an equally important one. Given that food vending is a business that occurs on public space – our sidewalks – we have to pay special attention to enforcement. The council legislation seeks to balance new opportunities for vendors with improved enforcement.

Importantly, the establishment of the street vendor enforcement office comes first. We need to make sure we have adequate and targeted enforcement, and it's important that this team launches in the areas of the city with known vending challenges and complaints before expanding citywide. The establishment of a street vending advisory board, representing community groups, vendors and brick and mortar businesses will examine the rules for duplicative, unclear and unnecessary provisions. Several of the other bills being heard today, including Intros 287, 288 and 292 are common sense measures that start this process but there is much more to be done. No balanced proposal can be effective without these critical components.

New Yorkers need affordable fresh fruits and vegetables - it's essential to the health and wellness of our city and Int. 1116-A recognizes the role that street vendors have in expanding access throughout our neighborhoods.

But the council deserves praise for another, and perhaps most important, element of this legislation: The mandate it creates to experiment and think outside of the box. I have been around long enough to know how complicated this issue is and how easy fixes are destined to fail. In the 1980s Mayor Koch threw out all the street regulations in Manhattan. In the 1990s Mayor Giuliani closed most of them with very little review. We see where these approaches got us. This legislation requires four borough specific pilot programs that would allow DOT to work with community boards and BIDs to figure out new placement arrangements for vendors that would accommodate the needs of both the vendors and the communities. During the time of these pilot programs the new enforcement unit would be required to focus on these areas. And while these experiments are being conducted the cap will be slowly lifted with each incremental lifting being studied and subject to recommendation by the aforementioned advisory board.

Finally, I cannot emphasize enough that in order for this to work this cannot be thought of as a zero-sum game between street vendors and fixed location businesses. I know that tensions have always existed that we will not be able to magically erase. This bill recognizes vendors as the smallest of our small businesses that have a place in our City's economic life. But while this legislation provides opportunities for food vendors it will also require them to take their responsibilities more seriously. My hope is that at the end of this there will be some additional opportunities for food vendors but we will no longer have situations where there are walls of vendors on particular streets blocking fixed location businesses and vendor stands that are four times the legal size constituting whole produce stores - if you want to be this big or take up this much space find yourself a store.

But improving the situation for food vendors does not mean we worsen it for our fixed location businesses. We need to help our storefronters and those who aspire to become storefronters - especially with the scourge of empty commercial storefronts across our neighborhoods. That's why I will be shortly reintroducing a bill (former Int. 1472-2017) that would eliminate the commercial rent tax in Manhattan for affordable supermarkets. I would urge the Council to consider this legislation in addition to recently discussed bills that address the lack of data around commercial storefront vacancy and assist storefronters in staying and thriving in their neighborhoods.

Today we affirm our position that street vendors are legitimate small businesses worthy of our attention. We certainly can offer no less to our storefront businesses and must help them in their struggle to survive in the face of national chains, soaring rents and high business costs.

Thank you for the opportunity to testify today.



**URBAN
JUSTICE
CENTER**

Testimony of Matthew Shapiro, Esq.

Legal Director, Street Vendor Project at the Urban Justice Center

Intro 1116A-2018

Intro 0287-2018

Intro 0288-2018

Intro 0292-2018

Intro 0832-2018

Intro 1479-2019

The Street Vendor Project (SVP), at the Urban Justice Center, submits the following comments on the above-mentioned bills discussed before the New York City Council Committee on Consumer Affairs on April 11, 2019. SVP is a membership based organization that organizes and advocates for street vendors across New York City.

Intro 1116A-2018

SVP strongly supports the issuance of additional mobile food vending permits (supervisory licenses) which will expand small-business opportunities for thousands of immigrants and military veterans. Street Vendors are NYC's smallest businesses, and are also made up of some of the most vulnerable populations in the City. During these troubling political times, lifting the cap on permits will allow street vendors, who currently vend without permits, to work without fear of the Police or other enforcement agents. Vendors have been waiting for over 30 years, which is when the City Council placed a cap on permits, to be able to formalize their businesses. The priority for issuing the supervisory licenses should also be for vendors who have been currently working (either by renting a permit, or vending without one) and thus impacted by the current cap on permits.

SVP is concerned about the "Pilot Program" that will be facilitated by the Department of Transportation (DOT). The bill currently gives DOT the power to "identify at least five areas in the city that contain a high level of vendor activity..." and "after consultation with affected community boards and Business Improvement Districts, waive or modify restrictions on the placement of food and general vendors."

This is problematic for several reasons. First, there are no boundaries or geographic restrictions for the Pilot Program. The DOT can designate all of Midtown, or all of Downtown Manhattan as an "area" and then change the vending rules to displace twenty percent of vendors, without any input from the vendors themselves! Additionally, there is nothing innovative about this "pilot program," that allows DOT to create new spaces for vendors, such as converting parking spots

into vending locations. All it does is allow DOT to change rules to potentially displace current working vendors. A productive "pilot program" would allow DOT to think creatively about how to create spaces for vending like they do when they provide for other users of public spaces by creating new plazas, bike lanes, etc...

SVP is also concerned about the representation on the Street Vendor Advisory Board. While we welcome the opportunity to review the current vending regulations, the bill only provides for four representatives from the street vendor community, compared with ten representatives from City agencies and other stakeholders. At a minimum, there should be equal representation for vendors and City agencies/other stakeholders, just as the City did when it created the Nightlife Advisory Board, which contains almost entire representation from the Nightlife community.

The required training in § 17-315(m) is also problematic as it is currently proposed. While vendors want to abide by fair regulations, they also wanted to be treated fairly vis-à-vis other small businesses. Restaurant owners/workers, for example, don't have to complete a training, if they are issued violations, when they renew their licenses/permits. Moreover, the bill requires that vendors who are "issued one violation" retake the training before they can renew their license/permit. This language even requires vendors to retake the training, if they are "issued" a violation, but it is later dismissed after a hearing.

Intro 0287-2018

SVP supports the intention of this bill to amend § 17-315(a) and § 20-465(a) to allow vendors a safe space to stand and place their carts/stands without the fear of vehicle traffic. Currently the laws state that vendors are prohibited from placing their cart/stand, "on any part of a sidewalk other than that which abuts the curb." This language is confusing and doesn't state exactly where vendors must place their carts/stands. The law it is interpreted as allowing vendors only 18 inches of space between the curb and their cart/stand. This small amount of space presents a danger to vendors from vehicle traffic, when they are forced to stand too close to the street. The bill should be amended to allow vendors three feet of space to stand behind their cart/stand which will allow a safe space for vendors, as well as ensuring a clear passage for pedestrians.

Intro 0288-2018

This bill is essential for providing sufficient space for vendors to work. Currently, entire blocks are de-facto restricted to vendors due to the interpretation of the bus stop provision of § 17-315(e) and § 20-465(e). While many blocks, containing bus stops, are not technically restricted, the laws currently provide that many bus stops encompass the entire block, even if the bus loading/exiting area only occupies a small portion. A vendor should be able to set up on the same block as a bus stop, as long as they are not interfering with the boarding/exiting of a bus. These regulations need to be clarified to allow people safe space to board and exit buses, but also not to restrict entire blocks where vending is ostensibly allowed.

Intro 0292-2018

This is a simple issue arising from poor legislative drafting when § 17-315(c) was enacted. The purpose of this law is to prevent food vendors from taking up additional sidewalk space, other

than the imprint of their cart. However, the law is currently enforced to prohibit vendors from storing items on top of, or even on the surface of their cart. As you are aware, vendors have a maximum of 10 X 5 feet of space to run their entire business. There is no rational basis for prohibiting vendors from storing their supplies "on" their carts. This proposal will ensure that vendors will have the space they need to store all of their supplies, while not taking up additional sidewalk space.

Intro 0832-2018

SVP also supports this bill which would allow vendors to transfer their permit or license to a family member if they are deceased or incapacitated due to medical illness. Vendors work to support their families, and many vendors are the sole income-earners for their household. This bill will ensure that families who depend on vending for their support will continue to receive that support, even if something happens to the family member-vendor.

Intro 1479-2019

This bill is extremely necessary. On October 27, 2018, the City Council enacted Intro 0959 which expanded the restricted zone for vendors around the World Trade Center. Sixteen vendors who worked in that area lost their long-time vending locations. We commend Council Member Chin for proposing alternative blocks for some of these vendors. There is no reason why vendors should not be allowed on the East side of Broadway between Exchange Place and Beaver Street, as well as many other streets in Downtown Manhattan (and the entire City), when these streets were restricted arbitrarily by the Street Vendor Review Panel more than twenty years ago. The sidewalks on lower Broadway are extremely wide and will allow displaced vendors to find alternative locations and provide their food and merchandise to residents, workers, and visitors to lower Manhattan.

New York City Council
Committee on Consumer Affairs and Business Licensing

Hearing Date: 4/11/2019

Int. 1116, 832, 287, 288, 292 and 1479

Testimony of Mark Dicus, Executive Director of the SoHo Broadway Initiative

My name is Mark Dicus, I'm the Executive Director of SoHo Broadway Initiative, the not-for-profit organization that manages the business improvement district along Broadway in SoHo. We represent those who live, work and own property on Broadway from Houston to Canal. The SoHo Broadway corridor is a vibrant mixed-use community that includes residential, office and retail operating side by side. Vendors are attracted to the robust level of foot traffic that fills our sidewalks.

We are very familiar with rules governing vending and have close working relationships with many vendors in our area. We've also spent thousands of dollars mapping the area and developing a guidebook to show where vending is permitted. In fact, many vendors come to our office for help finding legal locations in our district.

We are pleased to see that the City Council is interested in tackling comprehensive street vending reform.

The proposed legislation creates an Office of Street Vendor Enforcement and a Street Vendor Advisory Board, adds 4,450 food vendor permits and loosens several location restrictions.

Unfortunately, the current proposal is misguided as it seeks to add permits without fixing the current broken system.

The current system allows existing permits to be illegally rented on the black market. This is a well-known and widespread problem.

Here on SoHo Broadway, we have food trucks operating in illegal locations, parked in bus stops, crosswalks, in front of fire hydrants, and in metered parking spots. Food cart operators drive on the sidewalk and also operate from illegal locations. This happens on a day to day basis. Tickets are written, most are dismissed or reduced, and those violations that are upheld are treated as a cost of doing business. If a cab driver gets several speeding tickets, the cab driver's license is suspended. If a vendor is found in violation on multiple occasions, the City looks the other way and rubber-stamps the permit for renewal without using its revocation and suspension authority in a meaningful way to hold bad operators accountable.

The current first come, first served siting program leads to vendors fighting over spaces or operating in illegal locations.

In the decades since the laws regulating street vending were enacted, a lot has changed. The technology for vending equipment has improved, yet we don't see these innovations being implemented on a widespread basis to reduce the pollution, noise and odors generated by food carts and trucks. The city's sidewalks have changed with more amenities for the public including bike racks, Citibike, Link NYC, etc. while the number of visitors coming to the city has exploded.

The proposed legislation does nothing to address these fundamental challenges that face the current system.

Any legislation must: address the black market directly, hold vendors accountable for not following the rules, require food carts and food trucks to modernize equipment to reduce noise, odors and pollution that they create; include a public siting process to approve locations where vending is permitted and end the current first come, first served approach to siting street vendors.

Please create the Office of Street Vendor Enforcement; it must be operational and effective in holding bad operators accountable before additional reforms are considered.

Please create the Street Vendor Advisory Board, but make sure all stakeholders are equally represented and that SVAB is not controlled by the interest group the legislation would seek to regulate. The SVAB should be empowered to study and make recommendations to the City Council and the Mayor regarding reforms that should be considered.

This is a historic moment to reform the street vending system. Launching the OSVE and SVAB are good first steps.

However, as currently drafted, the Initiative cannot support this package of legislation and we urge the City Council to take the approach outlined today to reform the street vending system.

Subject: Decriminalize Street Vending Now!

Good afternoon. My name is Basma Eid, I am a Program Coordinator with the national organization Freedom to Thrive, and I am a Queens resident. From 2014-2016 I had the incredible privilege of working alongside the beautifully diverse and extremely kind street vendor community as an organizer with the Street Vendors Project.

I am here today to show my unequivocal support for the legalization and decriminalization of Street Vending. I call on New York City Council to take bold action and pass intro no. 1116-2018, 0832-2018, 0287-2018, 0288-2018, and 0292-2018.

In my time with the Street Vendors Project (SVP), I developed intimate relationships with Street Vendors from across the city. I saw first hand the struggle of working in one of the most difficult and essential jobs in NY. But I also saw the resilience, the strength, and the love these workers had for each other and for our communities.

The antiquated policies and corresponding enforcement mechanisms that currently exist are rooted in xenophobia and racism. A cap on permits and licenses only further criminalizes a workforce, who is already subjected to structural discrimination, by forcing them to either work in the shadows under constant fear of arrest or thousands of dollars in fines, OR, to pay exorbitant amounts of money on the black market in order to obtain a permit.

It's no secret that former city administrations like that of Ed Koch (who instituted the permit cap), Rudy Giuliani, or Michael Bloomberg were cruel to New York's working class communities of color. Instead of supporting our communities, they worked to serve the interests of the wealthy. Economic inequality in New York City is outrageous, disproportionately impacting communities of color.

Rampant gentrification driven by profit-hungry mega developers is what has pushed out mom and pop brick and mortars. Sky-high commercial rents are the real threats to local business -- street vendors, who are the city's smallest businesses, are not the reasons for boarded-up storefronts.

In fact, in the struggle against inequality, Street Vendors keep the city affordable- they provide us with healthy meals, fresh fruits and vegetables, and other necessary goods at low costs to keep our communities going strong.

Street Vendors are New York City and New York City is nothing without Street Vendors. NYC Council, the time is now.



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Testimony for New York City Council, Committee on Consumer Affairs and Business Licensing, April 11, 2019

Delivered by Andrew Gustafson, Vice President, Turnstile Tours

My name is Andrew Gustafson, and I represent Turnstile Tours. We are a social enterprise that works with non-profit organizations to develop and operate tours and educational programs across New York City. Over the past nine years, our team has had the honor to work with the Street Vendor Project and dozens of vendors through leading tours about the city's street food industry. We have hosted well over 10,000 visitors from around the world on our Food Cart Tours in Midtown Manhattan and the Financial District, sharing the food, stories, and struggles of this amazing community of workers and entrepreneurs.

For centuries, street vending has been the vocation of people new to this country, providing opportunities to earn a living as they navigate a new country, a new language, a new culture, and a new legal system. Street vending allows people to become small business owners and build a better life for their families. It is inspiring, and sometimes heartbreaking, to hear about the struggles of vendors today, whom we have gotten to know personally and professionally, and how they built their businesses.

One way we introduce our tourgoers to the mobile food vending industry is by walking them through the steps to start your own business. Vendors need to find a cart or truck, work with a fabricator, get equipment. They need to get a food handling license. They need to find a commissary to park, clean, and provision their cart. All pretty logical steps. But where the story goes off the rails is when we describe the process of getting a Mobile Food Vending Permit. The maze of waiting lists, lotteries, and back-alley deals is the story of a broken system. While the letter of the law states that the right to vend on the streets of New York City should only cost \$200, the artificial cap put in place nearly 40 years ago means that most vendors end up renting their permit for upwards of \$25,000.

To allow that wealth – revenue earned through hard work providing affordable meals to working people – to be captured by a select few who got lucky to receive a permit decades ago, is wrong. It is rent-seeking of the worst kind, adding no value to the system and trapping vendors in a cycle of debt and uncertainty. It is not only illogical, it is immoral.

We know so many vendors who try, desperately, to do the right thing, to follow the law to pursue the only profession that they know, the only means they have to support their families. They get a food handling license. They enter the lottery for a permit. But because they don't have tens of thousands of dollars in cash to hand over to someone in a handshake deal, who's name will still appear on all the documentation for their business, they often have no choice

but to vend without a permit, risking arrest, fines, and the loss of their supplies and equipment.

We have a unique perspective on this issue because we have the opportunity to describe it, on a near-daily basis, to thousands of people from all over the world. And the near-unanimous response is: that makes no sense. Why would you have a system that maximizes debt, risk, and uncertainty for some of our poorest and most vulnerable fellow New Yorkers? Why would you incentivize rent-seeking over entrepreneurship, incumbency over innovation? Why would you make it harder for workers to work, and easier for people to exploit them?

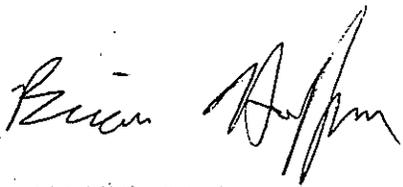
One thing we have noticed over the last decade of working with vendors is that as the price of a permit on the secondary market has climbed up, the price of a hot dog, falafel sandwich, or taco has not. Vendors aren't passing these costs onto their customers, because they understand their customers are working people like them, and they know that their carts and trucks are some of the few places where you can still get a decent meal at an affordable price. Instead, they are keeping their prices low by taking money out of their own pockets. It's time we pay them back by making meaningful reforms that will increase the number of permits, drive down the cost of secondary-market permit rental, and create a fairer, more logical, and more efficient system for everybody.



Andrew Gustafson, Turnstile Tours



Cynthia VandenBosch, Turnstile Tours



Brian Hoffman, Turnstile Tours



Doug Chapman, Turnstile Tours



Gina Gao, Turnstile Tours



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**TESTIMONY on Intro 1116-A
and related Vending Bills**

Chairman Espinal and Members of the New York City Council:

My name is Rob Byrnes, and I'm president of the East Midtown Partnership, a Midtown Manhattan Business Improvement District. I also co-chair the New York City BID Association Working Group on Street Vending, and in that capacity I've been privileged to meet with many City Council members over the years as the Association has advocated for meaningful reforms to the street vending system in the City of New York.

The East Midtown Partnership is wholeheartedly in support of the position statement issued by the BID Association. However, based on my immersion in this issue over the past five years in all five boroughs – and with not just Council Members, but also members of the Administration, agency representatives, small business owners, Community Boards, city residents, and, yes, vendors – my testimony today will focus on a few specific items I feel are important for significant, effective reforms to a badly broken system.

First, let me note that this package of legislation incorporates some much-needed elements, especially the creation of a multi-agency enforcement unit. This should result in fairer, more consistent enforcement of street vending, benefiting all parties, including vendors who are understandably confused by overlapping jurisdictions and inconsistent enforcement.

That said, it doesn't make sense to increase the number of vending permits before the city has an opportunity to get a sense of what the enforcement needs are, what resources are needed, and how those resources should be allocated throughout the City. The creation of the Office of Street Vendor Enforcement should be a priority, with any increase in permits coming only *after* the city has proven its ability to monitor and enforce laws and regulations as they pertain to the existing vending community.

Siting is also a concern, and one City Council needs to address. Street vending is, at its core, a land use issue, and should be given the same public scrutiny as other land use issues. If a restaurant must go through multiple levels of Community Board and governmental approval before opening a sidewalk café, and if the siting of every other element on our streets and sidewalks is subject to review, there is no logical reason that vending locations should be exempt from public oversight.

The underground market for permits has been cited as an impetus for reforming the system, and yet the Street Vending Modernization Act really does nothing to address that. Merely adding several thousand new permits will not make the problem disappear, and in fact could perpetuate it. This underground market can only be addressed by treating that criminal enterprise as a criminal enterprise and putting some teeth into the law through strict penalties on those who exploit this largely immigrant workforce.

Finally, City Council should not reduce existing legal distance restrictions. In their wisdom, past Council action – some quite recently – has provided for adequate space to allow for safe pedestrian flow and protect public safety. We already know that in many areas of this crowded city, obstacles – including vendors – force pedestrians off the sidewalk and into the street. Further restricting sidewalk access would present a direct threat to public safety and conflict with the goals of Vision Zero.

The time is right for an overhaul of a broken system, and Council Members Chin and Menchaca and others who have been involved in this effort are to be commended. Much of the framework for positive, progressive reform can be found in this package of bills.

But it needs to be reworked, with a focus on reforming regulation and enforcement and gauging that impact before potentially adding more disorder to the streets. With more time and greater opportunity for the public, Community Boards, the small business community, and others to participate in this discussion, I am hopeful City Council can craft meaningful vending reforms that will benefit small businesses, residents, and vendors alike.

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Street Vending Legislation Reform

Before the New York City Council Committee on Consumer Affairs
City Hall Chambers | Testimony by: Jeffrey LeFrancois
April 11, 2019

My name is Jeffrey LeFrancois and I am the Executive Director of the Meatpacking District, a business improvement district on the far west side of Manhattan, bordered by Chelsea to the north and the West Village to the south. The Meatpacking BID represents over 200 businesses, over seven million square feet of commercial office space, and includes almost 4,000 residents and approximately eight miles of sidewalks. Like all BIDs, we partner with the city to maintain and care for public space: from the litter to the plantings, to the furniture, we make sure it's clean, usable, accessible, and safe.

The Meatpacking District applauds the Council's attempt to reform the City's antiquated patchwork of street vending laws, but this attempt at reform assumes the current system works. The system as written has never been fully enforced and is not adequately supported, yet this legislation seeks to expand it while a robust black market exists because of its faults. Unfortunately, today's package of legislation falls short of addressing all the pertinent issues.

Street vending is a part of the New York City streetscape. And over the centuries that goods have been sold on our streets, the streetscape has changed dramatically. We cannot increase the number of vendors and give away more of our already crowded sidewalks without first understanding all their uses. Any legislation put forth regarding vending should be based on data from a comprehensive five-borough study of the entire vending landscape, which would generate a census and help to assess the city's use of its precious public space. The findings of that study would be used to inform legislative proposals that would modernize the permitting and enforcement process, institute land use siting and placement guidelines, and environmental standards.

We applaud the proposal to create a dedicated Street Vendor Enforcement Unit. This is desperately needed and its funding stream must be guaranteed to ensure continuous enforcement of vending regulations. In addition, the ratio of enforcement officers to vendors is extremely low and should be greatly increased.

Nearly every aspect of the City's public space is regulated and has specific guidelines for how entities operate within it. Operating on public space is also fundamentally a land use matter. Every inch of property generally has rules and restrictions, be they through the zoning code, DOT plaza guidelines, SAPO rules, or in our parks. Creating criteria for siting and for local input from the public, BIDs, and community boards whether for prior approval, or as part of an annual evaluation, should be incorporated into the legislation. This is the case for bike racks and newsstands, bollards and planters, so

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carts that vend on public spaces should be subject to similar guidelines. Currently, vendors in the Meatpacking District and elsewhere can be seen obstructing bike racks and edging up to benches to use them for storage, or blocking them altogether, making tables out of them.

This legislation leaves open the ability for vendors to further encroach onto public space, which is already in limited supply. Decreasing the amount of space that a vendor must be from the curb, crosswalks, subway entrances, bus stops or sidewalk cafes is an assault on pedestrian safety and right-of-way access for people. Further reducing sidewalk space to benefit a vendor is an expansion of the privatization of public space and is counter to the pedestrian safety goals of this Council and Administration, standing in direct opposition to Vision Zero.

New York City is a difficult place to do business: the bureaucracy is complicated, costs are constantly changing, and the internet has dramatically transformed the way people spend money, which affects ground floor retail – and therefore, the city's bottom line, too. This legislation is an affront to the brick and mortar businesses that are trying desperately to keep their doors open through varying economic times. And just like vendors, they keep our streets lively and New Yorkers employed.

This is an opportunity to reform an historic entity of New York City. The BID appreciates the efforts to create a system through which street vending can legally operate, but this must be a fair process. Such a complicated issue, with sweeping ramifications, must not be rushed through the legislative process. Ample time must be given to the many concerned stakeholders such as small business owners, local residents, civic groups, property owners, and the vendors themselves to give thought to and propose ideas for a real solution to street vending. This has not happened and needs to.

Thank you for the opportunity to testify today.



MADISON AVENUE
BUSINESS IMPROVEMENT DISTRICT

**Testimony in Opposition to Intro. 1116-A, Intro. 287 and Intro 288 before the New York City Council
Committee on Consumer Affairs and Business Licensing
April 11, 2019**

Good morning, Chair Espinal and members of the Consumer Affairs and Business Licensing Committee.

My name is Matthew Bauer, and I am the president of the Madison Avenue Business Improvement District in Manhattan. On behalf of our Board of Directors, and the over 800 businesses within our district, I would like to express our concern that many of the items within the legislation being considered today will diminish pedestrian safety and business conditions for our members.

Given the limited time constraints that we have, I wanted to focus attention on a quantifiable example of the vast difference between what the City of New York charges one set of private businesses using the sidewalks of New York to serve food- brick & mortar restaurants, versus another set of private businesses – mobile food vendors.

For an unenclosed sidewalk café, meaning that just tables and chairs are being placed on the sidewalk, the City 1) charges a consent fee of \$40.31 per square foot in Manhattan or \$30.23 in Brooklyn; 2) a \$510 two year sidewalk café license fee; 3) a \$445 application fee; 4) a \$310 plan review fee, and 5) a \$1,360 minimum City Planning fee. In sum, to use 50 square feet of sidewalk space for a café in front of their restaurant, which is the amount of sidewalk space a standard 5'x10' food cart uses, it costs a restaurant \$3,328 in Manhattan south of 96 Street per year; or \$2,824 per year everywhere else in the five boroughs.

The cost that the city charges a food cart to take up the same 50 square feet of sidewalk space? It is a \$200 fee every two years, or \$100 a year for an on-site processing Mobile Food Vending Unit Permit.

Put in another way, the city charges brick and mortar restaurants a minimum of 28 times more (or 2,700 percent more) per year to utilize the same amount of sidewalk space as a food cart.

The additional \$400 Supervisory Licensing fee recommended in Intro 1116-A cannot compare with the additional unenclosed sidewalk café expenses that the City requires, such as providing a \$4,000 security deposit; additional consent fees per square foot ranging from \$30.23 to \$40.31 for each square foot of space greater than 70 square feet; to having to provide measured drawings stamped and sealed by an architect or engineer; to having to provide a \$1 million liability insurance naming the City as a certificate holder. And I'm not even mentioning the New York City property taxes that are figured into the rent of each of these brick & mortar restaurants.

Doubling the number of food carts, many of which actively grill and emit smoke that travel for blocks (well beyond the 20 feet noted in Intro 1116-A), will even further limit the prospects of brick & mortar restaurants to thrive.

(over)

Other Concerns

We are opposed Intro 287's amendment that allows vending carts to further encroach the sidewalk by permitting them to be placed two feet away from the curb. Given that many of the sidewalks in our district range between 12 and 13 feet, and the width of a cart is typically five feet, this amendment would provide clear pedestrian paths of between 5 and 6 feet, which is not adequate for safe pedestrian flow. In support of this point, NYC Consumer Affairs Department regulations state that sidewalk cafes must maintain a minimum clear path of 8 feet between the outer limit of the café and any object near the curb, which is much more required pedestrian clearance than what is proposed for sidewalks with food carts under this introduction.

We are opposed to Intro 288's amendment that allows vending carts to be placed within a bus stop, as long as it is located 25 feet away from the bus stop sign. Madison Avenue contains the routes of the M1,2,3 and 4 buses, and multiple lines of express buses heading to the Bronx and other locations. Madison Avenue is so congested with buses that it includes one of the city's only two-lane 24-hour bus lanes. Given that the typical NYC bus is 40 feet long, and that multiple buses often pull to the curb at the same time, placing carts in bus stops will be a danger to passengers entering and exiting city buses. Moreover, this is completely inconsistent with other NYC rules governing street furniture. For example, under the Rules of the City of New York, even First-Amendment protected newspaper distribution racks cannot be placed in bus stops.

As stated by the New York City BID Association, of which I am a member of the Board, we want to work with the New York City Council to get street vending right, in a way that is fair to all stakeholders. We look forward to working with you on the issues I just described as part of this critically important process.

Thank you.



In relation to street vendor proposals, Intros 1116 and 832

Good morning. My name is Kathleen Reilly and I am the NYC Government Affairs Coordinator for the New York State Restaurant Association, a trade group that represents food and beverage establishments in New York City and throughout New York State. The Association is the largest hospitality trade association in the State of New York, and it has advocated on behalf of its members for over 80 years. Our members represent one of the largest and most impacted constituencies regulated by the City, as nearly every agency regulates some aspect of the restaurant industry.

Restaurants are crucial to the economic and cultural fabric of New York City – they employ hundreds of thousands of New Yorkers, they fuel tourism, and the many small, immigrant-owned, minority and women owned restaurants contribute to the vibrancy of our city. These brick-and-mortar establishments pay a hefty price to be a part of Main Street, from the rent they pay, to the labor they employ, to the operational costs of remaining compliant with City regulation. To ensure the continued viability of the restaurant industry, New York City must prioritize regulations that enable these hardworking New Yorkers to continue pursuing their livelihoods.

I am here today mainly to express concern over one provision in Intro 1116, which would expand the availability of food vendor permits, create an office of street vendor enforcement, and establish a street vendor advisory board. First, I'd like to say that we do support some of the goals of this legislation. Namely, this proposal would create a new vending law enforcement unit, to exclusively enforce vending laws. It would focus first on areas of the City "with known vending enforcement challenges, and move to all areas as compliance improves." As this quotation expressly acknowledges, the City is already aware of vending enforcement challenges, and envisions a process of improving compliance in the worst offending areas, and then eventually, everywhere. NYSRA supports City efforts at improving enforcement and bringing existing street vendors into compliance. NYSRA also supports the creation of an advisory board, which would include stakeholders from various backgrounds, and importantly, include brick and mortar businesses.

However, given the current state of "vending enforcement challenges" and lack of compliance, which this proposal acknowledges, we cannot support the element of Intro 1116 that would expand the number of available food vendor permits. Until the City is able to properly enforce the existing regulations for the existing number of permits, we feel that expanding available permits would be premature and would exacerbate a problem that we all seem to agree exists. From the perspective of brick-and-mortar restaurants, street vendors' non-compliance creates an exaggerated un-even playing field. A much smaller need for labor, no rent payments, and a much different set of City regulations already shield street vendors from many of the challenges that brick-and-mortar restaurants must face. Furthermore, there is also a well-known lack of compliance with existing regulations, and within that climate, a City proposal to increase street vendor permits does not seem appropriate. NYSRA would respectfully urge the Council to

consider revising Intro 1116 to create an office of enforcement and an advisory board, but take no action on expanding licenses until the City has the chance to study the impact of increased enforcement.

I'd also like to mention Intro 832, which would allow street vendor permits to be transferred to an immediate family member if the permit holder became incapacitated or died. We see no issue with this proposal, and believe it to be reasonable and fair. We understand that sickness, injury, or death can already cause significant economic burden on top of its emotional toll. We wouldn't want families who are already struggling to additionally be punished by losing access to a street vendor permit.

In conclusion, the New York State Restaurant Association supports much of what is being discussed here today, including most of the provisions of Intro 1116 – the creation of an enforcement office and advisory board – and Intro 832. The one element we cannot support, in the current climate of non-compliance, is the proposal to increase the number of available street vendor licenses. We would be interested to see how the creation of an enforcement office and advisory board impacts the trends of compliance within the street vendor segment, and perhaps use this data to consider the appropriate number of street vendor licenses in the future. We would also volunteer our support for City programming aimed at helping street vendors to transition to larger brick and mortar operations, if they so desire. We appreciate the Council's consideration of our perspective, and we look forward to continued collaboration to create a fair and flourishing business environment for all New Yorkers.

Respectfully Submitted,

Kathleen Reilly .

NYC Government Affairs Coordinator

New York State Restaurant Association

315 W 36th St., 7th Floor

New York, New York 10018



**Testimony before the New York City Council
Committee on Consumer Affairs and Business Licensing**

Int. 1116, Int. 287 & Int. 288

April 11, 2019

Good Morning Chair Rafael Espinal and other members of the New York City Council's Committee on Consumer Affairs and Business Licensing. My name is Jose Geraldo and I'm the Executive Director for the National Supermarket Association (NSA). The NSA is a trade association that represents the interest of independent supermarket owners in New York and other urban cities throughout the East coast, Mid-Atlantic region and Florida. In the five boroughs alone, we represent over 400 stores that employ over 15,000 New Yorkers.

Our members own and operate their stores and work hard every day to run a business that supports their family and provides jobs to their communities and provides affordable healthy food options.

I'm here to today to testify on Introductions 1116, 287, and 288 which have a significant impact on our members and the communities they serve.

I will begin with Int. 1116, which is by far the most impactful piece of legislation that significantly expands the number of available licenses and establishes the Office of Street Vendor Enforcement as well as a street vendor advisory board.

Almost three years ago I testified before this Committee to convey our concerns with the original iteration of this bill. At that hearing, we highlighted our concerns with the increase in available permits, lack of clarity on enforcement efforts, how the City was planning to deal with repeat offenders, and lastly, the restrictions on vending locations. We were hopeful that the Council was going to amend this bill to reflect the concerns that we and other stakeholders laid out for them. I am dismayed that three years later many of my concerns have not been resolved in this bill. In fact, the total number of licenses being made available under this bill has increased to more than 4,000 over the next ten years.

NSA members and street vendors have had a long and contentious relationship over the years as vendors have set up their stands in loading zones and in front of metered parking blocking access for truck unloading and customer parking. Making matters worse, some street vendors completely ignore the 20-foot restriction and vend right in front of a store entrance undercutting the stores prices on many items. **This egregious behavior results in losses of up to five to six thousand dollars a week.** For an industry that already operates on paper-thin margins in a time when small business is under attack in this city, increasing the number of street vendor licenses only compounds an already dire situation.



NSA understands that consumers want different offerings in their communities and we certainly support a diverse local economy, however we believe there are appropriate locations for street vendors that do not conflict with local grocers. For this reason, we recommend Int. 1116 add a provision increasing the minimum distance a vendor can operate from all places of business that are heavily trafficked, especially supermarkets. There is no reason that street vendors and independent grocery store owners cannot work together to ensure that communities have increased access to fresh fruits and vegetables and many other goods.

NSA is pleased that this bill will establish a new enforcement agency dedicated to upholding the rules and regulations of street vending. NSA has long argued that the current enforcement strategy does not adequately address the rampant abuse of regulations and loopholes that many street vendors take advantage of. While we believe the Office of Street Vendor Enforcement is a step in the right direction, there are many outstanding questions regarding its funding and how many agents the office will seek to hire. Of notable concern, is the “benchmarks” the bill lays out that the office will seek to reach out and inspect 75% of the vendors across the city. Why wouldn’t the goal of this new enforcement arm be to inspect 100% of the vendors similar to how the other inspection agencies in the City operate? If the office is solely focused on routine visits and inspections, will there be adequate resources to address the day-to-day complaints that may arise? Finally, this bill seeks to enforce license holding vendors. However, this bill is silent on the pervasive issue of illegal vending without a license. For every new license issued under this bill, there are hundreds of vendors operating illegally without a license.

We should not be discussing additional licenses or enhanced enforcement to a system that is inherently flawed. Instead, this conversation should focus on addressing the underlying problems with street vendor regulation in New York City.

For this reason, the NSA urges the City Council to take our suggestions into consideration before moving forward with Int. 1116.

NSA also has concerns with Introductions 287 and 288 as they only exacerbate many of the issues I have mentioned in my testimony today. Int. 287 allows vending up to two feet off the curb on streets that are already cluttered with security bollards, bike racks, and other street and sidewalk fixtures. This legislation would force vendors farther into the sidewalk and in direct conflict with pedestrians and store employees and customers. Int. 288 seeks to clarify the issue of vending near a bus stop or taxi stand but NSA is concerned that allowing vending within 25 feet of these locations only complicates life for many individuals, especially our seniors, who have a difficult time accessing public transportation. For these reasons, NSA is opposed to intros 287 and 288 and urges the Council not to move forward with these bills.

Sunset Park Business Improvement District

*Serving Brooklyn's Fifth Avenue
From 39th to 64th Streets Since 1995*



April 11, 2019

Testimony for City Council:

Committee on Consumer Affairs and Business Licensing

RE: Street Vendor Legislation

Hello, my name is David Estrada and I lead the Sunset Park Business Improvement District which serves Brooklyn's Fifth Avenue between 38th and 64th streets. We are among the more than 2/3rds of our City's 76 BIDs that have relatively small budgets, serve neighborhood "main street" mom & pop shops and work outside NYC's Central Business District.

In short, the Sunset Park BID is like the majority of places that will be impacted by new Street Vendor legislation.

We serve communities where the number and variety of vendor impacts are not truly understood. So, we are at the highest risk of unintended consequences of well-intentioned legislation.

I believe Street vendors should be a positive part of Sunset Park's business community and if properly regulated they can contribute to the vibrant, successful and attractive business environment our BID promotes.

Sadly, I observe conversations on this topic often center primarily on the number of licenses or conflicts between brick & mortar stores and street vendors.

I suggest the task before us is fundamentally one of fairness while managing shared public resources within the limited capacity of New York City streets.

Today, I'm hopeful street vending's future because we have the opportunity to apply more sophisticated tools than ever before.

That is: "Let's not rely on 20th Century notions, when we have 21st Century tools."

In the age of App based ride services, CitiBike, geofencing, NYC Open Data, and complete streets design, NYC is getting much better at two things: publishing reliable data, AND, managing physical space with new technologies.

For example, today, if I ask DOT about installing a sidewalk bench, City Planning criteria can tell me with certainty if that location has the "carrying capacity" to safely place a bench. Considering walkway dimensions, pedestrian counts, competing uses, or proximity to other benches, a rational decision is within reach.

Street Vendor management, in large part, should be approached through a data-driven set of reasonable criteria that uses public safety and business fairness as main principles.

Today, I don't believe anyone is holding a valid set of data on the City-wide number and variety of vendors their locations.

Therefore, our current conversation is not operating on the basis of fact, and even thoughtful legislation must rely on anecdotal reports, distinctive incidents or sites, and the legitimate opinions of people on all sides of street vending issues.

We must have accurate data to understand current conditions and to measure our progress toward a specific intended future configuration of street vending.

I request, you segment intro 1116 to carry out its provisions in phased steps.

A logical sequence would be:

- first to designate an Agency of Authority
- then, create an Advisory Board that is provisioned to gather accurate data and advise that agency.
- only after that, can we start structuring new license levels, the specs of a Web data application, vendor placement criteria and new means of enforcement.

It is the opinion of the Sunset Park BID that intro 1116 should either be restructured or broken up into separate items where one must be accomplished before others are triggered (even, if ideally in very quick succession).

And as for Intro's 832, 287, 288, and 292, let's remember, today's regulations and enforcement are used inconsistently, seldom fully understood and fail to fall within one agency's oversight. Agencies, vendors, BIDs, residents and merchants alike are confused and frustrated. New narrowly focused rules, (even ones that might eventually be validated with data) will likely cause unanticipated problems in practice – and that's whether they're being enforced by existing or a newly formed means.

In short, please help BIDs and Community Boards, and local merchants become allies managing our streets. We are your front-line communities, and we want street vending to work properly.

And please recall that the legislation in question doesn't address the true number and variety of street vending. The relationships of fully unlicensed merchandise vendors, food trucks and trailers, SAPO sanctioned health insurance vans, charitable operations, roaming food vendors, vendors of protected classes and others will continue to present challenges with or without this legislation. A lead agency, Office of Street Vending Enforcement, and Advisory Board should be charged with considering public safety and managing shared space on City streets and all forms of street commerce should be within the scope of their mandate.

Avi Fertig, Executive Director, Diamond District Partnership
Testimony Before City Council Regarding Street Vending Legislation
Thursday, April 11th, 10 am

Good morning. My name is Avi Fertig, and I am the Executive Director of the Diamond District Partnership. We represent nearly 2,600 businesses in the Diamond District, and on their behalf want to thank the committee for this opportunity to testify today.

The Diamond District Partnership stands with the BID Association in opposition to a package of bills that will negatively affect brick and mortar businesses, pedestrians, tourists and licensed vendors in New York City.

Every day, for decades, the 47th Street Diamond District has been uniquely impacted by unlicensed vendors who stand on the sidewalk and solicit pedestrians to buy or sell jewelry, gold or diamonds.

When not competing head-to-head with established merchants, their aggressive, often confrontational sales tactics lead many prospective Diamond District customers to shop elsewhere.

Like most licensed vendors, their daily activities are primarily commercial. Unlike licensed vendors, they lack official permission to engage in commerce on city streets. If they are licensed, they certainly do not display these credentials, nor has any city authority that we are aware of ever demanded that they do so.

The Diamond District occupies 2 block faces on 47th Street between 5th and 6th Avenues. But decades of inadequate vendor oversight have turned this short street into a vast uneven playing field.

Our merchants are mostly small, family-owned businesses; some have been here for 70 years or more. They play by the rules, and after rent, taxes, fees and all the other expenses of doing business in New York, many are just getting by.

Meanwhile, the only carrying costs these unlicensed vendors have are the profits they carry away from legitimate merchants.

I must stress that we do not oppose legal street vending in areas where vending is permitted. We recognize that licensed vendors are hardworking and lawful. Many vendors are veterans or people with disabilities who seek little more than to support their families and achieve the American dream.

Our concern is with unlicensed vendors who disrupt, impede, or limit the commercial success of established businesses. Our opposition to this legislation centers on our belief, based on years of observation, that the city is already spread too thin when it comes to regulating its vending

economy. Legislation to issue even more vendor licenses, and relax existing requirements, simply invites more abuse and less fairness for struggling businesses.

We'd rather see the city focus attention on limiting unlicensed vending. Individuals whose primary place of business is the street, and whose trade centers on soliciting sales from pedestrians, must be required to have and display a vending license when engaged in their business.

We want to know these individuals are paying taxes. Those who are employees or independent contractors of a specific company should also be paying their taxes. Furthermore, we want to know that the city is holding those companies to the same standard as brick and mortar businesses who must pay minimum wage, withhold payroll taxes, and provide sick days and personal leave.

The Diamond District Partnership firmly believes that our elected officials must fight to improve the quality of commerce in business districts in equal measure to their efforts to improve the quality of life in residential areas.

Passing this ill-advised and poorly timed package of bills will mortally damage that quality of commerce. Rather than increasing vendor licenses and loosening vending laws, we strongly urge that these bills be shelved until the city can demonstrate sufficient ability to regulate its existing vendors, which includes enacting the provisions listed above.

Thank you.

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INSTITUTE FOR JUSTICE

April 11, 2019

**Testimony of Melanie Benit
Activism Associate, Institute for Justice
in support of Int. 1116-A 2018, expanding the availability of food vendor permits**

Thank you, Chairman Espinal and members of the committee, for the opportunity to speak today and for considering bill 1116-A, a long-awaited and much-needed reform that will improve the lives of hard-working New Yorkers by enabling them to earn an honest living through vending, provide for their families and pursue their American Dreams in the light of day. We ask that you please approve bill 1116-A and expand the availability of vending permits.

My organization, the Institute for Justice (“IJ”), is a national public interest, civil liberties law firm that advocates in the courts of law and public opinion to vindicate the constitutional right of all Americans to earn an honest living. Through our National Street Vending Initiative, IJ has worked in courts, with city councils and in the streets to help improve vending conditions in cities across the United States. We have collaborated with city councils to reform their vending laws; brought suit against anticompetitive, burdensome laws when reform was not an option; and, for years, supported efforts to lift the destructive caps on New York City’s vending permits. Vendors are an enormously important part of the city’s economy, yet these artificially low caps keep untold numbers of hard-working entrepreneurs out of work or in the shadows. Not only do the caps frustrate the efforts of energetic, entrepreneurial people, but they encourage a black market in vending permits that diverts huge sums of money away from value-creating activities, like business expansion and job creation, that could benefit all New Yorkers.

IJ has published extensively on the benefits that street vendors provide, the barriers that too often stand in their way and how cities can reform their laws to secure the many benefits that a vibrant vending community can engender. In one such study, *Upwardly Mobile: Street Vending and the American Dream*, IJ both assessed the demographics of vendors and the characteristics of their businesses and conducted an in-depth economic case study of New York City’s vending industry.¹ Our research indicates that today’s vendors are diverse, hard-working business owners and job creators—just the people cities should welcome with open arms. *Upwardly Mobile* reveals that in just 2012 alone, New York City’s street vendors supported an estimated 17,960 jobs and brought the city \$192 million in wages and close to \$293 million in goods and services, while generating over \$71 million in local, state and federal taxes. And this comes just from those vendors who have been able to break into the industry despite New York City’s permit caps.

Unfortunately, though, many would-be vendors who could have raised these numbers even higher have not been welcomed; they have been shut out. All available vending permits have long been claimed, and the waiting list for getting a permit has been closed since 2007. Without room in the legal marketplace, many turn to the black market to rent a vending permit, with the costs of these

¹ This study is available at <http://ij.org/report/upwardly-mobile/>.



STREET EATS, SAFE EATS:

HOW FOOD TRUCKS AND CARTS STACK UP
TO RESTAURANTS ON SANITATION



BY ANGELA C. ERICKSON
JUNE 2014





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EXECUTIVE SUMMARY

Street food, long a part of American life, has boomed in popularity in recent years. Yet an idea persists that food from trucks and sidewalk carts is unclean and unsafe. This report tests that common, but unsubstantiated claim by reviewing more than 260,000 food-safety inspection reports from seven large American cities. In each of those cities,

mobile vendors are covered by the same health codes and inspection regimes as restaurants and other brick-and-mortar businesses, allowing an apples-to-apples comparison. The report finds:

- In every city examined—Boston, Las Vegas, Los Angeles, Louisville, Miami, Seattle and Washington, D.C.—food trucks and carts did as well as or better than restaurants.
- In six out of seven cities—Boston, Las Vegas, Los Angeles, Louisville, Miami



and Washington, D.C.—food trucks and carts averaged fewer sanitation violations than restaurants, and the differences were statistically significant.

- In Seattle, mobile vendors also averaged fewer violations, but the difference was not statistically significant, meaning mobile vendors and restaurants performed about the same.

The results suggest that the notion that street food is unsafe is a myth. They also suggest that the recipe for

clean and safe food trucks is simple—inspections. Just as sanitation inspections help assure the public that restaurants are clean and safe, they can do the same for mobile vendors. More burdensome regulations proposed in the name of food safety, such as outright bans and limits on when and where mobile vendors may work, do not make street food safer—they just make it harder to get.





THE INSTITUTE FOR JUSTICE ANALYZED THOUSANDS OF INSPECTION REPORTS COVERING MOBILE VENDORS, RESTAURANTS AND OTHER PURVEYORS OF FOOD FROM SEVEN OF AMERICA'S LARGEST CITIES—BOSTON, LAS VEGAS, LOS ANGELES, LOUISVILLE, MIAMI, SEATTLE AND WASHINGTON, D.C.

INTRODUCTION

America loves food trucks. These new mobile vendors are creating jobs, satisfying hunger and making downtowns cool again. But they are not an entirely new concept. Street vending has long been an entry point for entrepreneurship in America. During the Great Depression, Americans pushed carts in the street to sell five cent apples.¹ Waves of immigrants sold oysters, pickles, kabobs, halal and more.

Despite this country's deeply rooted history with street food and America's growing love for food trucks, some people have claimed that food trucks and food carts are unsanitary and nothing more than "roach coaches." Take, for example, a recent news story by Eric Flack, a reporter for Louisville's WAVE3, who asked if food trucks are "really all that clean?" In an apparent "gotcha" moment, Flack asked Connie Mendel—head of the local office in charge of food inspections—if she ate at food trucks. Mendel chortled at such an idea and said, "That's funny."²

But "all that clean" compared to what? How do food trucks stack up to restaurants? Flack does not ask these

questions or compare food trucks to any other food source except for this opinion from Mendel: "We feel you can operate safer from an actual building."³

Unfortunately, city officials often rely on such claims that brick-and-mortar restaurants are safer to justify restrictions on both food trucks and carts, including outright bans on mobile vending as well as limits on when and where vendors may sell. These laws not only push food trucks and carts out of cities, they also stifle entrepreneurship, destroy jobs and hurt consumers.⁴

As American culture shifts towards re-embracing street food, this report tests the claim—common but unsubstantiated—that food trucks and carts are unsafe. The Institute analyzed thousands of inspection reports covering mobile vendors, restaurants and other purveyors of food from seven of America's largest cities—Boston, Las Vegas, Los Angeles, Louisville, Miami, Seattle and Washington, D.C.⁵ In each city, mobile vendors are covered by the same health codes and inspection regimes as restaurants, allowing an apples-to-apples comparison of sanitation practices.⁶ The results show that mobile food vendors, including food trucks and carts, are just as safe and sanitary as restaurants—often more so.

METHODS

To examine differences between food trucks, carts and other types of food establishments—particularly restaurants—this report relies on inspection data collected from government agencies in Boston, Las Vegas, Los Angeles, Louisville, Miami, Seattle and Washington, D.C. The Institute requested data going back to 2008 or the first year with accessible data that included mobile vendors. Data were collected through part

or all of 2012 or, in the cases of Boston and Louisville, through July 2013. In all, the Institute reviewed 263,395 inspection reports across the seven cities. During the inspections, officials count the number of food-safety violations they observe.⁷ For example, inspectors look for minor things like clean counters and proper labeling, bigger concerns like proper food storage and hand-washing facilities, and serious issues such as sick employees and spoiled foods.

For each city, the Institute calculated the average number of violations per establishment for each category of



food service—food trucks, restaurants and so on. These raw numbers are useful, but not sufficient for determining how mobile vendors compare to brick-and-mortar establishments. Other factors, such as variations in traffic or greater frequency of inspections, could be driving any differences. Additionally, any differences in the raw numbers could be simple random chance—it just so happens that during a given period of time when a random group of establishments was inspected, one category of food service received fewer violations—instead of a genuine distinction.

To control for factors that could muddy comparisons and to determine whether the differences between mobile vendors and brick-and-mortar restaurants are genuine or mere random chance, this report relies on two types of statistical analyses. The first, fixed-effects OLS regression, provides the average number of violations for each food-service category compared to mobile vendors. In other words, the first type of analysis estimates how many more or fewer violations restaurants would receive, on average, than mobile vendors, after controlling for various

factors.⁸ The second type of analysis, Poisson regression, provides a rate estimating how many times more or fewer violations each food-service category would receive, on average, compared to mobile vendors.⁹

When looking at the rate of violations, keep in mind that the average numbers of violations were low for all types of food service in all cities. Thus, some eye-popping comparisons are not as dramatic as they may appear. For example, it may be startling to see the Boston results below (Table 2) suggesting that restaurants received 385 percent more violations than food carts, but food carts averaged just one violation per cart, so 385 percent more is only about four violations per restaurant.

In some cities, the data did not make it possible to distinguish between food trucks and food carts, so they were lumped together in one “mobile vendor” category. In others, trucks and carts are separate categories, so separate analyses compared each of them to restaurants, grocery stores and so on.

Further details about the analysis can be found in Appendix A, and Appendix B provides full regression results.¹⁰

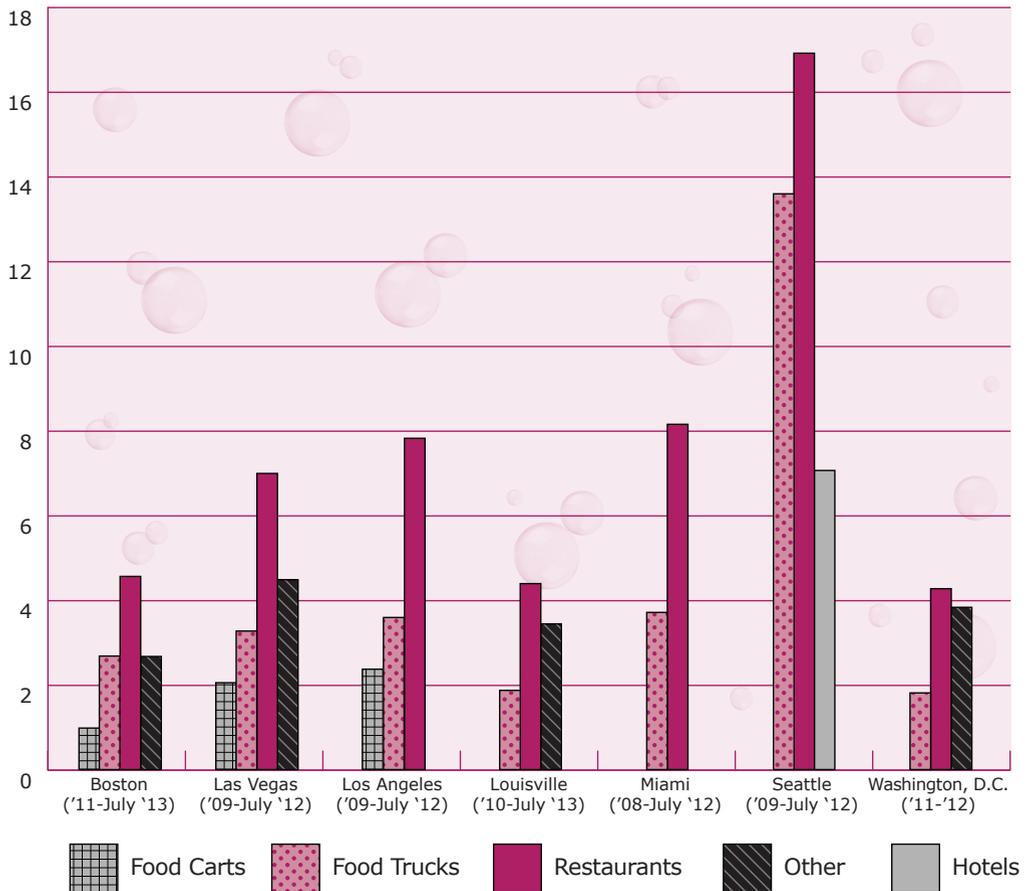
RESULTS

Across the seven cities, findings were consistent: Food trucks and carts are every bit as clean and safe as restaurants and other types of brick-and-mortar food establishments. As Figure 1 shows, in recent years, violations per establishment were few, regardless of the category of food service. In six of the seven cities, violations by food trucks and carts ranged from just one to four violations per truck or cart, while restaurants averaged just four to eight. The exception, Seattle, appears to have had more frequent violations for both mobile vendors (nearly 14 per vendor) and restaurants (almost 17 per restaurant), because the city's inspection regime weights each violation more than the other cities.



ACROSS THE SEVEN CITIES, FINDINGS WERE CONSISTENT:
FOOD TRUCKS AND CARTS ARE EVERY BIT AS CLEAN AND SAFE AS
RESTAURANTS AND OTHER TYPES OF
BRICK-AND-MORTAR FOOD ESTABLISHMENTS.

Figure 1: Average Food-safety Violations by Category of Food Service



Notes: In Louisville, Miami, Seattle and Washington, D.C., the "food truck" category includes both trucks and carts. Due to differing inspection regimes, comparisons across cities are not valid.

Not only were violations infrequent, but mobile vendors compared well to their brick-and-mortar counterparts, as shown in Figure 1, and this was confirmed by statistical analysis. In analyses for six of seven cities, food trucks and carts had fewer violations than restaurants, and the differences were statistically significant. In Seattle, even though mobile vendors had fewer violations on average than restaurants, upon statistical analysis, the difference was not statistically significant. This means mobile vendors and restaurants in Seattle performed about the same.



BOSTON

The Boston Inspectional Services Department, which inspects all food establishments for potential violations, provided inspection data for 2011 through July 2013. In that time, the department conducted 29,898 inspections of food establishments, including trucks, carts, restaurants and other establishments such as grocery stores, cafeterias and caterers. Table 1 provides the average number of violations by establishment type. It also breaks out different types of violations as classified by Boston—critical foodborne, critical, non-critical and total.

A critical foodborne violation refers to activities that are the most prevalent contributing factors to foodborne illness as identified by the Center for Disease Control—such as not posting consumer advisories and improper labeling of ingredients. A critical violation is one that is more likely than other violations to affect the public health—such as unclean food contact surfaces and improper sewage and waste water disposal. Non-critical violations will not seriously affect the public health; these are things such as adequate lighting and hair restraints.

As Table 1 shows, violations were uncommon across all categories of food service, and both Boston’s food trucks and carts outperformed restaurants, as trucks averaged 2.7 total violations, mobile food carts—hot dog stands and other sidewalk carts—just one, and restaurants 4.6.

The story is similar when looking at different types of violations. Trucks and carts received fewer critical and non-critical violations than restaurants. For critical foodborne violations, trucks and restaurants were comparable and carts received fewer violations, but all averaged less than one violation per establishment.

These differences held up under statistical analysis, as shown in Table 2. Results show that Boston’s food trucks averaged fewer total violations, critical violations and non-critical violations than its restaurants, and the differences were statistically significant. On critical foodborne violations, the difference between trucks and restaurants was not statistically significant, meaning they were essentially the same. Boston’s food carts averaged fewer total violations, critical foodborne violations, critical violations and non-critical violations than its restaurants, and the differences all were statistically significant.

**Table 1: Boston Food-safety Violations,
2011-July 2013***

| | Average (Mean) Violations | Standard Deviation | Minimum | Maximum |
|--------------------------------------|---------------------------|--------------------|---------|---------|
| Total Violations | | | | |
| Food Trucks | 2.68 | 2.90 | 0 | 18 |
| Restaurants | 4.56 | 4.46 | 0 | 41 |
| Carts | 0.98 | 1.53 | 0 | 10 |
| Other | 2.67 | 3.36 | 0 | 30 |
| Critical Foodborne Violations | | | | |
| Food Trucks | 0.87 | 1.25 | 0 | 6 |
| Restaurants | 0.84 | 1.33 | 0 | 12 |
| Carts | 0.36 | 0.75 | 0 | 6 |
| Other | 0.47 | 0.93 | 0 | 9 |
| Critical Violations | | | | |
| Food Trucks | 0.11 | 0.32 | 0 | 2 |
| Restaurants | 0.30 | 0.55 | 0 | 4 |
| Carts | 0.04 | 0.21 | 0 | 2 |
| Other | 0.17 | 0.43 | 0 | 4 |
| Non-critical Violations | | | | |
| Food Trucks | 1.70 | 1.94 | 0 | 11 |
| Restaurants | 3.42 | 3.37 | 0 | 30 |
| Carts | 0.57 | 1.08 | 0 | 8 |
| Other | 2.03 | 2.60 | 0 | 23 |

*Data provided by Boston Inspectional Services Department and based on 296 inspections of 76 food trucks, 17,634 inspections of 2,813 restaurants, 1,447 inspections of 497 carts and 10,521 inspections of other food establishments.

Table 2: Estimated Differences in Food-safety Violations, Boston, 2011-July 2013 (Statistically Significant Results in Italics)*

| | Average Violations Compared to Food Trucks | Rate of Violations Compared to Food Trucks | Average Violations Compared to Food Carts | Rate of Violations Compared to Food Carts |
|--------------------------------------|---|---|--|--|
| Total Violations | | | | |
| Restaurants | <i>1.87 more</i> | <i>69% more</i> | <i>3.39 more</i> | <i>386% more</i> |
| Other | <i>0.19 fewer</i> | <i>2% fewer</i> | <i>1.33 more</i> | <i>181% more</i> |
| Critical Foodborne Violations | | | | |
| Restaurants | <i>0.03 more</i> | <i>4% fewer</i> | <i>0.45 more</i> | <i>136% more</i> |
| Other | <i>0.37 fewer</i> | <i>48% fewer</i> | <i>0.06 more</i> | <i>28% more</i> |
| Critical Violations | | | | |
| Restaurants | <i>0.18 more</i> | <i>156% more</i> | <i>0.25 more</i> | <i>568% more</i> |
| Other | <i>0.03 more</i> | <i>37% more</i> | <i>0.10 more</i> | <i>258% more</i> |
| Non-critical Violations | | | | |
| Restaurants | <i>1.65 more</i> | <i>101% more</i> | <i>2.70 more</i> | <i>535% more</i> |
| Other | <i>0.14 more</i> | <i>19% more</i> | <i>1.19 more</i> | <i>275% more</i> |

*Results listed derived from OLS and Poisson regressions. Because of the use of two different statistical analyses, the direction and significance for average violations and rate of violations may differ where the differences between trucks or carts and restaurants are small. Full regression results for total violations can be found in Appendix B.¹¹



LAS VEGAS

The Southern Nevada Health District, which inspects all food establishments in Las Vegas, provided inspection data from 2009 through July 2012. In that time, the agency conducted 84,816 inspections of food establishments in Las Vegas, including trucks, carts, restaurants and other establishments such as grocery stores, cafeterias and food processors.

Table 3 provides the average number of violations by establishment type.¹² As

the table shows, all categories of food service had few violations, and both Las Vegas' food trucks and carts outperformed restaurants, as trucks averaged 3.3 violations, mobile food carts—hot dog stands and other sidewalk carts—two, and restaurants seven.

Statistical analysis confirms these differences, as shown in Table 4. Results show that Las Vegas' food trucks and carts averaged fewer violations than its restaurants, and the differences were statistically significant.

Table 3: Las Vegas Food-safety Violations, 2009-July 2012*

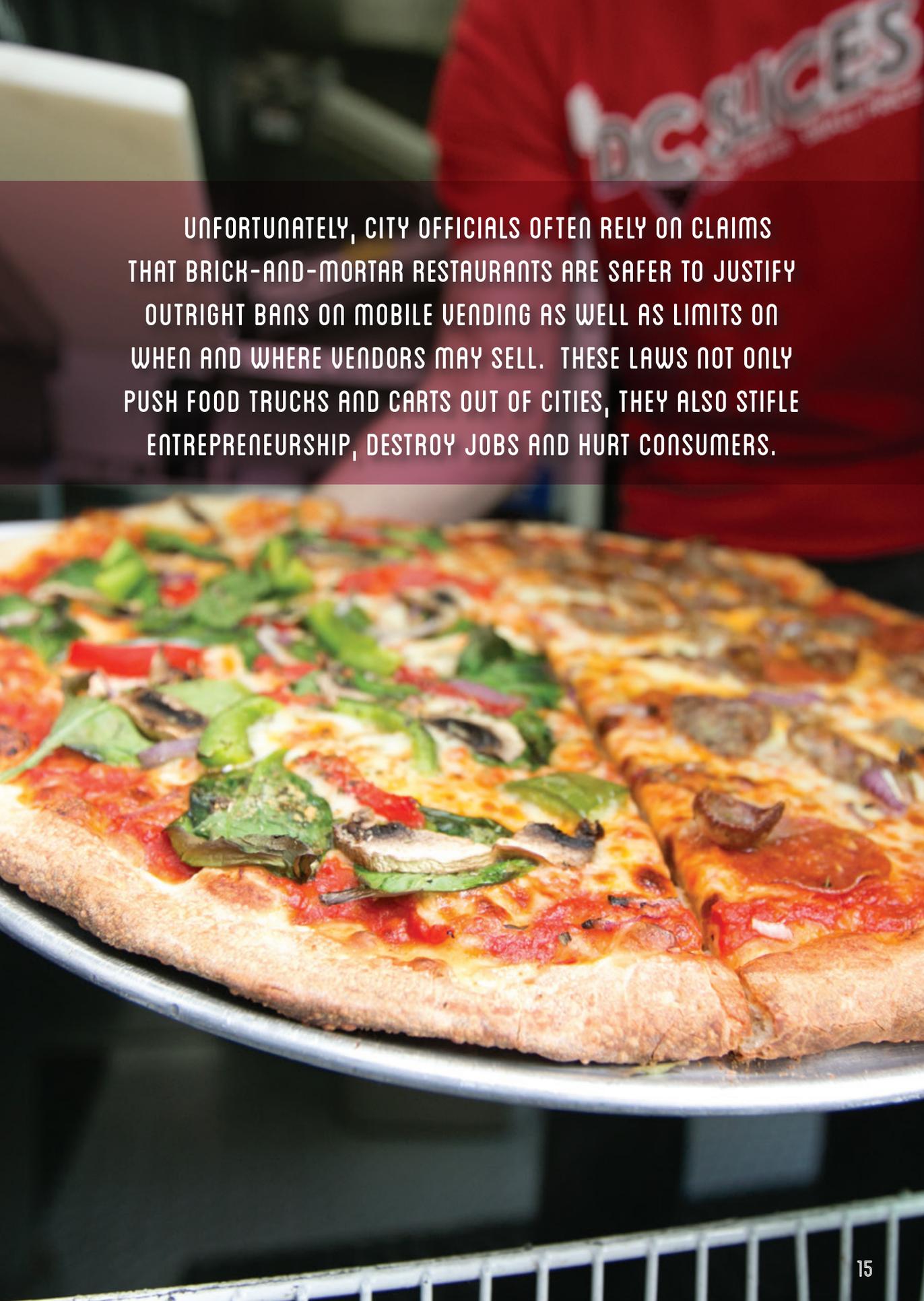
| | Average (Mean) Violations | Standard Deviation | Minimum | Maximum |
|--------------------|---------------------------|--------------------|---------|---------|
| Food Trucks | 3.27 | 4.88 | 0 | 31 |
| Restaurants | 6.99 | 6.78 | 0 | 89 |
| Carts | 2.05 | 3.62 | 0 | 46 |
| Other | 4.39 | 5.08 | 0 | 100 |

*Data provided by the Southern Nevada Health District and based on 494 inspections of 163 food trucks, 42,611 inspections of 8,670 restaurants, 1,993 inspections of 602 carts and 39,718 inspections of other food establishments.

Table 4: Estimated Differences in Food-safety Violations, Las Vegas, 2009-July 2012 (Statistically Significant Results in Italics)*

| | Average Violations Compared to Food Trucks | Rate of Violations Compared to Food Trucks | Average Violations Compared to Food Carts | Rate of Violations Compared to Food Carts |
|--------------------|--|--|---|---|
| Restaurants | <i>3.58 more</i> | <i>108% more</i> | <i>4.71 more</i> | <i>237% more</i> |
| Other | <i>1.09 more</i> | <i>31% more</i> | <i>2.22 more</i> | <i>111% more</i> |

*Results listed derived from OLS and Poisson regressions. Full regression results can be found in Appendix B.



UNFORTUNATELY, CITY OFFICIALS OFTEN RELY ON CLAIMS THAT BRICK-AND-MORTAR RESTAURANTS ARE SAFER TO JUSTIFY OUTRIGHT BANS ON MOBILE VENDING AS WELL AS LIMITS ON WHEN AND WHERE VENDORS MAY SELL. THESE LAWS NOT ONLY PUSH FOOD TRUCKS AND CARTS OUT OF CITIES, THEY ALSO STIFLE ENTREPRENEURSHIP, DESTROY JOBS AND HURT CONSUMERS.



FOR THOSE POLICYMAKERS CONCERNED ABOUT HEALTH AND SAFETY, THEY SHOULD ENSURE—THROUGH INSPECTIONS—THAT MOBILE FOOD VENDORS ARE HELD TO THE SAME SANITATION STANDARDS AS RESTAURANTS. IN THIS WAY, THE PUBLIC CAN ENJOY FOOD FROM VENDORS THAT IS BOTH DELICIOUS AND SAFE WHILE ALLOWING ENTREPRENEURSHIP AND ECONOMIC GROWTH TO THRIVE.

LOS ANGELES

The Los Angeles County Department of Public Health, which inspects all food establishments for potential violations, provided inspection data for 2009 through July 2012. In that time, the department conducted 45,611 inspections of Los Angeles' food establishments, including trucks, carts and restaurants.

Table 5 provides the average number of violations, showing that

violations were uncommon across all categories of food service.¹³ Both Los Angeles' trucks and carts outperformed restaurants, as trucks averaged 3.6 violations, mobile food carts—hot dog stands and other sidewalk carts—2.4, and restaurants 7.8.

These differences held up under statistical analysis, as shown in Table 6. Results show that both Los Angeles' food trucks and food carts had fewer violations than its restaurants, and the differences were statistically significant.

Table 5: Los Angeles Food-safety Violations, 2009-July 2012*

| | Average (Mean) Violations | Standard Deviation | Minimum | Maximum |
|--------------------|---------------------------|--------------------|---------|---------|
| Food Trucks | 3.59 | 6.40 | 0 | 100 |
| Restaurants | 7.82 | 5.25 | 0 | 100 |
| Carts | 2.37 | 5.74 | 0 | 36 |

*Data provided by Los Angeles County Department of Public Health and based on 2,928 inspections of 601 food trucks, 42,089 inspections of 7,542 restaurants and 594 inspections of 236 carts.

Table 6: Estimated Differences in Food-safety Violations, Los Angeles, 2009-July 2012 (Statistically Significant Results in Italics)*

| Average Restaurant Violations Compared to Food Trucks | Rate of Restaurant Violations Compared to Food Trucks | Average Restaurant Violations Compared to Food Carts | Rate of Restaurant Violations Compared to Food Carts |
|---|---|--|--|
| <i>4.48 more</i> | <i>120% more</i> | <i>5.65 more</i> | <i>237% more</i> |

*Results listed derived from OLS and Poisson regressions. Full regression results can be found in Appendix B.

LOUISVILLE

The Metro Health and Wellness Department in Louisville, which inspects all food establishments for potential violations, provided inspection data for 2010 through July 2013. In that time, the department conducted 34,500 inspections of food establishments, including mobile food vendors, restaurants and other establishments such as grocery stores, caterers and cafeterias. The department does not distinguish between food trucks and mobile carts, so they were analyzed

together as mobile vendors.

Table 7 provides the average number of violations by establishment type.¹⁴ As the table shows, violations were rare across all categories of food service, and Louisville's mobile vendors outperformed restaurants, as vendors averaged 1.9 total violations and restaurants 4.4.

Statistical analysis confirms the difference, as shown in Table 8. Results show that Louisville's mobile vendors averaged fewer violations than its restaurants, and the differences were statistically significant.



Table 7: Louisville Food-safety Violations, 2010-July 2013*

| | Average (Mean) Violations | Standard Deviation | Minimum | Maximum |
|-----------------------|---------------------------|--------------------|---------|---------|
| Mobile Vendors | 1.87 | 3.11 | 0 | 35 |
| Restaurants | 4.39 | 4.51 | 0 | 42 |
| Other | 3.44 | 4.08 | 0 | 40 |

*Data provided by Metro Health and Wellness Department and based on 648 inspections of 117 mobile vendors, 16,958 inspections of 2,540 restaurants and 16,894 inspections of other food establishments.

Table 8: Estimated Differences in Food-safety Violations, Louisville, 2010-July 2013 (Statistically Significant Results in Italics)*

| | Average Violations Compared to Mobile Vendors | Rate of Violations Compared to Mobile Vendors |
|--------------------|---|---|
| Restaurants | <i>2.44 more</i> | <i>128% more</i> |
| Other | <i>1.35 more</i> | <i>82% more</i> |

*Results listed derived from OLS and Poisson regressions. Full regression results can be found in Appendix B.



MIAMI

The Florida Department of Business and Professional Regulation, which inspects Miami food establishments for potential critical and non-critical violations of the food code, provided inspection data covering 2008 through July 2012. In that time, the department conducted 25,463 inspections of food establishments in Miami, including mobile vendors (the department groups together food trucks and carts) and restaurants.

Table 9 provides the average number of violations by establishment type. It also breaks out different types of violations as classified by the department—critical, non-critical and total. Critical violations refer to both foodborne illness risk factors (such as foods improperly cooked and toxic substances stored improperly) and violations pertaining

to safety and good business practices (such as an unsafe water source and not displaying a current license). Non-critical violations, such as poor maintenance of surface areas and improper storage of cleaning equipment, are generally targeting preventive measures.

As Table 9 shows, both categories of food service saw few violations and Miami's mobile vendors outperformed restaurants, as vendors averaged 3.7 total violations and restaurants 8.2. The story is similar when looking at different types of violations. Food trucks and carts received fewer critical and non-critical violations than restaurants.

These differences held up under statistical analysis, as shown in Table 10. Results show that Miami's mobile vendors averaged fewer total violations, critical violations and non-critical violations than its restaurants, and the differences were statistically significant.

Table 9: Miami Food-safety Violations, 2008-July 2012*

| | Average (Mean) Violations | Standard Deviation | Minimum | Maximum |
|--------------------------------|---------------------------|--------------------|---------|---------|
| Total Violations | | | | |
| Mobile Vendors | 3.71 | 3.62 | 0 | 31 |
| Restaurants | 8.15 | 7.97 | 0 | 69 |
| Critical Violations | | | | |
| Mobile Vendors | 3.31 | 3.15 | 0 | 26 |
| Restaurants | 5.43 | 5.39 | 0 | 47 |
| Non-Critical Violations | | | | |
| Mobile Vendors | .40 | .94 | 0 | 10 |
| Restaurants | 2.72 | 3.25 | 0 | 36 |

*Data provided by Florida Department of Business and Professional Regulation and based on 1,627 inspections of 730 mobile vendors and 23,836 inspections of 3,959 restaurants.

Table 10: Estimated Differences in Food-safety Violations, Miami, 2008-July 2012 (Statistically Significant Results in Italics)*

| | Average Restaurant Violations Compared to Mobile Vendors | Rate of Restaurant Violations Compared to Mobile Vendors |
|--------------------------------|--|--|
| Total Violations | <i>4.19 more</i> | <i>117% more</i> |
| Critical Violations | <i>1.96 more</i> | <i>61% more</i> |
| Non-critical Violations | <i>2.24 more</i> | <i>597% more</i> |

*Results listed derived from OLS and Poisson regressions. Full regression results for total violations can be found in Appendix B.¹⁵



SEATTLE

The King County Board of Health, which inspects all food establishments in Seattle for potential violations, provided inspection data for 2009 through July 2012. In that time, the board conducted 34,122 inspections of Seattle food establishments, including mobile vendors, restaurants and hotels. The board uses mobile food service as a classification and does not separate trucks from carts, so they were analyzed together.

Table 11 displays the average number of violations by establishment type.¹⁶ As the table shows, Seattle's mobile vendors outperformed restaurants, as

vendors averaged 13.6 total violations and restaurants 16.9.

However, these differences disappeared under statistical analysis, as shown in Table 12. Results show that the difference between Seattle's mobile vendors and restaurants was not statistically significant, meaning that mobile vendors and restaurants performed essentially the same.

It is worth noting that Seattle's higher levels of violations, compared to other cities, likely result from an inspection regime that counts each violation based on the severity. For example a non-critical violation may count as two, whereas a critical violation may count as 15.



Table 11: Seattle Food-safety Violations by Establishment Type, 2009-July 2012*

| | Average (Mean) Violations | Standard Deviation | Minimum | Maximum |
|-----------------------|---------------------------|--------------------|---------|---------|
| Mobile Vendors | 13.59 | 21.05 | 0 | 95 |
| Restaurants | 16.91 | 20.37 | 0 | 155 |
| Hotels | 7.06 | 11.47 | 0 | 65 |

*Data provided by King County Board of Health and based on 1,143 inspections of 139 mobile vendors, 32,230 inspections of 2,762 restaurants and 749 inspections of 63 hotels.

Table 12: Estimated Differences in Food-safety Violations, Seattle, 2009-July 2012 (Statistically Significant Results in Italics)*

| | Average Violations Compared to Mobile Vendors | Rate of Violations Compared to Mobile Vendors |
|--------------------|---|---|
| Restaurants | 1.51 fewer | 9% fewer |
| Hotels | <i>6.89 fewer</i> | <i>60% fewer</i> |

*Results listed derived from OLS and Poisson regressions. Full regression results can be found in Appendix B.



WASHINGTON, D.C.

The Washington, D.C., Department of Health, which inspects all food establishments for potential violations, provided inspection reports for 2011 and 2012. In that time, the department conducted 8,985 inspections of food establishments, including mobile vendors, restaurants and other establishments such as grocery stores and wholesalers. The Department does distinguish between food trucks and carts; however, the populations were too small to analyze separately and so were combined into one category.

Table 13 provides the average number of violations by establishment type. It also breaks out different types of violations as classified by D.C.—critical, non-critical and total. Critical violations refer to both foodborne illness risk factors and public health interventions, such as foods cooked improperly and failure to display consumer advisories. Non-critical violations refer to good retail practices, such as the presence of insects and

rodents and improper disposal of sewage and waste water.

As Table 13 shows, violations were uncommon across all categories of food service, and D.C. mobile food vendors outperformed restaurants, as vendors averaged 1.8 total violations and restaurants 4.3. The story is similar when looking at different types of violations. Mobile vendors received fewer critical and non-critical violations than restaurants.

Statistical analysis confirms these differences, as shown in Table 14. Results show that D.C.'s mobile vendors averaged fewer total violations, critical violations and non-critical violations than its restaurants, and the differences were statistically significant. Note that while restaurants and other brick-and-mortar establishments received an estimated 10 times as many critical violations as vendors, this difference is not as large in reality as it may appear. Mobile vendors received a tiny fraction of a violation per vendor, and the other categories received fewer than two per establishment.



Table 13: Washington, D.C., Food-safety Violations, 2011-2012*

| | Average (Mean) Violations | Standard Deviation | Minimum | Maximum |
|--------------------------------|---------------------------|--------------------|---------|---------|
| Total Violations | | | | |
| Mobile Vendors | 1.81 | 1.31 | 0 | 7 |
| Restaurants | 4.27 | 4.74 | 0 | 40 |
| Other | 3.83 | 3.84 | 0 | 22 |
| Critical Violations | | | | |
| Mobile Vendors | 0.12 | 0.41 | 0 | 2 |
| Restaurants | 1.80 | 1.97 | 0 | 14 |
| Other | 1.45 | 1.63 | 0 | 10 |
| Non-Critical Violations | | | | |
| Mobile Vendors | 1.69 | 1.14 | 0 | 6 |
| Restaurants | 2.47 | 3.26 | 0 | 26 |
| Other | 2.38 | 2.75 | 0 | 16 |

*Data provided by Washington, D.C., Department of Health and based on 133 inspections of 102 mobile vendors, 7,749 inspections of 2,762 restaurants and 1,103 inspections of other food establishments.

Table 14: Estimated Differences in Food-safety Violations, Washington, D.C., 2011-2012 (Statistically Significant Results in Italics)*

| | Average Violations Compared to Mobile Vendors | Rate of Violations Compared to Mobile Vendors |
|--------------------------------|---|---|
| Total Violations | | |
| Restaurants | <i>1.63 more</i> | <i>94% more</i> |
| Other | <i>1.55 more</i> | <i>89% more</i> |
| Critical Violations | | |
| Restaurants | <i>1.30 more</i> | <i>1,066% more</i> |
| Other | <i>1.12 more</i> | <i>934% more</i> |
| Non-critical Violations | | |
| Restaurants | <i>.34 more</i> | <i>23% more</i> |
| Other | <i>.44 more</i> | <i>28% more</i> |

*Results listed derived from OLS and Poisson regressions. Full regression results for total violations can be found in Appendix B. ¹⁷

CONCLUSION

Thanks to low start-up costs, street vending is an ideal opportunity for entrepreneurs with big ideas but little capital. Not surprisingly, following the recession, the number of food trucks on the streets exploded, with vendors selling everything from ice cream and hot dogs to crème brûlée and sushi. Consumers appreciate the diverse menus, low prices and convenience of mobile vendors.

In the seven cities studied here, street food is every bit as safe as food from a restaurant. In each of these cities, food trucks, carts and restaurants are held to the same sanitation standards, and trucks and carts did just as well if not slightly better during sanitation inspections than restaurants—and violations by all types of food businesses were rare. The notion that food trucks and carts are unsafe is simply a myth.

Sensationalist news reports like the WAVE3 story misinform both the public and policymakers. The WAVE3 report caused an uproar, with customers who bought tickets to an upcoming food-truck festival asking for refunds and some vendors saying new customers are now more reticent to try their products.¹⁸ Such misinformation has

also been offered to justify laws that unfairly restrict mobile vendors' ability to compete. But this report shows that it makes no more sense to shut down or burden food trucks or carts with anti-competitive regulations under the guise of food safety than it would to shut down or burden restaurants, hotels or grocery stores.

It shouldn't be surprising that food trucks and carts are just as clean and sanitary as restaurants. Both business models rely on repeat customers, and few people are going to eat twice at a place that made them ill. With the rise of social media like Yelp, word of mouth about a business—whether good or bad—spreads further and more quickly than ever before. And one advantage of food trucks and carts is that it is easier to watch as your food is being prepared—something you simply cannot do at most restaurants. So consumers can rest assured that food trucks and carts are as clean as restaurants, and in fact are often more so.

For those policymakers concerned about health and safety, they should ensure—through inspections—that mobile food vendors are held to the same sanitation standards as restaurants.¹⁹ In this way, the public can enjoy food from vendors that is both delicious and safe while allowing entrepreneurship and economic growth to thrive.



IN THE SEVEN CITIES STUDIED HERE, STREET FOOD IS EVERY BIT AS SAFE AS FOOD FROM A RESTAURANT. THE NOTION THAT FOOD TRUCKS AND CARTS ARE UNSAFE IS SIMPLY A MYTH.

APPENDIX A: METHODS

To isolate the influence of establishment types (β) on the inspection scores (Y) received, these analyses measured differences using OLS regression with fixed-effects. Inspection scores were regressed on establishment types and dummy variables representing day of the week (Θ), month (X) and year (Ω). Weekday, month and year reveal variability of inspections across time.

Seattle and Washington, D.C., include a risk variable (Ψ), which those cities use to identify the potential risk associated with an establishment dependent on the manner in which it prepares and serves food. For example, high-risk categories include establishments that handle raw ingredients extensively, like most sit-down restaurants; moderate-risk categories include establishments that have limited preparation, like a deli or coffee shop; and low-risk categories include establishments such as hot dog stands and convenience stores that primarily serve prepackaged or limited preparation foods.

An establishment can be inspected once or multiple times in one year with little consistency across establishments. Additionally, the type of food served at or from an establishment determines the level of detail required during a health inspection, which means not all the inspection categories apply to every establishment. The establishment fixed effect (Φ) isolates and eliminates the individual specific differences.²⁰

Because sanitation scores are a count of the number of violations during an inspection and most inspections have few violations, a Poisson regression was also used. As with the OLS, inspection scores were regressed on establishment types and the time dummy variables. Standard errors were clustered by establishment to account for multiple inspections per business.

The following is the OLS model for Boston:

$$Y = \beta_0 + \beta_1 (\text{restaurants}) + \beta_2 (\text{other}) + \Theta + X + \Omega + \Phi + \epsilon$$

The Poisson model is:

$$\ln(Y) = \beta_0 + \beta_1 (\text{restaurants}) + \beta_2 (\text{other}) + \Theta + X + \Omega$$

“Y” represents inspection demerits with zero or no demerits being the best score. The



reference year is 2011 with the analysis covering 2011 through July 2013. β_1 represents the coefficient for restaurants, and β_2 represents the coefficient for grocery stores, cafeterias, caterers, etc. The models were run separately for food trucks and carts.

The OLS model for Las Vegas is:

$$Y = \beta_0 + \beta_1 (\text{restaurants}) + \beta_2 (\text{other}) + \Theta + X + \Omega + \Phi + \epsilon$$

The Poisson model is:

$$\ln(Y) = \beta_0 + \beta_1 (\text{restaurants}) + \beta_2 (\text{other}) + \Theta + X + \Omega$$

“Y” represents inspection demerits with zero or no demerits being the best score and up to 100 demerits being the worst score. The reference year is 2009 with the analysis covering 2009 through July 2012. β_1 represents the coefficient for restaurants, and β_2 represents the coefficient for grocery stores, processors, cafeterias, etc. The models were run separately for food trucks and carts.

The OLS model for Los Angeles is:

$$Y = \beta_0 + \beta_1 (\text{restaurants}) + \Theta + X + \Omega + \Phi + \epsilon$$

The Poisson model is:

$$\ln(Y) = \beta_0 + \beta_1 (\text{restaurants}) + \Theta + X + \Omega$$

“Y” represents inspection demerits where zero is the best possible score.²¹ The analysis is from 2009 (the reference year) through July 2012. β_1 represents the coefficient for restaurants. The models were run separately for food trucks and carts.

The following is the OLS model for Louisville:

$$Y = \beta_0 + \beta_1 (\text{restaurants}) + \beta_2 (\text{other}) + \Theta + X + \Omega + \Phi + \epsilon$$

The Poisson model is:

$$\ln(Y) = \beta_0 + \beta_1 (\text{restaurants}) + \beta_2 (\text{other}) + \Theta + X + \Omega$$

“Y” represents inspection demerits.²² The reference year is 2010 with the analysis covering 2010 through July 2013. β_1 represents the coefficient for restaurants, and β_2



represents the coefficient for grocery stores, cafeterias, caterers, etc.

The OLS model for Miami is:

$$Y = \beta_0 + \beta_1 (\text{restaurants}) + \Theta + X + \Omega + \Phi + \epsilon$$

The Poisson model is:

$$\ln(Y) = \beta_0 + \beta_1 (\text{restaurants}) + \Theta + X + \Omega$$

“Y” is the number of violations coded consistent with the other cities above, and β_1 represents the coefficient for restaurants. The analysis is from 2008 (the reference year) through July 2012.

The OLS model for Seattle is:

$$Y = \beta_0 + \beta_1 (\text{restaurants}) + \beta_2 (\text{hotels}) + \Theta + X + \Omega + \Psi + \Phi + \epsilon$$

The Poisson model is:

$$\ln(Y) = \beta_0 + \beta_1 (\text{restaurants}) + \beta_2 (\text{hotels}) + \Theta + X + \Omega + \Psi$$



“Y” is the number of inspection demerits with zero being the best possible score. The reference year is 2009 with the analysis covering 2009 through July 2012. β_1 represents the coefficient for restaurants, and β_2 represents the coefficient for hotels. Seattle also has a risk rank fixed effect (Ψ). Seattle ranks establishments that sell pre-packaged food with limited preparation as the lowest, one, and establishments with complex food preparation and storage as the highest, three.

The OLS model for Washington, D.C. is:

$$Y = \beta_0 + \beta_1 (\text{restaurants}) + \beta_2 (\text{other}) + \Theta + X + \Omega + \Psi + \Phi + \epsilon$$

The Poisson model is:

$$\ln(Y) = \beta_0 + \beta_1 (\text{restaurants}) + \beta_2 (\text{other}) + \Theta + X + \Omega + \Psi$$

“Y” is the number of violations. The analysis was run for 2011 and 2012. β_1 represents the coefficient for restaurants, caterers, cafeterias and hotels, and β_2 represents the coefficient for grocery stores, corner stores and wholesalers. Like Seattle, Washington, D.C. has a risk rank fixed effect (Ψ) based on the District’s ranking of establishments, where one is the least risky and five is the riskiest.



APPENDIX B: REGRESSION OUTPUT

Table 15.
Boston Food Trucks

| | OLS | | | Poisson | | |
|----------------|-------------|-----------|------|-------------|-----------|------|
| | Coefficient | Robust SE | p | Coefficient | Robust SE | p |
| Restaurants | 1.872 | 0.253 | 0.00 | 0.527 | 0.107 | 0.00 |
| Other | -0.187 | 0.251 | 0.46 | -0.020 | 0.109 | 0.86 |
| Weekday | | | | | | |
| Tuesday | -1.399 | 0.909 | 0.12 | -0.261 | 0.287 | 0.36 |
| Wednesday | -1.514 | 0.906 | 0.10 | -0.284 | 0.287 | 0.32 |
| Thursday | -1.523 | 0.907 | 0.09 | -0.298 | 0.287 | 0.30 |
| Friday | -1.413 | 0.908 | 0.12 | -0.240 | 0.287 | 0.40 |
| Saturday | -1.447 | 0.907 | 0.11 | -0.253 | 0.287 | 0.38 |
| Sunday | -2.507 | 0.944 | 0.01 | -0.867 | 0.324 | 0.01 |
| Month | | | | | | |
| February | -0.046 | 0.117 | 0.69 | -0.094 | 0.040 | 0.02 |
| March | 0.329 | 0.126 | 0.01 | 0.095 | 0.039 | 0.02 |
| April | 0.088 | 0.135 | 0.51 | 0.058 | 0.041 | 0.16 |
| May | 0.284 | 0.126 | 0.02 | 0.138 | 0.037 | 0.00 |
| June | -0.077 | 0.133 | 0.57 | 0.006 | 0.040 | 0.89 |
| July | -0.517 | 0.130 | 0.00 | -0.111 | 0.042 | 0.01 |
| August | -0.140 | 0.132 | 0.29 | -0.021 | 0.042 | 0.62 |
| September | -0.402 | 0.123 | 0.00 | -0.151 | 0.043 | 0.00 |
| October | -0.153 | 0.128 | 0.23 | -0.027 | 0.041 | 0.51 |
| November | -0.341 | 0.141 | 0.02 | -0.027 | 0.044 | 0.54 |
| December | -0.273 | 0.152 | 0.07 | 0.009 | 0.048 | 0.85 |
| Year | | | | | | |
| 2012 | 0.461 | 0.095 | 0.00 | 0.148 | 0.028 | 0.00 |
| 2013 | 0.335 | 0.116 | 0.00 | 0.129 | 0.034 | 0.00 |
| Intercept | 3.529 | 0.978 | 0.00 | 1.178 | 0.315 | 0.00 |
| sigma_u | 2.471 | | | | | |
| sigma_e | 3.012 | | | | | |
| rho | 0.402 | | | | | |

Table 16.
Boston Carts

| | OLS | | | Poisson | | |
|----------------|-------------|-----------|----------|-------------|-----------|----------|
| | Coefficient | Robust SE | <i>p</i> | Coefficient | Robust SE | <i>p</i> |
| Restaurants | 3.391 | 0.092 | 0.00 | 1.580 | 0.079 | 0.00 |
| Other | 1.334 | 0.087 | 0.00 | 1.033 | 0.082 | 0.00 |
| Weekday | | | | | | |
| Tuesday | 0.231 | 0.149 | 0.12 | 0.438 | 0.171 | 0.01 |
| Wednesday | 0.123 | 0.147 | 0.40 | 0.415 | 0.171 | 0.02 |
| Thursday | 0.118 | 0.147 | 0.42 | 0.404 | 0.171 | 0.02 |
| Friday | 0.226 | 0.147 | 0.13 | 0.462 | 0.171 | 0.01 |
| Saturday | 0.181 | 0.148 | 0.22 | 0.447 | 0.171 | 0.01 |
| Sunday | -0.353 | 0.222 | 0.11 | -0.099 | 0.235 | 0.67 |
| Month | | | | | | |
| February | -0.032 | 0.115 | 0.78 | -0.090 | 0.040 | 0.03 |
| March | 0.358 | 0.126 | 0.00 | 0.101 | 0.039 | 0.01 |
| April | 0.102 | 0.131 | 0.44 | 0.058 | 0.041 | 0.16 |
| May | 0.269 | 0.122 | 0.03 | 0.135 | 0.037 | 0.00 |
| June | -0.058 | 0.129 | 0.65 | 0.012 | 0.040 | 0.76 |
| July | -0.492 | 0.126 | 0.00 | -0.111 | 0.042 | 0.01 |
| August | -0.145 | 0.127 | 0.25 | -0.031 | 0.042 | 0.47 |
| September | -0.393 | 0.122 | 0.00 | -0.150 | 0.043 | 0.00 |
| October | -0.160 | 0.127 | 0.21 | -0.027 | 0.041 | 0.50 |
| November | -0.330 | 0.138 | 0.02 | -0.033 | 0.044 | 0.45 |
| December | -0.231 | 0.150 | 0.12 | 0.017 | 0.048 | 0.73 |
| Year | | | | | | |
| 2012 | 0.450 | 0.092 | 0.00 | 0.145 | 0.028 | 0.00 |
| 2013 | 0.318 | 0.113 | 0.01 | 0.124 | 0.034 | 0.00 |
| Intercept | 0.387 | 0.182 | 0.03 | -0.573 | 0.165 | 0.00 |
| sigma_u | 2.324 | | | | | |
| sigma_e | 2.970 | | | | | |
| rho | 0.380 | | | | | |

Table 17.
Las Vegas Food Trucks

| | OLS | | | Poisson | | |
|----------------|-------------|-----------|----------|-------------|-----------|----------|
| | Coefficient | Robust SE | <i>p</i> | Coefficient | Robust SE | <i>p</i> |
| Restaurants | 3.575 | 0.287 | 0.00 | 0.732 | 0.096 | 0.00 |
| Other | 1.085 | 0.286 | 0.00 | 0.267 | 0.096 | 0.01 |
| Weekday | | | | | | |
| Tuesday | 0.375 | 0.291 | 0.20 | 0.113 | 0.055 | 0.04 |
| Wednesday | 0.191 | 0.291 | 0.51 | 0.078 | 0.055 | 0.15 |
| Thursday | 0.123 | 0.290 | 0.67 | 0.064 | 0.055 | 0.24 |
| Friday | 0.048 | 0.290 | 0.87 | 0.051 | 0.055 | 0.35 |
| Saturday | -0.371 | 0.289 | 0.20 | -0.026 | 0.055 | 0.63 |
| Sunday | -0.239 | 0.310 | 0.44 | -0.051 | 0.060 | 0.39 |
| Month | | | | | | |
| February | -0.064 | 0.079 | 0.42 | -0.006 | 0.015 | 0.68 |
| March | -0.161 | 0.079 | 0.04 | -0.022 | 0.015 | 0.15 |
| April | -0.105 | 0.085 | 0.22 | -0.015 | 0.016 | 0.37 |
| May | 0.030 | 0.088 | 0.74 | 0.015 | 0.016 | 0.36 |
| June | -0.055 | 0.082 | 0.50 | 0.003 | 0.016 | 0.83 |
| July | 0.166 | 0.087 | 0.06 | 0.040 | 0.016 | 0.01 |
| August | 0.322 | 0.095 | 0.00 | 0.076 | 0.018 | 0.00 |
| September | 0.028 | 0.086 | 0.74 | 0.013 | 0.017 | 0.44 |
| October | -0.176 | 0.087 | 0.04 | -0.020 | 0.017 | 0.25 |
| November | 0.100 | 0.102 | 0.33 | 0.035 | 0.019 | 0.07 |
| December | -0.124 | 0.104 | 0.23 | -0.007 | 0.020 | 0.72 |
| Year | | | | | | |
| 2010 | 0.107 | 0.039 | 0.01 | 0.021 | 0.008 | 0.01 |
| 2011 | 0.544 | 0.045 | 0.00 | 0.100 | 0.009 | 0.00 |
| 2012 | 1.306 | 0.060 | 0.00 | 0.231 | 0.011 | 0.00 |
| Intercept | 2.758 | 0.409 | 0.00 | 1.073 | 0.111 | 0.00 |
| sigma_u | 1.578 | | | | | |
| sigma_e | 5.558 | | | | | |
| rho | 0.075 | | | | | |

Table 18.
Las Vegas Carts

| | OLS | | | Poisson | | |
|----------------|-------------|-----------|------|-------------|-----------|------|
| | Coefficient | Robust SE | p | Coefficient | Robust SE | p |
| Restaurants | 4.711 | 0.112 | 0.00 | 1.214 | 0.054 | 0.00 |
| Other | 2.221 | 0.110 | 0.00 | 0.748 | 0.055 | 0.00 |
| Weekday | | | | | | |
| Tuesday | 0.359 | 0.276 | 0.19 | 0.110 | 0.054 | 0.04 |
| Wednesday | 0.181 | 0.275 | 0.51 | 0.076 | 0.054 | 0.16 |
| Thursday | 0.118 | 0.275 | 0.67 | 0.063 | 0.054 | 0.24 |
| Friday | 0.038 | 0.275 | 0.89 | 0.049 | 0.054 | 0.36 |
| Saturday | -0.362 | 0.274 | 0.19 | -0.026 | 0.054 | 0.62 |
| Sunday | -0.204 | 0.295 | 0.49 | -0.044 | 0.059 | 0.46 |
| Month | | | | | | |
| February | -0.061 | 0.078 | 0.43 | -0.005 | 0.015 | 0.71 |
| March | -0.160 | 0.078 | 0.04 | -0.022 | 0.015 | 0.14 |
| April | -0.106 | 0.084 | 0.20 | -0.015 | 0.016 | 0.34 |
| May | 0.038 | 0.087 | 0.67 | 0.016 | 0.016 | 0.32 |
| June | -0.049 | 0.081 | 0.54 | 0.004 | 0.015 | 0.82 |
| July | 0.176 | 0.086 | 0.04 | 0.042 | 0.016 | 0.01 |
| August | 0.340 | 0.094 | 0.00 | 0.080 | 0.018 | 0.00 |
| September | 0.059 | 0.085 | 0.49 | 0.019 | 0.017 | 0.25 |
| October | -0.170 | 0.087 | 0.05 | -0.019 | 0.017 | 0.26 |
| November | 0.130 | 0.100 | 0.19 | 0.041 | 0.019 | 0.03 |
| December | -0.107 | 0.103 | 0.30 | -0.003 | 0.020 | 0.88 |
| Year | | | | | | |
| 2010 | 0.107 | 0.038 | 0.01 | 0.021 | 0.008 | 0.01 |
| 2011 | 0.549 | 0.044 | 0.00 | 0.103 | 0.009 | 0.00 |
| 2012 | 1.300 | 0.059 | 0.00 | 0.233 | 0.011 | 0.00 |
| Intercept | 1.618 | 0.294 | 0.00 | 0.591 | 0.076 | 0.00 |
| sigma_u | 1.569 | | | | | |
| sigma_e | 5.524 | | | | | |
| rho | 0.075 | | | | | |

Table 19.
Los Angeles Food Trucks

| | OLS | | | Poisson | | |
|----------------|-------------|-----------|----------|-------------|-----------|----------|
| | Coefficient | Robust SE | <i>p</i> | Coefficient | Robust SE | <i>p</i> |
| Restaurants | 4.484 | 0.143 | 0.00 | 0.786 | 0.049 | 0.00 |
| Weekday | | | | | | |
| Tuesday | -0.313 | 0.424 | 0.46 | 0.145 | 0.074 | 0.05 |
| Wednesday | -0.233 | 0.421 | 0.58 | 0.145 | 0.074 | 0.05 |
| Thursday | -0.187 | 0.420 | 0.66 | 0.144 | 0.074 | 0.05 |
| Friday | -0.242 | 0.421 | 0.57 | 0.133 | 0.074 | 0.07 |
| Saturday | -0.206 | 0.426 | 0.63 | 0.122 | 0.074 | 0.10 |
| Sunday | 1.110 | 0.516 | 0.03 | 0.248 | 0.089 | 0.01 |
| Month | | | | | | |
| February | 0.124 | 0.115 | 0.28 | 0.012 | 0.017 | 0.45 |
| March | 0.101 | 0.097 | 0.30 | 0.018 | 0.015 | 0.23 |
| April | 0.041 | 0.102 | 0.69 | 0.006 | 0.015 | 0.71 |
| May | -0.021 | 0.097 | 0.83 | -0.006 | 0.014 | 0.70 |
| June | 0.081 | 0.110 | 0.46 | 0.018 | 0.016 | 0.26 |
| July | 0.251 | 0.128 | 0.05 | 0.030 | 0.018 | 0.10 |
| August | 0.326 | 0.123 | 0.01 | 0.033 | 0.018 | 0.06 |
| September | 0.533 | 0.121 | 0.00 | 0.069 | 0.017 | 0.00 |
| October | 0.282 | 0.135 | 0.04 | 0.025 | 0.019 | 0.19 |
| November | 0.104 | 0.132 | 0.43 | 0.011 | 0.019 | 0.55 |
| December | -0.141 | 0.120 | 0.24 | -0.004 | 0.018 | 0.81 |
| Year | | | | | | |
| 2010 | -0.402 | 0.067 | 0.00 | -0.056 | 0.009 | 0.00 |
| 2011 | -0.701 | 0.070 | 0.00 | -0.094 | 0.010 | 0.00 |
| 2012 | -0.829 | 0.090 | 0.00 | -0.102 | 0.013 | 0.00 |
| Intercept | 3.721 | 0.450 | 0.00 | 1.178 | 0.091 | 0.00 |
| sigma_u | 2.430 | | | | | |
| sigma_e | 4.633 | | | | | |
| rho | 0.216 | | | | | |

Table 20.
Los Angeles Carts

| | OLS | | | Poisson | | |
|----------------|-------------|-----------|----------|-------------|-----------|----------|
| | Coefficient | Robust SE | <i>p</i> | Coefficient | Robust SE | <i>p</i> |
| Restaurants | 5.648 | 0.237 | 0.00 | 1.214 | 0.105 | 0.00 |
| Weekday | | | | | | |
| Tuesday | 0.254 | 0.393 | 0.52 | 0.264 | 0.074 | 0.00 |
| Wednesday | 0.440 | 0.391 | 0.26 | 0.275 | 0.073 | 0.00 |
| Thursday | 0.436 | 0.391 | 0.26 | 0.268 | 0.073 | 0.00 |
| Friday | 0.443 | 0.390 | 0.26 | 0.265 | 0.073 | 0.00 |
| Saturday | 0.402 | 0.394 | 0.31 | 0.245 | 0.074 | 0.00 |
| Sunday | 0.843 | 0.492 | 0.09 | 0.265 | 0.091 | 0.00 |
| Month | | | | | | |
| February | 0.130 | 0.116 | 0.26 | 0.013 | 0.016 | 0.43 |
| March | 0.131 | 0.097 | 0.18 | 0.020 | 0.015 | 0.16 |
| April | 0.040 | 0.101 | 0.69 | 0.005 | 0.015 | 0.74 |
| May | 0.024 | 0.097 | 0.80 | 0.000 | 0.014 | 0.98 |
| June | 0.232 | 0.111 | 0.04 | 0.037 | 0.016 | 0.02 |
| July | 0.321 | 0.132 | 0.02 | 0.036 | 0.018 | 0.05 |
| August | 0.342 | 0.126 | 0.01 | 0.032 | 0.018 | 0.07 |
| September | 0.452 | 0.119 | 0.00 | 0.058 | 0.017 | 0.00 |
| October | 0.289 | 0.138 | 0.04 | 0.025 | 0.019 | 0.20 |
| November | 0.034 | 0.123 | 0.79 | 0.003 | 0.017 | 0.85 |
| December | -0.155 | 0.121 | 0.20 | -0.004 | 0.018 | 0.84 |
| Year | | | | | | |
| 2010 | -0.468 | 0.069 | 0.00 | -0.064 | 0.009 | 0.00 |
| 2011 | -0.849 | 0.070 | 0.00 | -0.113 | 0.010 | 0.00 |
| 2012 | -0.958 | 0.091 | 0.00 | -0.118 | 0.012 | 0.00 |
| Intercept | 1.996 | 0.458 | 0.00 | 0.635 | 0.127 | 0.00 |
| sigma_u | 2.454 | | | | | |
| sigma_e | 4.520 | | | | | |
| rho | 0.228 | | | | | |

Table 21.
Louisville Mobile Vendors (Trucks and Carts)

| | OLS | | | Poisson | | |
|----------------|-------------|-----------|------|-------------|-----------|------|
| | Coefficient | Robust SE | p | Coefficient | Robust SE | p |
| Restaurants | 2.441 | 0.164 | 0.00 | 0.826 | 0.076 | 0.00 |
| Other | 1.354 | 0.166 | 0.00 | 0.596 | 0.077 | 0.00 |
| Weekday | | | | | | |
| Tuesday | 0.200 | 0.243 | 0.41 | 0.030 | 0.112 | 0.79 |
| Wednesday | 0.177 | 0.247 | 0.47 | 0.024 | 0.113 | 0.83 |
| Thursday | 0.102 | 0.246 | 0.68 | 0.016 | 0.112 | 0.89 |
| Friday | 0.095 | 0.256 | 0.71 | -0.017 | 0.114 | 0.88 |
| Saturday | -0.019 | 0.273 | 0.94 | -0.051 | 0.117 | 0.67 |
| Sunday | -0.044 | 0.215 | 0.84 | -0.101 | 0.116 | 0.39 |
| Month | | | | | | |
| February | 0.000 | 0.101 | 1.00 | 0.023 | 0.032 | 0.46 |
| March | -0.158 | 0.095 | 0.10 | -0.058 | 0.032 | 0.07 |
| April | 0.151 | 0.141 | 0.28 | 0.069 | 0.035 | 0.05 |
| May | 0.208 | 0.188 | 0.27 | 0.067 | 0.043 | 0.12 |
| June | 0.060 | 0.113 | 0.60 | 0.027 | 0.030 | 0.37 |
| July | 0.009 | 0.097 | 0.93 | 0.009 | 0.029 | 0.75 |
| August | -0.356 | 0.222 | 0.11 | -0.090 | 0.079 | 0.26 |
| September | 0.201 | 0.117 | 0.09 | 0.107 | 0.033 | 0.00 |
| October | 0.070 | 0.112 | 0.53 | -0.009 | 0.034 | 0.80 |
| November | -0.099 | 0.103 | 0.34 | -0.040 | 0.032 | 0.21 |
| December | -0.060 | 0.106 | 0.58 | 0.005 | 0.033 | 0.88 |
| Year | | | | | | |
| 2010 | 0.719 | 0.073 | 0.00 | 0.201 | 0.026 | 0.00 |
| 2011 | 0.606 | 0.113 | 0.00 | 0.160 | 0.037 | 0.00 |
| 2012 | 0.282 | 0.068 | 0.00 | 0.062 | 0.025 | 0.01 |
| Intercept | 1.352 | 0.346 | 0.00 | 0.523 | 0.137 | 0.00 |
| sigma_u | 1.913 | | | | | |
| sigma_e | 3.729 | | | | | |
| rho | 0.208 | | | | | |

Table 22.
Miami Mobile Vendors (Trucks and Carts)

| | OLS | | | Poisson | | |
|----------------|-------------|-----------|------|-------------|-----------|------|
| | Coefficient | Robust SE | p | Coefficient | Robust SE | p |
| Restaurants | 4.191 | 0.126 | 0.00 | 0.773 | 0.032 | 0.00 |
| Weekday | | | | | | |
| Tuesday | 2.922 | 0.378 | 0.00 | 0.868 | 0.105 | 0.00 |
| Wednesday | 2.524 | 0.371 | 0.00 | 0.826 | 0.105 | 0.00 |
| Thursday | 2.606 | 0.372 | 0.00 | 0.841 | 0.105 | 0.00 |
| Friday | 2.529 | 0.377 | 0.00 | 0.826 | 0.105 | 0.00 |
| Saturday | 2.205 | 0.374 | 0.00 | 0.775 | 0.105 | 0.00 |
| Sunday | 0.732 | 0.515 | 0.16 | 0.354 | 0.136 | 0.01 |
| Month | | | | | | |
| February | 0.308 | 0.211 | 0.15 | 0.060 | 0.029 | 0.04 |
| March | 0.228 | 0.218 | 0.29 | 0.052 | 0.029 | 0.07 |
| April | -0.482 | 0.212 | 0.02 | -0.042 | 0.031 | 0.18 |
| May | -1.080 | 0.213 | 0.00 | -0.106 | 0.031 | 0.00 |
| June | -1.730 | 0.201 | 0.00 | -0.255 | 0.031 | 0.00 |
| July | -0.215 | 0.231 | 0.35 | -0.011 | 0.030 | 0.72 |
| August | -0.391 | 0.241 | 0.11 | -0.023 | 0.032 | 0.47 |
| September | -0.565 | 0.239 | 0.02 | -0.054 | 0.032 | 0.09 |
| October | -0.522 | 0.242 | 0.03 | -0.053 | 0.032 | 0.10 |
| November | -0.598 | 0.272 | 0.03 | -0.049 | 0.036 | 0.17 |
| December | -0.852 | 0.257 | 0.00 | -0.107 | 0.035 | 0.00 |
| Year | | | | | | |
| 2009 | -1.368 | 0.151 | 0.00 | -0.154 | 0.017 | 0.00 |
| 2010 | -1.487 | 0.225 | 0.00 | -0.175 | 0.027 | 0.00 |
| 2011 | -3.323 | 0.150 | 0.00 | -0.435 | 0.019 | 0.00 |
| 2012 | -3.495 | 0.213 | 0.00 | -0.466 | 0.027 | 0.00 |
| Intercept | 3.533 | 0.438 | 0.00 | 0.761 | 0.112 | 0.00 |
| sigma_u | 2.877 | | | | | |
| sigma_e | 6.570 | | | | | |
| rho | 0.161 | | | | | |

Table 23.
Seattle Mobile Vendors (Trucks and Carts)

| | OLS | | | Poisson | | |
|------------------|-------------|-----------|------|-------------|-----------|------|
| | Coefficient | Robust SE | p | Coefficient | Robust SE | p |
| Restaurants | -1.505 | 1.368 | 0.27 | -0.094 | 0.111 | 0.40 |
| Hotels | -6.893 | 1.589 | 0.00 | -0.915 | 0.191 | 0.00 |
| Weekday | | | | | | |
| Tuesday | 0.103 | 2.951 | 0.97 | 0.292 | 0.256 | 0.25 |
| Wednesday | -0.849 | 2.963 | 0.77 | 0.264 | 0.256 | 0.30 |
| Thursday | -0.251 | 2.980 | 0.93 | 0.270 | 0.257 | 0.29 |
| Friday | 0.741 | 2.964 | 0.80 | 0.387 | 0.257 | 0.13 |
| Saturday | -0.596 | 3.003 | 0.84 | 0.279 | 0.257 | 0.28 |
| Sunday | -0.315 | 3.358 | 0.93 | 0.120 | 0.283 | 0.67 |
| Month | | | | | | |
| February | -1.626 | 0.934 | 0.08 | -0.085 | 0.070 | 0.22 |
| March | 0.898 | 0.932 | 0.34 | 0.102 | 0.078 | 0.19 |
| April | -2.009 | 0.894 | 0.03 | -0.113 | 0.067 | 0.09 |
| May | -3.274 | 0.893 | 0.00 | -0.286 | 0.072 | 0.00 |
| June | -2.652 | 1.026 | 0.01 | -0.158 | 0.073 | 0.03 |
| July | -0.298 | 1.232 | 0.81 | 0.011 | 0.099 | 0.92 |
| August | -1.090 | 1.257 | 0.39 | -0.028 | 0.090 | 0.76 |
| September | -5.733 | 1.042 | 0.00 | -0.400 | 0.083 | 0.00 |
| October | -6.436 | 1.009 | 0.00 | -0.522 | 0.093 | 0.00 |
| November | -5.098 | 0.976 | 0.00 | -0.428 | 0.083 | 0.00 |
| December | -5.743 | 0.982 | 0.00 | -0.409 | 0.084 | 0.00 |
| Year | | | | | | |
| 2010 | -0.135 | 0.621 | 0.83 | 0.007 | 0.056 | 0.90 |
| 2011 | -0.801 | 0.585 | 0.17 | -0.006 | 0.054 | 0.91 |
| 2012 | -0.318 | 0.745 | 0.67 | 0.061 | 0.060 | 0.31 |
| Risk Rank | | | | | | |
| 2 | -3.243 | 0.822 | 0.00 | -0.567 | 0.140 | 0.00 |
| 2/3 | -8.459 | 1.727 | 0.00 | -1.243 | 0.347 | 0.00 |
| 3 | 5.419 | 0.760 | 0.00 | 0.506 | 0.104 | 0.00 |
| Intercept | 12.828 | 3.140 | 0.00 | 2.313 | 0.267 | 0.00 |
| sigma_u | 8.730 | | | | | |
| sigma_e | 15.340 | | | | | |
| rho | 0.245 | | | | | |

Table 24.
Washington, D.C., Mobile Vendors (Trucks and Carts)

| | OLS | | | Poisson | | |
|------------------|-------------|-----------|------|-------------|-----------|------|
| | Coefficient | Robust SE | p | Coefficient | Robust SE | p |
| Restaurants | 1.630 | 0.151 | 0.00 | 0.661 | 0.088 | 0.00 |
| Other | 1.550 | 0.169 | 0.00 | 0.636 | 0.092 | 0.00 |
| Weekday | | | | | | |
| Tuesday | 0.732 | 0.918 | 0.43 | 0.224 | 0.305 | 0.46 |
| Wednesday | 0.837 | 0.913 | 0.36 | 0.325 | 0.148 | 0.03 |
| Thursday | 0.641 | 0.912 | 0.48 | 0.370 | 0.148 | 0.01 |
| Friday | 0.945 | 0.917 | 0.30 | 0.329 | 0.148 | 0.03 |
| Saturday | 0.739 | 0.919 | 0.42 | 0.399 | 0.148 | 0.01 |
| Sunday | 0.859 | 1.575 | 0.59 | 0.327 | 0.148 | 0.03 |
| Month | | | | | | |
| February | 0.113 | 0.258 | 0.66 | 0.248 | 0.182 | 0.17 |
| March | -0.024 | 0.248 | 0.92 | -0.006 | 0.059 | 0.93 |
| April | 0.021 | 0.255 | 0.94 | 0.025 | 0.034 | 0.45 |
| May | 0.061 | 0.233 | 0.79 | -0.013 | 0.032 | 0.67 |
| June | -0.142 | 0.241 | 0.56 | -0.017 | 0.033 | 0.60 |
| July | 0.337 | 0.263 | 0.20 | -0.006 | 0.032 | 0.85 |
| August | 0.396 | 0.246 | 0.11 | -0.021 | 0.034 | 0.53 |
| September | -0.287 | 0.243 | 0.24 | 0.069 | 0.033 | 0.04 |
| October | -0.349 | 0.230 | 0.13 | 0.065 | 0.031 | 0.04 |
| November | -0.418 | 0.230 | 0.07 | -0.089 | 0.033 | 0.01 |
| December | -0.524 | 0.252 | 0.04 | -0.104 | 0.032 | 0.00 |
| Year | | | | | | |
| 2012 | -0.586 | 0.088 | 0.00 | -0.147 | 0.033 | 0.00 |
| Risk Rank | | | | | | |
| 2 | 0.489 | 0.192 | 0.01 | -0.174 | 0.035 | 0.00 |
| 3 | 1.344 | 0.193 | 0.00 | 0.374 | 0.063 | 0.00 |
| 4 | 2.051 | 0.273 | 0.00 | -0.164 | 0.012 | 0.00 |
| 5 | -0.162 | 0.472 | 0.73 | -0.046 | 0.168 | 0.78 |
| Intercept | 1.110 | 0.934 | 0.23 | 0.168 | 0.055 | 0.00 |
| sigma_u | 0.000 | | | | | |
| sigma_e | 4.719 | | | | | |
| rho | 0.000 | | | | | |

ENDNOTES

1 Public Broadcasting Service. "Timeline of the Great Depression." <http://www.pbs.org/wgbh/americanexperience/features/timeline/rails-timeline/>.

2 <http://www.wave3.com/story/22818583/health-department-worried-about-food-truck-sanitation-safety>.

3 <http://www.wave3.com/story/22818583/health-department-worried-about-food-truck-sanitation-safety>.

4 Norman, E., Frommer, R., Gall, B., & Knepper, L. (July 2011) "Streets of dreams: How cities can create economic opportunity by knocking down protectionist barriers to street vending." Institute for Justice: Arlington, VA.

5 Initially Las Vegas, Los Angeles, Miami, Seattle and Washington D.C. were chosen from the 50 largest cities in the U.S. because their sanitation records were accessible and included ways to distinguish by establishment type. Later both Boston and Louisville were added after news reports suggested that food trucks

performed worse than restaurants during inspections.

6 Local codes are governed by state sanitation laws, which are mainly concerned with cleanliness, food sourcing and storage, food temperatures and employee health and knowledge. They also address vermin, refuse, consumer protection, utensils and equipment. Additionally, the seven municipalities studied all require food-truck and cart owners to work out of a commissary—shared commercial kitchen—where they must store food, containers and supplies as well as prepare food, clean utensils and dispose of liquid and solid waste. The commissaries, like restaurants and mobile vendors, must pass periodic health inspections to remain open.

7 In Las Vegas, Los Angeles, Louisville and Seattle, violations are given demerit values depending on the severity of the violation. For example, a foodborne violation may have a demerit of five whereas a business practice violation may have a demerit of one. In these cities, the sum of the demerits is the number provided by the agencies and is reported here as number of violations.

8 Analyses controlled for when an establishment was inspected—day of

the week, month and year—because variations may occur with higher traffic and lower traffic days and with seasonal and yearly fluctuations in demand, weather, foods, pests and other factors. The analyses also controlled for each individual establishment because some businesses may be inspected more often or have consistent issues based on something other than the type of food establishment they are. The analyses for Seattle and Washington, D.C., also controlled for risk categories assigned by the cities. These categories are assigned based on establishments' methods of food preparation and delivery—pre-packaged versus fresh food, ice cream versus warm lunch entrees and so forth. Analyses controlled for these categories so that an abundance of high-risk, and therefore potentially high-violation, establishments in one category would not skew results.

9 The Poisson regression is commonly used for analyzing count data, which we have here (i.e., counts of violations). However, the results of OLS regression tend to be easier to understand and are included here for ease of interpretation.

10 The full regression output for models in Boston, Miami and Washington,

D.C., using the numbers of critical and non-critical violations can be supplied upon request.

11 The full regression output for the models using the number of critical foodborne, critical and non-critical violations separately can be supplied upon request.

12 The number of violations here is actually the number of reported demerits, where more severe violations receive more demerits.

13 The number of violations here is actually the number of reported demerits, where more severe violations receive more demerits.

14 The number of violations here is actually the number of reported demerits, where more severe violations receive more demerits.

15 The full regression output for the models using the number of critical and non-critical violations separately can be supplied upon request.

16 The number of violations here is actually the number of reported demerits, where more severe violations receive more demerits.

17 The full regression output for the models using the number of critical and non-critical violations separately can be supplied upon request.

18 <http://fatlip.leoweekly.com/2013/07/26/inspection-scores-suggest-louisville-food-trucks-arent-as-scary-as-wave3-thinks/>.

19 For more information on good food-truck laws see: Frommer, R. & Gall, B. (November 2012) "Food-truck freedom: How to build better food-truck laws in your city." Institute for Justice: Arlington, VA; <http://ij.org/vending>.

20 The OLS models were also run without the establishment fixed effects and the Poisson models were run with establishment fixed effects. The results of these models were not appreciably different from the ones used in this report. These results can be provided upon request.

21 These values were transformed from the original grade that removes demerits from 100.

22 These values were transformed from the original grade that removes demerits from 100.



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ABOUT IJ

The Institute for Justice is a nonprofit, public interest law firm that litigates to secure economic liberty, school choice, private property rights, freedom of speech and other vital individual liberties and to restore constitutional limits on the power of government. Founded in 1991, IJ is the nation's only libertarian public interest law firm, pursuing cutting-edge litigation in the courts of law and in the court of public opinion on behalf of individuals whose most basic rights are denied by the government. The Institute's strategic research program produces high-quality research to inform public policy debates on issues central to IJ's mission.



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UPWARDLY MOBILE

Street Vending and the American Dream



BY DICK M. CARPENTER II, PH.D.

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EXECUTIVE SUMMARY

**As old as the country itself,
American street vending has
never been more prominent.**

It's the subject of television shows, think pieces and – less happily – burdensome regulations in cities coast to coast. Despite vending's popularity both with the public and as a target for regulation, data about vendors and their economic contributions have been hard to come by. Until now.

To help remedy this dearth of information, the Institute for Justice surveyed 763 licensed vendors in the 50 largest cities in the United States. This report presents the findings of that survey as well as an in-depth economic case study of New York City's vending industry. It also tells the stories of a diverse group of vendors and their struggles to make a living and grow their businesses. These are real-life examples of how city regulations can get in the way of budding entrepreneurs.



KEY FINDINGS INCLUDE:

VENDING OFFERS AN ACCESSIBLE AVENUE TO ENTREPRENEURSHIP, ESPECIALLY FOR IMMIGRANTS, MINORITIES AND THOSE WITH LESS FORMAL EDUCATION.

- 96% of vendors own their own businesses.
- 51% of vendors are immigrants, and the average immigrant vendor has been in the United States 22 years.
- Like the cities they serve, vendors are diverse: 62% are persons of color, including 35% who are Hispanic.
- 28% of vendors didn't complete high school, and 63% completed no specialized training before becoming vendors.

VENDORS ARE HARD-WORKING BUSINESS OWNERS AND JOB CREATORS—JUST THE PEOPLE CITIES SHOULD WELCOME WITH OPEN ARMS.

- Full-time vendors work, on average, more than 11 hours a day, five and a half days a week, and three out of four part-time vendors hold a second job.
- 39% of vendors are employers, averaging 2.3 full-time and 2.7 part-time workers.
- One out of three vending business owners plans to expand.

THROUGH THEIR ECONOMIC ACTIVITY, VENDING BUSINESSES CAN MAKE SIZABLE CONTRIBUTIONS TO THEIR LOCAL ECONOMY.

- In 2012, vendors' contributions to the New York City economy totaled an estimated 17,960 jobs, \$192.3 million in wages and \$292.7 million in value added.
- New York City vendors contributed an estimated \$71.2 million to local, state and federal tax coffers.

New York's vending industry generates considerable economic activity — but it could do even more if not for the city's artificial cap on licenses and permits. This cap has kept countless would-be vendors out of business and forced others to operate illegally. Many other cities, including Los Angeles, Miami and Chicago, likewise dampen vending's economic potential through outright bans and arbitrary limits on when, where and how vendors may work.

Not only do such regulations cost cities economic activity, jobs and taxes, but they also close off an otherwise viable path to entrepreneurship and upward mobility. Cities would do better to open their streets and sidewalks to hard-working vendors who are just trying to build their American Dream.



INTRODUCTION

After hundreds of years on America's urban streets, vending is an "overnight" success—most especially street food. Suddenly, multiple television shows feature food trucks and their innovative fare.¹ In 2010, *New York Times* food columnist John T. Edge declared, "Street food is hip,"² and a 2009 *Washington Post* story observed, "Street carts are the year's hottest food trend."³ And the trend shows no signs of slowing down: Celebrity chef and street food aficionado Anthony Bourdain announced plans in 2014 for a New York City market hall that will feature "a dream list of chefs, operators, street food and hawker legends from around the world."⁴ Since 2008, the sector has grown an average of 8.4% a year, and revenue, which in 2012 reached \$650 million, is expected to quadruple to \$2.7 billion by 2017.⁵

For much of our nation's history, street vending—or "peddling"—has been a way for lower-income workers, particularly new immigrants, to make a living and climb the economic ladder.⁶ The industry still holds the same economic promise, but it now attracts a more diverse crop of workers: immigrants, yes, but also ex-professionals, retirees and young entrepreneurs.⁷ In cities around the country, vendors sell a dizzying array of

goods—both food and merchandise—from trucks, carts, tables, stands and kiosks.⁸

The allure of street vending lies in its low startup and overhead costs. Vending provides an accessible avenue into entrepreneurship—a way to be one's own boss and to start something that can grow into a bigger enterprise. Among food vendors, for example, it's common to find young, creative chefs using a cart or truck to test-market ideas, build a customer base and capital and take the first steps toward opening a restaurant.⁹

Particularly during the recent recession, street vending has also been seen as an escape from unemployment. Michael Wells, co-director of New York City's Street Vendor Project, reported a surge of calls from people trying to find a new way to make a living after losing their jobs.¹⁰ Asociación de Vendedores Ambulantes, a vendor association in Chicago, also works with aspiring vendors who wish to start new businesses after struggling to find work elsewhere.¹¹

This report provides a first-of-its-kind look at the people making a living as entrepreneurs on America's streets and sidewalks. The Institute for Justice surveyed licensed vendors in the 50 largest U.S. cities. By far the broadest survey ever done of the industry, it reveals that today's street vendors are bootstraps entrepreneurs: Despite having little formal training, they have built long-lasting businesses and created jobs, often through long hours



and hard work. And an in-depth case study of vendors in New York City shows the economic benefits—including jobs and taxes—street vendors can bring to a city.

To date, hard data about street vendors have been scarce, but facts about the industry are increasingly important as cities across the country consider how to regulate vending—and as vendors push back against onerous rules. New York City, despite its storied history of vending, arbitrarily caps food permits and vending licenses, keeping would-be vendors out of work or forcing them to operate illegally¹²—and fostering a flourishing black market for permits.¹³ Although home to a thriving food-truck scene, Los Angeles completely bans sidewalk vending, exposing the thousands of Angelenos who vend anyway to citations, fines and even jail time.¹⁴ Chicago won't allow food trucks to sell within 200 feet of any

brick-and-mortar establishment that serves food, effectively making much of its downtown off-limits.¹⁵ Miami bans vendors from public parking lots and street parking spaces and forbids them from staying in one place any longer than it takes to make a sale.¹⁶

Many cities are simply imposing old, ill-fitting regulations on a rejuvenated industry, while others are bending to pressure from businesses in traditional storefronts that fear upstart competition.¹⁷ Either way, a better understanding of who vendors are, what they do and how they contribute to local economies is crucial to dispel myths and lead to better policymaking. This report sheds light on the industry not only through survey and economic data but also through stories of men and women in the business and their struggles to survive and thrive.

SURVEYING STREET VENDORS

To learn more about the street vending industry, the Institute for Justice surveyed 763 vendors in the 50 largest U.S. cities. The sample was drawn from lists of licensed vendors in each city, and the survey was conducted by telephone in the fall of 2013 by Technometrica, a New Jersey-based polling company. For further details on methods, see the Appendix.

The complete survey and full results are available online at

WWW.IJ.ORG/UPWARDLY-MOBILE

LAURA PEKARIK CHICAGO

Laura Pekarik is probably not who most people envision when they hear “street vendor.” She is nevertheless exemplary of today’s new class of vendors. With an associate’s degree in business, she is among the 24% of vendors with some college (see Figure 4, p. 12). And like most vendors (see Figure 6, p. 15), she had a working life before vending: a successful management career in marketing. Then came an announcement from her sister – cancer.

Diagnosed in 2010, Kathryn Pekarik, Laura’s sister, is one of more than 330,000 Americans¹⁸ with non-Hodgkin lymphoma, a type of blood cancer. Laura and her mother quit their jobs to take care of her. During a benefit to help defray the costs of Kathryn’s medical care, Laura hosted a bake sale, selling 250 of her homemade cupcakes. Friends and family couldn’t get enough of the sweet treats and requested more.

After Kathryn recovered, Laura considered returning to her job but chose instead to go into business for herself. Like many new entrepreneurs, Laura lacked money for a storefront, so she used her entire savings to open the Cupcakes for Courage food truck in 2011. Now, at 3:30 a.m. every weekday and many weekends, Laura begins a long workday that includes not only baking 200 cupcakes to sell from her truck but also overseeing a growing business,¹⁹ from which she donates 10 percent of sales to cancer charities.²⁰

Like many vendors (see Figure 2, p. 9), Laura is an employer: Her business employs a dozen staff members. Laura has also branched out to other baked goods and now offers catering and pre-ordering, which requires her to bake up to 500 cupcakes at a time.²¹ In addition, she purchased another truck and opened a brick-and-mortar location in 2012. The store, Courageous Bakery, also serves as a new home for Laura’s food trucks, which continue to operate in Chicago – though not in all of Chicago.

City laws make it illegal for Laura and other food-truck operators to vend within 200 feet of any fixed business that serves food. Because restaurants tend to cluster together on streets and blocks, this “proximity restriction” has made entire swaths of Chicago inaccessible to food trucks. The fine for violating the 200-foot rule goes up to \$2,000 – 10 times greater than the fine for blocking a fire hydrant. To enforce this rule, the city is forcing food trucks to install GPS tracking devices that broadcast their every move.

Seeing the regulations as unjust, Laura joined with the Institute for Justice to sue the city of Chicago in late 2012. IJ argues that in existing primarily to protect restaurants – and not the public at large – the 200-foot rule violates Laura’s and other vendors’ right to earn an honest living under the Illinois Constitution.²² IJ also argues that the Windy City’s use of GPS devices for enforcement violates the state Constitution because of its anticompetitive purpose and the lack of limitations on the access or use of any data collected.²³

SMALL-BUSINESS OWNERSHIP

Street vendors are overwhelmingly small-business owners: 96% of large-city vendors own their own business, and 90% of those also own the truck, cart, stand or other structure from which they sell.³ Most vendors own only one structure, but some have grown into larger businesses with 10, 20 or even 50 vending units.

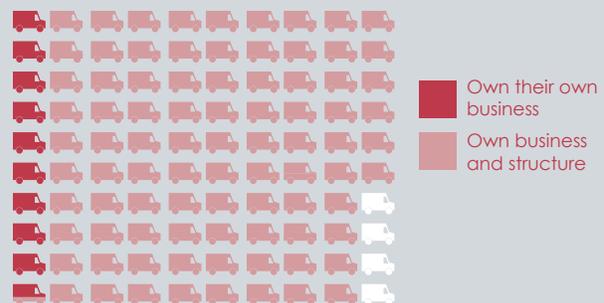


FIGURE 1: VENDOR BUSINESS AND STRUCTURE OWNERSHIP IN LARGE U.S. CITIES



JOB CREATION

Street vending creates jobs not only for vendors but often also for others: 39% of vendors employ full- or part-time workers. The average vendor-employer has 2.3 full-time and 2.7 part-time workers.^b

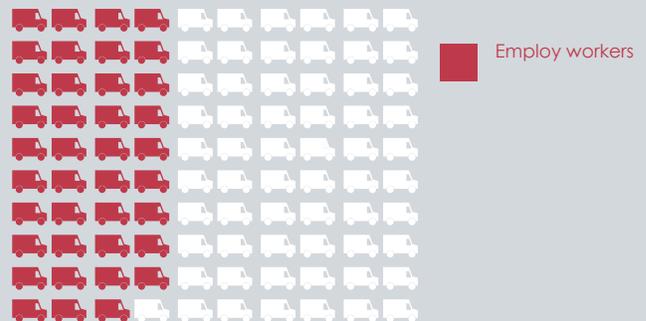


FIGURE 2: VENDORS AS EMPLOYERS IN LARGE U.S. CITIES

GREG BURKE CHICAGO

Laura's company has survived despite the city's intrusions, but Chicago has managed to destroy other businesses, like Greg Burke's. An engineer by training, Greg built a flourishing career in the construction industry. And then came the Great Recession. Along with millions of other Americans, Greg found himself unemployed in 2010. As the recession lingered, he struggled to find work in an industry hard hit and slow to recover. With few prospects, Greg took matters into his own hands.

For years at Chicago Bears games, Greg had been frying schnitzel (a hand-breaded and fried pork or chicken cutlet), putting it between two pieces of bread and

topping it with grilled onions and peppers. People loved Greg's sandwiches and told him he should sell them for a living. In 2011, he started to do just that. He bought a vintage 1970s Jeep with his life savings, converted it into a food truck and became the Chicago Schnitzel King. In so doing, he joined the ranks of tens of thousands of street vendors, most of whom sell food (see *Wide Variety of Food & Merchandise*, p. 18).

Greg and his wife, Kristin, built a popular business, but the city's draconian laws drove them away. "We had a strong, loyal following," Kristin said. "Unfortunately, because of the restrictive food-truck laws we couldn't make enough money to survive and support our growing family."²⁴ The Burkes moved to North Dakota in 2014—the Chicago Schnitzel King is no more.

LONGEVITY & FUTURE PLANS

Street vendors are successful, averaging eight years in business with plans to continue for at least another 10 years. More than one-third of vendor-owners plan to expand, mostly by growing their current business, though nearly one-quarter of this group hope to open a brick-and-mortar storefront. Half of vendors' employees also hope to start their own vending business.

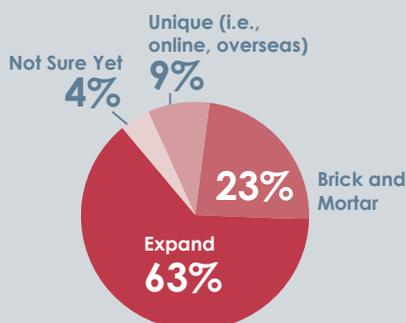


FIGURE 3: ASPIRATIONS OF LARGE-CITY VENDING BUSINESS OWNERS WHO PLAN TO EXPAND



YVONNE CASTANEDA EL PASO, TEXAS

A similar fate almost befell Yvonne Castaneda of El Paso, Texas.

On a typical day, Yvonne awakens at 5:00 a.m. to begin preparing food for her business. She buys ingredients from a local supplier and then takes them to a commercial kitchen where she prepares delicious, low-cost burritos greatly in demand by her regular customers. From there, she loads the burritos into her food truck and begins her route. Yvonne's business, like most vendors' (see Figure 12, p. 20), is mobile. Most days, she will stop at parks, construction sites and a local plasma center. Before the end of the day, she'll sell more than 50 burritos and an assortment of soda, candy, potato chips and other prepackaged items.²⁵ Mexican food is a staple among food vendors in the United States, though today's vendors offer a variety of foods and other goods (see Wide Variety of Food & Merchandise, p. 18).

Although Yvonne stops vending at around 4:00 p.m., her workday won't end until about 6:00 p.m., when she has finished unloading and cleaning her truck and preparing for the next day. On weekends, she orders food and supplies for her business and completes hours of paperwork and accounting. Yvonne's workdays and weeks are long, but such commitment is typical among vendors (see Figure 9, p. 17).

Like most vendors (see Figure 5, p. 13), Yvonne has had no formal training in the industry, other than a food

handling course required by the city and an optional business management course offered by the health department, but she learned quickly and her business grew steadily. She is proud of the business that she started in 1996, proud that on 50 burritos a day she can cover all of her expenses and still support herself, her husband, Hector, who was put out of work by a severe on-the-job injury, and their daughter, Destiny. As it has for countless other mobile vendors across the country, owning a food truck has offered Yvonne a gateway to self-sufficiency and entrepreneurship.²⁶ But this path was very nearly closed to her and other El Pasoans.

In 2009, city leaders effectively turned El Paso into a no-vending zone with the adoption of a new food-truck law.²⁷ The core of the law was a proximity restriction prohibiting mobile food vendors from selling food within 1,000 feet of a brick-and-mortar restaurant. Making matters worse, the law also prohibited mobile vendors from stopping and waiting for customers, meaning they weren't allowed to park in one spot during the lunch hour and serve food steadily to customers. Instead, vendors had to keep driving constantly unless a customer happened to see them and flag them down; once finished with a transaction, vendors had to get back on the move immediately.²⁸

For any vendor, but particularly for a food vendor, successfully operating under these kinds of parking restrictions is utterly unrealistic. Even with preparation completed prior to driving a route, serving food from a truck or cart requires equipment setup, last-minute food preparation and packaging, cleanup and other related

LOW EDUCATION & TRAINING DEMANDS

Street vending is a way for people with less education and little specialized training to open their own businesses. Fewer large-city vendors have completed high school compared to other workers—28% of vendors have less than a high-school education versus 18% of city residents.

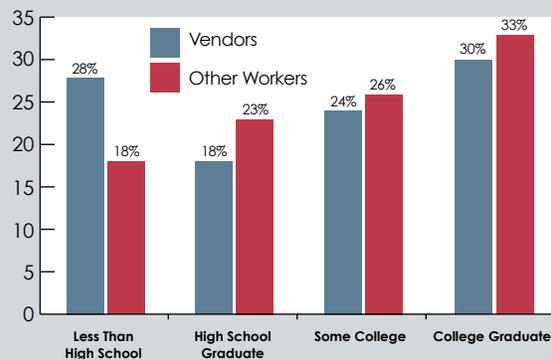


FIGURE 4: VENDOR EDUCATION COMPARED TO OTHER WORKERS IN LARGE U.S. CITIES^c

activities that make a constant motion model of vending impossible. This logic was, however, lost on city inspectors, who enforced the new law with hefty fines.²⁹

As a result, Yvonne was pushed out of locations where she had vended for years. As it is for many business owners, particularly retailers, location is a key factor in a vendor's success. Vendors like Yvonne typically choose to operate in business districts (see Figure 13, p. 21) — the very spot in El Paso that was now off-limits. Yvonne sought solutions, like paying to park in a private lot, but nothing she tried effectively attracted customers.³⁰ Her sales, previously enough to support her family, deflated to half their normal volume. Before the new law,

Yvonne's daily take was approximately \$450, which left her with about \$300 after expenses. Slashing that in half left her struggling to make ends meet.³¹

For almost two years, Yvonne tried to work within the new law, but, facing the real prospect of losing the ability to provide for her family, she partnered with IJ to sue the city of El Paso in early 2011. Just a few months later, city officials voted unanimously to lift most of the 2009 restrictions on mobile food vendors, including the 1,000-foot proximity restriction.³²

Fortunately for Yvonne, attempts at economic protectionism by city leaders did not cast her out of work, but Atlanta vendors would not be so lucky.

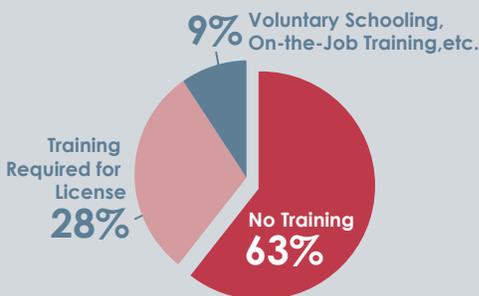


FIGURE 5: VENDORS' TRAINING IN LARGE U.S. CITIES^d

Nearly two-thirds (63%) of vendors completed no specialized training prior to opening shop. Most vendors who did undergo training did so to meet municipal licensing requirements. These programs, which typically include hygiene classes, took, according to the vendors surveyed, an average of five months to complete.



LARRY MILLER ATLANTA

For almost 30 years, Larry Miller had been a fixture at Atlanta Braves games, not as a player or a spectator but as a vendor selling shirts, hats, jerseys and snacks to fans. On Opening Day 2013, however, Larry and other vendors arrived only to be run off by police with threats of fines or arrest,³³ all thanks to Mayor Kasim Reed.

Larry began vending in 1985, selling T-shirts at the old Atlanta Stadium. He expanded with a table and additional merchandise — all the while paying the required fees and taxes.³⁴ Larry's 30-year tenure is more than triple the average of eight years in the vending business (see Longevity & Future Plans, p. 10).

Game days are long for Larry — usually about 14 hours. He arrives at the stadium four hours before game time and stays until everyone has left, usually three hours after the game has ended. Preparations add several more hours: The truck must be loaded, ice and water picked up from a wholesaler and peanuts cooked the night before. Post-game, he cleans and restocks.

Larry's small business allowed him to purchase a home, raise a family and create employment opportunities for others.³⁵ As he put it, "For generations, street vending has been a way for people in Atlanta to work hard and climb the economic ladder."³⁶ Unfortunately, city officials seemed intent on cutting off this path to upward mobility.

The dust-up leading to Larry's banishment from Turner Field began in 2009, when the city gave a street vending monopoly to a multi-billion-dollar Chicago-based company, General Growth Properties. GGP's plan included building metal kiosks adorned with paid advertising throughout Atlanta, evicting vendors who already worked at those locations, and then renting the kiosks to vendors for up to \$20,000 per year.³⁷ This is a vast sum, especially given that the average full-time, year-round street vending business generates a modest \$35,000 in annual profits (see Table 1, p. 17).

Arguing that Atlanta's actions violated the Georgia Constitution, Larry worked with IJ to sue the city. The court agreed with Larry in a December 2012 decision,³⁸ but victory was short-lived. The following spring, Mayor Reed cracked down on most of the city's vendors, refusing to let them operate.³⁹ Dozens of thriving businesses were shuttered overnight.

Although Larry was able to find a private lot near Turner Field from which to vend, the location was terrible. "Where I normally saw thousands at my old location, I saw only a few hundred," Larry recalls. "I lost 90 percent of my business. I could not make my house payments, and my house went into foreclosure."⁴⁰

Larry and IJ sued again to force Atlanta to let people work under the city's original vending law, which the court's earlier decision had restored. They won again, with the judge ordering Reed to fulfill his duties,⁴¹ but the mayor still refused. Within minutes of a 2013 contempt hearing prompted by IJ's requests, the City Council

PRIOR WORK EXPERIENCE

Unlike "peddlers" of earlier eras who often lacked other employment skills or opportunities, most of today's vendors have prior work experience: Approximately 73% of large-city vendors held other jobs before vending. Of those, 29% have backgrounds in various professions, and 28% have experience in service industries.^e



FIGURE 6: TYPES OF JOBS PREVIOUSLY HELD BY VENDORS IN LARGE U.S. CITIES



approved a new vending law. It was not until early 2015, however, that the city adopted an ordinance enabling Turner Field vendors to return to work. In 2017, vendors' livelihoods will again be disrupted as the Braves move to a new stadium in nearby Cobb County.⁴² It remains unknown whether vending will be permitted at the new stadium and, if so, under what conditions.

Now aged 65—a senior member of an industry that already skews older than the general workforce (see Figure 17, p. 24)—Larry could retire, but he has other ideas.

Like many vendors who own their businesses, Larry is planning for his business's future (see Figure 3, p. 10).

Given the coming changes to Turner Field, Larry may opt to spend summers at Falcon Stadium, where a new professional soccer team will be kicking off in 2017.⁴³ "I will have to get creative. I don't know anything about soccer," he laughs, "but I am learning. They are probably going to have one famous player that will mean good jersey sales."

FULL-TIME, PART-TIME & SEASONAL WORK

Most large-city street vendors (67%) work full time, but sizable minorities vend part time (33%) or seasonally (40%).^f Most part-time and seasonal vendors supplement their incomes with second jobs.^g For some part-time and seasonal vendors, street vending may fill gaps in income when full-time, year-round jobs are unavailable; others may see vending as an opportunity to own a business but need additional employment to make ends meet.

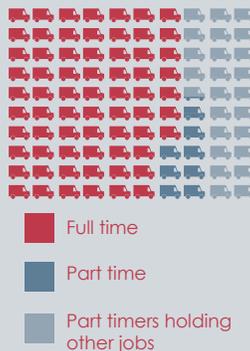


FIGURE 7: FULL-TIME VS. PART-TIME STREET VENDING IN LARGE U.S. CITIES

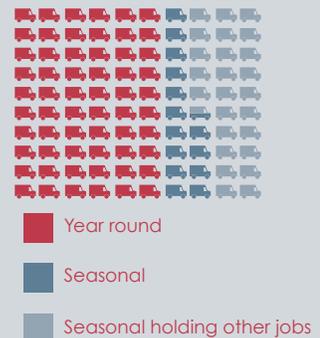


FIGURE 8: YEAR-ROUND VS. SEASONAL VENDING IN LARGE U.S. CITIES

MODEST EARNINGS

Street vendors in America’s largest cities are bootstraps entrepreneurs, running modest businesses that average about \$145,000 in annual receipts for those operating full time and year round and considerably less for those operating part time and seasonally. After paying for fuel, supplies, wages, insurance, taxes, fees and other costs, full-time and year-round vendors generate profits of about \$35,000 per business and take home less than \$18,000 in personal income.

TABLE 1: AVERAGE (MEAN) ANNUAL SALES, PROFIT AND INCOME FOR LARGE-CITY VENDING BUSINESSES, 2012

| | Full time | Part time | Year round | Seasonal |
|--------|-----------|-----------|------------|-----------|
| Sales | \$146,896 | \$23,578 | \$144,620 | \$26,535 |
| Profit | \$36,044 | \$5,891 | \$34,794 | \$9,462 |
| Income | \$14,408 | \$15,768* | \$17,796 | \$10,355* |

*Includes income from non-vending sources

LONG WORKDAYS

Full-time vendors work five and a half days a week, on average,^h and put in long hours, averaging 11 to 12 hours a day spent preparing to sell (food prep, packaging, etc.), serving customers and performing general business tasks such as bookkeeping and purchasing.ⁱ



FIGURE 9: AVERAGE WORK WEEK FOR FULL-TIME STREET VENDORS IN LARGE U.S. CITIES

FIGURE 10: AVERAGE WORK DAY FOR FULL-TIME STREET VENDORS IN LARGE U.S. CITIES



JERI WINGO LOS ANGELES

Atlanta’s tumultuous history of regulatory fits and starts and capricious enforcement is not unique. More than 2,000 miles west, Los Angeles, too, has been the scene of a decades-long struggle over the freedom to work in public spaces, a struggle Jeri Wingo has witnessed first-hand.

Jeri creates and sells custom buttons. Around her community, buttons are worn widely to make political and cultural statements and facilitate conversation about current events. Using her skills as a graphic artist, Jeri designs buttons tied to significant people or incidents, community celebrations or vigils held in the park where she most commonly vends. She also creates buttons for regular customers by special request. “When I see someone wearing a button, I know instantly if it’s mine,” she says. “No one makes buttons like I do.”

Every Sunday, Jeri wakes early to load her car with her wares and drive to Leimert Plaza Park, where she sets up a table and canopy to serve the plaza’s many visitors. A major hub of black culture in Los Angeles, the Leimert Park neighborhood attracts artists and performers with its galleries, museums, performance venues and other

arts-related establishments. The plaza itself serves as a place for people to meet up, play chess, participate in drum circles and watch children play Double Dutch.⁴⁴ Its iconic status draws visitors from all over the country and even the world – it’s the perfect setting for a vendor like Jeri to sell her products.

Jeri also vends at special events, holiday celebrations, vigils and other gatherings, but she works part time so she can also pursue acting – the reason she originally moved from Grand Rapids, Mich., to Los Angeles with her two daughters in 1985. When show business prevented her from fulfilling her family responsibilities, Jeri put acting on hold. In the meantime, she worked other jobs and took some graphic arts classes, which she used to begin making and selling buttons in 1990.

Jeri’s vending was intermittent until 2010, when she began working weekends regularly. By then, her daughters were grown and she could refocus her efforts on acting. Regular vending enables her to support herself while also providing the flexibility to take auditions and accept jobs. Although most vendors work full time, Jeri is one of about a third who vend part time. Of these, many work other jobs (see Figure 7, p. 16).

Acting is a difficult business to break into, but vending is not without challenges of its own. As Jeri notes, “I would vend more often, but it’s so much trouble. I set up

WIDE VARIETY OF FOOD & MERCHANDISE

Most large-city street vendors sell food (78%) or merchandise (21%); about 1% offer services such as cutting hair. Vendors’ offerings are quite diverse and include a wide variety of ethnic foods – Mexican, Korean, Thai, Lebanese, Greek, Philippine, German, Peruvian, Columbian, Ecuadorian and many more – as well as all sorts of merchandise, such as apparel, cosmetics, crafts, artwork, glass light fixtures and even emu oil.



FIGURE 11: FOOD OFFERINGS OF STREET VENDORS IN LARGE U.S. CITIES

somewhere and police come and shut me down. Business owners run me off because they don't want me in front of their building." She has not been arrested, but not every vendor is so fortunate.

Los Angeles is home to thousands of sidewalk vendors selling fruit, pupusas (tortillas stuffed with cheese, pork and beans), bacon-wrapped hot dogs and goods like cell phone accessories and T-shirts.⁴⁵ One city report estimates that 50,000 vendors work on city sidewalks, with 10,000 of them selling food.⁴⁶ Altogether, they generate an estimated \$504 million in annual sales.⁴⁷ Yet, and somewhat surprisingly given Los Angeles' exemplary food-truck laws,⁴⁸ vending on city sidewalks is illegal, punishable by misdemeanor charges and \$1,000 penalties – and the L.A. City Council voted in July 2015 to reinstate a ban on park and beach vending.⁴⁹ In 2013, more than 1,200 vendors were arrested and close to 300 citations were issued by the Los Angeles Police Department and Bureau of Street Services.⁵⁰

City officials have tried many times over the years to legalize and regulate sidewalk vending, never with any success.⁵¹ In 2014, however, a new effort began following a motion by City Council members Curren Price and José Huizar⁵² and with support from the Los Angeles Street Vendor Campaign.⁵³ Early plans included a permitting





scheme requiring training devised by the city’s Economic and Workforce Development Department; a food vendor certification offered by the county Department of Public Health; city business tax registration; an EWDD assessment; and location and time assignments from the departments of Public Works and Recreation and Parks.⁵⁴

Committee meetings at which early plan versions have been discussed have drawn hundreds of people—vendors, including Jeri, community members and interest group leaders—all asking questions, making arguments for or against and monitoring the progress of the effort.⁵⁵ Whereas the pro-street vending camp argues that vendors’ rights are being infringed, reform opponents protest that vendors pose unfair competition to brick-and-mortar shops and restaurants and predict enforcement problems for any legal vending program.⁵⁶

As of this writing, no ordinance has been adopted, and so the ubiquitous yet often illegal vending continues. But in Leimert Plaza Park, for now at least, Jeri and other vendors work with little interference. Jeri continues to sell her buttons each weekend—paying local homeless men to set up her table and canopy—and interact with the scores of visitors who crowd the plaza. “Vending is fun to do,” Jeri says. “I like to talk to people, and from the money I make from visitors I buy food from other vendors to give to the homeless in the area. The money kind of circulates around the park.”

MOSTLY MOBILE

Most large-city vendors are mobile: 83% sell from trucks, carts or temporary stands such as tables. Only 7% work at permanent stands like kiosks, market booths or designated areas at sporting venues.^j

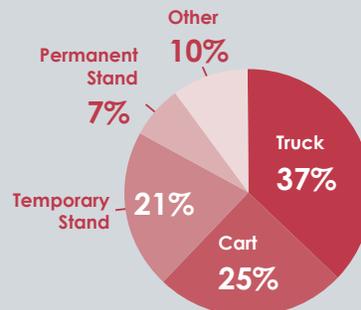


FIGURE 12: STRUCTURES USED BY STREET VENDORS IN LARGE U.S. CITIES

POPULAR IN BUSINESS DISTRICTS

Business districts are the most popular location for mobile vendors, the top choice for 43%.^k For the rest, location preferences vary widely: 24% of large-city mobile vendors fall into the “other” category, which includes festivals, craft shows, universities, amusement parks, construction sites and more. More than one-fifth of mobile vendors primarily work street fairs and events.^l

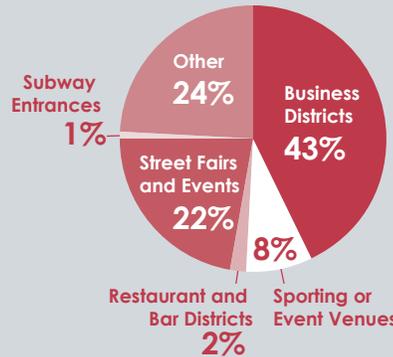


FIGURE 13: LOCATIONS MOBILE VENDORS WORK THE MOST IN LARGE U.S. CITIES

RACIAL AND ETHNIC DIVERSITY

Like the cities they work in and serve, large-city street vendors are racially and ethnically diverse. Nearly two-thirds — 62% — are persons of color, and more than one-third — 35% — are Hispanic.

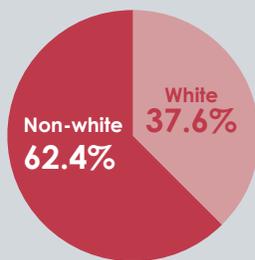


FIGURE 14: VENDOR RACE AND ETHNICITY IN LARGE U.S. CITIES

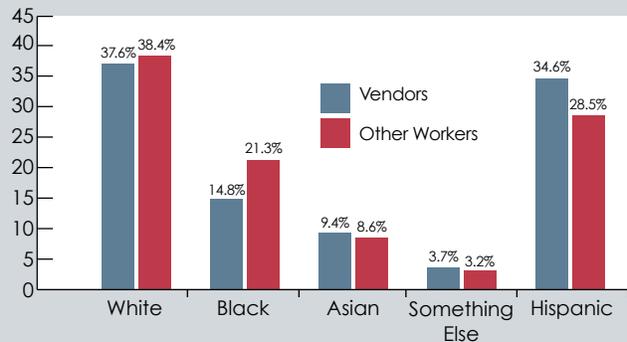


FIGURE 15: VENDOR RACE AND ETHNICITY COMPARED TO OTHER WORKERS IN LARGE U.S. CITIES

SILVIO MEMBRENO HIALEAH, FLA.

Although the statistics in this report come from America's 50 largest cities, many findings likely apply also to vendors in other cities. For example, Hialeah, Fla., a city in Miami-Dade County, is home to a robust vendor community offering goods including churros (fried dough pastries), produce, bottled water, guarapo (a sugarcane drink) and —Silvio Membreno's specialty for the past 16 years—flowers. Silvio prepares bouquets of flowers and sells them from the back of his van in a private parking lot. He specializes in roses but also sells sunflowers, orchids and other varieties.⁵⁷ He has built up a clientele that values the quality flowers he provides at reasonable prices.

Like countless immigrants before him, Silvio came to the United States in search of better opportunities for his young family. Silvio, who arrived from Nicaragua in 1998 at the age of 36, never imagined he would abandon his native country, but after years of war, corruption, dictatorship and economic turmoil,⁵⁸ he knew he could not raise his family there. Silvio's immigrant status means he is in the majority of vendors (see Figure 16, p. 23); his Hispanic ethnicity puts him in the second largest racial or ethnic group among vendors (see Figure 15, p. 21).



After arriving in Hialeah, Silvio worked in construction but found it difficult to balance work against his children's needs. He saw in Hialeah's active street vending scene a way to provide for his family while enjoying the flexibility he needed as a single father. He also identified a gap in the market for quick-service, fresh-cut flowers. Soon, he began vending on the side, and eventually he left construction altogether.

Seven days a week, Silvio is up at 5:00 a.m., arranging flowers in bundles of six or 12. The half-dozen bouquet goes for \$5, the dozen for \$10. By 7:00 a.m., he is selling flowers to drivers who wave him over while stopped at a red light or to customers who pull into the parking lot. He remains until 10:00 p.m., except for short trips to purchase flowers for the next day.

Street vending has been the path to success for Silvio, but Hialeah, like other cities in South Florida, including Miami, has continually erected road blocks to slow him and other entrepreneurs down. In 1994, Hialeah adopted a vending ordinance, later amending it to protect brick-and-mortar businesses from competition. The centerpiece of these regulations was a proximity restriction that made it illegal for vendors to work within 300 feet of any store selling "the same or similar" merchandise.⁵⁹ In other words, street vendors like Silvio had to stay a football field away from any store with which they might compete—not to protect public health or safety, but to shield entrenched businesses from entrepreneurs who might offer consumers lower prices or better products.

The ordinance also prohibited vendors from standing still: Except during a transaction, street vendors had

to keep moving. It banned vendors from displaying their goods anywhere on public or private property. And the ordinance forbade vendors from placing merchandise, supplies or equipment on the ground—even when vending on private property with the owner's permission. Violating the ordinance could mean fines of \$500 per infraction per day.⁶⁰

Although he believes in the rule of law, Silvio saw the city's ordinance as not only onerous but also unjust. So in 2011, he joined with IJ to sue Hialeah for violating his right to earn a living free from unnecessary government intrusion.

Eager to see the lawsuit go away, the City Council changed its statutes in early 2013,⁶¹ but these alterations accomplished little. The proximity restriction was eliminated, but all other rules were left in place. The council also *added* regulations prohibiting remaining in one place while selling prepared foods, effectively banning food trucks and carts.

Silvio persisted, but 18 months later Miami-Dade civil court Judge Jorge Cueto upheld the city's regulations.⁶² Undeterred, Silvio appealed to the Third District Court of Appeals in Florida. As he awaits the court's decision, Silvio stands seven days a week on the corner of 49th and 4th, West, in sunny Hialeah, selling roses to passersby, just as he has for 16 years.

Twelve hundred miles away, in New York City, another immigrant keeps the same hours as Silvio and sells similarly priced products. Her plans for her business may mean people in Hialeah and elsewhere will be able to enjoy her food without having to visit the Big Apple.

IMMIGRANT ENTREPRENEURS

Street vending is especially attractive to immigrant entrepreneurs: 51% of vendors are immigrants, compared to 23% of other workers in large cities. The average immigrant vendor has lived in the United States for 22 years.

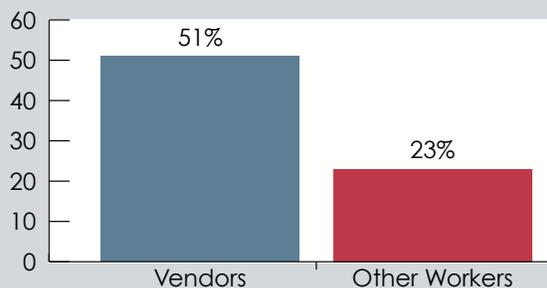


FIGURE 16: IMMIGRANT STATUS OF STREET VENDORS COMPARED TO OTHER WORKERS IN LARGE U.S. CITIES

DORIS YAO NEW YORK CITY

In some ways, Doris Yao, the owner of A-Pou's Taste, a New York City food vending business, defies generalizations. Most of her competitors sell halal chicken on rice; Doris sells Taiwanese pot stickers.⁶³ She's a woman in a mostly male industry (see Figure 18, p. 25). Her educational attainment—she's a college graduate—outpaces that of most vendors (see Figure 4, p. 12).

In other ways, Doris is the quintessential street vendor. To run her successful fleet of food carts, Doris works grueling 15-hour days, typically beginning at 6:00 a.m. at a commissary where she loads the carts, moving them out by 6:30 a.m. to beat the snarl of Manhattan traffic. At 9:00 a.m., her three carts stationed around Manhattan, Doris and her employees start cooking, propping open the cart windows at 11:00 a.m. to begin lunch service. They keep at it until 5:00 p.m., when they pack up for the return trip. Back at the commissary by 8:00 p.m., the carts are cleaned and food is prepped for the following day, a process that lasts past 10:00 p.m.

Like most vendors, Doris is an immigrant and has prior non-vending work experience (see Figure 6, p. 15). She came to the United States from Taiwan in 1981.⁶⁴ Her 30-odd years in the United States put her above the average for immigrant vendors (see *Immigrant Entrepreneurs*, p. 23). In Taiwan she worked in fashion.⁶⁵ Upon arriving in the United States, she worked in a garment factory, but after a few years she started her own line of accessories, eventually building a thriving business. Although



OLDER ENTREPRENEURS

Street vendors tend to be older than other workers in large cities: Nearly two-thirds of vendors are ages 25 to 54, and one-third are older than 55.



FIGURE 17: AGE OF STREET VENDORS COMPARED TO OTHER WORKERS IN LARGE U.S. CITIES

lucrative, it was stressful, eventually causing Doris health problems that led to her returning to Taiwan in 2006 to recover and care for family.

In 2010, Doris returned to America and bought an existing food cart that served dishes based on ones from her native Taiwan.⁶⁶ Before she bought it, the cart was a finalist at the Vendy Awards,⁶⁷ unofficially known as the “Oscars of Street Food.”⁶⁸ But when taking over the business, she improved the recipes by eliminating artificial flavoring and MSG, substituting natural ingredients and making everything by hand.⁶⁹ Doris’ improvements were a hit.

A-Pou’s Taste has since expanded into three locations throughout Manhattan, and Doris now employs a dozen people. She insists that they all have vendor and food preparation licenses. She also pushes employees to strike out on their own, which some have done. As survey data indicate, this is not uncommon (see Longevity & Future Plans, p. 10).

Like that of any small business owner, Doris’ success is a testament to her perseverance through adversity. Working outdoors puts vendors like Doris at the mercy of the weather, but perhaps more daunting are the manmade challenges they face. After completing sanitation training and obtaining the paperwork necessary to serve food, would-be New York City street vendors can apply for permits to work in a park, on private property or at a street fair or market.⁷⁰ Getting permission to sell on public property like sidewalks, however, is nearly impossible, as the city has capped the number of unrestricted, year-round, citywide mobile food vending unit (MFV) permits at just 2,800.⁷¹

Last raised in 1981,⁷² this artificially and arbitrarily low cap fuels a booming black-market trade in permits, as individuals lucky enough to have once received permits continually renew and then illegally rent them out to desperate entrepreneurs. MFV permits, which cost just \$200 to renew every two years,⁷³ can fetch up to \$25,000 on the black market.⁷⁴

Not surprisingly, permit holders rarely give them up. And although the city keeps waiting lists for its various MFV permit categories, it can take a while to get through them. The lists, which themselves have caps,⁷⁵ were last opened in 2007.⁷⁶ Buying a black-market permit, or chancing it without any permit at all, is many New York City vendors’ only option.

Other city decisions can dramatically affect vendors’ day-to-day operations. In 2013, bike racks sprang up around New York City as part of a new bike-sharing program, forcing businesses like Doris’ out of their familiar vending locations. At her new spot, Doris saw her daily patrons dwindle from 100 to 30,⁷⁷ resulting in losses of hundreds of dollars a day.⁷⁸ Most vendors won’t get rich from their businesses (see Table 1, p. 17), so such seemingly small decisions by city officials can have oversized implications for these hard-working individuals.

Unbowed, Doris plans to expand her business into a line of frozen foods based on her food-cart menu, while maintaining the carts for advertising. When her frozen food business gets off the ground, it will be yet another example of how street vending is a launching pad to expanded opportunities, all to the benefit of the local economy and beyond. Yet, all by itself, New York City’s street vending industry makes a significant contribution to the Empire City.

OTHER DEMOGRAPHIC CHARACTERISTICS

Compared to other workers in large U.S. cities, street vendors are substantially more likely to be veterans. And those veterans are more likely to be disabled: 32% of vendor veterans are disabled, compared to 17% of veterans in large-city workforces. This is likely because many state and municipal vending laws make special accommodations for them.^m Vendors are also substantially more likely to be married and male.

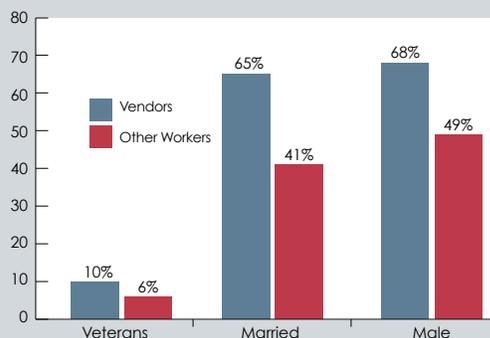


FIGURE 18: STREET VENDORS’ VETERAN AND MARITAL STATUSES AND GENDER COMPARED TO OTHER WORKERS IN LARGE U.S. CITIES

A DAY IN THE LIFE OF A VENDOR



6:30 AM
After grabbing coffee and breakfast, Doris Yao arrives at her commissary in Brooklyn to check her supplies.



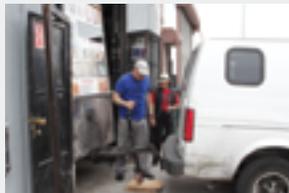
7:00 AM
She goes to a nearby restaurant depot to buy ice for the carts.



7:45 AM
She takes produce from the refrigerator in the commissary...



7:45 AM
...and loads it into a cart.



8:00 AM
An employee hitches one of the three carts to the back of Doris' van.



8:15 AM
Doris drives the cart to its spot in Astor Place.

9:15 AM
An employee guides Doris as she backs the cart onto the sidewalk, and they unhitch it.



9:15 AM
Doris and her employee push the 1,000-pound cart into place.



9:45 AM
The employee starts to cut tomatoes, cucumbers and lettuce.



10:20 AM
The employee cooks noodles and steams dumplings.



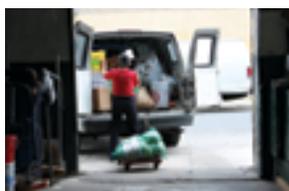
10:30 AM
Doris visits several warehouses in Brooklyn and Queens to pick up meat, vegetables and dry goods.





12:00 PM

Doris purchases more ingredients and supplies. One of her employees calls to ask for more bread for the halal cart, so she stops to buy some.



12:30 PM

Her van filled to capacity, Doris stops at her commissary to unload.



1:00 PM

Doris braves more traffic on the Queensboro Bridge.



2:00 PM

After restocking the halal cart with pita bread, Doris eats lunch (a wrap from the cart).

3:30 PM

She makes her weekly visit to a wholesale grocer in Brooklyn.



4:30 PM

She packs the back of her van with boxes of takeout containers and bags of rice.



7:00 PM

Doris arrives at the halal cart as her employee is serving the last dinner customers and closing. They hitch the cart to her van.



7:45 PM

She returns to the commissary and puts the carts away for the night.



10:00 PM

Doris starts all over, preparing food for the next day.



STREET VENDING AND THE LOCAL ECONOMY: A CASE STUDY OF NEW YORK CITY

Walking the streets of New York City, it is easy to see signs of the economic activity generated by vendors like Doris Yao. Doris' delicious and convenient dishes are the visible results of her carefully honed recipes and culinary techniques—and the long hours she and her employees put in every day. In turn, Doris' grateful customers provide incomes for her and her employees. Harder to see, but no less important, are the businesses that supply fresh food, paper products and more to A-Pou's Taste. Also less evident are the grocery stores, clothing shops and other outlets that Doris and her employees, as well as her suppliers' employees, patronize with their hard-earned wages. Yet all this economic activity starts with Doris. And it is multiplied many times over by New York City's thousands of vendors.

The direct and secondary “ripple” effects that vendors have on a local economy can be estimated using what is known as economic contribution analysis. New York City makes a good case study because it has by far the largest list of licensed vendors among large cities, providing ample data for such an analysis.⁷⁹ (Some estimate as many as 10,000 vendors work in the city, though not all are required to be licensed.⁸⁰) IJ started by asking a random sample of 209 food and non-food vendors for their business expenses for one year—2012. These figures were extrapolated to all the city's vendors and

used to estimate the industry's local economic effects with IMPLAN, specialized software and datasets used for economic contribution analysis (see Appendix for details, p. 36).

The economic contributions of street vendors to New York City's economy in 2012 are illustrated on the next page. First are **direct effects**, the most visible fruits of vending businesses, which account for the people they hire and the products and services they offer. In one year, New York City's vendors employed an estimated 16,332 full- and part-time people, including proprietors, and generated more than \$78.5 million in wages.⁸¹ And vending businesses produced an estimated \$82 million in unique value—or “value added.” Value added, similar to gross domestic product, measures the value businesses create beyond the raw or intermediate goods they purchase.

For example, Doris' value added is everything that goes into transforming pork, cabbage, spices and other ingredients—as well as a host of other intermediate goods—into a hot lunch served up where hungry office workers can easily buy it. That includes the labor of Doris and her employees to buy, transport and prepare ingredients, sell finished dishes and clean up after a day's work; the recipes and techniques she has developed; and the fees and taxes (like sales taxes) she pays on the business. All that adds up to the unique, visible and edible value Doris' business directly offers New York City consumers.

Street vendors also contribute to New York City's economy in less obvious ways, such as by purchasing supplies. An industry's spending on intermediate goods

STREET VENDORS' CONTRIBUTIONS TO NYC'S ECONOMY

ESTIMATES FOR 2012

DIRECT EFFECTS FROM STREET VENDORS

16,332 jobs
\$78.5 million wages
\$82 million value added



Vendors' spending on supplies

INDIRECT EFFECTS FROM VENDORS' SUPPLIERS

1,150 jobs
\$80.3 million wages
\$155 million value added



Household spending by vendors' employees

Household spending by suppliers' employees

INDUCED EFFECTS FROM VENDORS' AND SUPPLIERS' EMPLOYEES

478 jobs
\$33.5 million wages
\$55.7 million value added



TOTAL EFFECTS

17,960 jobs

\$192.3 million wages

\$292.7 million value added

\$71.2 million taxes

and services generates **indirect effects**: Doris’ purchases of food, fuel, cleaning supplies and other things, like rented storage space, she needs to run her business have a ripple effect, supporting jobs and production at her suppliers. In 2012, suppliers employed an estimated 1,150 people and paid \$80.3 million in wages to provide goods and services to the city’s vendors. Those goods and services contributed an estimated \$155 million in value added to the local economy.

Finally, the vending industry contributes to New York City’s economy through **induced effects**. Another kind of unseen ripple effect, induced effects come from household spending by employees – both those of the vending industry and those of its suppliers.⁸² Doris’ business enables her and her employees, as well as her suppliers’ employees, to pay for housing, food, entertainment and more. Their spending in turn supports more

jobs and economic activity at the retail outlets and other businesses they patronize.⁸³ Personal spending by New York City vendors’ employees and suppliers’ employees supported an estimated 478 jobs, \$33.5 million in wages and \$55.7 million in added value in 2012.

Altogether, in 2012, the seen and unseen economic contributions of street vendors to New York City’s economy totaled an estimated 17,960 jobs, \$192.3 million in wages and \$292.7 million in value added. And through their economic activity, vendors contributed an estimated \$71.2 million to local, state and federal tax coffers.

TAX CONTRIBUTIONS FROM VENDING

| | |
|-----------------|-----------------------|
| State and Local | \$35.5 million |
| Federal | \$35.7 million |
| TOTAL | \$71.2 MILLION |





CONCLUSION

New York's vending industry makes sizable contributions to the city's economy, but it could contribute more if the city lifted or eliminated its permit caps to allow more vendors on its streets legally. Thousands of New Yorkers languish on waiting lists. Others would like to join a waiting list, if only it were open.

Meanwhile, tired of paying black-market prices for bootleg permits and despairing of ever obtaining legal ones of their own, some vendors are closing up shop. Adam Sobel, the chef-owner of Cinnamon Snail, one of New York's most celebrated food trucks, announced in February 2015 that he would stop vending in the city because of permitting problems.⁸⁴

New York City's destructive permit caps frustrate the efforts of energetic, entrepreneurial people like Adam and funnel huge sums of money away from value-creating activities, like business expansion and job creation, and into a black market that enriches a few.

Other cities can learn from New York City's example, both good and bad. Although the Big Apple's vending population, like its economy and overall

population, is far larger than that of most other cities, the New York City case study illustrates how economic effects from one industry can ripple through a community, supporting jobs and economic activity that, while unseen, are nonetheless real. For cities looking to expand economic opportunities, facilitate job growth and realize greater tax revenue, welcoming street vendors is a low-cost and potentially high-reward option. Yet too often, in New York City and elsewhere, burdensome regulation remains the rule.

In 2011, the Institute for Justice catalogued common vending regulations in the 50 largest U.S. cities and found that nearly all large cities had erected major impediments to street vending.⁸⁵ Like Chicago, 19 other cities enforced blatantly anticompetitive rules barring mobile vendors from operating near brick-and-mortar establishments selling similar products. Eleven cities simply banned vending or certain types of vending on public property. Those bans included Los Angeles' complete prohibition on sidewalk vending and Chicago regulations that forbade vendors from selling flowers or any prepared food other than ice cream from a cart. A handful of cities prohibited vendors from staying in a single spot any longer than necessary to make a sale,



as in Hialeah, Miami and much of the rest of South Florida. Most common among large cities were restricted zones where vending was disallowed—often covering the very commercial, entertainment and sporting areas that are so attractive to vendors.

Large cities impose other types of restrictions, too, and countless smaller cities have regulations of their own. The city planning commission in Turlock, Calif. (pop. 70,000), for example, voted—at the request of the Turlock Downtown Property Owners Association—to ban food vendors from the downtown area.⁸⁶ And when Noblesville, Ind. (pop. 50,000), adopted a \$1,000 licensing fee for food trucks—almost 10 times what nearby Indianapolis requires—the effect was as good as a ban. A year and a half later, zero permits had been filed. City planning director Christy Langley remarked, with Midwestern understatement, “It hasn’t been very popular.”⁸⁷

Such hurdles to street vending can close off an otherwise accessible avenue to entrepreneurship. The survey reveals that the vast majority of vendors own their own businesses, as well as the trucks, carts, stands or other

The survey findings suggest that vendors are exactly the types of entrepreneurs cities should want to encourage.

structures from which they sell, and many have grown businesses large enough to employ others. The survey results also indicate that vending provides a means of upward mobility for people who might not otherwise be able to break into business: entrepreneurs with less education, those of

lesser means and others who may lack ready access to capital, including immigrants and minorities.

The survey findings also suggest that vendors are exactly the types of entrepreneurs cities should want to encourage. Vendors are hard workers and risk takers. Full-time vendors work long days and long weeks, and part-time vendors typically work a second job to make ends meet. Most vendors have other work experience yet take a chance on a new venture, often with hopes of growing a startup into something bigger. Vendors persevere through bad weather, unpredictable foot traffic and regulatory hurdles. Despite such challenges, the average vendor has so far lasted eight years in business.

Some cities have seen the potential that entrepreneurs like these hold. The East Liberty neighborhood in Pittsburgh has worked to *increase* the number of vendors

on its streets. According to Cherrie Russell, a spokesperson for the nonprofit East Liberty Development Inc., the idea to encourage more vending came after she “noticed that there always seemed to be a lot of activity and life on the blocks where the vendors were set up.” She wasn’t alone. Tony Moquin, district manager for a clothing store in the area, observed, “We’ve noticed that a lot of customers come into our store after they’ve stopped to look at what the street vendors are selling. We definitely like having them out here.” ELDI encouraged more vending by offering grants to vendors to offset licensing fees and teaching workshops to vendors on local codes, theft prevention, basic bookkeeping and marketing. ELDI also asked vendors to operate at least three days a week.⁸⁸

Similarly, when Harbor Springs, Mich., invited food trucks to town, city officials discovered something quite unexpected: “Food trucks actually bring people downtown as opposed to just taking away from existing restaurants,” observed Tom Richards, Harbor Springs’ city manager. “They become an attraction and increase the number of people in your downtown.”⁸⁹

And with more people comes increased business for brick-and-mortar establishments, as people who come downtown for the food trucks stumble upon shops and restaurants they’ve never seen before and bring friends and family back for return visits.

When Lakeland, Fla., began holding once-a-month food-truck rallies downtown, restaurant owners feared a significant loss of business. But the opposite occurred. Every time a food-truck rally kicked off, restaurants grew busier. One restaurant owner estimated the first rally produced a 30 percent increase in his business, an increase that remained even after the rally ended.⁹⁰

Another Lakeland restaurant owner — originally a food-truck skeptic — was so impressed, he identified a gap in the local market and built his own food truck to fill it. “The concept is that it has a brick oven on the truck,” the owner, Giovanni Moriello, said. “It was custom made by a friend of mine who put [it] in the truck. Lakeland doesn’t have a brick oven pizza right now.”⁹¹

With the increase in traffic at his brick-and-mortar restaurant and the addition of his food truck, this owner will do more business with suppliers, and he may hire more employees to man his truck. His employees and his suppliers’ employees will spend their wages on goods and services in Lakeland. And perhaps in a few years, the employees hired to run the new food truck will be inspired to go into business with a truck of their own. Other cities can likewise unleash such economic potential. It’s as simple as clearing away outmoded and anticompetitive regulations and opening streets and sidewalks to vending entrepreneurs pursuing their American Dream.

APPENDIX: STUDY METHODS

The study of street vendors has largely been dominated by ethnographic research,⁹² although at least one study of vendors has used survey methods.⁹³ The scope of this project—a study of street vendors in the 50 largest cities in the United States—necessitated the use of survey methods, described in greater detail here.

SURVEY

Sample

The survey sample included 763 street vendors across all 50 cities listed in Table A1. The sample was constructed by securing a list of all licensed vendors from each city. This facilitated the creation of a population of licensed vendors. There are, of course, an unknown number of people who vend in these cities illegally. There are also certain categories of vendors that can work without government permission, therefore resulting in no lists of vendors. By definition, identifying them for inclusion in the population was impossible, which means the findings in this study can be generalized only to licensed vendors.

The sample was constructed as a stratified random sample. The number of participants in the sample from each city was proportional to each city's percentage of vendors in the 50-city (licensed) vendor population. After proportional quota frequencies were set for each city, vendors from the respective city lists were called randomly until quotas were filled.

TABLE A1: 50 LARGEST CITIES IN THE U.S.

| | |
|-------------------------|---------------------|
| Albuquerque, N.M. | Louisville, Ky. |
| Arlington, Texas | Memphis, Tenn. |
| Atlanta | Mesa, Ariz. |
| Austin, Texas | Miami |
| Baltimore | Milwaukee |
| Boston | Minneapolis |
| Charlotte, N.C. | Nashville, Tenn. |
| Chicago | New York |
| Cleveland | Oakland, Calif. |
| Colorado Springs, Colo. | Oklahoma City |
| Columbus, Ohio | Omaha, Neb. |
| Dallas | Philadelphia |
| Denver | Phoenix |
| Detroit | Portland, Ore. |
| El Paso, Texas | Raleigh, N.C. |
| Fort Worth, Texas | Sacramento, Calif. |
| Fresno, Calif. | San Antonio |
| Honolulu | San Diego |
| Houston | San Francisco |
| Indianapolis | San Jose, Calif. |
| Jacksonville, Fla. | Seattle |
| Kansas City, Mo. | Tucson, Ariz. |
| Las Vegas | Tulsa, Okla. |
| Long Beach, Calif. | Virginia Beach, Va. |
| Los Angeles | Washington, D.C. |

Data Collection

Survey data collection by Technometrica, a New Jersey-based polling company, occurred over a three-month period during the fall of 2013. All surveys were completed by telephone. Because of the comparably greater representation of immigrants in the vendor industry, survey questions were translated into multiple languages, and multilingual speakers were used in data collection. Prior to data collection, the survey was pre-tested on a small sample of vendors. Results from the pre-test were used to refine questions for the sake of clarity and precision. The full survey, including basic results, can be found online at www.ij.org/upwardly-mobile.

Analyses

The analysis of all closed-ended variables, except expenditure variables among New York City vendors, was completed using descriptive statistics. All analyses were completed using probability and sample weights to reflect the unequal probabilities of participants to end up in the sample and the over- or underrepresentation of vendors in certain cities due to response biases.

ECONOMIC CONTRIBUTION

The economic contribution analysis of vendors in New York City was completed using input-output analysis. The purpose of this type of analysis is to estimate the broader economic benefits an area receives⁹⁴ from a given event or industry by measuring patterns of spending and re-spending within an economy.⁹⁵ It does so by tracing linkages (i.e., the amount of spending and re-spending) among sectors of an economy and calculating the total business activity resulting from a particular sector or industry.

Most often, this type of analysis is used to measure the impact of a new industry, business, product or event in a region. For example, it can be used to predict the amount of production, labor income and taxes generated and the number of new jobs created as a result of building a new factory in a community. However, it is also used in economic significance or economic contri-

bution analysis,⁹⁶ which measures the significance or contribution of a project, program or industry within a local economy.⁹⁷ Examples include studies of the economic contributions of sunflower farms,⁹⁸ petroleum production,⁹⁹ agriculture¹⁰⁰ and others.¹⁰¹ Like these and other studies,¹⁰² this analysis of the vending industry in New York City was completed using the IMPLAN system.¹⁰³ This widely used and nationally recognized tool enables one to input various economic data for an industry or event. Using the linkages between the particular industry and more than 500 other sectors in a region's economy, it determines the resulting total output, income, jobs, taxes and other effects.

Estimating these metrics requires identifying primary activities involved in the industry and estimating expenditures for those activities.¹⁰⁴ One of the most common methods for doing so is to survey consumers or business owners¹⁰⁵ and ask participants to identify expenditures across various categories. Business owners, for example, would list expenditures for supplies, advertising, payroll and benefits, maintenance and other expenses.¹⁰⁶ In this expenditure-based approach, the "ripple effect" of an industry's spending patterns is then calculated as the spending and re-spending works its way through the economy of a study area.¹⁰⁷

In the present study, vendors in New York City were asked to identify their expenditures across 16 different sectors: office, storage and kitchen rental, vending unit rental/mortgage, vending unit maintenance, gas/diesel, propane/kerosene, employee wages, employee benefits, proprietor income, insurance, permits/fees, food and non-food supplies and merchandise, advertising, accounting services, legal services and communications technology. These categories were identified from prior research and through consultation with working vendors.

New York City was used as the study area for several reasons. First, it has a long tradition of street vendors. Second, among the 50 cities used for the survey, it has the largest population of licensed vendors. Third, the geographic borders of the city are easily defined. Fourth, the area approximates a self-contained local trade area (i.e., local residents typically fulfill most of their routine household needs within the area).¹⁰⁸ Finally, the study

area includes the locations where most of the spending associated with the industry occurs.¹⁰⁹ The use of cities as study areas is quite common, as is the use of metropolitan statistical areas¹¹⁰ and states.¹¹¹

The specific sample used for the analysis included 209 food and non-food vendors.¹¹² New York City has three general categories of licensed vendors – general merchandise vendors, food vendors and those who are licensed but lack certain permits. The sample was proportionally stratified by these categories and quotas met through random selection. For the economic contribution analyses, participant responses were weighted so that all expenditure totals were inferred to represent the population of 10,000 vendors in the city.

The economic impact or contribution results of this type of analysis are usually reported in several categories: employment, value added, labor income and taxes.¹¹³ Employment measures the number of jobs in New York City due to the vending industry. Value added measures the value of goods and services less the intermediary goods required to create products sold to consumers. Labor income is payroll paid to employees plus proprietors' income. Taxes include federal, state and local tax revenues associated with the industry.¹¹⁴

Each of the categories, except for taxes, is a summation of direct, indirect and induced contributions

or impacts. Direct is the value of goods and services purchased by consumers in the industry, typically measured through sales. Indirect measures the jobs and production needed to manufacture the goods and services vendors sell to consumers. These supplier industries purchase additional supplies to meet vendors' needs, with this cycle continuing until all additional indirect effects are purchased from outside the region under study.¹¹⁵ Payments for goods and services produced outside the study area (i.e., outside New York City) are excluded because these effects impact businesses located in other regions.¹¹⁶ Induced includes spending of local households due to income received through their work in vending and with its suppliers.¹¹⁷

Ordinarily, economic contributions or impacts are determined through the use of sales data modeled as direct effects, from which secondary effects are calculated. Unfortunately, sales data gathered on the survey were not deemed reliable enough for use in the analysis, although another type of direct effect – wages and income¹¹⁸ – was reliable and included in the analysis as such. Instead, the results reported above were derived by using the aforementioned vendor expenditures in an "analysis by parts."¹¹⁹ In this type of analysis, vendor expenditures were modeled as indirect effects and other effects (induced, taxes, etc.) were estimated from there.

ENDNOTES

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SURVEY ENDNOTES

- a** The remainder of business owners rent a vending unit from someone else.
- b** The median number of both full-time and part-time employees is one; the means are skewed upward by a few dozen vendors with anywhere from five to 98 employees.
- c** Data on other workers drawn from the 2012 American Community Survey.
- d** Voluntary training includes general business courses as well as specialized training, such as blacksmithing, leather works, photography and cooking classes. Some vendors reported receiving on-the-job training from other vendors, parent companies/franchisors or other relevant businesses, such as restaurants. And some sought training on an ad hoc basis, such as through online resources, personal instruction (e.g., art or music lessons) or friends.
- e** Differences in response to this question were examined by different demographic characteristics. Only one proved to be significant. Immigrant vendors were more likely to have had a job prior to working as a vendor compared to non-immigrant ones.
- f** Forty-eight percent vend full time throughout the year, 20% vend full time seasonally, another 20% vend part time seasonally and just 13% vend part time year round.
- g** Part-time vendors report holding second jobs in the following categories: 31% services, 11% social welfare or government, 11% professions, 10% manual labor and 9% general, with 28% reporting no other employment. Seasonal vendors report holding second jobs in the following categories: 20% services, 21% general, 8% professions, 7% social welfare or government and 8% manual, with 37% reporting no other employment.
- h** Part-time vendors work about four days per week.
- i** As would be expected, full-time vendors spend more hours per day working, and vendor-owners spend more time preparing to serve customers compared to non-owners.
- j** Those who sell from something “other” than these four categories (trucks, carts, temporary stands and permanent stands) most often do so from trailers pulled behind a vehicle, but the diversity of operations also includes tables, designated areas within other businesses, suitcases, personal vehicles (e.g., cars, SUVs, pickup trucks) and even off their persons (e.g., tickets held in a bag).
- k** Most vendors – 70% – choose locations to reach a critical mass of people, but others select locations for their convenience or due to personal connections. For 4% of vendors, city rules and restrictions primarily determined their locations. For full results, see www.ij.org/upwardly-mobile.
- l** Mobile vendors are not, of course, confined to a single location. On average, they operate in three different locations on a typical weekday, spending about six hours in the location they vend the most. On weekends or for special events, they add two locations to their typical weekday locales. For locations of vendors operating permanent stands, see www.ij.org/upwardly-mobile.
- m** For example, under New York law, cities are barred from interfering with hawkers and peddlers “without the use of any but a hand driven vehicle, in any street, avenue, alley, lane or park of a municipal corporation,” who are veterans honorably discharged as disabled (N.Y. Gen. Bus. Law § 35 (Consol. 2015)). Accordingly, New York City exempts such veterans from its cap on general merchandise vendors and reserves 100 year-round citywide mobile food vending unit permits – the most coveted type – exclusively for disabled veterans, disabled persons and non-disabled veterans (NYC Business Solutions. (n.d.). *Street vending*. Retrieved from http://www.nyc.gov/html/sbs/nycbiz/downloads/pdf/educational/sector_guides/street_vending.pdf). Georgia law also stipulates that disabled veterans be exempt from any “occupation tax, administrative fee, or regulatory fee for the privilege” of peddling (Ga. Code Ann. § 43-12-1 (2015)).



DICK M. CARPENTER II, PH.D.

Dr. Dick Carpenter serves as a director of strategic research for the Institute for Justice. He works with IJ staff and attorneys to define, implement and manage social science research related to the Institute's mission.

As an experienced researcher, Carpenter has presented and published on a variety of topics ranging from educational policy to the dynamics of presidential elections. His work has appeared in academic journals, such as *Economic Development Quarterly*, *Economic Affairs*, *The Forum*, *Fordham Urban Law Journal*, *International Journal of Ethics*, *Education and Urban Society*, *Urban Studies* and *Regulation and Governance*, and magazines, such as *Regulation*, *Phi Delta Kappan* and the *American School Board Journal*. Moreover, the results of his research have been quoted in newspapers such as *The New York Times*, *The Washington Post* and *The Wall Street Journal*.

His research for IJ has resulted in reports such as *Disclosure Costs: Unintended Consequences of Campaign Finance Reform*, *License to Work*, *Private Choice in Public Programs: How Private Institutions Secure Social Services for Georgians*, *Designing Cartels: How Industry Insiders Cut Out Competition* and *Victimizing the Vulnerable: The Demographics of Eminent Domain Abuse*.

Before working with IJ, Carpenter worked as a school teacher and principal, public policy analyst and faculty member at the University of Colorado Colorado Springs, where he currently serves as a professor. He holds a Ph.D. from the University of Colorado.

ABOUT IJ

The Institute for Justice is a nonprofit, public interest law firm that litigates to secure economic liberty, school choice, private-property rights, freedom of speech and other vital individual liberties and to restore constitutional limits on the power of government. Founded in 1991, IJ is the nation's only libertarian public interest law firm, pursuing cutting-edge litigation in the courts of law and in the court of public opinion on behalf of individuals whose most basic rights are denied by the government. The Institute's strategic research program produces social science and policy research to inform public policy debates on issues central to IJ's mission.

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under-the-table permits sometimes reaching up to \$25,000 for two years (as opposed to just \$200 for a legal permit). This black market funnels money away from the legal, taxable market and results in a massive transfer of wealth that leaves hard-working vendors with less money to hire workers, expand their operations and provide customers with the goods that they want. It also hinders the city's ability to ensure the public's health and safety since those operating without permits are not subject to inspection.

The bill being considered today is an excellent step toward alleviating these serious issues. Lifting the caps incrementally will start to close the black market for permits and begin to provide New Yorkers, many of whom have been waiting for years, with the opportunity to obtain a permit and try their hand at entrepreneurship. Not only will this bill provide additional growth atop the already considerable economic contributions made by the city's vending industry, but it will also better protect public health and safety.

In a second IJ study, *Street Eats, Safe Eats: How Food Trucks and Carts Stack Up to Restaurants on Sanitation*, we analyzed more than 260,000 food-safety inspection reports from seven large U.S. cities and found that street food is as safe as or safer than restaurant food and that the recipe for clean and safe mobile food vending is simple—inspections.² Just as they do for restaurants, sanitation inspections can help assure the public that mobile food vendors are clean and safe. More burdensome regulations like caps on permits do not make street food safer—they just make it harder to get. In New York City, street vendors who are able to obtain a permit are subject to an initial inspection, while those operating without permits are not. With higher permit caps, more vendors would be subject to initial inspections, thereby providing the city with greater confidence in the safety of its street food.

Indeed, a vibrant vending industry benefits all New Yorkers. Vendors put people to work, create opportunities for self-sufficiency and enrich the communities in which they operate. The flexibility and relatively low startup costs of vending allow entrepreneurs to test ideas and accumulate capital needed to climb the economic ladder and realize their next opportunity, be it offering additional product options, opening another food cart or truck, or expanding into a brick-and-mortar establishment. Vendors also serve as eyes on the street and help make cities safer. They activate underused spaces, bring new life to communities and amplify the culinary scene by providing a wider variety of options.

We hope you will pass this long overdue bill. By expanding the availability of food vendor permits, bill 1116-A will create new opportunities for would-be street vendors and those currently working in the shadows. More New Yorkers will be able to grasp onto the first rung of the economic ladder; more vendors will work in the light of day, enabling the city to better protect the public's health and safety; and city dwellers and visitors alike will get to experience the many economic, culinary and cultural benefits of New York City's vending industry. Thank you.

² This study is available at <http://ij.org/report/street-eats-safe-eats/>.



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FOR THE RECORD

MEMORANDUM IN SUPPORT

TESTIMONY OF THE JOINT INDUSTRY BOARD OF THE ELECTRICAL INDUSTRY

BEFORE THE COMMITTEE ON HOUSING AND BUILDINGS

REGARDING T2019-4176: IN RELATION TO THE DEFINITION OF SITE SAFETY TRAINING FULL COMPLIANCE DATE AND SITE SAFETY TRAINING SECOND COMPLETION DATE.

APRIL 11, 2019

Good morning Chairman Robert E. Cornegy, Jr. and distinguished committee members. Thank you for the opportunity to testify at today's hearing. My name is Dr. Gerald Finkel; I am the Chairman of the Joint Industry Board of the Electrical Industry.

The Joint Industry Board of the Electrical Industry (JIB) is a labor- management organization founded in 1943 comprised of Local Union No. 3 of the International Brotherhood of Electrical Workers (I.B.E.W), the New York Chapter of the National Electrical Contractors Association (NYECA) and the Association of Electrical Contractors, Inc. (AEC). The JIB is the ERISA administrator for a family of multi-employer benefits plans serving Local Union No. 3 and its affiliated electrical contractors in the greater New York area.

The JIB joins Local 3 I.B.E.W, NYECA and the AEC in support of T2019-4147.

Given the thousands of tradespeople that have to comply with the new site safety training under Local Law 196 the existing deadline of June 1, 2019 for a Limited Site Safety card seems quite a hurdle to overcome. The suggested full compliance date of September 1, 2020 and the second compliance date of December 1, 2019 are more reasonable deadlines to ensure that the training is properly completed. It is in the interest of all in the construction industry, and the NYC public at large, that its construction workforce be given the appropriate time frame to more effectively and efficiently complete the required training.

The JIB respectfully asks that this sensible and important amendment be approved by the Housing and Buildings Committee, as well as the NYC Council.

Respectfully submitted on behalf of The Joint Industry Board of the Electrical Industry.

Sincerely,

Dr. Gerald Finkel
Chairman, Joint Industry Board of the Electrical Industry

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Founder

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*denotes past presidents

FOR THE RECORD

April 10, 2019

To Whom It May Concern:

The Association of Electrical Contractors, Inc. (AEC) represents over 50 Local Union No. 3, I.B.E.W Electrical Contractors. The AEC joins Local 3 I.B.E.W, the Joint Industry Board of the Electrical Industry (JIB), and the New York Electrical Contractors Association (NYECA) in support of T2019-4147.

We agree that the extended deadlines to comply with the new site safety training under Local Law 196 will be in the best interest of all in the construction industry to ensure that the training is properly completed. It is important in maintaining the safety and well-being of not only those in the industry, but the NYC public as a whole.

The AEC supports the position of the JIB in requesting this amendment be approved by the Housing and Building Committee as well as the NYC Council.

Sincerely,

Danielle Mannino
Executive Director

FOR THE RECORD



April 10, 2019

MEMORANDUM IN SUPPORT

T2019-4176 - A LOCAL LAW To amend the New York city building code, in relation to the definition of site safety training full compliance date and site safety training second compliance date

The New York Electrical Contractors Association (NYECA), the leading association of union electrical contractors in New York City, **SUPPORTS** the above referenced bill. This legislation would extend the compliance dates for Local Law 196 of 2017, requiring that construction workers complete an “Occupational Safety and Health Thirty Hour Course (OSHA-30) or an additional 20 hours of safety training or a 100-hour training program approved by the Department of Buildings. **We support this reasonable extension.**

Specifically, this bill extends the “Site Safety Training (SST) Second Compliance Date” six months to December 1, 2019 and makes firm the “Site Safety Training (SST) Full Compliance Date” of September 1, 2020. The current SST Second Compliance date established under Local Law 196, June 1, 2019, is swiftly approaching with practical compliance unlikely. This brief and reasonable extension is a sensible solution without risking any inordinate delay in implementing the new law.

Construction safety has always been of paramount importance to NYECA, and we have publicly and enthusiastically supported the Council’s efforts in this regard since day one. But Local Law 196 is complex, with many details required for full compliance. This proposed, reasonable extension does not affect safety standards as stipulated in the law. Rather, it is in the best interest of the industry and the City that we be given a bit more time in order to meet realistic deadlines. This bill addresses the practical reality that the deadlines as currently stipulated in law are simply coming up too soon to expect full industry compliance. We just need a bit more time, as we all continue to partner with the City in enhancing construction work safety in New York City.

Founded in 1892, NYECA helped build New York City by working on the City’s most iconic structures, serving our communities in times of crisis, providing job opportunities

for minority and women-owned businesses, and of particular relevance here: promoting the highest standards of worker safety in the industry – that will never change.

NYECA therefore **supports** this bill and urges its passage into law.

Respectfully submitted on behalf of The New York Electrical Contractors Association.

NEW YORK ELECTRICAL CONTRACTORS ASSOCIATION, INC.

By:



Edwin Lopez
Executive Secretary

**New York City Hospitality Alliance
Comments on Mobile Vending Reform
Thursday, April 11, 2019 at 10:00am
Council Chambers, City Hall, New York, NY**

The New York City Hospitality Alliance (“The Alliance”) is a not-for-profit association representing thousands of eating and drinking establishments throughout the five boroughs that are impacted by the proposed package of mobile vending legislation.

Today, general merchandise vendors, newsstand operators, food vendors, and sidewalk cafes all contribute to the New York City streetscape. Yet our city’s system for regulating commercial uses of the public sidewalk is broken. Unfortunately, many of our city’s brick and mortar businesses are broken too, as evidenced by the vacant storefronts that line so many of our neighborhoods’ streets. That’s why we support comprehensive commercial sidewalk reform that helps vendors and brick and mortar businesses. Unfortunately, that’s not what this package of legislation does.

Enforcement continues to be an afterthought. While the Office of Street Vendor Enforcement contemplated by this legislation is a step in the right direction, it is only a small step. In three important areas, the proposal is silent or misguided:

- No dedicated funding, leaving the efficacy of the office to the whim of the Mayor and future administrations.
- No administrative home. We suggest the Department of Health, an obvious choice given their familiarity with regulating this industry.
- Insufficient patrols. The bill mandates that the office inspect at least 75% of permittees each year. Every permittee should at minimum get an annual inspection.

Committing to double the number of permits with no conditions is bad policy. This legislation doesn’t provide an effective mechanism to swiftly modify, delay, or halt the increase of permits if conditions dictate. For example:

- DOHMH, DOT and/or the selected enforcement agency should have authority and discretion to limit new permits.
- If specific enforcement goals are not met, or if noncompliance amongst permit holders remains at a certain metric, issuance of new permits should be automatically delayed.
- If the number of brick-and-mortar vacancies rises above a certain level, or if vacancies increase by a certain percentage in a year, issuance of new permits should be automatically delayed.

NYC | HOSPITALITY ALLIANCE

Get vending permits in the right hands by revoking illegally rented permits and reissuing them to the vendors themselves. There must be regulation of the underground market. Instead of initially issuing new permits, the City should revoke illegally rented permits, and then reissue them to those vendors who rented them.

Two additions to the clearance requirements. Since this package of bills addresses clearance criteria for food vendors, we suggest two more:

- Improve sidewalk café air quality by requiring food vendors to keep a minimum distance away from sidewalk cafes. That way sidewalk café customers can dine without breathing the exhaust emitted by vending units, or the excessive smoke that comes from cooking certain foods in the open air.
- Protect pedestrians with a minimum clear path. Like the clearance criteria for newsstands and sidewalk cafes, there must be a fixed minimum clear path requirement for mobile food vendors, such as 9.5 feet measured from the front of the pushcart to the nearest lawful obstruction, and 15 feet on either side. This is especially necessary given the proposed bill to allow carts to be placed 2 feet from the curb.

Thank you for consideration of our comments.

Respectfully submitted,

Andrew Rigie
Executive Director
New York City Hospitality Alliance
arigie@theNYCalliance.org

URBAN
JUSTICE
CENTER



STREET VENDOR PROJECT

Dear chair Espinal, council members

My name is Mohamed Attia, I'm the co-director of the Street Vendor Project, and a former food vendor.

I'm here today supporting the package of bills intros (287,288,292,832,1479 and 1116)

I'd like to speak briefly about the need for more food vending permits.

From my previous experience as a food vendor I had to deal with the underground market and pay somebody lots of cash to use their permits to be able to sell legally, and that's because an arbitrary law that was made back in 1983 to cap the food vending permits.

Street vendors are small businesses who don't receive any support from the city government agencies.

Why the SBS department has nothing to offer to vendors?

Why other agencies aren't trying to help vendors and support them instead of ticketing them?

Instead of supporting these hardworking immigrants, city agencies issue to vendors in average 12,000 summonses every year.

NYC is considered as a sanctuary city for immigrants, but it is not for street vendors. Not under this current system. With a lot of racism and hate crimes rising in our country, and the lack of support from the government most vendors in our city don't feel safe.

Back in 2017, some groups backed by billionaires made some false arguments against increasing the number of permits saying vendors are representing (unfair competition) to restaurants. Now my question to them is: How is it unfair?

I was a vendor for 9 years, and I can tell you how much I had to spend everyday and every month to stay in business, I had to pay \$500 rent to the commissary every month, \$30 daily to clean the cart, that's about \$1,000 a month, \$50 for a driver towing the cart to and from the spot, supplies, gasoline and propane, a worker with me, workers' compensation, sales tax and tax return, all of that plus the cash for the permit.

We have a lot of expenses that nobody is aware of, we're not out there for free.

And we make amount of business that fits our expenses, if I was making one tenth of what any restaurant in Manhattan is making, I would have been a millionaire by now.

Vendors are the smallest businesses, whether these people like them or not!

Please pass intro 1116 and support hardworking immigrants who serve their communities everyday all across our city.



Testimony from Mohamed Mohamed

Good afternoon chair,

My name is Mohamed Mohamed, I'm an immigrant from Egypt.

I moved to NYC 16 years ago. I work as a food vendor in downtown since I came.

I don't have my own permit, as thousands of vendors in NYC.

I deal with the underground market and pay (\$25,000) every 2 years to use somebody's permit. Do you think this is fair? Does the City agree with this?

Vendors are small business owners, and I'm one of them. We don't get any support from the city. We need a lot of help. And the least the city can do for us is giving us permits. I have the right to get permit under my name.

I provide jobs on my cart, I pay my taxes, I have a lot of expenses and I serve the community.

I support my family of 4 people, including my 2 lovely kids. My son Ahmed is 10 years old now, in 6 years he wants to go to college, and I hope that I can be able to afford the college for him, so maybe one day I see him a Council Member like you.

My costumers can't afford to buy food from fancy restaurants in downtown, that's why they come to me.

Also, some of my customers are Muslims and looking for Halal food, they can't find it anywhere near me, that's why they come to my cart.

I came to this country with a lot of love and a big dream, The American Dream.

My dream is to have my own restaurant and have a big successful business. But I can't do it because I don't have a permit.

If I had a permit I would have had my restaurant by now.

Thank you

Written testimony of Vixton W. Allen 4/11/19

Dear New York City Council,

I am a disabled veteran who served in Vietnams War; I am sixty years old and vending on the street is my job.

I am here today to support Int. 1116, the legislation that will add more permits for food carts in New York City and propose changes to the currently vending law.

As a veteran vendor, I would like to point out that New York City is not friendly to all street vendors as we are regulated by at least three different government agencies and possible more if you are a food vendor. We are legitimate small business owner yet are hardly to be recognized by the small business community. When we work on the streets, we constantly experience discrimination in terms of our color of skin, the ability to speak English properly, or our immigration status.

I have the luxury to study English when I grew up in Jamaica; however most of the street vendors in New York City doesn't enjoy my privilege and struggle to make a living while they barely receive administrative or legislative support from the City.

That's why I am here today to testify and support Int. 1116 that will create more job opportunities and economical contribution to New York City.

Thank you for your time

Vixton W. Allen

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Bronx, NY 10467
Unites States



Hakim El Nagar Testimony- Supporting intro 1116

Dear Council members,

My name is Hakim EL Nagar, I came to NYC in 1996 from Egypt. I worked as a food vendor since I came here.

In 2006 I applied to get a permit and didn't get it, and my name was put on the waiting list. I've been waiting for a permit for 13 years!

Since I started vending, I have to pay somebody who has a permit a lot of cash every 2 years to use his permit!

Last time I renewed I paid 20 thousand dollars, and I should renew this permit in 2 months and I don't have enough money to pay him this time. I don't know what to do if I don't have the money by this time. Maybe I'll be out of business!

I'm the only one supporting my family, my wife and my 4 sons.

Last year was really hard for me and my family. Business was too bad, and it was too cold in the winter that we couldn't pay the rent and the bills, and I had to use my credit cards a lot, and now I owe a lot of money.

Last December I promised my son to buy him a new jacket for the Christmas and because it was too cold I didn't keep my promise to him.

I gave him one of my jackets and he was so sad.

It's very hard to say no to your son, or you just can't buy them what they need.

That's all because I have to save a lot of money for the permit to be able to work and stay in business.

If I had my own permit, I would save a lot of money, take care of my family, by my sons everything they need, and pay off all the credit cards debts.

And maybe after few years I can have my own restaurant and stay away from the streets.

I hope that the City Council pass this bill (intro 1116) and give me a chance to have my own permit and have a better life.



Social Sciences Division

April 11, 2019

New York City Council

Public Hearing on Intros: 1116-2018, 0832-2018, 0287-2018, 0288-2018, 0292-2018

My name is Dr. Kathleen Dunn and I am a sociologist at Pasadena City College. From 2008 to 2012 I conducted research on street vending in New York City, interviewing seventy street vendors: food, merchandise, artist and veteran vendors, licensed and unlicensed, working in Brooklyn, Queens, the Bronx and Manhattan. Many were members of either the Street Vendor Project, Vamos Unidos, or the New York City Food Truck Association. I also conducted ethnographic research within SVP and VAMOS, interviewing many of their staff. I would like to share some of my key findings as they relate to the bills under consideration today.

First some broad patterns from the research literature. Street vending is the most common form of urban commerce and is generally the work of low-income immigrants, particularly women. Informal work like street vending is a structural feature of global cities, a direct result of degraded conditions in the low-wage labor market. There is a clear demand for vending among low- and middle-income consumers, and since the Great Recession, among more upper-income consumers as well. This is a global trend towards more affordable and smaller-scale retail. Yet larger-scale businesses and municipal governments usually seek to restrict street vending, criminalizing it to protect space for more profitable corporate use.

My research in New York revealed many of these patterns. Since the 1980s this city has constructed a uniquely overwrought set of laws and policing practices that constitute a de facto criminalization of street vending, just as the workforce became comprised of immigrants of color. Every vendor I interviewed considered policing and impassable regulations to be their biggest constraints. As one vendor organizer explained, the regulations create "conditions of impossibility" for vendors. No one escapes ticketing and costly fines, and most immigrant vendors I interviewed had also experienced confiscation of goods or arrest.

The cap on food vending permits excludes most food vendors from small business ownership, forcing those trying to vend lawfully to be informal subcontractors for permit rentiers. It is common for them to work in teams to cover their permit rent and many must also turn over 30% of daily revenue to the rentier. This prevents vendors from making the street-to-storefront transition.

A much smaller group of vendors has been able to exploit the underground permit market, buying their way in and out very quickly: "gourmet" food truck owners. The first trade association they formed, the NYCFTA, boasted that over 40% of their food trucks had transitioned to storefronts, while only a handful of SVP members have done the same. The gourmet vendors I interviewed also found regulations burdensome, but none had ever been arrested. BIDs and other public-private partnerships have welcomed these more affluent vendors, most of whom are white and native-born, as legitimate entrepreneurs, facilitating their upward mobility.

Perhaps least recognized is how New York's vending laws disadvantage immigrant women of color. While women are the majority of street vendors in most cities, vending in Manhattan is dominated by men. The permit system plays a role in this exclusion. The underground permit trade is shaped by social networks that are effectively boys' clubs. The entry of gourmet truck owners has doubled rental rates past \$20,000, pushing legal vending opportunities further out of reach for immigrant women who face significant barriers to accessing capital. This helps to explain why most women vendors in New York are concentrated in the outer boroughs, working itinerantly and unpermitted, making them more prone to ticketing, arrest, and street crime. I urge the Council to include affirmative policies for women vendors that respond to the inequitable conditions they face under current vending oversight.



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Testimony of

The Legal Aid Society

In support of:

**Int. No. 1116 A Local Law Expanding the availability of food vendor permits,
creating an office of street vendor enforcement, and establishing a street
vendor advisory board.**

at a public hearing on April 11, 2019

Presented to:

**The New York City Council Committee on Consumer Affairs and Business
Licensing**

Presented by:

Steven B. Wasserman

Attorney

Criminal Practice – Special Litigation Unit

Introduction

I am Steven Wasserman, an attorney with the Legal Aid Society's Criminal Practice. The Legal Aid Society welcomes the opportunity to testify at this public hearing before the New York City Council Committee on Consumer Affairs and Business Licensing in support of increasing the number of food vendors that may operate lawfully in New York City

Since 1876, The Legal Aid Society has provided free legal services to New York City residents who are unable to afford private counsel. Annually, through our criminal, civil and juvenile offices in all five boroughs, our staff handles about 332,000 cases and legal matters for poor families and individuals. The services we provide reflect the entire gamut of the needs of our clients, from immigration representation for the newest arrivals, to health care benefits for the oldest New Yorkers.

By contract with New York City, The Legal Aid Society serves as the primary defender of poor people prosecuted in the State courts. Each year we represent hundreds of unlicensed vendors. In our experience, both licensed and unlicensed vendors tend to be enterprising, hardworking, and law abiding people, many of whom are immigrants struggling to support families.

For this reason, the Legal Society supports legislation that gradually expands

the number of permits that will be issued to sell food on the streets and sidewalks of New York City. Despite an enormous growth in demand for street food, the number of lawful vendors has been artificially fixed by law at the current level for the past 35 years. Not only will the proposed supervisory licenses promote more orderly and healthful food vending, they will also provide a lawful path to a productive livelihood for thousands of low-income New Yorkers.

The current restrictions on food vending are especially harsh and oppressive to NYC's immigrant population, for whom food vending has been a mainstay and a gateway into the middle class for many generations. The Legal Society represents hundreds of immigrants each year who have been arrested for Unlicensed general vending, whose equipment and merchandise have been confiscated, and who are sometimes thrown into deportation proceedings as a result of the arrest. The unlicensed food vendors that we know would be more than willing to pay the cost of licensing and to submit to reasonable regulation in exchange for the peace of mind that comes with operating within the law.

Realistically, the City has limited control over the actual number of food vendors operating on City streets. But the City can and should permit more food vendors to pursue their livelihood in peace and within the law.



Re: Support for intro 1116

Dear Chair Espinal and members of the New York City Council,

The Arab American Association of NY is an organization that serves and empowers the Arab immigrant and Arab American community in Bay Ridge, Brooklyn. Our mission is to support our community by providing services to help them adjust to their new home, and get families to achieve their goals of independence, productivity and stability.

For many new Arab immigrants in New York who are not fluent in English or hold a college degree, they are able to find opportunities for growth and entrepreneurship through street vending. Street vendors are able to make a living, support their families, and start a small business, in their journey to fulfill the American dream.

We see Arab community members throughout New York City serving the public and providing great halal food, that has become a staple of New York City cuisines.

Due to the cap on food vending permits that was placed by the City Council in the early 1980's, most street vendors do not have their own permits, either obtaining one through the underground market or paying money to other vendors to use their permits to avoid being arrested or harassed by enforcement agencies.

New York City has not improved the permitting system for over 3 decades, denying thousands of our community members the opportunity to work as vendors and achieve stability in their new home.

We believe that Intro 1116 is the first step in reforming this unfair and outdated system that governs vending in our city, and we hope to see our city become more progressive than it is now.

Many of our community members do not feel that they live in a sanctuary city, especially those folks who are vending. We hope that City will work on changing their feelings and give them the support they need and deserve.

We urge the City Council to pass Intro 1116 and improve the vending system in our City.

Respectfully,

The Arab American Association of NY

NYC ARTIST COALITION

Testimony on Int. 1116-2018, Int. 0832-2018, Int. 0287-2018, Int. 0288-2018, Int 0292-2018
Re: Support for Street Vending Legislation
City Council Committee on Consumer Affairs and Business Licensing
by Olympia Kazi, New York City Artist Coalition

Thursday, April 11th, 2019

Thank you for the opportunity to testify here today. My name is Olympia Kazi and I am a member of the NYC Artist Coalition. We advocate for the safety and preservation of grassroots cultural spaces and grassroots culture at large. (It's not news to anybody here today I hope that) New York City's affordability crisis is posing a serious threat to our city's cultural diversity and vitality.

Street food vendors are an iconic part of New York City's vibrant culture. They are talent incubators. They create and support communities, and they are treasured small businesses that provide an important affordable service to many New Yorkers. They are also contributing to a safer nightlife by literally being eyes on the street and by offering the only option for after-hours sustenance to famished and inebriated New Yorkers in many neighborhoods.

The New York City Artist Coalition works along with the Street Vendor Project as part of United for Small Business NYC (USBNYC). A citywide coalition of community organizations fighting to protect primarily owner-operated, low-income, minority-run small businesses that serve low-income and minority communities. The very existence of such a unique and diverse coalition like USBNYC is a testament to how critical the challenges of small businesses have become.

Street Vendors are the smallest small businesses and this legislation will be a way to bring many of them out of the shadows. It'll improve safety and health for vendors and patrons and it'll increase professional opportunities for low income, and immigrant population in NYC. Ultimately this legislation will support New York City's uniquely diverse grassroots culture.

Thank you again, Chair Espinal and Council Member Chin for this package of legislation to support grassroots culture and the smallest small businesses.



New York City Council

Consumer Affairs and Business Licensing Committee

Expanding Access to Food Vending License Hearing

Testimony from the New York Immigration Coalition

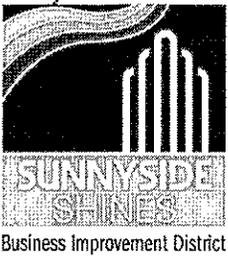
April 11, 2019

Good Morning. My name is Theodore A. Moore and I am the Director of Local Policy and Legislation at the New York Immigration Coalition, an umbrella policy and advocacy organization that works statewide with over 200 immigrant-serving member organizations. Thank you to the members of the City Council and the Consumer Affairs and Business Licensing Committee for convening this important hearing and Council Member Margaret Chin who has introduced Int 1116 in support of expanding access food vendor licenses.

Since the 1860's, when people used pushcarts to sell their wares on Hester Street in the Lower East Side or even further back the 18020's when people collected fresh oysters from the oyster beds in Staten Island and what is now the Gowanus Canal and sold them on carts, street vendors in New York City were free to vend without the limits of licenses and permit that were available. This changed in 1979 when, under the pressure of various chambers of commerce and merchant associations, the City Council first put limits on the permits available. This action to further limit vending licenses was done again by the City Council in 1983. In spite of the fact that many times more mobile food vendors are on the street in NYC the amount of permits is limited to only 3000, 2800 full-time City-wide permit and 200 Borough specific permits for each Borough other than Manhattan. This created the current situation where to legally be a vendor you have to wait on for years on the waiting list, which is currently closed, or acquire a permit on the underground market at exorbitant rates. This new system that has been in existence for nearly forty years now and clearly one that is both an unfair to vendors and an unnecessary burden on those forced to enforce it.

This bill goes a long way in correcting some of the wrongs of the Council in 1979 and 1983 and more recent City Council decisions to further make it difficult for vendors to make a living by barring them from several areas of the City.

1. This bill creates economic opportunity for in several ways. Many companies, whether it be Nathan's, Gristedes, Cohen Optical or the Halal Guys, began as vendors. This bill will offer that same opportunity by not only creating jobs but entry-level entrepreneurship across the City and most will be immigrant and minority owned small businesses.
2. It also restructures and streamlines enforcement by creating one enforcement unit and one set of rules, unlike the current system where enforcement responsibility falls on multiple departments and is confusing to both the departments and vendors.
3. Lastly, it brings in revenue, and everyone loves that! The increased revenue will come in multiple ways. One being the through raised permit and licenses fees. The second way is through the collection of sales tax. Licensed vendors are required to pay sales tax before renewing their licenses where unlicensed vendors have no such incentive to pay taxes. Allowing current unlicensed vendors to attain licenses will also force them to pay taxes. There is also a cost saving element related to the enforcement of unlicensed vendors. By allowing those without licenses to obtain them the City will save millions of dollars.



Testimony to the City Council's Consumer Affairs Committee
Re: Intro 1116
April 11, 2019

Thank you for the opportunity to testify today. My name is Jaime-Faye Bean and I am the executive director of the Sunnyside Shines Business Improvement District in Sunnyside, Queens. Sunnyside is a vibrant and diverse neighborhood along the 7 line in Western Queens, with some of the best restaurants in New York City and a strong local business community. Our district includes nearly 300 brick and mortar businesses, many of which are locally-owned, independent businesses doing their best to thrive in a changing neighborhood and economy. Approximately 75% of our businesses are immigrant-owned; they face the onerous processes, restrictions, regulations, and potential fines as all New York City storefront businesses, while also often dealing with linguistic and cultural challenges in navigating City agencies and laws.

I am here today to express some major concerns about the Street Vending Modernization Act:

- **We need a system to address the siting of vendors.** The use of the City's public spaces is a land use issue, and seemingly everything else placed in the public realm (bike racks, benches, LinkNYC kiosks, etc) is put through a public review process. It is incredibly challenging to do anything on the sidewalks of New York City – ask any restaurant that is trying to add a few outdoor seats for a sidewalk café, which can take months in the review process and thousands of dollars in fees. Unfortunately, vending does not require this same level of scrutiny, and this legislation does not create criteria for the siting of vendors. We need a process to establish criteria for vendor siting that incorporates local input. This should also include set distances from both brick and mortar restaurants as well as grocery stores. The majority of vendor complaints I hear from my local businesses come from restaurant and grocery store owners who are directly affected by the appearance of a food vendor in front of their business.
- **The easing of placement restrictions will worsen conditions on our district's sidewalks.** The proposed changes to placement restrictions, such as reducing the distance that vendors may set up from bus stops and taxi stands, and allowing farther placement from the curb, will further inhibit pedestrian traffic flow and increase congestion on our already-crowded sidewalks, especially after doubling the number of food vendors throughout the city.

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- **Evaluation should happen first.** This legislation does not require a comprehensive evaluation of the impacts of street vending prior to the issuance of new permits. We would like to see an impact study first to truly understand how many vendors are currently operating and what these impacts are in local neighborhoods.
- **Enforcement is welcomed.** We are pleased to see the enforcement provisions in the legislation, and note that it will be critical that these enforcement efforts have sufficient resources to address issues throughout the city, not just in the most severely affected neighborhoods.

I applaud the Council for taking up this important issue, but I would urge this committee to take into account these issues with street vendor siting and placement restrictions that could have very real and negative consequences for our neighborhood business districts and brick and mortar businesses.

Thank you.



Local 338

RWDSU/UFCW

JOHN R. DURSO
President

JOSEPH FONTANO
Secretary-Treasurer

NEIL GONZALVO
Executive Vice President

DEBRA BOLLBACH
Recorder

April 10, 2019

Testimony from Local 338 RWDSU/UFCW to the New York City Council Committee on Consumer Affairs and Business Licensing Regarding Int. 1116-A

Good Afternoon and thank you for the opportunity to testify today on Int. 1116. My name is Nikki Kateman and I am here on behalf of Local 338 RWDSU/UFCW, a labor union that represents over 13,000 men and women employed at supermarkets, grocery stores, specialty food stores, retail drug stores and pharmacies across New York City, Long Island, and the Hudson Valley. Currently, Local 338 represents approximately 7,000 members who live and work in the City of New York.

As a union that represents thousands of workers in brick and mortar grocery stores, many of whom are immigrants, we recognize the need to support immigrant entrepreneurs. Accordingly, we support the expansion of the street vendor industry because we recognize that it is an important way for immigrant entrepreneurs to get a foothold in New York City. At the same time, we also support reasonable and rational location restrictions for fruit and vegetable street vendors to both protect the jobs of our members, but also to prevent grocers from closing, leading to an expansion of food deserts throughout NYC. We also support strong enforcement and oversight mechanisms to ensure a clear process for addressing issues in the industry, and we support an assessment of worker exploitation in the street vendor industry to ensure that justice is achieved for all.

Local 338 represents workers at approximately 130 grocery stores citywide, thus we are concerned with the viability of the brick and mortar grocery industry. With the impact of online retail, as well as notoriously razor thin profit margins in the grocery industry, any additional impact on the bottom line could send a grocer into bankruptcy and create a new “food desert.” These local grocery stores with large fresh produce aisles are the difference between a food desert and a food oasis. The City invests significant resources in addressing food deserts through both the FRESH program and the Green Cart program. Yet, it is imperative that while the City incentivizes new food retail operators, we should also work to preserve existing brick and mortar grocers in order to protect the health of New York City’s residents. One of the key ways this can be done is through reasonable and rational location restrictions on fruit and vegetable street vendors. A reasonable restriction could be one or two blocks from an existing food retailer that also sells fresh fruit and vegetables. This is a balanced approach that is well within the City’s enumerated police powers.

It is true that many brick and mortar stores and street vendors co-exist peacefully. However, we are talking about grocery stores who actually are impacted by directly competing fruit and vegetable street vendors. A recent study called “The Sidewalk & the Storefront” by Kathryn Wheeler is somewhat misleading on this point. The study concludes that while the perception is that street vendors have a negative impact on brick and mortar, in reality they have a positive impact. The study was based on interviews with select owners of brick and mortar stores in certain retail corridors. It is notable that this study did not interview any owners of brick and mortar grocery stores in order to come to the conclusion of there being no impact. If they were interviewed, they would say exactly what they are testifying today:

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grocers experience a negative impact.

So, the more accurate conclusion of the study is that the impact of street vendors on brick and mortar is not uniform, and thus our solution should not be a blanket solution: there should be location restrictions for fresh fruit and vegetable vendors in order to protect local grocers and thus prevent the spreading of food deserts in NYC. But where there is no direct impact on the health and welfare of New York City residents, we should not be looking to additional location restrictions.

I will note that there are legitimate questions raised about the legality of location restrictions, the degree of monetary impact of street vendors on brick and mortar grocers, and what a reasonable location restriction would be. The City must conduct a study to provide objective evidence on all of these points in order to develop a well-justified program that works for all.

We look forward to working together to continue this discussion and I thank you for your time.

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The Healthy Bodega Program

Introduction

The Healthy Bodega campaign has been spearheaded in the Bronx by a coordinated effort from a coalition of groups led by Bronx Health Reach, HITN, and the Bodega Association. The funding for this three-year effort has come from the Centers for Disease Control. What this campaign has revealed quite starkly is that there is a hunger among *bodegueros* for a wide range of training initiatives that would enable them to not only compete more effectively; but would also allow them to provide healthier food options for their customer.

Under the current initiative 61 bodegas are successfully participating in the healthy bodega effort, and as a result their customers are being given greater choice for consuming healthier foods. That being said, the program has some built in limitations that are a consequence of the limited resources available.

As two of the program's leaders point out:

"Too often, Bronx bodegas are seen as "a source of the problem" because they sell unhealthy snack foods, sandwiches, soda, alcohol and tobacco products. But 54 Bronx bodegas are changing that unhealthy perception as partner bodegas in the "Healthy Bodega" program.

Over the past four years, the Bodega Association of the United States, the Institute for Family Health's 80-plus member Bronx Health Reach Coalition and the Hispanic Information and Telecommunications Network have offered bodega owners a series of trainings and workshops focused on procuring, selling and marketing healthier food and beverage options in bodegas as a profitable venture." (<https://riverdalepress.com/stories/council-should-support-healthy-bodega-campaign,68576?>)

Current Status

- (1) There are 51 TRAINED Healthy Bodegas (HB) in Bronx through HITN, ASOBEU and Bronx Health REACH. 10 additional stores in Bronx through the Bodega Work group.
- (2) HB Training works as a complement to Shop Healthy (DOH Corner Store program).

Main difference is HB program is:

- (a) Specifically developed by business insider experts (Mitch Klein of Supermarket Compliance, HITN and ASOBEU);
- (b) Is culturally, operationally and linguistically appropriate for immigrant entrepreneurs;
- (c) Focuses on small business skills to successfully sell healthy options, operate stores effectively in NYC regulatory environments and compete gentrification.

Produce Peddlers and Healthy Bodega

Street vendors located in front of healthy bodegas pose a direct threat to the continued viability of the program's public health efforts. We have seen this play before with the mostly Korean green grocers:

"And then there's the city's new Green Cart initiative, which gives permits to mobile stands offering cheap produce—a direct threat to surrounding greengrocers. The big chains can absorb these costs or lobby for better treatment; meanwhile, little guys operating on the margins—particularly those whose minority status or lack of English skills makes them a prime target for harassment—face great pressure to give up." (<https://www.city-journal.org/html/where-did-korean-greengrocers-go-13353.html>)

The public health campaign to convert local bodegas into healthy bodegas represents the recognition that brick and mortar stores-like supermarkets, green grocers and bodegas-offer the best opportunity to provide New Yorkers with a wide range of healthier food options. At best, produce vendors can be supplemental aides, but should not be in locations that threaten the major suppliers of what consumers need to live healthier lives.

Given these observations, any street vendor reform legislation needs to look carefully at controlling vendor locations in order to achieve the best health options for the citizens of New York.

Testimony on produce street peddling

April 11, 2019

Avi Kaner, co-owner, Morton Williams
Supermarkets

avikaner@mortonwilliams.com 718-933-5910

Thank you for listening to my testimony today. My name is Avi Kaner and I'm a co-owner of Morton Williams Supermarkets. I am here to testify against increasing the number of produce street peddlers, and for modifying and enforcing regulations that ensure safety and fairness.

Morton Williams Supermarkets is a local New York City family business going back over 60 years. We now operate 16 supermarkets in New York City employing 1,800 people a year. Over 95% of our employees are first and second generation immigrants. I also am a second generation immigrant.

New York City and State regulations, taxes, fines, government-imposed requirements, and allowing unfair competition under the "progressive" banner have directly resulted in the closure of dozens of supermarkets in New York City alone, destroying many thousands of living wage jobs. In fact, we will be closing a Bronx supermarket in a few weeks directly due to the minimum wage increase that has seen 20% annual increases over each of the past four years - from \$9 to \$11 to \$13 to \$15.

In the Bronx, our competitors operate in a secondary gray economy that doesn't pay minimum wage, doesn't pay overtime, doesn't pay unemployment insurance or social security, pays employees off the books, and pays little or no income taxes. It is literally impossible to compete in an unfair setting where the city and state not only do not enforce the law, but actively welcomes the secondary economy that destroys well-paying legal immigrant jobs.

Produce street peddlers are an example of unfair competition allowed by New York City that destroy real jobs held primarily by immigrants. A produce street peddler is situated near each one of our stores, usually close to the front entrance. While we pay rent, property taxes, on the books labor, benefits, and electricity, the city allows these peddlers to operate for free at the same locations. That is not only unfair, but it is destructive to our employees and to the residents of New York City.

We pay \$22 million a year in rent and over \$3 million a year in property taxes to the City of New York. We pay \$30 million a year in salaries and \$8 million a year in benefits. We have so far

survived while other brick and mortar businesses have been shuttered. Simply take a drive up Third Avenue and see all the for-rent signs. I do not know how long we can continue given the daily bombardment of city and state attacks on our business, the latest being the paper bag law that will increase our costs 5-fold while actually quadrupling the carbon footprint simply because of environmental perception and politics. Adding insult to injury, the proposed 5 cent fee per bag will be payable to the city and state instead of to the retailer who is forced to spend five times more. It is a money-grab disguised as being environmentally friendly.

Back to the produce street peddlers. They set up shop directly in front of our stores, they park their trucks all day long in front of our stores, they sit on top of subway ventilation grates, they block our deliveries, and cost our vendors time and parking tickets. We have given up calling the local police precincts because they are unable to do anything. Here are a few examples:

1. Parking trucks all day long in front of our stores - the street signs are "No standing except for loading and unloading." The produce trucks, often dirty graffiti-laden trucks with New Jersey license plates, warehouse the merchandise sold by the peddler. The peddler claims he is loading and unloading all day long. The police refuse to move the truck since there's no time restriction. As a result, our trucks making deliveries are forced to double park and receive summonses on a daily basis. Many of our smaller vendors, also immigrants, have decided to no longer do business in Manhattan for this reason.
2. The produce peddlers set up shop directly on top of subway ventilation grates (e.g., 63rd Street and third Avenue). Besides being a safety issue, it also violates vending regulations. However, this specific rule is not included in the regulations that specifically pertain to these food peddlers. The police refuse to move them although there's a clear safety issue and a violation of general vending laws.
3. The current regulations provide a small distance that a peddler must be away from a store door. However, supermarkets have large frontage and receive high volume deliveries via the sidewalk since the typical New York City residential neighborhood building does not have a loading dock. The peddlers literally stand in front of our store-front, blocking our deliveries, and create significant safety hazards to pedestrians walking by.

I hope you can start feeling our frustration. We respectfully ask you to consider the following measures:

1. Put a stop to any increase in street peddling licenses.
2. Increase the distance a street vendor must remain away from a brick and mortar supermarket that does not have the luxury of simply moving.
3. Make the regulations consistent among street vendors to prevent such outrageous behavior as setting up on top of a subway ventilation grate.
4. Modify the "no standing except loading and unloading" regulations to include a time limit to prevent the abuses seen by just about every produce street peddler in Manhattan.
5. Charge the produce street peddler a much higher fee to peddle in high rent districts commensurate with the rent in that neighborhood. Unless you do so, you are providing

that peddler with an unfair advantage over retailers who are paying rent and property taxes.

6. Limit produce street peddlers only to areas that are deemed "food deserts" lacking fruits and vegetables - areas where they are needed.

Thank you once again for listening to my testimony. I truly believe that it is in the best interest of New York City to preserve the remaining supermarkets that are so important to the neighborhoods they serve. I'm available to answer any of your questions.

Alpha Strategic Planning Corporation

140 Riverside Drive
New York, New York, 10024
914-572-2865

City Council Hearing Testimony on Street Vending Bill: Intro 1116

Dr. Richard Lipsky (914-572-2865)

The NYC Council is holding a hearing on Intro 1116, sponsored by CMs Chin and Menchaca, that will increase the number of street vendor licenses. In addition, the bill calls for the creation of a dedicated street vendor enforcement unit. Local supermarkets and their workers-represented by Locals 338 and 1500-along with the Bodegas Association, oppose the bill unless certain amendments are made that balance the equities between vendors and the brick and mortar food stores that pay millions of dollars a year to the City in real estate taxes, sales taxes, and in fines and mandates that create an onerous business climate.

Contrary to what vendor advocates are saying, vendors that locate directly in front of, or very close to, established food stores cause great harm-taking between \$5,000-\$7,000 a week from the stores and reducing the employment from many unionized businesses that provide workers with a great benefits package. The great majority of these workers represent the diversity of this great city. In fact, they locate in these areas because they know that these neighborhood stores are traffic builders that can be exploited!

In addition, it is the policy of NYC to support healthier eating-and its Fresh Program looks to increase the number of supermarkets in underserved areas. Vendors who pay very little comparatively to the brick and mortar stores, undercut the city's health initiatives while seeming to support them because of the products they sell. If selling a limited array of fruits and vegetables leads to the closing of supermarkets-and bodegas that are converting their stores into "healthy Bodegas"-then they are subverting the public interest of the larger public policy.

(<https://riverdalepress.com/stories/council-should-support-healthy-bodega-campaign,68576?>)

We have seen this happen already. The Green Cart experiment introduced produce vendors into so-called underserved areas. The result: Korean green grocers saw

their numbers decimated because they couldn't survive against low overhead competitors:

"And then there's the city's new Green Cart initiative, which gives permits to mobile stands offering cheap produce—a direct threat to surrounding greengrocers. The big chains can absorb these costs or lobby for better treatment; meanwhile, little guys operating on the margins—particularly those whose minority status or lack of English skills makes them a prime target for harassment—face great pressure to give up. (<https://www.city-journal.org/html/where-did-korean-greengrocers-go-13353.html>)

Location restrictions needed

If the city is going to promote healthier eating, it needs a policy to balance the needs of vendors with the health needs of New Yorkers. That is why we are proposing that before any new licenses are created, the City Council needs to restrict vendors from at least 500 feet from an existing supermarket, green grocer, or healthy bodega. There are some legal issues that address the city's ability to do this, but a careful review of the precedents indicates that the city-**emphasizing health and public safety**-would prevail in any legal battle.

Dedicated Enforcement Unit

This is a major step forward since the current diffuse enforcement regime spanning multiple agencies means there is little to no effective enforcement. That being said, there are a few amendments that should be added to make sure that the Unit is even more effective:

(1) **Worker rights:**

IN CO-OPERATION WITH THE DEPARTMENT OF CONSUMER AFFAIRS THE OFFICE SHALL ANNUALLY INSPECT STREET VENDOR PERMITTEES FOR THE PURPOSE OF INSURING THAT SUCH BUSINESS CONDUCTED BY THEM IS OPERATING IN COMPLIANCE WITH ALL HEALTH, SAFETY AND EMPLOYEE PROTECTION LAWS ENACTED BY THE CITY AND STATE WITH PARTICULAR EMPHASIS ON PROVISIONS THAT ENSURE NO VENDOR IS BEING EXPLOITED BY ADDITIONAL PARTIES, SUPERVISORY OR OTHERS.

(2) **DEPARTMENT OF INVESTIGATION OVERSIGHT.** THE DEPARTMENT SHALL INVESTIGATE RELATIONSHIPS AND CONDUCT REGULARLY CARRIED ON

BETWEEN SUPPLIERS OF FOOD AND ESSENTIALS BETWEEN SUPPLIERS AND VENDORS, WITH PARTICULAR ATTENTION TO ENSURING THAT NO EXPLOITIVE OR MONOPOLISTIC BUSINESS PRACTICES ARE IMPOSED ON VENDORS, AND THAT STREET VENDORS ARE IN FULL COMPLIANCE WITH ALL LAWS RELATING TO THE OFFERING AND SALE OF FRESH AND WHOLESOME PRODUCE AND FOOD.;

(3) Truck parking:

NO VENDOR SUPPLIER SHALL BE PARKED OR PERMITTED TO STAND AT A LOCATION ADJACENT TO, OR IN CLOS PROXIMITY TO A VENDOR LONGER THAN THE OTHERWISE PERMITTED TIME AS AUTHORIZED BY LAW, RULE OR REGULATION EXCLUSIVELY FOR LOADING AND UNLOADING, AND SUCH A VEHICLE SHALL BE IMMEDIATELY REMOVED UPON NOTICE TO THE PROPER AUTHORITIES.

Intro 116 is, as currently drafted, a good step forward, but it needs to be strengthened to insure fairness and the promotion of the city's policies around healthier eating. Neighborhood stores are under a great deal of pressure from regulations, mandates, and rising taxes and rents, Store vacancies are at an all time high. The promotion of more street vendor licenses without the concomitant promotion of measures that insure the viability and success of local stores would be a mistake. Intro 116 needs to be improved and we look forward to working with the Speaker and the bill's sponsors to achieve the proper balance.



**Testimony of the Muslim Community Network
New York City Council Committee on Consumer Affairs
April 11, 2019**

My name is Aniq Nawabi, I'm the executive director of the Muslim Community Network (MCN). The MCN is dedicated to using civic education and leadership development to shape the public narrative about what it means to be Muslim in America. We seek to build the capacity of marginalized communities to access the rights, opportunities and resources they deserve.

Street Vendors are reflective of the incredible diversity that represents New York City. A large segment of the street vending community comes from the Muslim faith and many are recent immigrants to this country. As new immigrants seeking to build an economic foothold in this City and Country, NYC should support street vendors by issuing more vending permits for the first time in over 30 years.

It is unjust for vendors to have to rent permits, paying tens of thousands of dollars, on an underground market, or risk high fines and arrest for vending without a permit. Street vendors provide affordable, healthy foods and make our streets and public spaces lively and safe.

Vendors are here to provide for themselves and their families. They seek to do honest work and contribute to their communities. I hope the City Council will lift the cap on permits and allow these small businesses to thrive.

Sincerely,

Aniq Nawabi
Executive Director
Muslim Community Network.

Council of the City of New York
Committee on Consumer Affairs and Business Licensing
Intro 1116-A and Intro 287
Thursday, April 11, 2019

FOR THE RECORD

Testimony: Noelle Mooney, Restaurant Owner Operator
Stout NYC Group
133 West 33rd St, New York, NY 10001
Tel: 212-629-6191

My name is Noelle Mooney, an immigrant originally from Ireland, who came to New York City in 1993 to chase my dreams, which I finally realized by opening my first restaurant in 2005, and

I strongly oppose Intro 1116-A and Intro 287 for the following reasons:

Intro 1116-A would only exacerbate the problems already in place by increasing the number of vendors with more than 4,400 new licenses over a 10-year period. Intro 287 would take precious space away from our already crowded sidewalks and create dangerous conditions for pedestrians.

Street vendors can, when unregulated:

- IMPEDE PEDESTRIAN SAFETY, creating crowded sidewalks, where side walk cafes would never be approved because of the strict requirements and enforcement needed.
- CREATE NUISANCES in areas that are already overcrowded, so much so that brick and mortar restaurants are not allowed to display chalk boards over 3' wide on a sidewalk less than 12' wide and more than 18" from the premises. No such rules are enforced or apply to street cart vendors.
- COMPETE DIRECTLY with brick and mortar businesses without the same controls, rules, regulations and taxes being enforced on them.

At a time when city streets are more crowded than ever and storefront businesses are struggling to survive, with any proposal to expand the number of vending licenses or alter placement restrictions:

- I would ask that the playing field be leveled. Please require the food cart vendors to be placed only where safe, follow all DOH rules and regulations and be subject to the same inspections and fines that restaurants have to follow.
- I would ask that that the playing field be leveled further by allocating some of our Real Estate Taxes & Commercial Rent Tax to the Street Cart Vendor who provide food for sale as I do.
- I would also ask for better and more regulated enforcement to ensure pedestrian safety, better crowd control, more uniform signage allowed, no loud music or generators allowed.
- I would ask that the community boards and BIDs in each area have more say in the placement and licenses for street cart vendors, just as restaurants do.



chhaya CDC

Sustaining Homes
Strengthening Communities

FOR THE RECORD

Statement of Chhaya CDC

Support of Int 1116-2018

April 10, 2019

New York City Council Members,

On behalf of CHHAYA CDC, I write to support of expanding the availability of food vendor permits, creating an office of street vendor enforcement, and establishing a street vendor advisory board in New York City.

Chhaya CDA was founded in 2000 to work with New Yorkers of South Asian origin to advocate for and build economically stable, sustainable, and thriving communities. Our headquarters is located in Jackson Heights, Queens, where vendors can be found on almost every corner. Some of our best clients are vendors whom we have helped to navigate the system, develop business plans and grow their businesses.

Selling on streets without a permit seriously impedes the growth of any vendor's business. Many vendors must pay money to a "middleman" to find a permit in first place. Once they find a permit, vendors face the risk that the permit holder will renege on the contract, raising the price. We've even heard stories of scammers who trick vendors into paying a deposit, then disappear. The simplest way to resolve this issue is to raise the number of permits available to vendors.

In conclusion, Queens is the home for many South Asian communities. More sustainable and low-risk business opportunities for our immigrant entrepreneurs would not only contribute greatly to the local economy but also make our community stronger and more prosperous.

Sincerely,

William Spisak

Director of Programs

Chhaya CDC

37-43 77th Street

Jackson Heights, NY 11372

April 11, 2019

To: New York City Council
Committee on Consumer Affairs



From: Do J. Lee, Ph.D.
Biking Public Project
dosikz@gmail.com

Re: In Support of Intro 1116

My name is Dr. Do Lee, and I am a visiting professor at Queens College and a member of the Biking Public Project. The Biking Public Project aims to expand local cycling advocacy discussions by working with underrepresented bicyclists around New York City including women, people of color, and delivery cyclists.

We at the Biking Public Project offer our support for Intro 1116, which will expand availability for mostly immigrant street vendors by increasing the number of food vending permits available to sell food on our streets. New York City has always been a refuge for immigrants who try to gain an economic foothold, often starting out as low-wage workers. We have spent substantial time working with bicycle delivery workers, who, like street vendors, work long hours in harsh conditions for little pay. Both groups are part of our daily experience as New Yorkers and these workers play an essential role of feeding the City of New York. Yet both groups are targets of unfair enforcement and a hostile regulatory environment.

Street vendors and bicycle delivery workers deal with unfair laws that criminalize their honest work, as well as targeted enforcement including high fines and confiscation of their property. No worker should be forced to pay thousands of dollars in fines for simply providing food for New Yorkers. Immigrant workers tell us that this kind of punitive criminalization of their labor threatens their survival and that of their families. In addition, this criminalization increases the public demonization of immigrants of simply existing in public spaces – which takes on greater meaning and consequence in this national political environment. There is a just and immediate solution to this. In the case of bicycle delivery workers, it is to legalize their e-bikes. In the case of mobile food vendors, it is to grant them permits to work legally.

New York City should and can do more as a Sanctuary City by ending the criminalization of immigrant labor, whether it is delivering food on an e-bike, or selling food from a pushcart. Immigrant workers contribute immensely to this city's economy, and the City Council

should encourage their innovations and hard work while supporting more just working conditions. Intro 1116 is a step in the right direction by expanding economic opportunities for immigrant workers and I urge the City council to support this proposal.

Sincerely,

Do Lee, Ph.D.
Biking Public Project

NYC Council Vending Hearing
Thursday, April 11, 2019
Jonathan Hawkins for the Garment District Alliance

Good morning. My name is Jonathan Hawkins. I am the manager of streetscape and planning for the Garment District Alliance in midtown Manhattan.

The Garment District Alliance strenuously opposes Int. 1116 and 287.

The adequate governance of our streets and roads is already seriously compromised by the City's inability to enforce existing laws resulting in obstructions and diminished mobility on our congested streets and sidewalks. Pedestrians, particularly in midtown Manhattan, are routinely compelled to walk in the street and comingle with vehicular traffic because there is simply not enough room on the sidewalk. This condition is not unique to midtown, but it is particularly egregious there.

The last time the Council considered bills relating to lifting the cap on vendors a primary concern was the inability of the NYPD to enforce the regulations. We are gratified that you have added a new Office of Street Vendor Enforcement and a street vendor advisory board, however, we strongly urge that the bill include unequivocal language about the DOT designated vending locations pilot program. The bill should formalize the program and expand it to include all vendors at all locations throughout the five boroughs after one year. Each location should be sited by DOT to assure that it is not a restricted area and marked on the sidewalk with the vendor's license number. Relying on NYPD to enforce an unlimited number of vendors is not practical and the result is lax or no enforcement.

With regard to Intro 287, allowing carts to be two feet from the curb will create mayhem on midtown streets. As mentioned, pedestrians already walk in the street due to congestion. In the Garment District DOT has converted a lane of roadbed into a pedestrian corridor on Seventh Avenue and we are advocating for the same treatment on Eighth Avenue. It is a logical normalization of a situation created by sidewalk overcrowding.

Most of the sidewalks in the Garment District are only 10 to 11 feet wide, and a considerable amount of that space is occupied by utilities and street furniture. Historically we have prioritized space for vehicular traffic, and in an earlier era, midtown sidewalks were narrowed to make more space for cars. To further compromise that space with a mid-sidewalk cart is irrational. New York is first and foremost a walking city and pedestrian space should not only be preserved at all cost but expanded.

If amenities like food carts are to be expanded, it should be done by designating on-street parking spaces adjacent to the curb. New York City has more than three million on-street parking spaces, occupying space 13 times the size of Central Park. Furthermore, it is worth reconsidering whether a one-size-fits-all approach is appropriate. What is permitted in busy business districts like midtown should not be the same as in less congested areas of the city. In the Garment District we have the highest pedestrian counts of anytime in the last 50 years and more tourists than any time in history. We cannot add more obstacles to our sidewalks. It is time for New York City to restore sanity to our public spaces and make moving around on our sidewalks and streets a less stressful and more humane experience.



**Council of the City of New York
Committee on Consumer Affairs and Business Licensing
Intro 1116-A and Intro 287**

Thursday, April 11, 2019



**Testimony: Dan Biederman, President
34th Street Partnership
Bryant Park Corporation
1065 Avenue of the Americas, Suite 2400, New York, NY 10018
Tel: 212-719-3434**

The 34th Street Partnership and the Bryant Park Corporation, affiliated privately funded improvement corporations in midtown Manhattan, strongly oppose Intro 1116-A and Intro 287. The City's vending program is a disaster, especially when compared with similar programs in the nation's other largest cities with which New York competes. Intro 1116-A would only exacerbate that problem by increasing the number of vendors with more than 4,400 new licenses over a 10-year period. Similarly, Intro 287 would take precious space away from our already crowded sidewalks and create dangerous conditions for pedestrians.

Most of the current food vending carts in New York:

- are unsightly
- commandeer Manhattan's busiest corners, often in pedestrian crosswalks
- are already too numerous in Manhattan's busiest neighborhoods
- violate food safety laws that restaurants, delicatessens, and bodegas must follow
- use propane tanks and produce fumes that damage the environment
- use loud generators and play loud music
- are far too large for narrow sidewalks, especially in comparison with the small carts that began the vending tradition in New York
- do not pay required taxes on their sales
- have garish, flashing LED signs

Why in the world would the City Council double the number of food carts in a terribly managed program, one that is an active sore for Manhattan's small business and real estate communities? Why would the City Council also allow these carts to further encroach on valuable sidewalk space and hinder the movement of pedestrians around them? The existing vendors, who generally ignore and out-smart enforcement efforts by the Police Department, will continue to do so even though the boxes on an organization chart are moved around.

For Bryant Park's perimeter sidewalks, we have our own initiative to work directly with our regular food cart vendors. We've worked with them to design more attractive carts to fit in with the park's aesthetics. We have an excellent, non-hostile relationship with our cart vendors. We can't have this effort derailed by a dozen more new carts on Bryant Park's sidewalk.

Midtown owners and tenants are dead set against this huge proposed expansion of a lousy program that causes New York City to present a chaotic and disorderly face to visitors, office workers, shoppers, and those who try to use its sidewalks and public spaces every day.

Thank you.

**4/11/19 Hearing City Hall**

1 message

Dondi Mckellar <dondimckellar@gmail.com>

Thu, Apr 11, 2019 at 7:36 AM

To: Dondi Mckellar <dondimckellar@gmail.com>

Cc: salamanca@council.nyc.gov, Maritza Ogaldes-Wiggins <MWiggins@council.nyc.gov>, Ralph Acevedo <racedo@cb.nyc.gov>, "Baez, Cynthia (CB)" <cbaez@cb.nyc.gov>, Joseph Bello <bjoe7@hotmail.com>

Chairman Rafael Espinal, members of the Consumer Affairs and Business Licensing Committee:

Greetings. My name is Dondi McKellar, and I am a United States Navy Veteran. I served in the Navy from 1981 to 1987 and am also an LGBTQ Veteran Street Vendor. I am also the chair of Bronx Community Board 2's Veterans Committee.

I come before you today because I cannot support Intro. 1116 as it is written.

Since 1896, New York State has given veterans the right to vend, hawk and pedal on the streets, though New York State Business Law 4, Article 35. Veterans could vend to provide for their families. Street vending allows Veterans with Disabilities to still be active while affording the flexibility of scheduling time to make medical appointments. I have been diagnosed with Post Traumatic Stress Syndrome (PTSD) due to Military Sexual Trauma (MST), and a Rare Recurring Tumor in my lungs and vending gives me the flexibility to work and earn a living.

Disabled Veterans Mobile Food Unit Vending Permits. Document 24 RCNY 6-13 also know as V Permits, allow Disabled Veterans to vend around the entrances of our wonderful New York City Parks. The number of V Permits issued currently at 169 as per New York City Department of Health & Mental Hygiene on 4/10/19. These Veterans, (myself included) have often been over looked.

Intro. 1116 does not address the need to have City Wide Permits status for Veterans. I have personally brought this matter up during my tenure at the Street Vendor Project. Unfortunately, this fell on deaf ears with the last attempt of proposed legislation Intro. 1303. To see that nothing has changed with the current proposed street vending legislation other than the Sponsor's name assigned...is Disheartening!

New York City has beautiful Parks. The foot traffic which all small businesses look for, thin out during the winter season but bills, food, rent and mortgages is year around. Veterans like myself are be assaulted by non-veteran vendors. These vendors are jockeying for location and violating present vending laws. Please see Police Reports and Current Order of Protection provided in attachments. This makes it difficult for us Disabled Veterans, who have served our Country with Honor to earn a living.

The Department of Consumer Affairs criteria only issues Vending Licenses to Veterans who served with Honorable discharges. Myself being a Descended of Slaves has served my Country and continue to serve the City that I love. I have noticed the majority, of these V Permits holders are held by Veterans of Color. The oversight of these Veterans in this proposed legislation echos of the Jim Crow Era in this Country's History.

With the current climate of the Trump Administration, I know the need to help others is great. Members of the Committee, I ask you to please remember those who served this country so that we may also thrive in our Sanctuary City. Some of us have lost a part of ourselves serving our country. This is a way for us to make a living. The sense of urgency is now.

I hope the New York City Council considers my words spoken today and allow V Permit Holders to be granted Mobile Food Vending City Wide Status in any Street Vending Legislation put forward by the Council.

I would personally like to commend Speaker Corey Johnson and the entire New York City Council for the time and effort given to this matter.

Yours Truly

Dondi McKellar, USN
NYC Veteran Street Vendor

Please review attachments

NYC Veteran Street Vendor

Please review attachments

1. City and State
2. Order of Protections
3. NYPD Assault Report
4. NYPD Harassment Report
5. Document 24 RCNY 6-13
6. N.Y. GBS LAW 35 NY Code Section 35
7. N.Y. GBS LAW 4 Section 35-a
8. Veterans Ask for Preferential Treatment in Overhaul of Street Vending Laws

**STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER**

**On the occasion of the Still Serving awards reception honoring New York's
veterans and hosted by City & State, I hereby recognize:**

Dondi McKellar

Leadership Board, Street Vendor Project, and applaud his stellar service.



Awarded on this 11th Day of July, 2017

A blue ink signature of Thomas P. DiNapoli, written in a cursive style.

**Thomas P. DiNapoli
State Comptroller**



**DISTRICT ATTORNEY
COUNTY OF NEW YORK
ONE HOGAN PLACE
New York, N. Y. 10013
(212) 335-9000**

CYRUS R. VANCE, JR.
DISTRICT ATTORNEY

January 10, 2019

Dondi Mckellar
856 East 167 Street
Bronx, NY10459

RE: Temporary Order of Protection
People vs. Ahmed Zidan
Docket No. 2018NY042140
Expiration Date : 7/5/2019

Dear Dondi Mckellar,

Enclosed please find a Temporary Order of Protection which the court issued in the above referenced criminal case. The conditions that the defendant must comply with are described in the court order. It is important that you refer to the order for the specific conditions applicable to the case.

If the defendant violates the conditions of this court order you should immediately report the incident to the New York Police Department and inform them that there is an order of protection on this case. A violation of this order may be the basis for the police to make an arrest.

The New York County District Attorney's Witness Aid Services Unit offers a variety of social services and counseling services to meet the needs of victims, their family members and witnesses of a crime. Please call or visit the website at <http://manhattanda.org/witness-aid-services-unit> for more information regarding these services.

If you have any questions with regard to this order of protection, or if you have a change of address, please contact the Witness Aid Services Unit at (212) 335-9040.

Sincerely,

A handwritten signature in cursive script that reads "Mildred Silvie MS".

Mildred Silvie, MS
Director Witness Aid Services Unit

ORI No: NY0300331
Order No: _____
NYSID No: _____
CJTN No: _____

At a term of the Criminal Court, County of New York,
at the Courthouse at 100 Centre Street, State of New York

ORDER OF PROTECTION
Non - Family Offenses - C.P.L. §530.13
(Not involving victims of domestic violence)

Present: Hon. Badamo

THE PEOPLE OF THE STATE OF NEW YORK
-against-
Ahmed Zidan
Defendant.

Youthful Offender (check if applicable)
Part: A Index/Docket No: 2018NY042140
Indictment No., if any:
Charges: 240.26(1)
[Check one] Ex Parte Defendant Present In Court

Date of Birth: 7/23/98

NOTICE: YOUR FAILURE TO OBEY THIS ORDER MAY SUBJECT YOU TO MANDATORY ARREST AND CRIMINAL PROSECUTION WHICH MAY RESULT IN YOUR INCARCERATION FOR UP TO SEVEN YEARS FOR CONTEMPT OF COURT. IF THIS IS A TEMPORARY ORDER OF PROTECTION AND YOU FAIL TO APPEAR IN COURT WHEN YOU ARE REQUIRED TO DO SO, THIS ORDER MAY BE EXTENDED IN YOUR ABSENCE AND THEN CONTINUES IN EFFECT UNTIL A NEW DATE SET BY THE COURT.

- TEMPORARY ORDER OF PROTECTION - Whereas good cause has been shown for the issuance of a temporary order of protection as a condition of recognizance release on bail adjournment in contemplation of dismissal.
- ORDER OF PROTECTION - Whereas defendant has been convicted of [specify crime or violation]

And the Court having made a determination in accordance with section 530.13 of the Criminal Procedure Law,

IT IS HEREBY ORDERED that the above-named defendant observe the following conditions of behavior:

- [Check applicable paragraphs and subparagraphs]:
- Stay away from [name(s) of protected person(s) or witness(es)] Dondi McKellar
and/or from the home of _____
 school of _____
 business of _____
 place of employment of _____
 other _____
 - Refrain from communication or any other contact by mail, telephone, e-mail, voice-mail or other electronic or any other means with [specify protected person(s)] Dondi McKellar
 - Refrain from assault, stalking, harassment, aggravated harassment, menacing, reckless endangerment, disorderly conduct, criminal mischief, sexual abuse, sexual misconduct, forcible touching, intimidation, threats or any criminal offense or interference with the victim or victims of, or designated witnesses to, the alleged offense and such members of the family or household of such victim(s) or witness(es) as shall be specifically named [specify] Dondi McKellar
 - Refrain from intentionally injuring or killing without justification the following companion animal(s) (pet(s)) [specify type(s) and, if available, names(s)]: _____
 - Surrender any and all handguns, pistols, revolvers, rifles, shotguns and other firearms owned or possessed, including, but not limited to, the following _____ and do not obtain any further guns or other firearms. Such surrender shall take place immediately, but in no event later than [specify date/time] _____ at _____
 - Specify other conditions defendant must observe for the purpose of protection No third party contact

IT IS FURTHER ORDERED that the above-named Defendant's license to carry, possess, repair, sell or otherwise dispose of a firearm or firearms, if any, pursuant to Penal Law §400.00, is hereby suspended or revoked (Note: Final Order Only), and/or the Defendant shall remain ineligible to receive a firearm license during the period of this order. (Check all applicable boxes.) NOTE: If this paragraph is checked, a copy of this form must be sent to: New York State Police, Pistol Permit Section, State Campus Building #22, 1220 Washington Avenue, Albany, New York 12226-2252.

IT IS FURTHER ORDERED that this order of protection shall remain in force until and including [specify date] JUL 05 2019

DATED: JAN 07 2019 ANGELA BADAMO
JUDGE / JUSTICE
Court (Court Seal)

- Defendant advised in Court of issuance and contents of Order
- Order personally served on Defendant in Court: Ahmed Zidan
(Defendant's signature)
- Order to be served by other means [specify]: _____
- Warrant issued for Defendant.
- ADDITIONAL SERVICE INFORMATION: [specify]: _____

The Criminal Procedure Law provides that presentation of a copy of this order of protection to any police officer or peace officer acting pursuant to his or her special duties shall authorize and in some situations may require, such officer to arrest a defendant who is alleged to have violated its terms and to bring him or her before the Court to face penalties authorized by law. Federal law requires that this order be honored.

And the Court having made a determination in accordance with section 530.13 of the Criminal Procedure Law,

IT IS HEREBY ORDERED that the above-named defendant observe the following conditions of behavior:

[Check applicable paragraphs and subparagraphs]:

Stay away from and/or from the [name(s) of protected person(s) or witness(es)] Dondi McKellar
 home of _____
 school of _____
 business of _____
 place of employment of _____
 other _____

Refrain from communication or any other contact by mail, telephone, e-mail, voice-mail or other electronic or any other means with [specify protected person(s)] Dondi McKellar

Refrain from assault, stalking, harassment, aggravated harassment, menacing, reckless endangerment, disorderly conduct, criminal mischief, sexual abuse, sexual misconduct, forcible touching, intimidation, threats or any criminal offense or interference with the victim or victims of, or designated witnesses to, the alleged offense and such members of the family or household of such victim(s) or witness(es) as shall be specifically named [specify] Dondi McKellar

Refrain from intentionally injuring or killing without justification the following companion animal(s) (pet(s)) [specify type(s) and, if available, names(s)]: _____

Surrender any and all handguns, pistols, revolvers, rifles, shotguns and other firearms owned or possessed, including, but not limited to, the following _____ and do not obtain any further guns or other firearms. Such surrender shall take place immediately, but in no event later than [specify date/time] _____ at _____

Specify other conditions defendant must observe for the purpose of protection No third party contact

IT IS FURTHER ORDERED that the above-named Defendant's license to carry, possess, repair, sell or otherwise dispose of a firearm or firearms, if any, pursuant to Penal Law §400.00, is hereby suspended or revoked (Note: Final Order Only), and/or the Defendant shall remain ineligible to receive a firearm license during the period of this order. (Check all applicable boxes.) NOTE: If this paragraph is checked, a copy of this form must be sent to: New York State Police, Pistol Permit Section, State Campus Building #22, 1220 Washington Avenue, Albany, New York 12226-2252.

IT IS FURTHER ORDERED that this order of protection shall remain in force until and including [specify date] JUL 05 2019

DATED: JAN 07 2019

ANGELA BADAMO
JUDGE / JUSTICE
Court (Court Seal)

- Defendant advised in Court of issuance and contents of Order
- Order personally served on Defendant in Court: [Signature]
(Defendant's signature)
- Order to be served by other means [specify]: _____
- Warrant issued for Defendant.
- ADDITIONAL SERVICE INFORMATION: [specify]: _____

The Criminal Procedure Law provides that presentation of a copy of this order of protection to any police officer or peace officer acting pursuant to his or her special duties shall authorize and in some situations may require, such officer to arrest a defendant who is alleged to have violated its terms and to bring him or her before the Court to face penalties authorized by law.

Federal law requires that this order be honored and enforced by state and tribal courts, including courts of a state, the District of Columbia, a commonwealth, territory or possession of the United States, if the person against whom the order is sought is an intimate partner of the protected party and has been or will be afforded reasonable notice and opportunity to be heard in accordance with state law sufficient to protect that person's rights (18 U.S.C. §§2265, 2266).

- It is a federal crime to:
- cross state lines to violate this order or to stalk, harass or commit domestic violence against an intimate partner or family member;
 - buy, possess or transfer a handgun, rifle, shotgun or other firearm or ammunition while this Order remains in effect (Note: there is a limited exception for military or law enforcement officers but only while they are on duty); and
 - buy, possess or transfer a handgun, rifle, shotgun or other firearm or ammunition after a conviction of a domestic violence-related crime involving the use or attempted use of physical force or a deadly weapon against an intimate partner or family member, even after this Order has expired. (18 U.S. after this Order C. §§922(g)(8), 922(g)(9) 2261, 2261A, 2262).

¹ Use this form for non-family offense orders of protection, issued pursuant to CPL §530.13; that are not issued to protect victims of domestic violence, as defined by Criminal Procedure Law §530.11(1) or Soc. Serv. Law §459-a and are not entered onto the statewide domestic violence registry. *Sw* Exec. L. §221-a(1); CPL §§530.11(1), 530.12(1), 530.13.

ORI No: NY0300331
Order No:
NYSID No: 144434052
CJTN No:

At a term of the Criminal Court, County of CDWY Criminal Form 2 9/2009
at the Courthouse at 100 State of New York

ORDER OF PROTECTION
Non - Family Offenses - C.P.L. §530.13¹
(Not involving victims of domestic violence)

Present: Hon. STATSINGER
THE PEOPLE OF THE STATE OF NEW YORK

Youthful Offender (check if applicable)
Part: HR3 Index/Docket No: 2018NY 042140
Indicement No., if any:

Ahmed Zidan -against-
Defendant.

Charges: 240.26(1)
(Check one) Ex Parte Defendant Present In Court

Date of Birth: 3/23/98

NOTICE: YOUR FAILURE TO OBEY THIS ORDER MAY SUBJECT YOU TO MANDATORY ARREST AND CRIMINAL PROSECUTION WHICH MAY RESULT IN YOUR INCARCERATION FOR UP TO SEVEN YEARS FOR CONTEMPT OF COURT. IF THIS IS A TEMPORARY ORDER OF PROTECTION AND YOU FAIL TO APPEAR IN COURT WHEN YOU ARE REQUIRED TO DO SO, THIS ORDER MAY BE EXTENDED IN YOUR ABSENCE AND THEN CONTINUES IN EFFECT UNTIL A NEW DATE SET BY THE COURT.

- TEMPORARY ORDER OF PROTECTION - Whereas good cause has been shown for the issuance of a temporary order of protection as a condition of recognizance release on bail adjournment in contemplation of dismissal.
 ORDER OF PROTECTION - Whereas defendant has been convicted of (specify crime or violation)

And the Court having made a determination in accordance with section 530.13 of the Criminal Procedure Law,

IT IS HEREBY ORDERED that the above-named defendant observe the following conditions of behavior:

[Check applicable paragraphs and subparagraphs]:

- Stay away from and/or from the (name(s) of protected person(s) or witness(es)) Dondi McKellar
 home of _____
 school of _____
 business of _____
 place of employment of _____
 other _____
- Refrain from communication or any other contact by mail, telephone, e-mail, voice-mail or other electronic or any other means with [specify protected person(s)] Dondi McKellar
- Refrain from assault, stalking, harassment, aggravated harassment, menacing, reckless endangerment, disorderly conduct, criminal mischief, sexual abuse, sexual misconduct, forcible touching, intimidation, threat(s) or any criminal offense or interference with the victim or victims of, or designated witnesses to, the alleged offense and such members of the family or household of such victim(s) or witness(es) as shall be specifically named (specify) Dondi McKellar
- Refrain from intentionally injuring or killing without justification the following companion animal(s) (pet(s)) [specify type(s) and, if available, name(s)]: _____
- Surrender any and all handguns, pistols, revolvers, rifles, shotguns and other firearms owned or possessed, including, but not limited to, the following _____ and do not obtain any further guns or other firearms. Such surrender shall take place immediately, but in no event later than (specify date/time) _____ at _____
- Specify other conditions defendant must observe for the purpose of protection NO 3rd PARTY CONTACT

IT IS FURTHER ORDERED that the above-named Defendant's license to carry, possess, repair, sell or otherwise dispose of a firearm or firearms, if any, pursuant to Penal Law §400.00, is hereby suspended or revoked (Note: Final Order Only), and/or the Defendant shall remain ineligible to receive a firearm license during the period of this order. (Check all applicable boxes.) NOTE: If this paragraph is checked, a copy of this form must be sent to: New York State Police, Pistol Permit Section, State Campus Building #22, 1220 Washington Avenue, Albany, New York 12226-2252.

IT IS FURTHER ORDERED that this order of protection shall remain in force until _____ including (specify) _____

DATED: 4/15/19

NON. STEVEN M. STATSINGER 5-15-19
JUDGE / JUSTICE
Court (Court Seal)

- Defendant advised in Court of issuance and contents of Order
 Order personally served on Defendant in Court Ahmed Zidan
(Defendant's signature)
 Order to be served by other means [specify]: _____
 Warrant issued for Defendant
 ADDITIONAL SERVICE INFORMATION: [specify]: _____

The Criminal Procedure Law provides that presentation of a copy of this order of protection to any police officer or peace officer acting pursuant to his or her special duties shall authorize and in some situations may require, such officer to arrest a defendant who is alleged to have violated its terms and to bring him or her before the Court to face penalties authorized by law. Federal law requires that this order be honored and enforced by state and tribal courts, including courts of a state, the District of Columbia, a commonwealth, territory or possession of the United States, if the person against whom the order is sought is an intimate partner of the protected party and has been or will be afforded reasonable notice and opportunity to be heard in accordance with state law sufficient to protect that person's rights (18 U.S.C. §§2265, 2266).

- It is a federal crime to:
- cross state lines to violate this order or to stalk, harass or commit domestic violence against an intimate partner or family member;
 - buy, possess or transfer a handgun, rifle, shotgun or other firearm or ammunition while this Order remains in effect (Note: there is a limited exception for military or law enforcement officers but only while they are on duty); and
 - buy, possess or transfer a handgun, rifle, shotgun or other firearm or ammunition after a conviction of a domestic violence-related crime involving the use or attempted use of physical force or a deadly weapon against an intimate partner or family member, even after this Order has expired. (18 U.S.C. after this Order C. §§922(g)(8), 922(g)(9), 2261, 2261A, 2262).

¹ Use this form for non-family offense orders of protection, issued pursuant to CPL §530.13, that are not issued to protect victims of domestic violence, as defined by Criminal Procedure Law §530.11(1) or Soc. Serv. Law §459-4 and are not entered onto the statewide domestic violence registry. See Exec. L. §221-a(1); CPL §§530.11(1), 530.12(1), 530.13.

|  New York City Police Department Omniuniform System - Complaints | | | | | |
|--|-----------------------------------|--|---|---|------------------------------|
| Report Cmd: 019 | Jurisdiction: N.Y. POLICE DEPT | Record Status: Ready for Signoff, No Arrest | Complaint #: 2018-019-006463 | No Other Legacy Blue Versions | No Other Complaint Revisions |
| NORTH WEST Occurrence CORNER 5 Location: AVENUE & EAST 82 STREET Name Of Premise: Premises Type: STREET Location Within Premise: Visible By Patrol?: NO | | NYC Parks Dept. Property Did this offense occur on NYC Parks Dept. Property? NO Command: NYC Parks Dept. Property Name: | | Precinct: 019 Sector: C Beat: Post: | |
| Occurrence From: 2018-09-22 09:50 SATURDAY Occurrence thru: 2018-09-22 09:54 Reported: 2018-09-22 10:30 Complaint Received: RADIO | | | | Aided # 000002014 Accident # O.C.C.B. # | |
| Classification: ASSAULT Attempted/Completed: COMPLETED Most Serious Offense Is: MISDEMEANOR PD Code: 101 ASSAULT 3 PL Section: 12000 Keycode: 344 ASSAULT 3 & RELATED OFFENSES | | | Case Status: CLOSED Unit Referred To: Clearance Code: UNIFORM ARREST Log/Case #: 0 Clearance Arrest Id: Clearance AO Cmd: File #: 38 Prints Requested? NO | | |
| Is This Related To Stop And Frisk Report NO | | SQF Number: 0000-000-00000 | Was The Victim's Personal Information Taken Or Possessed? NO | Was The Victim's Personal Information Used To Commit A Crime? NO | |
| Gang Related? NO | OCCB FOD Log #: | Name Of Gang: | | Child Abuse Suspected? NO | |
| DIR Required? NO | | Child in Common? NO | Intimate Relationship? NO | Officer Body Worn Camera: YES | |
| If Burglary: Forced Entry? Structure: Entry Method: Entry Location: | | Alarm: Bypassed? Comp Responded?: Company Name/Phone: -- Crime Prevention Survey Requested?: Complaint/Reporter Present?: | If Arson: Structure: Occupied?: Damage by: | Taxi Robbery: Partition Present: NO Amber Stress Light Activated: NO Method of Conveyance: Location of Pickup: | |
| Supervisor On Scene - Rank / Name / Command: SGT BLUNT 019 | | Canvas Conducted: NO | | Translator(if used): | |
| NARRATIVE: AT T/P/O CIV STATES WHILE HAVING A VERBAL DISPUTE IN REGARDS TO FOOD VENDEOR CART PLACEMENT, DEFT BECAME ANGRY AND ESCALATED TO STRIKING HIM ON THE LEFT ARM WITH A CLOSED FIST. CIV FURTHER STATES THAT HE THEN FELL TO THE GROUND AND COMPLAINED OF PAIN TO LEFT ARM. CIV WAS REMOVED TO NY HOSPITAL. | | | | | |
| No NYC TRANSIT Data for Complaint # 2018-019-006463 | | | | | |

| | | | |
|--|-----------------------|--|---------------------------------|
| Total Victims: 1 | Total Witnesses: 1 | Total Reporters: 0 | Total Wanted: 1 |
| VICTIM: # 1 of 1 | | Name: MCKELLAR,DONDI C | Complaint#: 2018-019-006463 |
| Nick/AKA/Maiden: UMOS: NO Sex/Type: MALE Race: BLACK Age: 56 Date Of Birth: 01/15/1962 Disabled? NO Is this person not Proficient in English?: NO If Yes, Indicate Language: N.Y.C.H.A Resident? NO Is Victim fearful for their safety / life? NO Escalating violence / abuse by suspect? NO Were prior DIR's prepared for C/V? NO | | Gang/Crew Affiliation: NO Name: Identifiers: Will View Photo: NO Will Prosecute: YES Notified Of Crime: NO Victim Comp. Law: | |
| LOCATION ADDRESS CITY STATE/COUNTRY ZIP APT/ROOM HOME-PERMANENT 856 EAST 167 STREET BRONX NEW YORK 10459 | | | |
| Phone #: HOME: Not Provided/Unavailable CELL: 646-667-4770 BUSINESS:Not Provided/Unavailable BEEPER: Not Provided/Unavailable E-MAIL: Not Provided/Unavailable | | | |
| Action against Victim: | | Actions Of Victim Prior To Incident: VERBAL DISPUTE | |
| Victim Of Similar Incident: NO | | If Yes, When And Where | |
| WITNESS : # 1 of 1 | | Name: MORRIS,BARBARA | Complaint #: 2018-019-006463 |
| Nick/AKA/Maiden: Sex/Type: FEMALE Race: WHITE Age: 070 Date Of Birth: 10/03/1947 Is this person not Proficient in English?: NO If Yes, Indicate Language: | | Gang/Crew Affiliation: NO Name: Identifiers: Relationship To Victim: SON | |
| Location Address City State/Country Zip Apt/Room HOME-PERMANENT 180 WEST END AVENUE MANHATTAN NEW YORK 10023 4E | | | |
| Phone #: HOME: -- CELL: 917-499-7984 BUSINESS: -- BEEPER: -- E-MAIL: | | | |
| WANTED: # 1 of 1 | | Name: ZIDAN, AHMED | Complaint#: 2018-019-006463 |
| Nick/AKA/Maiden: Sex: MALE Race: WHITE Age: 20 Date Of Birth: 07/23/1998 U.S. Citizen: NO Place Of Birth: EGYPT Is this person not Proficient in English?: NO If Yes, Indicate Language: Accent: YES | | Height: 5FT3IN Weight: 140 Eye Color: BROWN Hair Color: BLACK Hair Length: NORMAL Hair Style: STRAIGHT Skin Tone: MEDIUM Complexion: CLEAR S.S. #: 0 | |
| Order Of Protection: NO Issuing Court: Docket #: Expiration Date: Order of Protection Violated? NO Does Suspect abuse Drugs / Alcohol? NO Suspect threatened /attempted suicide? NO Is the suspect Parole / Probation? NO Relation to Victim: UNKNOWN/NONE Living together: NO | | | |

| | | | |
|---|--|-----------------------------|--|
| | | Can be Identified: YES | |
| | | Gang/Crew Affiliation: NO | |
| | | Name: | |
| | | Identifiers: | |
| <u>LOCATION</u> | <u>ADDRESS</u> | <u>CITY</u> | <u>STATE/COUNTRY</u> |
| HOME-PERMANENT | 21-29 41 STREET | QUEENS | NEW YORK |
| | | | <u>ZIP</u> |
| | | | A1 |
| | | | <u>APT/ROOM</u> |
| | | | 114 |
| | | | <u>HOW LONG?</u> |
| | | | RES. PCT |
| Phone #: HOME: -- CELL: -- BUSINESS: -- BEEPER: -- E-MAIL: | | | |
| N.Y.C.H.A. Resident: NO N.Y.C. Housing Employee: NO On Duty: NO | | | |
| Development: N.Y.C. Transit Employee: NO | | | |
| Physical Force: USED | | | |
| Weapons: | | | |
| Gun: | | | |
| Weapon Used/Possessed: NONE | Make: | Recovered: | |
| Non-Firearm Weapon: | Caliber: | Serial Number Defaced: | |
| Other Weapon Description: | Color: | Serial Number: | |
| | Type: | | |
| | Other/Gun Specify: | | |
| | Discharged: NO | | |
| Used Transit System: | | | |
| Station Entered: | | | |
| Time Entered: | | | |
| Metro Card Type: | | | |
| Metro Card Used/Poses: | | | |
| Card #: | | | |
| <u>CRIME DATA</u> | <u>DETAILS</u> | | |
| MODUS OPERANDI | UNKNOWN | | |
| ACTIONS TOWARD VICTIM | UNK | | |
| CLOTHING | OUTERWEAR -SNORKEL, SKI, HOODED JACKET -GRAY | | |
| CLOTHING | ACCESSORIES -SHORTS -BLUE | | |
| CLOTHING | FOOTWEAR -SNEAKERS -BLACK | | |
| CLOTHING | HEADGEAR -UNK -UNKNOWN COLOR | | |
| CHARACTERISTICS | UNKNOWN | | |
| BODY MARKS | -UNKNOWN | | |
| IMPERSONATION | UNKNOWN | | |
| ARRESTS: | | Complaint # 2018-019-006463 | |
| <u>Arrest ID</u> | <u>Status</u> | <u>Defendant Name</u> | <u>Sex</u> <u>Race</u> <u>Age</u> <u>Arrest Date</u> |
| M18849499 | ACTIVE | ZIDAN, AHMED | MALE WHITE 20 09/22/2018 |
| No IMEI Data for Complaint # 2018-019-006463 | | | |
| Reporting/Investigating M.O.S. Name: | Tax #: | Command: | Rep.Agency: |
| POM LAWRENCE RICARDO | 952972 | 019 PCT | NYPD |
| Supervisor Approving Name: | Tax #: | Command: | Rep.Agency: |
| SGT PALAGUACHI JOSH | 950999 | 019 PCT | NYPD |
| Complaint Report Entered By: | Tax #: | Command: | Rep.Agency: |
| POM LAWRENCE | 952972 | 019 PCT | NYPD |
| Signoff Supervisor Name: | Tax #: | Command: | Rep.Agency: |
| | 000000 | | |

END OF COMPLAINT REPORT
2018-019-006463

Print this Report

| | | | | | |
|--|---|--|---|--|---|
|  | New York City Police Department OmniForm System - Complaints | | | | |
| Report Cmd: 019 | Jurisdiction: N.Y. POLICE DEPT | Record Status: Final, No Arrests | Complaint #: 2018-019-006874 | No Other Legacy Blue Versions | Complaint Revisions: View All Versions 0 1 2 |
| Occurrence Location: NORTH WEST CORNER 5 AVENUE & EAST 82 STREET Name Of Premise: Premises Type: STREET Location Within Premise: Visible By Patrol?: NO | | NYC Parks Dept. Property Did this offense occur on NYC Parks Dept. Property? NO Command: NYC Parks Dept. Property Name: | | Precinct: 019 Sector: C Beat: Post: | |
| Occurrence From: 2018-10-07 15:40 SUNDAY Occurrence thru: 2018-10-07 15:43 Reported: 2018-10-07 16:37 Complaint Received: RADIO | | | | Aided # Accident # O.C.C.B. # | |
| Classification: HARASSMENT Attempted/Completed: COMPLETED Most Serious Offense Is: VIOLATION PD Code: 637 HARASSMENT,SUBD 1,CIVILIAN PL Section: 24026 Keycode: 578 HARRASSMENT 2 | | | Case Status: CLOSED Unit Referred To: Clearance Code: PATROL Log/Case #: 0 Clearance Arrest Id: Clearance AO Cmd: File #: 51 Prints Requested? NO | | |
| Is This Related To Stop And Frisk Report NO | | SQF Number: 0000-000-00000 | Was The Victim's Personal Information Taken Or Possessed? NO | | Was The Victim's Personal Information Used To Commit A Crime? NO |
| Gang Related? NO | OCCB FOD Log #: | Name Of Gang: | | Child Abuse Suspected? NO | |
| DIR Required? NO | | Child in Common? NO | Intimate Relationship? NO | | Officer Body Worn Camera: NO |
| If Burglary: Forced Entry? Structure: Entry Method: Entry Location: | | Alarm: Bypassed? Comp Responded?: Company Name/Phone: -- Crime Prevention Survey Requested?: Complaint/Reporter Present?: | | If Arson: Structure: Occupied?: Damage by: | |
| Taxi Robbery: Partition Present: Amber Stress Light Activated: Method of Conveyance: Location of Pickup: | | | | | |
| Supervisor On Scene - Rank / Name / Command : | | Canvas Conducted: NO | | Translator(if used): | |
| NARRATIVE: AT T/PO C/V STATES THAT SHE WAS FILMORY LISTED DER WHEN LISTED DEF CAME UP TOHER AND SHOVED HER PHONE. Version 1. DD5 PREPARED TO AMEND C/V CONTACT INFO. Version 2. DD5 PREPARED TO ADD CV DATE OF BIRTH AND RACE AT TPO CV STATES THAT SHE WAS ILMING DEFT. WHEN LISTED | | | | | |

DEFT. CAME UP TO HER SHOVED HER PHONE

No NYC TRANSIT Data for Complaint # 2018-019-006874

| | | | |
|----------------------------|------------------------------|------------------------------|---------------------------|
| Total Victims: 1 | Total Witnesses: 0 | Total Reporters: 0 | Total Wanted: 1 |
|----------------------------|------------------------------|------------------------------|---------------------------|

| | | |
|-------------------------|----------------------------------|---------------------------------------|
| VICTIM: # 1 of 1 | Name: MCKELLAR,DONDI C | Complaint#: 2018-019-006874 |
|-------------------------|----------------------------------|---------------------------------------|

| | |
|---|--|
| Nick/AKA/Maiden: UMOS: NO Sex/Type: MALE Race: BLACK Age: 56 Date Of Birth: 01/15/1962 Disabled? NO Is this person not Proficient in English?: If Yes, Indicate Language: N.Y.C.H.A Resident? NO Is Victim fearful for their safety / life? NO Escalating violence / abuse by suspect? NO Were prior DIR's prepared for CIV? NO | Gang/Crew Affiliation: Name: Identifiers: Will View Photo: YES Will Prosecute: YES Notified Of Crime: NO Victim Comp. Law: |
|---|--|

| LOCATION | ADDRESS | CITY | STATE/COUNTRY | ZIP | APT/ROOM |
|----------------|---------------------|-------|---------------|-------|----------|
| HOME-PERMANENT | 856 EAST 167 STREET | BRONX | NEW YORK | 10455 | |

Phone #: HOME: 646-667-4770 CELL: 646-667-4770 BUSINESS:Not Provided/Unavailable BEEPER: Not Provided/Unavailable E-MAIL: Not Provided/Unavailable

| | |
|-----------------------------|--------------------------------------|
| Action against Victim: | Actions Of Victim Prior To Incident: |
| Victim Of Similar Incident: | If Yes, When And Where |

| | | | |
|-------------------------|----------------------------|---------------------------------------|------------------------|
| WANTED: # 1 of 1 | Name: ALI, ESLAM | Complaint#: 2018-019-006874 | Arrested: NO |
|-------------------------|----------------------------|---------------------------------------|------------------------|

| | | |
|---|--|--|
| Nick/AKA/Maiden: Sex: MALE Race: WHITE Age: 37 Date Of Birth: 10/25/1980 U.S. Citizen: NO Place Of Birth: EGYPT Is this person not Proficient in English?: If Yes, Indicate Language: Accent: NO | Height: 5FT8IN Weight: 165 Eye Color: Hair Color: Hair Length: SHORT Hair Style: UNKNOWN Skin Tone: MEDIUM Complexion: CLEAR S.S. #: 0 | Order Of Protection: NO Issuing Court: Docket #: Expiration Date: Order of Protection Violated? Does Suspect abuse Drugs / Alcohol? NO Suspect threatened /attempted suicide? NO Is the suspect Parole / Probation? NO Relation to Victim: STRANGER Living together: NO Can be Identified: YES |
| Gang/Crew Affiliation: Name: Identifiers: | | |

| LOCATION | ADDRESS | CITY | STATE/COUNTRY | ZIP | APT/ROOM | HOW LONG? | RES. PCT |
|----------------|---------------|-----------|---------------|-----|----------|-----------|----------|
| BUSINESS | | | NEW YORK | | | | |
| HOME-PERMANENT | 546 50 STREET | MANHATTAN | NEW YORK | | 10D | | |

Phone #: HOME: -- CELL: -- BUSINESS: -- BEEPER: -- E-MAIL:

| | | |
|----------------------|--------------------------|----------|
| N.Y.C.H.A. Resident: | N.Y.C. Housing Employee: | On Duty: |
| Development: | N.Y.C. Transit Employee: | |

Physical Force: NONE

Weapons:

Gun:
 Weapon Used/Possessed: NONE Make: Recovered:
 Non-Firearm Weapon: Caliber: Serial Number Defaced:
 Other Weapon Description: Color: Serial Number:
 Type:
 Other/Gun Specify:
 Discharged: NO

Used Transit System:
 Station Entered:
 Time Entered:
 Metro Card Type:
 Metro Card Used/Poses:
 Card #:

| | |
|-----------------------|--------------------------------------|
| <u>CRIME DATA</u> | <u>DETAILS</u> |
| MODUS OPERANDI | HARASSED |
| ACTIONS TOWARD VICTIM | HARASSED |
| CLOTHING | HEADGEAR -BASEBALL HAT -BLUE |
| CLOTHING | ACCESSORIES -JEANS -BLUE |
| CLOTHING | FOOTWEAR -SNEAKERS -GRAY |
| CLOTHING | OUTERWEAR -T-SHIRT OR TANK TOP -BLUE |
| CHARACTERISTICS | UNKNOWN |
| BODY MARKS | -UNKNOWN |
| IMPERSONATION | UNKNOWN |

No IMEI Data for Complaint # 2018-019-006874

| | | | |
|--|------------------|---------------------|---------------------|
| Reporting/investigating M.O.S. Name: POM IBRAHIM OMAR | Tax #: 963075 | Command: 019 PCT | Rep.Agency: NYPD |
| Supervisor Approving Name: SGT FALLONA MICHAEL | Tax #: 895425 | Command: 019 PCT | Rep.Agency: NYPD |
| Complaint Report Entered By: PAA GRANT | Tax #: 356648 | Command: 019 PCT | Rep.Agency: NYPD |
| Signoff Supervisor Name: SGT FALLONA | Tax #: 895425 | Command: 019 PCT | Rep.Agency: NYPD |

END OF COMPLAINT REPORT
 # 2018-019-006874

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24 RCNY 6-13

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***** Current through September 2015 *****

[New York City Municipal Code, Charter and Rules](#) [New York City Rules](#) [RULES OF THE CITY OF NEW YORK](#) [Title 24 Department of Health and Mental Hygiene](#) [CHAPTER 6 MOBILE FOOD VENDING](#)[§6-01 Scope and applicability.](#) [§6-02 Definitions.](#) [§6-03 Mobile food vending unit classifications.](#) [§6-04 Mobile food vending units: pre-permit construction and equipment requirements for all classes of mobile food vending units.](#) [§6-05 Mobile food vending units: supplies and equipment required for different classes of mobile vending units.](#) [§6-06 Size and placement of mobile food vending units.](#) [§6-07 Green carts.](#) [§6-08 Facilities for servicing Class D and Class E mobile food vending units.](#) [§6-09 Manufacturer or exclusive distributor lease agreements.](#) [§6-10 Violations.](#) [§6-11 Inspections: permit issuance and renewal.](#) [§6-12 Records of commissaries and other approved facilities.](#) [§6-13 Disabled veterans mobile food unit vending permits.](#) [§6-14 Government agency and charitable organization exemptions.](#)

§6-13 Disabled veterans mobile food unit vending permits.

Disabled veterans who hold currently valid (i) specialized vendor licenses issued pursuant to General Business Law §35-a, (ii) general vendor licenses issued by the Department of Consumer Affairs and (iii) mobile food vending licenses issued by the Commissioner, may apply for and be issued permits to operate mobile food vending units on sidewalks surrounding parks within the jurisdiction of the New York City Department of Parks and Recreation, or successor City agency, in accordance with the following conditions:

- (a) An applicant for such a restricted area permit may not hold any other currently valid mobile food vending unit permit, and only one such permit may be issued to any applicant.
- (b) In accordance with General Business Law §35-a, such permit authorizes vending only on sidewalks surrounding park lands.
- (c) Operation of the mobile vending unit is subject to all provisions of General Business Law §35-a.
- (d) During all times that a mobile food vending unit issued a permit under this section is in operation, as the term "operation" is defined in Health Code §89.03 (j) or successor provision, a disabled veteran shall be present, but may be assisted by an employee who is a licensed mobile food vendor. Department inspection reports which note the absence of a disabled veteran licensee are deemed proof that a disabled veteran is not operating the unit, in violation of General Business Law §35-a.

HISTORICAL NOTE

Section added City Record Mar. 12, 2013 §1, eff. Apr. 11, 2013. [See Vol. 8 Statements of Basis and

Purpose No. 112]

▼ Annotations

Notes Applicable To Upper Hierarchy

[Footnote 1]: * Chapter repealed and added City Record Mar. 12, 2013 §1, eff. Apr. 11, 2013. [See Vol. 8 Statements of Basis and Purpose No. 112]

N.Y. GBS. LAW § 35 : NY Code - Section 35: Municipal regulations

This article shall not affect the application of any ordinance, by-law or regulation of a municipal corporation relating to hawkers and peddlers within the limits of such corporations, but the provisions of this article are to be complied with in addition to the requirements of any such ordinance, by-law or regulation; provided, however, that no such by-law, ordinance or regulation shall prevent or in any manner interfere with the hawking or peddling, without the use of any but a hand driven vehicle, in any street, avenue, alley, lane or park of a municipal corporation, by any honorably discharged member of the armed forces of the United States who is physically disabled as a result of injuries received while in the service of said armed forces and the holder of a license granted pursuant to section thirty-two.

General Business Law Article 4 section 35-a

Subject to the provisions of this section but notwithstanding any inconsistent provisions of any general, special or local law:

1.

(a) In cities having a population of one million or more, the official designated by a local law or ordinance to issue a local license to hawk, peddle, vend and sell goods, wares or merchandise or solicit trade upon the streets and highways within such city shall issue specialized vending licenses to honorably discharged members of the armed forces of the United States who are physically disabled as a result of injuries received while in the service of said armed forces and who are eligible to hold licenses granted pursuant to section thirty-two of this article. Such specialized vending licenses shall authorize holders thereof to hawk or peddle within such city in accordance with the provisions contained in this section. Specialized vending licenses issued under this section shall permit the holders thereof to vend on any block face, and no licensee authorized under this section shall be restricted in any way from vending in any area, except as provided in this section.

(b) The official in such city responsible for issuing specialized vending licenses shall set forth by rule procedures for issuing specialized vending licenses pursuant to this section; such rules shall establish a priority system, based upon the date of application for specialized vending licenses issued pursuant to this section, provided, however, that any disabled veteran vendor holding a specialized vending license issued in such city prior to March first, two thousand three, shall be accorded a priority based upon the date of issuance of such specialized vending license.

2. In areas where **general vending** is authorized, outside of the area specified in subdivision seven of this section, all specialized vending license holders, including those vendors authorized to vend in the area specified in subdivision seven of this section, shall be subject to those restrictions on the placement of vehicles, pushcarts and stands contained in any local law, ordinance, by-law, rule or regulation of a city having a population of one million or more, to the extent that such restrictions are not inconsistent with the provisions contained in subdivisions four, five, six and eight of this section.

3. Specialized vending licenses issued pursuant to this section shall authorize the holders thereof to vend on block faces, outside the area specified in subdivision seven of this section, on the days and at the times when other vending businesses have been prohibited on such block faces pursuant to any local law, ordinance, by-law, rule or regulation. Not more than two such specialized vending licensees shall be authorized pursuant to this subdivision per restricted block face, provided that no restriction shall apply to such licensees when vending on such block faces except as provided in paragraphs (e), (g), (h), (i), (j), (k) and (l) of subdivision seven of this section; and

provided further no specialized vending licensee shall vend on any sidewalk unless such sidewalk has at least a ten-foot wide clear pedestrian path to be measured from the boundary of any private property to any obstructions in or on the sidewalk, or if there are no obstructions, to the curb. Where three or more specialized vending license holders attempt to vend simultaneously on the same block face, the two specialized vending license holders with the higher priority, as established pursuant to paragraph (b) of subdivision one of this section, shall have the exclusive right to vend on such block face, and any other specialized vending license holder vending on such block face shall be deemed to be vending without first having obtained a license.

4. Where exigent circumstances exist, a police officer of the city may order a specialized vending license holder to temporarily move from a location; for purposes of this subdivision, "exigent circumstances" shall mean an immediate threat to public safety caused by unusual and severe pedestrian congestion due to an impediment other than the specialized vending license holder, or by an accident, fire, parade, demonstration or other emergency situation. Nothing herein shall be construed to limit such city's authority to place restrictions on vending in order to protect national security.

5. Specialized vending licenses to vend shall be accompanied by a photographic color coded identification which shall include the priority number established pursuant to paragraph (b) of subdivision one of this section, and shall be displayed by such specialized vending license holder.

6. Specialized vending licenses to vend shall not be loaned, leased, subcontracted or otherwise transferred except:

(a) Upon the death of the disabled veteran who held the license, the license shall be transferred by operation of law to the surviving spouse or, if there is no surviving spouse or the surviving spouse elects not to use the license, to the guardian of a minor child or children who may use the license for the support of the minor child or children. The license shall revert to the licensing agency for reassignment upon the death of the surviving spouse, if the surviving spouse remarries, when the youngest minor child reaches age eighteen, or when either the surviving spouse or guardian of the minor child or children elects not to use the license to vend in the city of New York or abandons the use of the license. Temporary periods when the spouse or guardian do not vend shall not cause the license to revert to the licensing agency in the absence of other evidence of an intent to abandon the use of the license; a period of six months or more in which the holder of the license does not vend shall create a rebuttable presumption that the spouse or guardian has abandoned the use of the license; and

(b) If the veteran who holds the license becomes totally and permanently disabled, the holder of the license may transfer it to the holder's spouse or, if the veteran has no spouse, to an

adult child if the child assumes the duty to support the veteran. The license shall revert to the licensing agency when:

- (1) the veteran who held the license immediately before the transfer dies;
- (2) the spouse dies or divorces the veteran who held the license immediately before the transfer; or
- (3) the child to whom the license is transferred dies or renounces the obligation to support the veteran who held the license immediately before the transfer.

7. In the borough of Manhattan in the city of New York in the area bounded on the east by Second avenue, on the south by Thirtieth street, on the west by Ninth avenue and Columbus avenue and on the north by Sixty-fifth street, the following additional provisions shall apply to the issuance of specialized vending licenses to disabled veteran vendors pursuant to this section:

(a) such specialized vending license holders shall be prohibited from vending on Second avenue, Third avenue, Lexington avenue, Park avenue, Vanderbilt avenue, Madison avenue, Fifth avenue, Sixth avenue, Seventh avenue, Broadway, Eighth avenue, Amsterdam avenue, Ninth avenue, Columbus avenue, Thirty-fourth street between Lexington avenue and Seventh avenue, Forty-second street between Lexington avenue and Eighth avenue, Forty-ninth street between Lexington avenue and Seventh avenue, Fiftieth street between Lexington Avenue and Seventh avenue and Fifty-seventh street between Lexington Avenue and Seventh avenue;

(b) there shall be a limit of one authorized specialized vending license holder per block face;

(c) there shall be a limit of one hundred five specialized vending license holders authorized to vend within the area at any one time to be allocated as follows: sixty upon the effective date of the chapter of the laws of two thousand four which amended this paragraph, an additional fifteen commencing three months from the effective date of the chapter of the laws of two thousand four which amended this paragraph, and an additional ten in each of the succeeding three years commencing on January thirty-first, two thousand five;

(d) the rule set forth pursuant to paragraph (b) of subdivision one of this section shall establish, pursuant to the priority system, procedures for issuing specialized vending licenses pursuant to paragraph (c) of this subdivision; any dispute regarding the implementation of such procedure shall be subject to a prompt hearing before an administrative law judge with the New York state department of labor, provided that if such judge determines that a specialized vending license holder willfully violated such procedure, such specialized vending license holder shall be subject to a thirty day suspension of the specialized vending license to peddle in the area described in this subdivision; if any specialized vending license holder who has

been determined to have willfully violated such procedure is determined, in a subsequent proceeding, to have willfully violated such procedure at any time following the initial violation, such specialized vending license holder shall be subject to a one-year suspension of the specialized vending license to peddle in the area described in this subdivision; if such specialized vending license holder is determined for a third time to have willfully violated such procedure, such specialized vending license holder shall be subject to permanent revocation of the specialized vending license to peddle in the area described in this subdivision;

(e) specialized vending licensees under this section shall:

(i) permit regular inspections by the official in such city responsible for issuing specialized vending licenses or any authorized city agency of any goods, vehicle, pushcart, or stand used in the operation of the vending business, or any premises used by him or her for the storage or preparation of goods intended to be vended in such business; and

(ii) provide the official in such city responsible for issuing specialized vending licenses or other authorized officer of the city on a semi-annual basis, or more often if required by local law, by-law or regulation in such city, the address and name of the owners or the manufacturers, suppliers or distributors from whom the specialized vending licensee receives his or her goods and also the address at which the specialized vending licensee stores his or her goods or any vehicle, pushcart or stand used in the operation of the vending business;

(f) no specialized vending licensee shall vend on any sidewalk unless such sidewalk is at least ten feet in width;

(g) no vending vehicle, pushcart, stand, goods, or any other item related to the operation of a vending business shall touch, lean against or be affixed permanently or temporarily to any building or structure including, but not limited to, lamp posts, parking meters, mail boxes, traffic signal stanchions, fire hydrants, tree boxes, benches, bus shelters, refuse baskets or traffic barriers;

(h) no vending pushcart, stand or goods shall be located against display windows of fixed location businesses, nor shall they be within twenty feet from an entranceway to any commercial building or store, measured as a radius extending from the center of the doorway, except where such doorways are within forty feet from each other, and in such case a vending pushcart, stand or goods shall be an equal distance from the center of the doorway of each such commercial business or store at the furthest possible distance on the sidewalk from the building line, and no vending pushcart, stand or goods shall be within sixty-five feet of the entranceway to any theater, movie house, indoor sports arena, or place of worship or school,

measured as a radius extending from the center of such entranceway;

(i) no specialized vending licensee shall occupy more than eight linear feet of public space parallel to the curb in the operation of a vending business and, in addition, no specialized vending licensee operating any vending business on any sidewalk shall occupy more than three linear feet to be measured from the curb toward the property line;

(j) each specialized vending licensee who vends from a pushcart or stand in the roadway shall obey all traffic and parking laws, rules and regulations as now exist or as may be promulgated, but in no case shall a specialized vending licensee restrict the continued maintenance of a clear passageway for vehicles;

(k) no specialized vending licensee shall vend using the surface of the sidewalk, or a blanket or board placed immediately on the sidewalk or on top of a trash receptacle or cardboard boxes to display merchandise. No specialized vending licensee display may exceed five feet in height from ground level. The display may not be less than twenty-four inches above the sidewalk where the display surface is parallel to the sidewalk, and may not be less than twelve inches above the sidewalk where the display surface is vertical. Where a rack or other display structure is placed on top of or above a table or other base, the size of the base shall not be less than the size of the display structure placed thereon. Nothing shall be placed on the base so as to exceed the size limitations contained in this paragraph. No specialized vending licensee shall use any area other than that area immediately beneath the surface of the display space of the storage of items for sale; and

(l) no specialized vending licensee shall:

(i) vend within any bus stop or taxi stand or within ten feet of any driveway, any subway entrance or exit or any corner; provided, however, for the purpose of this subparagraph, ten 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, except when noncompliance with the ten foot limitation of this paragraph is due to the placement of an obstruction. In such case the specialized vending licensee may vend within ten feet; provided, however, that such licensee must vend as far as possible from the nearest such driveway, subway entrance or exit, or corner, and in no event within five feet of such driveway, subway entrance or exit, or corner;

(ii) vend on the median strip of a divided roadway unless such strip is intended for use as a pedestrian mall or plaza;

(iii) vend over any ventilation grill, cellar door, manhole, transformer vault, or subway access grating;

(iv) sell or offer for sale any item directly from any parked or double-parked motor vehicle;

(v) use electricity or oil or gasoline powered equipment devices or machinery of any kind; provided, however, that such specialized vending license holder shall be authorized to use self-contained battery packs not exceeding sixteen volts in total solely to provide lighting for their vending business;

(vi) vend within thirty feet of an entrance to a park or within a park under the jurisdiction of the agency in such city that is responsible for such city's parks and recreational areas unless written authorization therefore has been obtained from such agency;

(vii) vend within twenty feet of a sidewalk cafe;

(viii) vend within five feet from bus shelters, news stands, public telephones, or disabled access ramps; and

(ix) vend within ten feet from entrances or exits to buildings which are exclusively residential at street level.

7-a. In the borough of Manhattan in the city of New York, the following additional provisions shall apply to the issuance of specialized vending licenses to disabled veteran vendors pursuant to this section:

(a) such specialized vending license holders shall additionally be prohibited from vending on Broadway between Murray Street and Battery Place and on Park Row between Ann Street and Spruce Street;

(b) such specialized vending license holders shall additionally be prohibited from vending in the area including and bounded on the east by the easterly side of Broadway, on the south by the southerly side of Liberty Street, on the west by the westerly side of West Street and on the north by the northerly side of Vesey Street.

8. Any dispute concerning the location of a vendor under subdivision three of this section shall be subject to a prompt hearing before an administrative law judge with the New York state department of labor, provided that if such judge determines that a specialized vending license holder willfully violated such procedure, such specialized vending license holder shall be subject to a thirty day suspension of the specialized vending license to peddle in the area and on the days and at the times described in subdivision three of this section; if any specialized vending license holder who has been determined to have willfully violated such procedure is determined, in a subsequent proceeding, to have willfully violated such procedure at any time following the initial violation, such specialized vending license holder shall be subject to a one-year suspension of the specialized vending license to peddle in the area

and on the days and at the times described in subdivision three of this section; if such specialized vending license holder is determined for a third time to have willfully violated such procedure, such specialized vending license holder shall be subject to permanent revocation of the specialized vending license to peddle in the area and on the days and at the times described in subdivision three of this section; other disputes arising under this section, other than those disputes arising under paragraph (d) of subdivision seven of this section, shall be adjudicated in accordance with local laws, ordinances, by-laws or regulations concerning general vending.

9. There shall be established within the agency responsible for issuing specialized vending licenses in such city an advisory committee consisting of up to six disabled veteran vendors who shall consult with the official designated to issue specialized vending licenses under this section concerning the process by which specialized vending licenses are issued and the restrictions herein are enforced. The members of such committee shall be elected on or before August first, nineteen hundred ninety-eight by a majority of the disabled veteran vendors holding general vending licenses in such city as of August fifteenth, nineteen hundred ninety-eight. The election of such members shall be by an election which shall be conducted by the state department of labor; provided, however, that if the majority of such disabled veteran vendors holding general vendor licenses in such city as of June fifteenth, nineteen hundred ninety-eight fail to select the members of such committee on or before August second, nineteen hundred ninety-eight, the agency responsible for issuing specialized vending licenses in such city may still establish procedures for issuing specialized vending licenses pursuant to this section no later than October first, nineteen hundred ninety-eight. In the event a committee member resigns or is unable to fulfill his or her duties, such member will be replaced by someone from the ranks of the disabled veteran vendors by consensus of veterans on the existing committee.

10. The agency responsible for issuing specialized vending licenses shall publish educational materials describing the provisions of state and local laws, rules and regulations governing disabled veteran vending in the city of New York and enforcement thereof for distribution to the public and appropriate city enforcement agencies.

11. Where the city of New York authorizes general vending, through permit, auction, lottery or any other method subsequent to the effective date of this subdivision other than temporary general vendor licenses issued in connection with street fairs on any block face, street or avenue specified in paragraph (a) of subdivision seven or subdivision seven-a of this section, the prohibitions and restrictions in this section on vending by specialized vending licensees shall not apply on such block face, street or avenue and the number of specialized vending licensees authorized per block face, street or avenue shall, at a minimum, be equal to the greatest number of any single type of other vendor including but not limited to food, general, or vendors of written matter and others similarly situated on such block face, street or avenue.

- See more at: <http://codes.lp.findlaw.com/nycode/GBS/4/35-a#sthash.zQReolgG.dpuf>

DOWNTOWN ([HTTPS://WWW.DNAINFO.COM/NEW-YORK/MANHATTAN/DOWNTOWN](https://www.dnainfo.com/new-york/manhattan/downtown))

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Veterans Ask for Preferential Treatment in Overhaul of Street Vending Laws

By Nicole Levy (<https://www.dnainfo.com/new-york/about-us/our-team/editorial-team/nicole-levy>) | November 24, 2015 9:15am

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Who's selling you your coffee-to-go and your hot dogs on the street corner? It might be a veteran with a special vending permit.

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Flickr/Jim Pennucci

CIVIC CENTER — As the city prepares to launch a new Department of Veterans Services (<http://www.nydailynews.com/new-york/nyc-launch-new-department-veterans-services-article-1.2430284>), signaling its commitment to the housing, employment and care of the 225,000 vets living in New York, some advocates are drawing attention to the needs of the more than 1,700 veterans working as vendors.

"If we're saying we want our city to do better by veterans, they must do better on this issue," said Kristen Rouse, president of the NYC Veterans Alliance, one of several groups pressing for preferential treatment for vets as the City Council considers the amendment of street vending laws.

Speaker Melissa Mark-Viverito has expressed support (<http://www.nypress.com/local-news/20150929/street-vendor-cap-could-be-lifted/3>) for either lifting the city's decades-old cap on street vending licenses and permits, or eliminating it entirely. Critics of the caps, including vendors marching on Times Square last Wednesday, (<http://www.dnainfo.com/new-york/20151119/times-square-theater-district/street-vendors-march-through-times-square-demand-more-permits>) say that restricting legal vending unjustly criminalizes the honest businesses of those who aren't allotted a permit and hamstring the contributions they could be making to the local economy (<http://ij.org/wp-content/uploads/2015/10/upwardly-mobile-web-final.pdf>).



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NYPD Commissioner Bill Bratton told the (<http://www.dnainfo.com/new-york/20150922/times-square-theater-district/bratton-says-hes-confused-by-rules-governing-times-square-vendors>) media in September that he'd like to see the City Council work with agencies to "bring some rhyme and reason to what right now is an extraordinarily confusing and sometimes conflicting [set of] rules and regulations."

The laws that govern street vending are difficult to navigate and three city agencies — the Departments of Consumer Affairs, Health and Parks and Recreation — grant different kinds of vending licenses and permits.

Critics of the city's current system also say that the caps on the city's food vending permits are driving a black market that exploits those who can least afford it.

New Yorkers early to claim one of the few thousand permits available — which cost no more than \$200 for a renewal every two years — sometimes lease them to would-be vendors for up to \$25,000 a year, in violation of the law.

Some cart owners who say they can't even afford to rent a permit (http://www.nytimes.com/2015/10/04/nyregion/fighting-for-the-right-to-sell-a-smoothie-on-new-york-streets.html?_r=0) make the choice to operate their businesses without them, a decision that puts them at risk of fines as steep as \$1000, arrest and seizure of their property.

The scarcity of permits also impacts permit-holding veterans, some of whom are paid minimum wage by vendors who lack a permit in a so-called "rent a vet" scheme to evade city inspectors (<http://www.nytimes.com/2014/11/06/arts/design/putting-the-cart-before-the-art-.html>), which the Department of Investigation looked into last year (<http://www.nytimes.com/2014/11/06/arts/design/putting-the-cart-before-the-art-.html>).

Rouse and her fellow advocates say that if and when the city amends vending laws to squelch the black market, it should preserve veterans' preferential status among their fellow vendors.

"This is something that dates back to 1894," Rouse said. "It was a promise made by New York State government that veterans, disabled veterans in particular ... would be able to make an honest living by selling goods on the street and that it would be free and unfettered. And that promise has just been whittled away over the years."

MORE COVERAGE OF VETERANS' ISSUES:

â–° **Veterans Hope Dedicated Agency Is Start of New Relationship With De Blasio**

â–° **300 Veterans Will Attend NYU's Social Work School Under Starbucks CEO Grant** (<https://www.dnainfo.com/new-york/20151111/greenwich-village/300-veterans-will-attend-nyus-social-work-school-under-starbucks-ceo-grant>)

â–° **Bronx War Veteran Says Verizon Fired Him to Avoid Dealing With PTSD: Suit** (<http://www.dnainfo.com/new-york/20150721/west-farms/bronx-war-veteran-says-verizon-fired-him-avoid-dealing-with-ptsd-suit>)

There are 1,721 veterans with general vending licenses in the city, making up somewhere between 5 and 10 percent of the total vendors working in New York, most of whom are immigrants, according to Sean Basinski, director of the Street Vendor Project (<http://streetvendor.org/>)(SVP), the organization that arranged the demonstration last week.

"The country that we served ... gave us an opportunity to come out and vend and to provide for our families," said Dondi McKellar, chairman of the SVP's veteran committee and a disabled navy vet who started selling bubble blowers on the street in 2004.

"Yes, let's share with other people — that's what makes this country great, because we are a melting pot — but let's not see the originators fall to the wayside," McKellar said.

McKellar and members of another advocacy group he belongs to, Veterans 4 Veterans, have collected roughly 300 voter signatures for a petition asking city lawmakers to honor and protect what they consider the rights of veteran vendors.

Last week, Veterans 4 Veterans and the NYC Veterans Alliance met with the chair of the City Council's committee on veterans, Councilman Eric Ulrich, to discuss their reform proposals.



Dondi McKellar, 53, a disabled Navy veteran who serves as chairman of the SVP Veterans' Committee (DNAinfo/Nicole Levy)

The groups trace veterans' vending rights back to the 19th century. In 1894, the New York State Legislature (<http://codes.lp.findlaw.com/nycode/GBS/4/35>) granted Civil War veterans with physical disabilities the right — and the free licenses — to hawk goods on city streets where peddling was otherwise limited. Nearly a century later, in 1979 (<http://www.nysun.com/new-york/city-opens-street-vending-to-illegal-immigrants/16845/>), the New York City Council capped the number of general merchandise vending licenses issued to non-veterans by the Department of Consumer Affairs at 853.

In 1983, the council restricted the number of mobile food unit vending permits (<http://www.ibo.nyc.ny.us/iboreports/peddlingnovember2010.pdf>), which are authorized by the Department of Health and Mental Hygiene and free for veterans, to 3,100 for year-round carts and trucks and 1,000 for seasonal carts. (http://www.nyc.gov/html/sbs/nycbiz/downloads/pdf/educational/sector_guides/street_vending.pdf)

In 2013, the DOH adopted a rule (<http://www.nyc.gov/html/doh/downloads/pdf/notice/2013/noa-chapter6.pdf>) that gave any veteran with a service-related disability the right to apply for a mobile food permit giving them permission to sell food from a cart on sidewalks around city parks, no waiting list required.

Vending appeals to veterans as a livelihood because they don't need to present an employer with a traditional resume and "they can be their own boss," said Joe Bello, a veteran who founded the advocacy organization NY MetroVets.

Veterans with health issues can make their hospital appointments a priority when they're self-employed, he said.

"A lot of these veterans look at [vending] as a stepping stone. 'I have a cart and tomorrow I may have a small business, I may have a little space,' and it grows," Bello said.

But vending as a vocation appeals to a cross-section of New Yorkers much broader than just veterans, and their interests aren't the only ones represented by an advocacy group that's pushed hardest for vendor rights.

"At the Street Vendor Project, we organize vendors from all backgrounds — race, class, ethnic, veteran status, immigration, borough, etc.," SVP director Basinski wrote in an email to DNAinfo.

"Not every group will be affected equally in each campaign," he wrote, referring to the "Lift the Caps" campaign and citing the SVP's successful push to lower the maximum fine for minor violations

(http://www.salon.com/2013/11/24/your_favorite_food_vendor_could_get_arrested/) from \$1,000 to \$500 as an earlier campaign that benefited veterans with permits more than non-native vendors operating their carts without them.

And one group's "needs do not take priority over the needs of the majority of the greater community," he said.

In the case of the quest to lift the cap on general vending licenses and food vending permits, the needs of veterans and other vendors may conflict: If the city authorizes more vendors from all backgrounds equitably, veterans could be pushed off the streets, their advocates say.

"If they lift cap on general vending licenses ... then the streets are going to get flooded with tables," said Richard Rivera, a disabled Marine Corps veteran who operated a food cart outside the Plaza Hotel until he says a competitor muscled him off the block.

"Before you know it, how many will be in the Midtown area?" Rivera said of the zone that is currently reserved for about 100 veterans with service-related disabilities and general vending licenses.

McKellar, Veterans 4 Veterans and the NYC Veterans Alliance are pushing for an administrative board — a street vendor review panel — that includes both disabled and non-disabled veterans "to ensure that veteran concerns are appropriately raised and addressed by city officials," they said in a statement last Thursday. The advocates also want to secure for disabled veterans with mobile food permits the right to sell food citywide — not just on sidewalks around parks — and sell it from trucks as well as carts.

"These folks have been on the margins," Rouse said, "and we need to bring into central focus, because these guys matter— they're hustling and making a living every day."



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**TESTIMONY PRESENTED AT THE NEW YORK CITY COUNCIL HEARING ON
APRIL 11, 2019 HELD BY THE COMMITTEE ON CONSUMER AFFAIRS AND
BUSINESS LICENSING**

My name is Barbara Morris, I am the widow of John Morris and have been granted his vending privileges under state law. I vend both food and general merchandise independently and am not represented by any group at this hearing.

Intro #0832: All surviving spouse should obtain the vending privileges of their deceased partner whether or not they were veterans.

Intro # 0287: Right now, a food cart can be placed eighteen inches from the curb. By increasing the distance to thirty inches, the pedestrian pathway on a 12-foot sidewalk is reduced from sixty-six inches to fifty-four inches which leaves at least one foot less of pedestrian sidewalk space. This proposal and

Intro 0288 to allow food vendors to vend twenty-five feet from a bus or taxi stand creates a more dangerous situation for pedestrians by reducing the pathway and obstructing access in and out of vehicles, tour buses, municipal buses and school buses. The Street Vendor Advisory Board could then use those very same conditions to claim congestion and close streets.

Intro 1479: The streets in the financial district were closed by the street vendor review panel. I'd like to know who decided that these streets should now be open and how it was determined. Opening a street means that the entire demographics has changed and that every street previously closed by the panel should be assessed for reopening.

Intro #1116-a. It's so obvious to anyone who knows the industry that this proposal was not only written for the black market it was written by the black market. Ms. Chin, your proposal that is still being pushed by former Speaker Mark-Viverito and her cohorts who lease permits -- has the face of opportunity -- and the soul of a black market syndicate. Mr. Lander, I'd doubt you fully understand the implications of this bill -- and Ms. Kozlowitz, I'm afraid I know your interest all too well as the sponsor of Local Law 15 in 1995 that created this black market mess. The other sponsors on this bill, I ask you to read it very carefully as it absolutely will not help minorities or immigrants.

Currently, ninety percent of the issued permits are being leased, there are more companies today controlling multiple permits illegally than prior to 1995 when it was legal to hold multiple permits. Some companies that lease permits like Nathan's, The Haleb Guys, Nuts4uts, Rafiqui and others -- are bold and advertise it. Others like the fellow who controls 5 carts at the high line keep a low profile. How do you think these companies get permits?

Don't be fooled into thinking that this bill will help minorities and immigrants! Vending is very hard and most can't do it. It's delusional to think that someone will turn in a permit. Instead, they will lease them – its easy money. Ask the health department how many permits are actually returned. Most land squarely in the hands of the black market cartel. As if this isn't bad enough, now you are expanding the black market to actually legitimize the leasing of permits and allow the holder to maintain his/her supervisory license – you've just created a new category called "rent-a-supervisor". A new permit owner can lease the permit and "supervise" another cart, or maybe even five carts or more. Look at the disabled veterans. Of the 150 or so permits issued to them, no more than ten actually own and operate their carts -- the rest all leased their permits to a syndicate of operators who have absolutely no legal connection to the veteran who then double-dips by hiring himself out as rent-a-vet to cover other carts for the same operators. Now you want to further legitimize the black market to allow shadow operating companies that answer to no one to control the entire vending industry. Ask yourselves, where does all the money go? These thugs who operate multiple carts -- including those with ties to big companies like Nathans -- are vicious. I can tell you first hand that right now, disabled veterans who are legitimately trying to operate their own businesses are being muscled out by these same people who are behind this proposal. They bully, intimidate, threaten and actually buy off vulnerable veterans and others who simply do not have the means to defend themselves. Your proposal is disguised to help minorities and immigrants but it is written exactly for this very ruthless, well-organized syndicate – and you know it.

The Street Vendor Advisory Board you propose is a mask to allow the closure of streets based on nebulous complaints of excessive congestion rather than authentically reliable studies. The intent should be to open streets for vending opportunities – not close them on pretense.

Barbara Morris



MONICA BLUM
President

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April 11, 2019

Statement by Monica Blum, President of the Lincoln Square Business Improvement District, to the NYC Council Committee on Consumer Affairs & Business Licensing regarding Int. 1116 and related bills.

Thank you to Council Member Espinal and members of the Consumer Affairs & Business Licensing Committee for the opportunity to submit testimony regarding the package of bills pertaining to vending. My name is Monica Blum and I am the President of the Lincoln Square Business Improvement District (BID). I represent some 250 businesses and not-for-profit and cultural organizations on the Upper West Side of Manhattan. Our district extends from Time Warner Center at Columbus Circle and along Broadway, Columbus Avenue and Amsterdam Avenue up to 70th Street and of course includes Lincoln Center for the Performing Arts. Annually, Lincoln Square draws 24.5 million visitors who, along with residents, employees, commuters, street furniture, and vendors create extremely congested sidewalks in our district. The Columbus Circle subway station is the 8th busiest in New York City.

Currently, throughout the course of one day we have approximately 46 food vendors on the sidewalks within a 10 block stretch in Lincoln Square. I am pleased to say that for the most part we have developed a good relationship with most of our food vendors. We have worked with our partners at the 20th Precinct and the Departments of Consumer Affairs, Sanitation and Health and Mental Hygiene, to insure compliance with the various laws and regulations.

I commend the Council for taking on the incredible task of trying to come up with a comprehensive overhaul of street vending. However, I do not think that something as complex and complicated as this should be undertaken without a comprehensive study of the current state of affairs and a thorough understanding of the myriad laws and regulations affecting food carts.

We are generally opposed to Int. 1116-2018 for several reasons. This bill increases the number of vending licenses by 4,450 over 10 years, 1,000 more than was proposed by the previous legislation in 2016. Since then, there has been no comprehensive study of the existing landscape of vendors – no one knows how many licensed vendors are out on the sidewalks. Prior to increasing the cap on licenses, the City must conduct a study on how many vendors are out there, both legal and illegal, how many rent their carts from licensed vendors, and how many obtained licenses on the black market. There needs to be a fully funded and operational enforcement unit trained in the complicated rules for governing vending before any increase in the number of licenses. Without reliable data to inform an actionable plan and officers who know the intricacies of the laws on vending, doubling the number of licenses will only exacerbate congestion on our sidewalks and make enforcement even more difficult. Additionally, we believe that this new office of enforcement should be fully funded and operational for at least one year before any increase in the number of licenses. Finally, current vending regulations are overly complex, difficult to understand, and have different requirements for general and food vendors. General vendors, for example are prohibited from locating above a ventilation grill¹, but no such requirement exists for food vendors. Does this make any sense? The existing regulations should be reviewed prior to any issuance of new licenses.

Since I last testified on a similar package of legislation on October 26, 2016, the retail market in New York has changed dramatically, as tighter margins and e-commerce threaten retail businesses city-wide. It is clear that our brick-and-mortar businesses, restaurants and delis face many challenges with constant legislative mandates, changes and increased competition from vendors, meal delivery services, and e-commerce. Increasing the number of food vendors would increase the burden on our brick-and-mortar businesses who provide valuable goods and services to our communities.

There is one positive new siting requirement/aka a restriction in Int. 1116. Section 13 has added a new requirement that no vending pushcart shall be within 20 feet of a sidewalk café. While this is a positive addition, it goes to the piecemeal nature of proposed vendor reform and highlights one of the biggest flaws of this legislation: lack of siting.

Mechanism for Siting: One of the major shortcomings of the proposed legislation, as well as earlier versions, is that it does not contain any mechanism for the siting of vendors. Our sidewalks are a precious commodity and are becoming increasingly crowded; they are for public use and not for private use absent appropriate input and review. As we all know, oftentimes food vendors set up directly in front of brick and mortar businesses and sell similar food products. In our district, recently a coffee truck set up in the early morning directly in front of a small family-owned deli that opens early to accommodate the breakfast crowd. Similarly, a taco

¹ NYC Administrative Code Section 20-465.

truck (previously a taco cart) set up directly in front of a small Mexican restaurant. Both of these businesses pay a host of City taxes, and must comply with a myriad of regulations.

Every other sidewalk use has siting criteria and various requirements – i.e. newsstands, sidewalk cafes, planters, benches and even trees. All of these require government, local and/or property owner input. Community Boards must also approve many of these applications after appropriate City agency review, and in the case of newsstands, property owners must be notified and have an opportunity to make their views known. Clearances and other parameters, including congestion, pedestrian traffic, etc. are reviewed for these applications. The legislation before you does not require any local or stakeholder input despite the fact that property owners are responsible for the sidewalks.

New York City and our streets and sidewalks have changed dramatically over the past 20 years. There has been a tremendous increase in street furniture, including new and improved bus shelters and newsstands, the addition of wayfinding signage, benches, trash and recycling receptacles, bike share stations, bike racks, bike lanes and the addition of a million trees. Soon we will have dockless bikes and dockless scooters. In addition to these physical changes, New York's population has grown and the number of tourists has increased to over 65 million today² further congesting our streets. Siting is an essential component of vending reform.

Bus Stops and Taxi Stands: Int. 0288-2018 would permit vending in **bus stops and taxi stands**. Currently the law is very clear – there is no vending in bus stops and taxi stands at all for safety reasons. Passengers exiting and entering buses should not be blocked by vendor carts; the same is true for taxis. Intro 0288-2018 would permit vending from 25 feet of the bus stop or taxi sign in the direction of the stand. This just doesn't make sense. The majority of MTA buses measure **at least 40 feet long** and as all New Yorkers know, buses typically bunch up or bottleneck at their stops. Upon exiting the bus, under this proposal, you may well be blocked by a vendor. This is a major safety hazard for all passengers, but particularly the elderly, those using walkers or in wheelchairs, or a parent who must exit a bus while carrying a toddler and a folded stroller.

Int. 0287-2018 would permit vendors to be 2 feet from the curb whereas now they must abut the curb. This would result in narrowing our sidewalks even more and causing **MORE** congestion on our sidewalks as vending carts would be in the middle of the sidewalks and in busy areas, pedestrians would be forced out into the streets behind the carts, putting them in harm's way. This makes no sense in light of increased pedestrian traffic on our sidewalks and is in direct conflict with Vision Zero. **We oppose Int. 0287-2018 and Int. 0288-2018 and don't think any changes related to distances and clearances should be made until the Street Vendor Advisory Board and the Office of Street Vendor Enforcement evaluate regulations and existing conditions with an emphasis on pedestrian safety and accessibility.**

As noted, you are acknowledging the need for siting, but are merely adding, changing or removing existing restrictions. Why not take some steps by adding an additional restriction precluding food vendors from setting up within 75 feet of an entrance to a brick and mortar food establishment? I would argue that, although currently vendors do not have to comply with siting requirements, in point of fact, there are restrictions on where they can and cannot go: to wit, they must not be within 20 feet of a store entrance, they may not vend anywhere in a bus stop or in a taxi stand, they cannot be within 10 feet of a crosswalk, driveway or subway entrance, and now you are proposing in Int. 1116 that they cannot be within 20 feet of a sidewalk café. Wouldn't it be more appropriate for the new panel to review existing restrictions and come up with a comprehensive enforceable plan that addresses siting?

Hot spots: Lincoln Square already has a vending "hot spot" at Calabrese and Keegan Plaza (not an official plaza), an incredibly congested sidewalk area at the main entrance to the 8th busiest subway station, Columbus Circle/59th Street³, where multiple vendors compete for limited space daily with bike hawkers, street performers and the general public, including tourists, going to and from Central Park, Time Warner Center, Lincoln Center, Mt. Sinai West, John Jay College, and Fordham University, among other places. We support the idea of DOT designated hot spots; however, we are concerned that there will only be five vending location pilot areas and we are concerned with the way the language has been drafted as it suggests that DOT could eliminate current vending location restrictions. We think that DOT should have the authority to impose additional restrictions, not remove them, to ensure pedestrian safety and the number of hot spots should be expanded.

In conclusion, I commend the City Council for tackling this complex issue; however, we urge you not to pass any legislation that will change our streetscape forever and not necessarily for the better. A comprehensive overhauling of vending must be done right after a comprehensive study; a robust, properly funded and trained enforcement unit; a comprehensive review of current restrictions and a siting plan that makes New York City sidewalks a model rather than a chaotic jumble of pedestrian obstacles. You cannot un-ring the bell. Thank you for your thoughtful consideration of our concerns.

² NYC & Co., Annual Report, 2018-2019.

³ Metropolitan Transit Authority, Annual Ridership Data, 2018.

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New York City Council
Committee on Consumer Affairs and Business Licensing

Testimony by Patrick Kennel, President
Financial District Neighborhood Association

New York City Council Chambers
Thursday, April 11, 2019

RE: Intro Nos. 0187-2018, 0288-2018, 0292-2018
0832-2018, 1116-2018, and 1479-2019
(the “Vendor Reform Bills”)

Thank you Council Members for holding this important public hearing today and inviting our testimony. My name is Patrick Kennel and I am a founding member and the President of the Financial District Neighborhood Association, a non-profit organization that seeks to improve the quality of life in the Financial District, which is New York City’s oldest and now fastest-growing residential neighborhood..

With Council Member Chin’s help, for many years now, the FiDi Neighborhood Association has sought and advocated for short- and long-term interventions to alleviate dangerous pedestrian congestion on the sidewalks of Lower Manhattan by rethinking how we manage our streets. One of the biggest symptoms of pedestrian congestion in Lower Manhattan is the varying kinds of sidewalk obstacles, including food and non-food street vendors among many others, all of which compete for precious space with the tens of thousands of people who live here, the 350,000-plus people who work here every day, and the millions who walk our sidewalks every year from one tourist attraction to the next.

We can all agree, New York City is busy and it’s crowded. That’s a fact of life. But the streetscape of the Financial District is different because of its old Colonial topography and layout. Roadways and sidewalks here are generally narrower than in other parts of the City, which means we have to think about and treat this neighborhood differently than other parts of the City.

A June 2016 study published by Manhattan Community Board 1, called “Streetscape Study of Lower Manhattan: An Analysis of Sidewalk Features and Public Space of Manhattan Community District 1,”¹ confirms the inordinate amount of permanent obstacles on the

¹ See, <http://www1.nyc.gov/assets/manhattancb1/downloads/pdf/studies-and-reports/streetscape-study-final-report-6-21.pdf>.

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sidewalks of Lower Manhattan. And that study didn't even take into account the number of food and non-food vendors on our sidewalks, which only add to the number of features existing on our sidewalks at any one moment. One observable consequence is pedestrians who are forced to step off the sidewalk and walk in the roadway in order to avoid all these obstacles, especially on streets where there is no management or indication for motorists of how they should share the street space with pedestrians. It is not hyperbolic to say we're flirting with disaster on these narrowest of New York City streets by allowing the number of sidewalk obstacles to continue unabated.

Without major changes, the Vendor Reform Bills you are currently considering would exacerbate our congestion problem. The 600 additional vendors contemplated by the law would add to an already dangerous situation in the Financial District. It would be contrary to the City's successful and heralded *Vision Zero* laws and would go against all the hard work leaders in this neighborhood – including Council Member Chin – have put in.

We are encouraged by language that seeks to increase enforcement of existing regulations, but without changes to those regulations additional enforcement will not suffice. Existing regulations do not go far enough and do not recognize the unique street grid of Lower Manhattan. For instance, Subchapter 2 of Chapter 3 of Title 17 of the New York City Administrative Code restricts the placement of vehicles and pushcarts and vending in certain areas:

§ 17-315 Restrictions on the placement of vehicles and pushcarts; vending in certain areas restricted or prohibited.

a. No pushcart shall be placed upon any sidewalk unless said sidewalk has at least a twelve foot clear pedestrian path to be measured from the boundary of any private property to any obstruction in or on the sidewalk, or if there are no obstructions, to the curb. In no event shall any pushcart be placed on any part of a sidewalk other than that which abuts the curb.

e. No food vendor shall vend within any bus stop, taxi stand, within the portion of the sidewalk abutting any no standing zone adjacent to a hospital as defined in subdivision one of section 2801 of the New York state public health law, within ten feet of any driveway, any subway entrance or exit, or any crosswalk at any intersection

Due to the narrow sidewalk in the Financial District, sidewalk food vendors rarely provide the required twelve foot clear pedestrian path, routinely push their carts away from the curb to account for scaffolding and sidewalk bridges, and routinely block intersections to gain maximum exposure to pedestrian traffic. This has to stop. We appreciate that locating the carts on the curb can be dangerous for the vendor, but the solution isn't to move the cart deeper into the sidewalk,

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forcing pedestrians into the street!

The current rules were written for the uniform street grid of upper Manhattan and the outer Boroughs – not for the Financial District. Few of our streets have sidewalk that exceed 12 feet. Most of our sidewalks are routinely subject to scaffolding, which prohibits the vendors from abutting the curb today. There simply isn't enough room.

The truth is, the people of the City of New York are the only parties entitled to the public street. For commercial enterprise, it is a privilege which should be strictly regulated. There is no reason why pushcarts cannot be relegated to the other side of the curb, where other similar commercial activity occurs. Street vendors must be restricted to the roadway – NOT THE SIDEWALK. If the roadway isn't safe for the carts, the solution is to make it safe, not push the carts further into the sidewalk. **Any increase in vendors in the Financial District must include this basic protection for our neighborhood. We cannot support the bills without it.**

Otherwise, any increase in vendors would make sidewalks in the Financial District even more difficult to navigate and more dangerous to traverse for the ever-increasing number of pedestrians. We need sensible management of very narrow sidewalks to keep residents, workers and tourists safe. That is something the FiDi Neighborhood Association believes in deeply, and it is for that important reason that we urge the Committee and the Council to oppose the Vendor Reform Bills, in current form, unless and until the vendor rules can be adopted to push such commercial activity to the curb.

Thank you for your consideration.



ANHD
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**WRITTEN TESTIMONY OF ARMANDO MORITZ-CHAPELLIQUEN
BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS LICENSING
CONCERNING STREET VENDOR LEGISLATION**

April 11, 2019

Good Morning. Thank you Chair Espinal and members of the Committee on Consumer Affairs and Business Licensing for the opportunity to testify.

My name is Armando Moritz-Chapelliquen and I am the Senior Economic Development Organizer at the Association for Neighborhood and Housing Development (ANHD). ANHD is a membership organization of NYC- neighborhood based housing and economic development groups- CDCs, affordable housing developers, supportive housing providers, community organizers, and economic development service providers. We build community power to ensure the right to affordable housing and thriving, equitable neighborhoods for all New Yorkers.

ANHD is committed to strengthening the needs of communities citywide and sees small businesses, including street vendors, as integral to the fabric of New York's neighborhoods. **United for Small Business NYC (USBNYC)**, a coalition convened by ANHD, includes community organizations from across New York City fighting to protect New York's small businesses and non-residential tenants from the threat of displacement, with a particular focus on owner-operated, low-income, minority and immigrant-run businesses that serve low-income, immigrant, and minority communities.

At a time when gentrification and displacement threaten the cultural identity of New York, it is vital for city government to focus policy, protections, and programs for the most vulnerable. Particularly at this moment, when public attention is on brick-and-mortar businesses in the midst of a displacement crisis, it is crucial that the vulnerability of street vendors is also recognized and addressed. **Small business displacement is cultural displacement, regardless of whether that business is in a storefront or on the sidewalk.**

ANHD is proud to support the advocacy of Street Vendor Project and all of the bills (Intros 0287, 0288, 0292, 0832, 1116, 1479) before the Committee today. ANHD and its members across the city recognize that street vendors are the smallest of our small businesses. Street vendors are as much a part of community as their brick-and-mortar counterparts; in fact, both are integral to a vibrant neighborhood. When considering their contributions through a community development perspective, street vendors encourage foot traffic and more broadly bring vitality to commercial corridors.

Just like many entrepreneurs in the city, street vendors are working to afford their place in the city. However, the challenges they face are distinct. The lack of clarity of vendor regulations, as well as an outdated cap on vendor permits, has enabled harassment and intimidation of vendors. In the absence of comprehensive reform, vendors have been left to navigate an underground



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market in order to pursue their vision of economic opportunity. **Because many vendors come from working class immigrant and minority communities, addressing these challenges is crucial not only from an economic development perspective, but from a racial justice perspective as well.**

The proposed bills before the Committee today tackle many of these overdue challenges head-on. They reflect the long-standing need to modernize rules for street vendors. Most notably, Councilmember Chin's Intro 1116 lays the necessary foundation for future street vending policy through the Office of Street Vendor Enforcement and the Street Vendor Advisory Board. **Establishing such bodies to be accountable to street vendors and responsive to their ongoing needs is crucial to the long-term viability of street vendors across the city.**

We applaud the leadership of Councilmembers Rodriguez and Chin in tackling this vital issue. We look forward to working with the Committee to support street vendors and small businesses are more broadly. Thank you again for the opportunity to testify.

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 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Managing Attorney Michael Clarke

Address: NYPD

I represent: _____

Address: _____

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Name: Corrinne Schiff

Address: Deputy Commissioner

I represent: DOHMH

Address: _____

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(PLEASE PRINT)

Name: Lindsay Greene

Address: Senior Advisor

I represent: NYC Deputy Mayor for Housing and Ec. Dev

Address: _____

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Name: Corinne Schiff
Address: Deputy Commissioner, Environmental Health
I represent: NYC Dept. of Health and Mental Hygiene
Address: _____

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Name: CASEY ADAMS
Address: DIRECTOR OF CITY LEGISLATIVE AFFAIRS
I represent: DCA - Dept of Consumer Affairs
Address: _____

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Name: Michelle Craven
Address: Assistant Commissioner, Cityscape Franchises
I represent: NYC Dept. of Transportation
Address: _____

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Name: Sergaent Karol Juchniewiz

Address: _____

I represent: Manhattan South Peddler

Address: NYPD

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(PLEASE PRINT)

Name: MICHAEL CLARKE

Address: Managing Attorney, Legislative Affairs Unit

I represent: NYPD

Address: _____

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(PLEASE PRINT)

Name: Maria Dolores Paredes

Address: _____

I represent: _____

Address: _____



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Date: _____

(PLEASE PRINT)

Name: Sari Kisilevsky

Address: _____

I represent: _____

Address: _____

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in favor in opposition

Date: 6/11/2019

(PLEASE PRINT)

Name: Martina Raye Lygia Opa Barron

Address: _____

I represent: ~~Street Worker Project~~ Latino Justice

Address: _____

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in favor in opposition

Date: 6/11/2019

(PLEASE PRINT)

Name: YING YU SITU

Address: _____

I represent: MINKWON CENTER

Address: _____

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in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Marie Rose GONGAY

Address: _____

I represent: Street Vendor Project

Address: _____

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in favor in opposition

Date: _____

(PLEASE PRINT)

Name: ~~SAR~~ SARI Kisilevsky

Address: _____

I represent: Street Vendor Project

Address: _____

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Date: _____

(PLEASE PRINT)

Name: Fahd Ahmad

Address: _____

I represent: DRUM

Address: _____

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Appearance Card

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

in favor in opposition

Date: 11/21/19

(PLEASE PRINT)

Name: Manuel Villa

Address: 516 West 134th Street Apt 3

I represent: _____

Address: _____

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Date: _____

(PLEASE PRINT)

Name: Manuel Lucero
Domingo Pautino

Address: _____

I represent: _____

Address: _____

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in favor in opposition

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(PLEASE PRINT)

Name: Manuel Lucero

Address: _____

I represent: _____

Address: _____

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Name: Luis Varan

Address: _____

I represent: _____

Address: _____

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Date: 4/11/2019

(PLEASE PRINT)

Name: Lo van der Valk

Address: _____

I represent: Carnegie Hill Neighbors

Address: 1326 Madison Ave, NY 10128

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(PLEASE PRINT)

Name: Armando Moritz

Address: _____

I represent: ANHD

Address: _____

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in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Yanki Tshering

Address: _____

I represent: BCNA

Address: _____

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in favor in opposition

Date: 4/11/19

(PLEASE PRINT)

Name: Armando Crescenzi

Address: 2335 Yates Avenue

I represent: Veteran Vendors

Address: 2335 Yates Avenue Bx NY

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in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Duncan Bryer

Address: _____

I represent: State Senator Salazar

Address: _____

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I intend to appear and speak on Int. No. 1116 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Milad Momeni

Address: 60 East End Ave, #35

I represent: Arab American Association of NY

Address: _____

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I intend to appear and speak on Int. No. 1116 Res. No. _____

in favor in opposition

Date: 4/11/2019

(PLEASE PRINT)

Name: Hui Jun Wang

Address: _____

I represent: street vendor

Address: _____

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in favor in opposition

Date: _____

Name: Matthew Shapiro (PLEASE PRINT)

Address: _____

I represent: _____

Address: _____

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in favor in opposition

Date: _____

(PLEASE PRINT)

Name: William Spisak

Address: _____

I represent: Chhaya

Address: _____

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Appearance Card

I intend to appear and speak on Int. No. 1116 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Clara Lucia ARSAGA

Address: _____

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: 4/11/19

(PLEASE PRINT)

Name: Carmen Garcia

Address: _____

I represent: Street Vendor project

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1116 Res. No. _____

in favor in opposition

Date: 4/11/19

(PLEASE PRINT)

Name: Irene Arizaga

Address: _____

I represent: SVP

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1116 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Mario Mendonca

Address: 46-15 Stu av.

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: Domingo Paulino

Address: _____

I represent: Street Vendor Project

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

93

Appearance Card

I intend to appear and speak on Int. No. 1116 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Evelia Coyotzi

Address: _____

I represent: street vendor

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: 4/11/19

(PLEASE PRINT)

Name: Krishrendra Ran

Address: Food Studios, NYU

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: Eliana Jaramillo

Address: 50 W 93 St

I represent: street vendor project

Address: 46 Recker St, 9th Fl

**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: police officers

Address: NORTH AVENUE 11234

I represent: Street vendor Project

Address: 40 Rector St. 9th Fl

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1116 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Charles "Kevin" Johnson

Address: 2701 Kensington Terrace APT 203

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1116 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Kamal Nasser

Address: _____

I represent: _____

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: 4/11/2019

(PLEASE PRINT)

Name: Mohammad Badruel Islam

Address: 2061 Saint Raymond Ave

APT #1 MH. BRONX, NY-10462

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1116 B Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Theodore Moore

Address: _____

I represent: New York Immigration Coalition

Address: 171 West 33rd St 10001

**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: Steve Wasserman

Address: 199 Water St. NY

I represent: Legal Aid

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. 1116 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Aniqua Nawabi

Address: _____

I represent: Music Community Network

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1116 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Godshette Oluwalogbon

Address: 1469 Bedford Av Brklyn 11216 3F

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: 4/19/2019

(PLEASE PRINT)

Name: WARREN GARDNER

Address: 110 William street

I represent: NYC Small Business Services

Address: 110 William street

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: James B. Williams SR.

Address: 164-21 O'Donnell Rd

I represent: Street Vendor Relief

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1116 Res. No. _____

in favor in opposition

Date: 4/11/2019

(PLEASE PRINT)

Name: Do Lee

Address: _____

I represent: Biking Public 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: Tim Caras

Address: _____

I represent: Manhattan BP Gale Brewer

Address: _____

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

THE COUNCIL
THE CITY OF NEW YORK

78

Appearance Card

[]

I intend to appear and speak on Int. No. 1116 Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Adelaida Simon

Address: _____

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: Wednesday

(PLEASE PRINT)

Name: C BENTLEY

Address: _____

I represent: Community Board 4

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

[]

I intend to appear and speak on Int. No. 1116 Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: NOELLE MOONEY

Address: _____

I represent: SMALL BUSINESS - STOUT NYC

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

75

Appearance Card

I intend to appear and speak on Int. No. 1116-A Res. No. _____

in favor in opposition

Date: 4/11/17

(PLEASE PRINT)

Name: Matthew Bauer

Address: 29 E 61 St, NY NY 10065

I represent: Madison Avenue BID

Address: 29 E 61 St, NY NY 10065

**THE COUNCIL
THE CITY OF NEW YORK**

74

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: David Diaz

Address: _____

I represent: Bodega Association

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

73

Appearance Card

I intend to appear and speak on Int. No. 1116 Res. No. _____

in favor in opposition

Date: 4/11/19

(PLEASE PRINT)

Name: Jessica Walker

Address: Manhattan Chamber of Commerce

I represent: 575 Fifth Ave, NY NY

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1116 Res. No. _____

in favor in opposition

Date: 4/11

(PLEASE PRINT)

Name: Kathleen Reilly

Address: _____

I represent: New York State Restaurant Assn

Address: 315 W 36th St

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1110 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: MARK CASERTA

Address: _____

I represent: PARK Side BID

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1110 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: JEREMY R. LEFRACQIS

Address: _____

I represent: FRANKLIN BID

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1116 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: MARK DICUS

Address: Manhattan Blvd

I represent: SOMO BROADWAY BID

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1116 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: MONICA BLUM

Address: _____

I represent: LINCOLN SQUARE BID

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1116 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Jessie C. Markias

Address: _____

I represent: Garrett's Den Store BID

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1116 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: AVI FORTIS

Address: _____

I represent: DIAMOND DISTRICT BLD

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 116 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: DAVID BIEDERMAN

Address: _____

I represent: 34TH ST BLD

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 04/11/2019

(PLEASE PRINT)

Name: DAN ROSSI

Address: 1123 JENSEN AVENUE MAMARONECK NY

I represent: MYSELF I AM A

Address: DISABLED VETERAN

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. 1116 A Res. No. _____

in favor in opposition

Date: 04/11/2019

(PLEASE PRINT)

Name: Barbara MORRIS

Address: 180 West End Ave 4E

I represent: myself as disabled veteran

Address: widow

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1116 Res. No. _____

in favor in opposition

Date: 4/11/19

(PLEASE PRINT)

Name: ANDREW REGIE

Address: 325 Broadway, NY NY 10007

I represent: NYC Hospitality Alliance

Address: 65 W 55 St, 203A, 10019

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1116 Res. No. _____

in favor in opposition

Date: 4/11/19

(PLEASE PRINT)

Name: MAX BOOKMAN

Address: 325 Broadway, 501, NY NY 10007

I represent: NYC Hospitality Alliance

Address: 65 W 55 St, NY NY 10019

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: Don P. Allen

Address: 40132

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1116 Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: KRIS RAY

Address: 330 Fort Ave Apt 3 G, NY-10010

I represent: Social Scientist

Address: 411 Lafayette St, NY-10003

**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: JOANN VANEK

Address: 80 Park NYC

I represent: _____

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: LAMO TZU JEN

Address: 114-07 111 AVE

I represent: S-OZONE PARK NY 11420

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1116 Res. No. _____

in favor in opposition

Date: 4/11/19

(PLEASE PRINT)

Name: Kurt Wheeler

Address: 67 Monroe St Apt 3, Brooklyn NY 11216

I represent: myself

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1116 Res. No. _____

in favor in opposition

Date: 4-11-19

(PLEASE PRINT)

Name: Andrew Gustafson

Address: 89 East 2nd St, Brooklyn 11218

I represent: Turnstile Tours

Address: 89 East 2nd St, Brooklyn 11218

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. 1116-A Res. No. _____

in favor in opposition

Date: 4/11/19

(PLEASE PRINT)

Name: Jay Peitz

Address: 51388 Boston Post Rd, Carle - 0 - 6

I represent: Food Industry Alliance of NY

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1116 Res. No. _____

in favor in opposition

Date: 4/11/19

(PLEASE PRINT)

Name: Melanie Benit

Address: 901 N Glebe Rd Arlington, VA

I represent: Institute for Justice

Address: 901 N Glebe Rd Arlington VA

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1116 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Nosira Begum

Address: _____

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: Qui Kawer

Address: _____

I represent: Morton Williams Supermarkets

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 116 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Richard Lipsky

Address: 140 Riverside Drive

I represent: Bodega Ass. Morton Williams, Grinste Dr

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 116 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: David Diaz

Address: _____

I represent: Bodega Association

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: Dawdi McKellar

Address: 856 E 167th street Bronx

I represent: myself

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: OLYMPIA KAZI

Address: _____

I represent: NYC ARTIST COALITION

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1160 Res. No. _____

in favor in opposition

Date: 07/11/19

(PLEASE PRINT)

Name: Nikki Kateman

Address: 39-73 50th Street Woodside 11377

I represent: Local 338 RWDSU/UCFW

Address: 1505 Kellum Place Mineola, 11501

* 1

THE COUNCIL THE CITY OF NEW YORK

Appearance Card

[]

I intend to appear and speak on Int. No. 1110 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: ROBERT BENFATTO

Address: _____

I represent: BID ASSOCIATION

Address: _____

* 1

THE COUNCIL THE CITY OF NEW YORK

Appearance Card

[]

I intend to appear and speak on Int. No. 1110 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: GLADYS JORDANA

Address: _____

I represent: SMALL BUSINESS OWNED

Address: _____

* 2

THE COUNCIL THE CITY OF NEW YORK

Appearance Card

[]

I intend to appear and speak on Int. No. 11110 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: MICHAEL C. BARTON

Address: _____

I represent: BRONX SUBS BIZ BLD

Address: _____



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



*2

THE COUNCIL THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1116 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: JAIMIE-FAYE BEAN

Address: _____

I represent: SUNNYSIDE BID

Address: _____

*2

THE COUNCIL THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1116 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: ROB BYRNES

Address: _____

I represent: EAST MILTOWN BID

Address: _____

THE COUNCIL THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1116 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: NAZMUL ISLAM

Address: 27 39 CRUGER AV 1ST FL

I represent: _____

Address: 27 39 CRUGER AV 1ST FL BRONX

BRONX NY
10416
NY 10413



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. 1116 Res. No. _____

in favor in opposition

Date: _____

Name: Monloy ENNAIM (PLEASE PRINT)

Address: _____

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1116 Res. No. _____

in favor in opposition

Date: 4-11

Name: Catalina Quintanilla (PLEASE PRINT)

Address: _____

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1116 Res. No. _____

in favor in opposition

Date: 4-11-2019

Name: MD Alam (PLEASE PRINT)

Address: Queens

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. 116 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Moulay Emmanuel

Address: _____

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: 04/11/219

(PLEASE PRINT)

Name: HERMINIO ARISTA

Address: 33-11-9-54 APT 3R

I represent: ASTORIA QUEEN NY 1106

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 110 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Christine Lynch

Address: 39-37 57th St, Woodside NY

I represent: Street Vendor turner Store Owner

Address: 206 Franklin Street, 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. 1116 Res. No. _____

in favor in opposition

Date: 4-11-19

(PLEASE PRINT)

Name: MOHAMMAD ABUS

Address: 1012 E 145th Brooklyn NY 11230

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1116 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: MOHAMMAD M AKANOA

Address: 142-09 Franklin Ave

I represent: Flushing - NY - 11355

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1116 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Huanzen Wang

Address: _____

I represent: _____

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: Rolando Perez

Address: 1040 ENY AVE - Brooklyn

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1116 d45 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Michele Birnbaum

Address: 1035 Park Ave

I represent: CB 8 Manhattan

Address: 505 Park Ave

**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: 9/11/19

(PLEASE PRINT)

Name: BASMA EID

Address: 43-04 Newtown Rd, Astoria NY

I represent: Freedom 90 Thrive

Address: 224 West 35th St NY, NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1116 Res. No. _____

in favor in opposition

Date: 4/11/19

(PLEASE PRINT)

Name: MD Hogue

Address: _____

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1116 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Fung Lam

Address: _____

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1116 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Mansa Alcaraz

Address: City Hall, Los Angeles 90012

I represent: LA city

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. 1116 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Robert...

Address: _____

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: April 11

(PLEASE PRINT)

Name: Suzanne Adely

Address: _____

I represent: Food Chain Workers Alliance

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: 4-11-19

(PLEASE PRINT)

Name: KELEBOMILE NICHEREAWYE

Address: 411 E 10th St

I represent: STREET Vendor

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: Sangpo Dhondup

Address: 42-61 79 St

I represent: X. 4

Address: 929.261.6211

**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: Kathy EWA

Address: _____

I represent: myself & community vendors

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: Zhou Liyuan

Address: _____

I represent: Street Vendor

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. 1116 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: QING SONG CHEN

Address: _____

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 716 Res. No. _____

in favor in opposition

Date: 4/11/11

(PLEASE PRINT)

Name: Blanca Garchi

Address: _____

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: Zhao Lei

Address: _____

I represent: _____

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: YOUNG, S.

Address: _____

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: NOR ALAM

Address: 3457 72 ST #1C JACKSON HTS NY
11372

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 7116 Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Teabra Medin

Address: _____

I represent: _____

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. 1116 Res. No. _____

in favor in opposition

Date: _____

Name: Ruhim Ullah (PLEASE PRINT)

Address: _____

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1116 Res. No. _____

in favor in opposition

Date: _____

Name: Mohamed Mohamed (PLEASE PRINT)

Address: _____

I represent: Street Vendor Project

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1116 Res. No. _____

in favor in opposition

Date: _____

Name: Hakim El Nagar (PLEASE PRINT)

Address: _____

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. 1116 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Ryan Devlin

Address: 484 W 43rd St. NY, NY 10036

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: MD. SHAHED AHMED

Address: 107-19-80 St OZONE PARK NY 11416

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1116 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Maria Mari

Address: _____

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. 1116 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Mohamed A Hira

Address: _____

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: Wanghui Jan

Address: _____

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1116-A Res. No. _____

in favor in opposition

Date: 4/11/19

(PLEASE PRINT)

Name: JOSE GERARDO

Address: _____

I represent: NATIONAL SUPERMARKET ASSOC.

Address: 30-50 WILMINGTON EXP, FUSINE 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. 116 Res. No. _____

in favor in opposition

Date: 4-11-19

(PLEASE PRINT)

Name: Ahmed Hassan

Address: 34 Lexington Ave #23 NT 10032

I represent: Street Vendors Project

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. 116 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: MOHAMMAD A ULLAH

Address: _____

I represent: _____

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. 1116 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Fozleh Noor

Address: 1350 East 18th St

I represent: _____

Address: 1350 East-18th St Boro/City NY 11230

◆ 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. 1114 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Ines Loya

Address: _____

I represent: _____

Address: _____

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