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Gale A. Brewer, Borough President

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**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.