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Gale A. Brewer, Borough President

**Testimony of Gale A. Brewer, Manhattan Borough President
Hearing of the New York City Council Committee on Small Business
September 25, 2015**

My name is Gale A. Brewer and I am the Manhattan Borough President. Thank you Chair Cornegy and the members of the Committee on Small Business for the opportunity to testify.

I commend Council Members Cornegy, Koo, and Levine on their respective pieces of legislation being discussed today. I believe the proposals are shaped to appropriately address the expectations of respect that underlie all business matters. The bills before the committee create new safeguards against discriminatory actions, unpremeditated or otherwise, that affect consumers and proprietors alike.

This year marks the 25th anniversary of the Americans with Disability Act (ADA), landmark legislation to protect the civil rights of people with physical and cognitive disabilities. Since 1990, advocates have doubled their efforts to ensure that Americans with disabilities have access to everything our society has to offer and are not excluded from it, including the right to be a consumer unrestricted by his or her handicap. To that end, the ADA and subsequent state and local regulations provide specific obligations to ensure that business owners do not infringe on those individual rights. An unfortunate consequence of these obligations, however, is that deciphering the overlapping jurisdictions often requires expeditors and expertise that is prohibitively costly. Unpacking that confusion would lessen the barriers that undermine businesses trying to fulfill their obligation under the law.

Int. 537, introduced by Council Members Koo and Cornegy, would benefit small businesses. If and when it becomes law, the result would be a knowledgeable and dedicated point of contact so that the space is a disability-inclusive design as opposed to a layout that is an impediment to people with disabilities. According to 2005-2007 statistics from the American Community Survey Public Use Microdata, persons with disabilities over age 5 comprise 13.6% of Manhattan's population (196,600 out of 1,253,980 individuals), and their value as consumers should not be underestimated.

Separately, discriminatory harassment practiced by landlords and directed at their commercial tenants is another area of law that needs improvement and a robust remedy - an objective that is captured in the cause of action in Intro. 851. Recently my office published a report, *Small Business, Big Impact: Expanding Opportunity for Manhattan's Storefronters*, that studied and provided recommendations to reverse the tide of disappearing independent businesses that have stood the test of time and anchored our communities. We confirmed what many felt - the recovery from the 2008 recession and escalating property values contributed to large-scale increases in commercial rents. In a hot market, like the one we're experiencing - fueled by the proliferation of chain stores and banks - the new asking prices per square foot are

triple and more of what long-standing “mom-and-pops” have been paying in some of the most desirable neighborhoods.

Only by holding aggressive landlords accountable can we dissuade such illegal harassment tactics as cutting off tenants’ essential utilities and wearing them down with frivolous court proceedings. That is why I’m proud to support Council Members Cornegy and Levine in advocating for Intro. 851.

I applaud the sponsors of these bills for their commitment to preserving the rights of both consumers with disabilities and small business owners. I am eager to work with the Mayor and members of the Council on these and other strategies to aid small businesses. Further solutions are addressed in our aforementioned report: taking the pressure off lease renewals, modernizing policies governing street vending, encouraging “condo-ization” of storefront space, and creating “low-intensity” commercial districts.

Thank you.