

**Testimony of Amit S. Bagga
New York City Department of Consumer Affairs**

**Before the
New York City Council Committee on Consumer Affairs**

**Hearing on
Introductions 72, 78, 432, 1061, 1299, and 1303 Regarding Vending**

October 26, 2016

Good morning, Chairman Espinal and members of the committee. I am Amit S. Bagga, Deputy Commissioner of External Affairs for the New York City Department of Consumer Affairs, and I am joined by several of my colleagues from our agency this morning. On behalf of Commissioner Salas, I would like to thank you for the opportunity to speak with the committee today about vending, an important issue not only for vendors, but also for consumers, businesses, and anyone who lives or works on a street where vending takes place.

DCA's new mission is to protect and enhance the daily economic lives of New Yorkers to create thriving communities. We serve New York City's consumers, businesses, and working families, enforcing laws and providing services that address the needs of New Yorkers, from their wallets to their workplaces. We thank the Council for calling today's hearing, as it gives City agencies, lawmakers, and the public an opportunity to provide comment on proposed vending-related legislation. As one of the many City agencies involved in vending, we appreciate this opportunity to offer testimony.

Under current law, individuals who sell goods or services on our city's sidewalks, typically known as "general vendors," must obtain a license from DCA. These are vendors who largely sell merchandise and do not sell food. Previous City Councils, concerned about potential congestion of city sidewalks, moved to limit the number of general vendor licenses that can be active at any given time. Since 1979, the total number of general vendor licenses has been capped by law at 853. Honorably discharged veterans are able to apply for general vendor licenses beyond the cap. There are currently 1,910 licensed general vendors, of which 712 are non-veterans and 1,198 are honorably discharged veterans. Certain honorably discharged disabled veteran vendors are granted privileges to vend in areas otherwise restricted to non-veteran vendors, as well as honorably discharged able-bodied veteran vendors; these privileges are granted by New York State General Business Law.

DCA's role in street vending is limited to licensing general vendors and accepting paper applications for mobile food vendor licenses and permits on behalf of the Department of Health at our licensing centers. We do not play a role in the regulation of food vendors and also do not have authority or jurisdiction in terms of determining the number of licenses available to the public, which is the purview of the Council. Additionally, DCA does not play a role in determining where and when general vendors can vend. Furthermore, DCA does not conduct any vending enforcement, with the exception of price posting by food vendors, which is largely

complaint-based. Additionally, we do not have the authority to confiscate goods from vendors or make any arrests.

General vending is just one of the many types of on-street commercial activities that DCA licenses. In addition to general vending licenses, we issue licenses to restaurants with sidewalk cafes, individual newsstands, and businesses that utilize “stoop line” stands, which are the wooden stands are most often used by grocery stores and bodegas to display produce and flowers, among other items. Currently, there are approximately 2,000 licensed stoop line stands, 1,400 sidewalk cafes, and 300 newsstands across the city.

Taken together, mobile food and general vending, stoop line stands, sidewalk cafes, and newsstands, while all honorable potential pathways to economic successes, can contribute to a variety of quality of life concerns. As the licensing agency for many of these types of business activities, DCA hears complaints on nearly a daily basis from community boards, residents, business organizations, and, indeed, Council Members and staff about such issues. In the last year, we’ve heard significant concerns about these issues directly from Council Members representing Brighton Beach, Flushing, and Bay Ridge, among other neighborhoods.

Current laws and rules, subject to the jurisdiction of several different agencies, allow for many different types of commercial activity to take place on the same block or set of blocks at the same time. For example, Council Member Levine, in your district, on Broadway between West 97th and West 125th Streets, vending, sidewalk cafes, newsstands, and stoop line stands are all permissible. On this strip, in addition to vendors, there are 21 licensed sidewalk cafes, seven stores with stoop line stands, and four newsstands. Even in locations where vending is restricted and other commercial activity takes place, such as parts of Main Street in Flushing and 86th Street in Bay Ridge, we have been made aware by the local community boards and Council Members that unlicensed vending is commonplace and has, at times, severely exacerbated other on-street issues.

At this time, no clear mechanism exists that enables the City to assess whether or not small businesses strips, such as Fordham Road, Jamaica Avenue, Manhattan’s Third Avenue, Kings Highway, or Victory Boulevard, are appropriate for different types of commercial activities. In fact, several agencies are involved in the process of license issuance for these commercial activities and there currently exists no singular process by which there can be an ongoing review of the use of sidewalk space for commercial activity.

In 1995, which is when vending street restrictions were last assessed in a substantive manner, the population of New York City was approximately 7.3 million; today, it stands at more than 8.4 million. Additionally, a record 59 million tourists are now visiting New York City on an annual basis. Many neighborhoods bustling with bars, restaurants, and other commercial activity in 2016 saw a fraction of such activity in 1995. The City would greatly benefit from a legally-authorized ability to revisit the scope of on-street commercial activity as we evolve and grow.

Determining the viability of any given street to be open to vending requires all of us to be mindful of other commercial activity on streets. We would respectfully offer to the Council that in addition to basic license issuance considerations, assessing the appropriateness of a block,

commercial strip, or neighborhood for commercial activity involves questions of density, transit usage, pedestrian clearance and congestion, and importantly, neighborhood character, and such questions would have to be taken into account during any deliberative process. We agree strongly with the Council that the regulation of street vending demands a collaborative approach, and we are happy to play an appropriate role as part of this collaboration.

Identifying solutions to questions regarding vending necessarily 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, particularly for immigrants and veterans, that the marketplace is fair, and our streets are clean and safe. We would all benefit from concise, clear, and consistent guidelines for the conduct of commercial activity on city sidewalks and we look 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; my colleagues and I will be happy to answer any questions from the committee.