

Russell Squire
Chair

Will Brightbill
District Manager



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**The City of New York
Community Board 8 Manhattan
Vendor Committee Meeting
Tuesday October 12, 2021 - 6:30 PM
This meeting was conducted via Zoom**

Minutes

Present: Michele Birnbaum, Rami Sigal, Marco Tamayo, Barbara Rudder

The meeting began at 6:33 via Zoom.

The agenda items were as follows:

Item 1: Review of past Board resolutions on Street Vending

Item 2: Review of new Vendor Law passed by City Council: Intro #116B now known as Legislation No. 18.

Item 3: Presentation by the Department of Consumer Affairs about their new role as Street Vending enforcing agents.

In order to have a basis for discussion on newly passed vendor legislation, a review of past Board resolutions ensued. The Board office shared the screen showing Committee resolutions passed by the Board for the years 2006, 2009, 2011 (2), 2013 (3), 2016, 2017, 2018. Michele Birnbaum read the resolutions in an effort to let attendees know what the Board had asked for in past years relevant to improving the quality of life of all members of our community and suggesting ways to improve vendor enforcement and compliance. (Resolutions attached.)

Michele welcomed Tanjila Rahman of the newly formed DCWP (Department of Consumer and Workman Protection) which is replacing the DCA (Department of Consumer Affairs).

Tanjila and Michele summarized Local Law No. 18, the new vendor law which re-organizes the government jurisdiction over street vending and vending enforcement protocols.

Item 2: Review of new Vendor Law passed by City Council: Intro #116B now known as Legislation No. 18.

Highlights of that are, as follows: (The entire bill is attached.)

- (a) Newly-formed Office of Street Vendor Enforcement – at the moment it has 14 or 15 staff members dedicated to conducting vending inspection; plans to hire 10 additional inspectors.
- (b) Will add 4,000 new supervisory licenses over the next decade starting in 2022; of the 400 per year, 100 permits allow Manhattan vending or any other borough if they chose. The rest allow for vending in other boroughs.
- (c) The Permit holder must always be present at the cart. By 2032, all permits will transfer to this system. This is supposed to eliminate the illegal practice of renting out the permits.

- (d) Will create an advisory board to monitor the enforcement unit consisting of reps for street vendors, the small business community, workers at retail food stores, property owners and community organizations, as well as city agencies, i.e., Consumer and Worker Protection, Transportation, and Health and Mental Hygiene.
- (e) Both food and general merchandise vendors will need to maintain 20 feet from stoop line stands and sidewalk cafes, building entrances and service entrances that are residential; stores, theaters, movie houses, sports arenas, or other places of public assembly.
- (f) Green Carts program would be expanded to increase options for selling healthy foods (mentions nuts but all not clearly defined).
- (g) Permit vs. Supervisory permits
- (h) The department shall make available for 45 supervisory licenses per 12-month period for 10 consecutive years beginning on July 1, 2022.
- (i) Establish a waiting list, not to exceed four hundred
- (j) Can issue a maximum of 1000 fresh fruits and vegetable permits – 500 issued in the first year: 500 in the second year.
- (k) Designates the number of green carts for each borough – 150 in Manhattan- No green carts in the 19th Precinct
- (l) Exhaust the waiting list before giving licenses to new applicants.
- (j) Must have a certificate of training every 4 years
- (k) Fees: \$500 annual for supervisory license; \$25 for license or renewal; \$100 for vehicle selling foods prepared or processed therein.
- (l) License must be worn conspicuously
- (m) Licenses valid for two years.
- (n) No general vendor shall vend within 20 feet from cafes or within 5 feet from bus shelters, newsstands, public telephones, or disabled access ramps.
- (o) Agency will provide a website of maps of restricted streets
- (p) Street vendor advisory board: Commissioner of Consumer and worker protection, of health and mental hygiene, of small business services, of transportation, and the police commissioner or the designee of any such commissioner – six members appointed by the speaker, two of whom represent street vendors, one represents the small business community, one represents organizations representing workers at retail food stores, one represents property owners and one represents a community organization and four members appointed by the mayor – two represent street vendors and two represent small business.
- (q) The advisory board shall make recommendations as to whether licenses issued should be restricted, expanded, or otherwise altered based on an analysis of the results of the increased number of food vendor permits issues. The advisory board will also review and evaluate the effectiveness or restrictiveness and equity of sidewalk space and whether this law should be amended to accommodate their review results.
- (r) Oversee the designation of community spaces for vendors, specific locations for food trucks and the availability of commissary space.

Item 3: Presentation by the Department of Consumer Affairs about their new role as Street Vending enforcing agents.

Tanjila explained the new role of the various city agencies with respect to vendor enforcement. The DCWP will issues licenses and do daily street enforcement and respond to requests for enforcement. She explained that while each food cart is fitted with an electronic chip, there has been no program put in place which would use that chip. Michele offered that it could be use for siting assignments and for monitoring the cart's 24 hour required trip to a commissary.

Tanjila talked about the new Advisory Board, consisting of the Commissioner of Consumer and Worker Protection, Commissioner of Health and Mental Hygiene, Commissioner of Small Business services, Commissioner of Transportation, and the Police Commissioner or the designee of any such commissioner.

Tanjila informed us that the enforcement squad consists of 15 people, now, with an eye towards increasing that number to 20 for all five boroughs. There are concerns about that being an adequate number for city-wide enforcement.

Members of the public, Robin Osterow, Barbara Kreger and Aura Massarsky voiced concerns about vendors remaining in place for 24-hour periods, being too competitive with businesses selling like merchandise and being part of larger conglomerates who park their inventory trucks illegally for days as they re-supply their fruit stands. Aura noted one vendor who owns 4 vehicles. Barbara Kreger asked why vendors are permitted to use plastic bags, but supermarkets are not.

Barbara Morris, a veteran vendor, and a regular attendee of our meetings expressed displeasure with this new law, as it does not give consideration to the veteran vendors and leaves them with confusion over the new structure. She affirms that she and other veteran vendors are not represented by the Street Vendor Project and reports that the vendors in front of the Metropolitan Museum of Art are not veterans, as they report to be.

Marco stated that he wants judges to give punitive remediation to vendors who get tickets and not discard those tickets as they frequently do.

Rami Sigal voiced concern over confiscation of street vendor fruits and vegetables and over the monitoring of emissions by idling truck vendors. Marco noted that the EPA oversees emission standards, and that they do not go to every individual vendor to monitor their emissions.

Much was discussed about the shortfall of the new Law with the acknowledgment that it could have been strengthened had Community Board 8 mitigation advice been included.

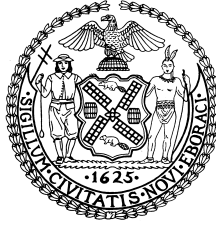
The meeting was adjourned at approximately 8:30 PM.

Respectfully submitted,

Michele Birnbaum and Marco Tamayo, Co-Chairs

David G. Liston
Avenue
Chair

N.Y. 10022
Elizabeth McKee
District Manager
(Fax)



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**The City of New York
Manhattan Community Board 8**

January 23, 2006

Mayor Michael Bloomberg
City Hall
New York, New York 10007

RE: MANHATTAN COMMUNITY BOARD 8 STREET VENDOR RESOLUTION

Dear Mayor Bloomberg:

At the January 18, 2006 Full Board Meeting of Community Board 8M, the following resolution was adopted by a vote of 37 in favor, 0 opposed and 2 abstention;

WHEREAS the Community Board is concerned about the proliferation of legal and illegal Street Vendors throughout our community district, and

WHEREAS there is significant sidewalk congestion on many streets in Community Board 8, and
WHEREAS the current rules governing street vendors do not adequately protect the public and allow pedestrians to move freely, and

WHEREAS the current rules allow too many vendors in a given area, and

WHEREAS the Community Board understands the difficulty of enforcing street vendor laws and the challenges it places on the NYPD's resources, and

WHEREAS the Community Board is concerned about pedestrian safety, especially for seniors who have difficulty navigating through the narrow sidewalk space, and

WHEREAS serious safety hazards are created when pedestrians are forced into the street because of sidewalk crowding, and

WHEREAS the Community Board is concerned about the sale of counterfeit merchandise, and

WHEREAS the Community Board supports local stores who pay taxes and are responsible for maintaining the cleanliness of the sidewalks in front of their establishment for 18" from the curb, and

WHEREAS street vendors routinely ignore the cleanliness of the areas they occupy, and

THEREFORE BE IT RESOLVED THAT Community Board 8 urges the City to maintain all currently restricted streets, and

BE IT RESOLVED FURTHER THAT any street restricted to side walk café's should also be restricted to street vendors, and

BE IT FURTHER RESOLVED THAT the City establish a dedicated enforcement group similar to the Traffic Enforcement Unit specializing in vendor enforcement, still under the control of the NYPD, and

BE IT FURTHER RESOLVED THAT the City reinstate the Vendor Review Panel, and

BE IT FURTHER RESOLVED THAT the City enforce restrictions on the main thoroughfares and streets which are ambulance routes in CB 8, and

BE IT FURTHER RESOLVED THAT the City consider reducing the number of street vendor permits as the East Side sidewalk congestion has worsened, and

BE IT FURTHER RESOLVED THAT the City consider instituting 14 foot clearances for pedestrians on all sidewalks where vending is permitted, and

BE IT FURTHER RESOLVED THAT penalties should be increased for vendors who sell illegally and sell counterfeit merchandise and that fingerprinting should be used to prevent repeat offenders, and

BE IT FURTHER RESOLVED THAT the rules governing vendors be standardized for easier enforcement, and

BE IT FURTHER RESOLVED THAT vendor licenses be issued that are difficult to counterfeit, and

BE IT FURTHER RESOLVED THAT signage and furniture used by street vendors be standardized for easier compliance and enforcement of the regulations that govern signage and furniture, and

BE IT FURTHER RESOLVED THAT street vendors be prohibited from mainly residential side streets and areas zoned residential and land marked residential buildings, and

BE IT FURTHER RESOLVED THAT street vendors be restricted on cross town bus routes such as 96th Street, 86th Street, 79th Street, 72nd Street and parts of 66th Street, 67th Street and 68th Street, and

BE IT FURTHER RESOLVED THAT street vendors be restricted on ambulance routes especially those on a direct route to the hospital such as 70th and 77th Streets, and

BE IT FURTHER RESOLVED THAT street vendors be restricted at transportation hubs such as the Subway exits at 96th Street, 77th Street, 86th Street and 68th Street,

BE IT FURTHER RESOLVED THAT a street vendor should be restricted from selling outside a store that sells the same merchandise.

Sincerely,

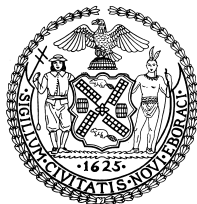
David G. Liston
Chair

Cos Spagnoletti & Nicholas Viest
Co-Chairs, Street Life Committee

Cc: Hon. Liz Krueger, NYS Senator
Hon. Jonathan Bing, NY State Assembly Member
Hon. Alexander B. Grannis, NY State Assembly Member
Hon. Scott Stringer, Borough President
Hon. Jessica Lappin, Council Member
Hon. Dan Garodnick, Council Member
Mr. J. G. Kennelly, Director of Enforcement, DCA
Mr. Joseph Caleb, Director of the Office of Mobile Food Vending, Department of Health
Commissioner Raymond W. Kelly
Deputy Inspector James Rogers, 19th Precinct

Jacqueline Ludorf
Chair

Latha Thompson
District Manager



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**The City of New York
Manhattan Community Board 8**

September 24, 2009

Honorable Michael Bloomberg
Mayor of City of New York
City Hall
New York, NY 10007
Fax: 212-788-2989

RE: **Street Vendors within the Upper East Side**

Dear Mayor Bloomberg:

At the September 16, 2009 Full Board meeting of Manhattan Community Board 8, the following resolution was adopted by a vote of 46 in favor, 1 opposed, and 0 abstention.

WHEREAS CB8M has previously expressed its concerns over the issue of street vendors in a resolution dated January 23, 2006, and

WHEREAS the problems associated with legal and illegal street vendors continue to worsen in our community, and

WHEREAS the current system of regulation and enforcement has failed to address these problems,

BE IT RESOLVED THAT the city establish clear and specific street restrictions, including a limit on the number of locations per block, and

BE IT FURTHER RESOLVED THAT the city establish a new permitting system tied to specific vending locations, and

BE IT FURTHER RESOLVED THAT the city establish a dedicated enforcement agency, and

BE IT FURTHER RESOLVED THAT the city establish guidelines on the design and appearance of pushcarts and sidewalk furniture.

Please advise this office of any action taken regarding this matter.

Sincerely,

Jacqueline Ludorf
Chair

Nicholas Viest
Chair, Vendor Task Force Committee

Cc: Hon. Michael Bloomberg, Mayor of the City of New York
Hon. Scott M. Stringer, Manhattan Borough President
Hon. Jose Serrano, New York State Senator
Hon. Liz Krueger, New York State Senator
Hon. Micah Kellner, New York State Assembly Member
Hon. Jonathan Bing, New York State Assembly Member
Hon. Jessica Lappin, New York City Council Member

2011 Vendor Task Force Committee – Nicholas D. Viest, Chair

RE: Street Vendors within the Upper East Side

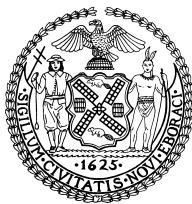
Manhattan Community Board 8 adopted the following resolutions regarding street vendors within the Upper East Side.

WHEREAS street vendors continue to proliferate in Community Board 8,
WHEREAS this proliferation has led to over-crowded sidewalk conditions and unsanitary conditions,
WHEREAS many of the vendors are illegal or not in compliance with city regulations,
WHEREAS the Conditions Unit within the 19th Precinct does an admirable job enforcing vendor regulations,
WHEREAS the Conditions Unit operates from 6a – 4p Tuesday to Saturday,
WHEREAS enforcement is left to patrol officers between 4p – 6a and on Sundays and Mondays,
WHEREAS the NYPD resources have been stretched thin by these budget cuts,
WHEREAS patrol officers are not trained regarding vendor enforcement because of budget cuts,
WHEREAS midtown has a dedicated unit of the NYPD designed to enforce vendor regulations,
WHEREAS street vendor regulations have become increasingly difficult to enforce because of these fiscal restraints and the complexity of the laws that apply to vendors,
BE IT RESOLVED THAT Community Board 8 re affirms its resolutions of 2006 and 2009,
BE IT FURTHER RESOLVED THAT Community Board 8 recommends that a separate Vendor Task Force, with a dedicated funding source under the command of the NYPD, be specifically trained and dedicated to enforcing vendor regulations.
Manhattan Community Board 8 adopted this recommendation by a vote of 31 in favor, 7 opposed, and 2 abstentions.

WHEREAS street vendor regulations are increasingly difficult to enforce,
WHEREAS police officers not in the Conditions Unit are often not trained in specific vendor regulations,
WHEREAS vendor regulations require specific sizes for street furniture,
WHEREAS general merchandise vendors use varieties of different street furniture to sell their goods,
WHEREAS this furniture is often unattractive,
WHEREAS standardized furniture and signage would help enforcement easily identify non compliant furniture and illegal vendors,
WHEREAS standardized furniture and signage could be designed to be attractive,
WHEREAS standardized furniture and signage would help enforcement officers,
WHEREAS standardized furniture and signage would also help consumers identify vendors, to whom they direct their business,
BE IT RESOLVED THAT Community Board 8 recommends the city issue standardized street furniture and signage for use by vendors selling General Merchandise.
Manhattan Community Board 8 adopted this recommendation by a vote of 21 in favor, 12 opposed, and 1 abstention.

Nicholas Viest
Chair

Latha Thompson
District Manager



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The City of New York
Manhattan Community Board 8

November 22, 2013

Honorable Michael Bloomberg
Mayor of City of New York
City Hall
New York, NY 10007
Fax: 212-788-2989

RE: Food vendor safety standards and inspections

Dear Mayor Bloomberg:

At the November 20, 2013 Full Board meeting of Manhattan Community Board 8, the following resolution regarding food vendor safety standards and inspections.

WHEREAS the quality and safety of food being sold on the streets is of primary importance to all, and

WHEREAS the food sold on the street, whether cooked or uncooked, is governed by a set of safety rules, but is currently not subject to the same safety and sanitation standards as those required of their bricks and mortar counterparts, and

WHEREAS food vendors have an inadequate inspection schedule, not up to the same schedule as their bricks and mortar counterparts,

THEREFORE BE IT RESOLVED that Community Board 8 asks that the same food safety standards and inspection schedules apply to food vendors as they do to their bricks and mortar counterparts.

This recommendation was approved by a vote of 46 in favor, 0 opposed, and 0 abstentions.

Please advise this office of any action taken regarding this matter.

Sincerely,

Nicholas Viest
Chair

Michele Birnbaum
Chair, Vendor Task Force Committee

Cc: Hon. Scott M. Stringer, Manhattan Borough President
Hon. Jose Serrano, New York State Senator
Hon. Liz Krueger, New York State Senator
Hon. Micah Kellner, New York State Assembly Member
Hon. Dan Quart, New York State Assembly Member
Hon. Jessica Lappin, New York City Council Member
Hon. Daniel Garodnick, New York City Council Member
John J. Doherty, Commissioner, Department of Sanitation
Jonathan Mintz, Commissioner, Department of Consumer Affairs
Thomas Farley, Commissioner, Department of Health and Mental Hygiene
Margaret Forgione, Manhattan Borough Commissioner, Department of Transportation
19th Precinct, NYPD

Nicholas Viest
Chair

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The City of New York
Manhattan Community Board 8

November 22, 2013

Honorable Michael Bloomberg
Mayor of City of New York
City Hall
New York, NY 10007
Fax: 212-788-2989

RE: Street vendors and sanitation enforcement

Dear Mayor Bloomberg:

At the November 20, 2013 Full Board meeting of Manhattan Community Board 8, the following resolution regarding street vendors and sanitation enforcement.

WHEREAS there is a New York City Sanitation garbage collection schedule for all buildings in the city and
WHEREAS there are regulations for street vendors which describe how they should dispose of their garbage, and
WHEREAS there are regulations for street vendors which require them to keep the street near their displays clean, and
WHEREAS there are regulations for street vendors which require them to return their garbage to the commissary daily for disposal, and
WHEREAS compliance with these regulations is routinely unenforced and enforcement is not as stringent for vendors as it is for the building owner who bears most of the responsibility, and
WHEREAS we have received numerous complaints from property owners about vendor debris, and
WHEREAS currently the building owner receives fines, because he is responsible for keeping his sidewalk clean up to 14 inches in to the street, and
WHEREAS the presence of vendors adds significant debris to a street and sidewalk,
THEREFORE BE IT RESOLVED that Community Board 8 urges stronger and more consistent enforcement of existing vendor law with respect to sanitation, garbage collection and disposal.

This recommendation was approved by a vote of 46 in favor, 0 opposed, and 0 abstentions.

Please advise this office of any action taken regarding this matter.

Sincerely,

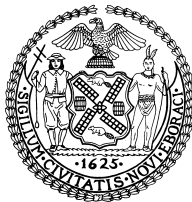
Nicholas Viest
Chair

Michele Birnbaum
Chair, Vendor Task Force Committee

Cc: Hon. Scott M. Stringer, Manhattan Borough President
Hon. Jose Serrano, New York State Senator

Nicholas Viest
Chair

Latha Thompson
District Manager



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The City of New York
Manhattan Community Board 8

November 22, 2013

Honorable Michael Bloomberg
Mayor of City of New York
City Hall
New York, NY 10007
Fax: 212-788-2989

RE: Street vendors and an integrated data tracking system

Dear Mayor Bloomberg:

At the November 20, 2013 Full Board meeting of Manhattan Community Board 8, the following resolution regarding street vendors and an integrated data tracking system

WHEREAS legal street vendors have licenses that are on display and can be viewed by the police and the public, and
WHEREAS a cart permit is available for viewing by the police and the public, and
WHEREAS in accordance with current law, spaces for cart and permit numbers now appear on a ticket, and
WHEREAS this information improves the tracking capability of the NYPD or any enforcing agency, and
WHEREAS enforcing agencies have requested feed-back on the disposition of tickets they have written, and
WHEREAS comprehensive and inclusive feedback is not possible with the current, non-integrated tracking system, and
WHEREAS a comprehensive data base would supply consistency of information to all city agencies, and
WHEREAS a comprehensive data base would document repeat offenders, and
WHEREAS a comprehensive data base would provide accurate records of inspections and violations,
THEREFORE BE IT RESOLVED that Community Board 8 asks that an integrated data tracking system be created to assist all city agencies in enforcement and feed-back for vendor compliance, and
BE IT FURTHER RESOLVED that such a tracking system be linked to the judicial system so as to provide feedback to the NYPD and the other city agencies as to the adjudication of tickets issued.

This recommendation was approved by a vote of 46 in favor, 0 opposed, and 0 abstentions.

Please advise this office of any action taken regarding this matter.

Sincerely,

Nicholas Viest
Chair

Latha Thompson
District Manager



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The City of New York
Manhattan Community Board 8

July 26, 2016

Honorable Bill de Blasio
Mayor of City of New York
City Hall
New York, NY 10007

RE: Street Vendors Restrictions

Dear Mayor de Blasio:

At the June 15, 2016 Full Board meeting of Manhattan Community Board 8, the following resolution regarding street vendors restrictions.

WHEREAS, businesses, hospitals and individuals have made requests to the Community Board asking how a street becomes restricted to vending, and

WHEREAS, there was, in the past, a mechanism called the Vendor Review Panel that provided a mechanism for anyone to make application to have a street restricted to vending, and

WHEREAS, the applicant for a restricted street had to present evidence and rationale for such a request, and

WHEREAS, the Vendor Review Panel is no longer operational, and

WHEREAS, currently there is no such mechanism in the City of New York for making application for a street to be restricted from vending,

THEREFORE BE IT RESOLVED that Community Board 8 strongly requests that such a mechanism be put in to place by the City of New York that would provide clear guidelines as to how to make such an application for a street to be restricted with respect to street vending and that it would be heard and acted upon in a timely manner

This recommendation was a unanimous approval by a vote of 40 in favor, 0 opposed, and 0 abstentions.

Please advise this office of any action taken regarding this matter.

Sincerely,

James G. Clynes
Chair

Michele Birnbaum and Marco Tamayo
Co-Chairs, Vendor Task Force Committee

James G. Clynes
Chair

Latha Thompson
District Manager



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The City of New York
Manhattan Community Board 8

March 20, 2017

Honorable Bill de Blasio
Mayor of City of New York
City Hall
New York, NY 10007

RE: Street Vendor Locations

Dear Mayor Bill de Blasio:

At the March 15th, 2017 Full Board meeting of Manhattan Community Board 8, the Board reviewed following resolution regarding street vendors and the formation of a city entity to address and assign locations for food and general merchandise street vendors:

WHEREAS, there is currently no protocol in the City of New York for assigning locations where a street vendor can do business, and

WHEREAS, Intro # 1303 is calling for an increase in the number of food vendor licenses that are issued each year to 630, 30 of which are for Veteran Vendors, in each of the years until 2025, and

WHEREAS, after this period of time, the cap may be removed on the recommendation of the Department of Transportation, and

WHEREAS, Community Board 8 has already commented on their objections to the increase in the number of licenses until other concerns, such as location and enforcement of existing vendor law are addressed, and

WHEREAS, neither this Intro nor any city entity addresses concerns about street vendor location, and

WHEREAS, Community Board 8 has been receiving numerous complaints about the locations of street vendors, and

WHEREAS, clusters of street vendors cause pedestrian crowding and impede access to subway entrances, and

WHEREAS, customers of businesses with heavy foot traffic are impeded, and

WHEREAS, it would serve the business, residential and vendor community well to have assigned locations for vendors so that vendor clustering could be controlled, and

WHEREAS, vendors would not have to “fight” for their spot each day or remain on the street for 24 hours in order to hold their spot,

THEREFORE, BE IT RESOLVED that a city entity be formed to address and assign locations for food and general merchandise street vendors, and

BE IT FURTHER RESOLVED that such an entity have significant input from the Community Board and residents and businesses in the community.

This recommendation was approved by a vote of 41 in favor, 0 opposed, and 0 abstentions.

Please advise this office of any action taken regarding this matter.

Sincerely,

James G. Clynes
Chair

Michele Birnbaum & Marco Tamayo
Co-Chairs, Vendor Task Force Committee

Alida Camp
Chair

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District Manager



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The City of New York
Community Board 8 Manhattan

February 20, 2020

Andrea Stewart-Cousins
Temporary President and Majority Leader
New York State Senator, The New York State Senate
188 State Street, Room 907, Legislative Office Building
Albany, New York 12247

RE: Opposition to State Bill #6817

Dear Majority Leader Cousins,

At the Full Board meeting of Community Board 8 Manhattan held on February 19, 2020, the board **approved** the following resolution by a vote of 32 in favor, 1 opposed, 2 abstentions, and 0 not voting for cause.

Whereas: State Senate Bill #6817 has standards that will be required of all local legislative bodies; and

Whereas: this bill would ultimately eliminate the cap on the number of street vendors, and

Whereas: there will be no location restrictions on street vending except if the location is directly related to objective health, safety or welfare concerns, and

Whereas: roaming street vendors will not be prohibited from selling food or merchandise in a park owned or operated by the city, and

Whereas: the tracking devices to be placed on all vending carts when the license comes up for renewal, will not be used to track vendor locations, and

Whereas: no tracking system has been put in place to track vendors' compliance with commissary use, and

Whereas: fines for vending without a license are as follows: A fine not exceeding \$250 for the first infraction, a fine not exceeding \$500 for a second violation within one year of the first violation, and upon proof of a valid permit, the fines set forth will be reduced or dismissed, and

Whereas: if a licensed street vendor has an infraction, the judge may take into consideration the vendor's ability to pay, and

Whereas: street vending infractions will not be punishable as an infraction or a misdemeanor, and may be resolved by completing community service in lieu of paying the total fine, or a judge may offer another remedy, and

Whereas: there is nothing in the bill that calls for a Vendor Enforcement Commission, and
Whereas: there is nothing in the bill that asks for community involvement in vendor citing or enforcement, and

Whereas: this bill is sorely lacking in offering remedies for the quality of life concerns of the community, and

Whereas: this bill is contradictory to Community Board's past resolutions,

Therefore Be It Resolved that Community Board 8 is strongly opposed to the passing of State Bill 6817 as it is currently written, and

Further Be It Resolved, that Community Board 8 wishes for New York State lawmakers to seek input from the residential and business communities for improvements and revisions to this bill that would take all stakeholders in to consideration.

Sincerely,

^{NC}
Alida Camp
Chair

^{WT}
Michele Birnbaum and Marco Tamayo
Co-Chairs, Vendors Committee

cc: Honorable Bill de Blasio, Mayor of the City of New York
Honorable Carolyn Maloney, 12th Congressional District Representative
Honorable Gale Brewer, Manhattan Borough President
Honorable Liz Krueger, NYS Senator, 28th Senatorial District
Honorable Dan Quart, NYS Assembly Member, 73rd Assembly District
Honorable Rebecca Seawright, NYS Assembly Member 76th Assembly District
Honorable Ben Kallos, NYC Council Member, 5th Council District
Honorable Keith Powers, NYC Council Member, 4th Council District

Alida Camp
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The City of New York
Community Board 8 Manhattan

February 20, 2020

Corey Johnson
New York City Council Speaker
New York City Councilmember, The New York City Council
250 Broadway
New York, New York 10007

RE: Opposition to City Council Intro #1116

Dear Speaker Johnson,

At the Full Board meeting of Community Board 8 Manhattan held on February 19, 2020, the board **approved** the following resolution by a vote of 32 in favor, 1 opposed, 2 abstentions, and 0 not voting for cause.

Whereas: City Council Intro # 1116 must comply with the standards, rules and regulations that will be required of all local legislative bodies as set forth in State Bill 6817; and

Whereas: City Intro #1116 seeks to issue a new "supervisory license" and allow supervisory licensees to vend food from any vehicle or pushcart that has a decal; and

Whereas: beginning on June 1, 2020, Department of Mental Health and Hygiene (DOMHM) will issue up to 445 new supervisory licenses per year for ten years; and

Whereas: only 45 licenses would be issued annually to veterans; and

Whereas: the Advisory Board would be in charge of deciding whether or not this number of licenses should be decreased or increased, leading to the possibility that this bill could ultimately eliminate the cap on the number of street vendors; and

Whereas: there will be no environmental impact study prior to passing bills or making decisions that increase or eliminate the number of street vendors; and

Whereas: there will be no location restrictions on street vending except if the location is directly related to objective health, safety or welfare concerns; and

Whereas: roaming street vendors will not be prohibited from selling food or merchandise in a park owned or operated by the city; and

Whereas: there are no location assignments for street vending; and

Whereas: the tracking devices to be placed on all vending carts when the license comes up for renewal, will not be used to track vendor locations; and

Whereas: no tracking system has been put in place to track vendors' compliance with commissary use; and

Whereas: the bill calls for an Advisory Board that consists of Commissioners from Department of Consumer Affairs, Department of Mental Health and Hygiene, Small Business Services, Department of Transportation, and New York Police Department, and five appointees from the Speaker, only one of which would be a representative of a community group; and

Whereas: food vendors will now be permitted to sell “healthy” food and drink in addition to what they now sell; and

Whereas: “healthy” is too broad a term and will lead to a large product base that will essentially create a grocery on the street; and

Whereas: the requested vendor enforcement agents will only operate in the pilot zone; and

Whereas: the bill has no dedicated funding stream for enforcement; and

Whereas: there is no agency assigned jurisdiction; and

Whereas: this bill is sorely lacking in offering remedies for the quality of life concerns of the community; and

Whereas: this bill is contradictory to Community Board’s passed resolutions;

Therefore be It Resolved that Community Board 8 is strongly opposed to the passing of City Council Intro #1116 as it is currently written; and

Further Be It Resolved that Community Board 8 strongly requests that city lawmakers seek input from residential and business communities for improvements and revisions to this bill that would take all stakeholders in to consideration.

Sincerely,


Alida Camp
Chair


Michele Birnbaum and Marco Tamayo
Co-Chairs, Vendors Committee

cc: Honorable Bill de Blasio, Mayor of the City of New York
Honorable Carolyn Maloney, 12th Congressional District Representative
Honorable Gale Brewer, Manhattan Borough President
Honorable Liz Krueger, NYS Senator, 28th Senatorial District
Honorable Dan Quart, NYS Assembly Member, 73rd Assembly District
Honorable Rebecca Seawright, NYS Assembly Member 76th Assembly District
Honorable Ben Kallos, NYC Council Member, 5th Council District
Honorable Keith Powers, NYC Council Member, 4th Council District



Legislation Details (With Text)

File #: Int 1116-2018 **Version:** B **Name:** Expanding the availability of food vendor permits, creating an office of street vendor enforcement, and establishing a street vendor advisory board.

Type: Introduction **Status:** Enacted
In control: Committee on Consumer Affairs and Business Licensing

On agenda: 9/26/2018

Enactment date: 2/28/2021 **Enactment #:** 2021/018

Title: A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to expanding the availability of food vendor permits, creating an office of street vendor enforcement, and establishing a street vendor advisory board

Sponsors: Margaret S. Chin, Carlos Menchaca, Brad S. Lander, Deborah L. Rose, I. Daneek Miller, Karen Koslowitz, Antonio Reynoso, Daniel Dromm, Inez D. Barron, Mark Treyger, Mark Levine, Diana Ayala, Justin L. Brannan, Ruben Diaz, Sr., Stephen T. Levin, Ben Kallos, Public Advocate Jumaane Williams, Ydanis A. Rodriguez, Mathieu Eugene, Alicka Ampry-Samuel, Bill Perkins, Carlina Rivera, Adrienne E. Adams, Francisco P. Moya, Vanessa L. Gibson, James G. Van Bramer, Laurie A. Cumbo, Helen K. Rosenthal, Keith Powers, Rafael Salamanca, Jr., Farah N. Louis

Indexes: Agency Rule-making Required, Council Appointment Required, Other Appointment Required, Oversight, Report Required, Sunset Date Applies

Attachments: 1. Summary of Int. No. 1116-B, 2. Summary of Int. No. 1116-A, 3. Summary of Int. No. 1116, 4. Int. No. 1116, 5. September 26, 2018 - Stated Meeting Agenda with Links to Files, 6. Hearing Transcript - Stated Meeting 09-26-2018, 7. Minutes of the Stated Meeting - September 26, 2018, 8. Committee Report 4/11/19, 9. Hearing Testimony 4/11/19, 10. Hearing Transcript 4/11/19, 11. Proposed Int. No. 1116-A - 1/19/21, 12. Proposed Int. No. 1116-B - 1/26/21, 13. Committee Report 1/28/21, 14. Hearing Testimony 1/28/21, 15. Hearing Transcript 1/28/21, 16. Committee Report - Stated Meeting, 17. January 28, 2021 - Stated Meeting Agenda with Links to Files, 18. Hearing Transcript - Stated Meeting 1-28-21, 19. Int. No. 1116-B (FINAL), 20. Fiscal Impact Statement, 21. Legislative Documents - Letter to the Mayor, 22. Local Law 18, 23. Minutes of the Stated Meeting - January 28, 2021

Date	Ver.	Action By	Action	Result
9/26/2018	*	City Council	Introduced by Council	
9/26/2018	*	City Council	Referred to Comm by Council	
4/11/2019	*	Committee on Consumer Affairs and Business Licensing	Hearing Held by Committee	
4/11/2019	*	Committee on Consumer Affairs and Business Licensing	Laid Over by Committee	
1/28/2021	*	Committee on Consumer Affairs and Business Licensing	Hearing Held by Committee	
1/28/2021	*	Committee on Consumer Affairs and Business Licensing	Amendment Proposed by Comm	
1/28/2021	*	Committee on Consumer Affairs and Business Licensing	Amended by Committee	
1/28/2021	B	Committee on Consumer Affairs and Business Licensing	Approved by Committee	Pass
1/28/2021	B	City Council	Approved by Council	Pass
1/28/2021	B	City Council	Sent to Mayor by Council	
2/28/2021	B	Administration	City Charter Rule Adopted	

3/1/2021 B City Council

Returned Unsigned by Mayor

Int. No. 1116-B

By Council Members Chin, Menchaca, Lander, Rose, Miller, Koslowitz, Reynoso, Dromm, Barron, Treyger, Levine, Ayala, Brannan, Diaz, Levin, Kallos, the Public Advocate (Mr. Williams), Rodriguez, Eugene, Ampry-Samuel, Perkins, Rivera, Adams, Moya, Gibson, Van Bramer, Cumbo, Rosenthal, Powers, Salamanca and Louis

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to expanding the availability of food vendor permits, creating an office of street vendor enforcement, and establishing a street vendor advisory board

Be it enacted by the Council as follows:

Section 1. Chapter 1 of the New York city charter is amended by adding a new section 13-e to read as follows:

§ 13-e Office of street vendor enforcement. There shall be an office of street vendor enforcement, which shall consist of enforcement agents who are specially trained in local laws and rules related to vending on the streets and sidewalks of the city of New York. The office of street vendor enforcement shall be fully operational on or before September 1, 2021 and shall commence enforcement activities on or before such date. Such enforcement activities shall, at a minimum, include a sufficient number of street patrols to inspect or examine the vending activities of at least 75 percent of applicable permittees or licensees on an annual basis. For the purposes of this section, the term “applicable permittees or licensees” means persons issued full-term or temporary permits pursuant to section 17-307 of the administrative code, or persons issued licenses to vend pursuant to sections 17-307 or 17-307.1 of the administrative code, or licenses issued pursuant to section 20-456 of the administrative code. The mayor may establish such office in the executive office of the mayor, within any other office in the executive office of the mayor, or within any department, the head of which is appointed by the mayor. Such office shall have the power and duty to:

a. enforce all local laws and rules related to vending on the streets and sidewalks of the city of New York, other than such local laws and rules related to food safety, including, but not limited to: section 16-118, subchapter 2 of chapter 3 of title 17, subchapter 27 of chapter 2 of title 20 and chapter 1 of title 24 of the

administrative code; article 89 of the health code; and any rules of the city of New York implementing such laws;

b. focus its enforcement efforts on areas including, but not limited to, areas adjacent to retailers that dedicate substantial floor area to the sale of fresh fruits and vegetables, and any other areas identified by the department of transportation as excessively congested and featuring a high level of complaints about vendor activity, if any;

c. collaborate with the department of small business services to provide training, outreach and education to all street vendors on entrepreneurship and compliance with all applicable local laws and regulations, as well as solicit feedback from the street vendor community;

d. receive all complaints related to street vending on the streets and sidewalks of the city of New York from the 311 service center or from any other means; and

e. engage in such other activities related to enforcement of laws related to vending on the streets and sidewalks of the city of New York, or related to improving compliance with such laws, as may be designated by the mayor. For the purposes of this section, "excessively congested" areas include, but are not limited to, areas where pedestrian volume regularly approaches or exceeds the capacity of the sidewalk.

§ 2. Subdivisions q, r and s of section 17-306 of the administrative code of the city of New York, as added by local law number 9 for the year 2008, are amended to read as follows:

q. "Fresh fruits and vegetables". [Unprocessed unfrozen] Unfrozen raw fruits and vegetables that have not been combined with other ingredients.

r. "Fresh fruits and vegetables permit". A full-term permit for the vending at retail solely of fresh fruits or vegetables, [or both,] water, raw single ingredient nuts and any other food designated by the commissioner as healthful pursuant to section 17-324.1, from a pushcart or vehicle in a public place. Unless otherwise specified, a fresh fruits and vegetables permit shall be a permit in accordance with the provisions of this subchapter.

s. "Green cart". A pushcart or vehicle used exclusively by those issued fresh fruits and vegetables full-term permits pursuant to section 17-307 of this subchapter [and which, in addition to being in compliance with all other legal requirements applicable to non-processing pushcarts, must also have a distinctive and easily recognizable appearance in accordance with rules to be established by the commissioner].

§ 3. Section 17-306 of the administrative code of the city of New York is amended by adding new subdivisions u and v to read as follows:

u. "Plate or permit plate". Certificate issued by the department subsequent to inspection and approval of a vehicle or pushcart.

v. "Supervisory license". On or after July 1, 2022, a food vendor license that authorizes the licensee to vend from a vehicle or pushcart for which a permit is issued in accordance with the provisions of this subchapter.

§ 4. Paragraph 1 of subdivision b of section 17-307 of the administrative code of the city of New York, as amended by local law number 9 for the year 2008, is amended to read as follows:

1. (a) It shall be unlawful to vend food from any vehicle or pushcart in a public space without having first obtained a permit for such vehicle or pushcart from the commissioner in accordance with the provisions of this subchapter. On or after July 1, 2032, it shall be unlawful to vend food from any vehicle or pushcart in a public place without a supervisory licensee physically present and vending at such vehicle or pushcart.

(b) The commissioner shall establish standards relating to the size and design of such vehicles and pushcarts. No vendors shall vend from any vehicle or pushcart which does not comply with the standards established by the commissioner. No vendor shall vend from other than a vehicle or pushcart.

(c) No food vendor issued a fresh fruits and vegetables permit shall vend from other than a vehicle or a green cart. No food vendor issued a fresh fruits and vegetables permit shall vend any food other than fresh fruits and vegetables, water, raw single ingredient nuts and other food designated by the commissioner as healthful pursuant to section 17-324.1 from the green cart or vehicle for which the permit was issued.

§ 5. Subparagraph (a) of paragraph 2 of subdivision b of section 17-307 of the administrative code of the city of New York, as amended by local law number 15 for the year 1995, is amended to read as follows:

(a) [On and after July thirtieth, nineteen hundred eighty-three, no] No new full-term permits shall be issued until the number of such permits which are in effect is less than [three thousand] 3,000. Thereafter, the maximum number of such permits which may be in effect shall be [three thousand] 3,000 and no new permits shall be issued in excess of such maximum number. Notwithstanding the limitations on the issuance of new full-term permits, a permit issued prior to [July thirtieth, nineteen hundred eighty-three] July 30, 1983 which is in effect shall be renewable by the licensee to whom the permit was issued subject to the provisions of subparagraph (f) of this paragraph and provided that all other requirements for renewal under the provisions of this subchapter and any rules promulgated pursuant thereto are complied with, the license of the person to whom the permit was issued or the permit has not been revoked or suspended and the licensee has not committed a violation or violations which could be a basis for permit or license revocation or suspension.

§ 6. Clause (ii) of subparagraph (b) of paragraph 2 of subdivision b of section 17-307 of the administrative code of the city of New York, as added by local law number 15 for the year 1995, is amended to read as follows:

(ii) After the initial issuance of such permits, the commissioner shall establish a separate waiting list for each of the relevant boroughs to be administered in accordance with procedures to be established by rules of the commissioner. The commissioner may by rule limit the number of places on each such waiting list. On or after July 1, 2022 all new permits issued pursuant to this subparagraph shall be designated for use exclusively in any borough outside of Manhattan and shall be issued only to the holder of a supervisory license. Such requirement shall not apply to a borough specific permit issued before July 1, 2022 or renewal thereof until July 1, 2032. On or after July 1, 2032, permits issued pursuant to this subparagraph shall issue only to the holder of a supervisory license. Supervisory licenses shall be made available for application to individuals on the waiting lists for borough-specific permits in the order of priority set out in subparagraph (d) of paragraph 5 of this subdivision

until such waiting lists are exhausted.

§ 7. Subparagraph (c) of paragraph 2 of subdivision b of section 17-307 of the administrative code of the city of New York, as amended by local law number 27 for the year 1997, is amended to read as follows:

(c) [On and after January first, nineteen hundred ninety-five, full] Full-term permits issued under this subchapter shall be issued only to persons who at the time of application [for a permit] have not had a full-term or temporary permit or supervisory license revoked or suspended and who satisfy the commissioner that they are fit and able to conduct, maintain or operate a food vending business. Except as otherwise provided in item (B) of clause (ii) of subparagraph (a) of paragraph three of subdivision f of this section, no person shall be issued more than one permit under this subchapter, whether full-term or temporary. Any full-term permit issued under this subchapter on or after July 1, 2022 shall be issued only to the holder of a supervisory license, applications for which shall be distributed in the order prescribed in subparagraph (d) of paragraph 5 of this subdivision.

§ 8. Subparagraph (d) of paragraph 2 of subdivision b of section 17-307 of the administrative code of the city of New York, as added by local law number 15 for the year 1995, is amended to read as follows:

(d) The issuance or renewal of a full-term permit pursuant to this subchapter shall be subject to the permittee within three months after the certification of a complete application therefor presenting a pushcart or vehicle for inspection by the department and within six months after such certification, passing such inspection, except that a supervisory licensee may apply for a permit at any time between acquiring a supervisory license and the expiration of such license.

§ 9. Subparagraph (e) of paragraph 2 of subdivision b of section 17-307 of the administrative code of the city of New York, as added by local law number 15 for the year 1995, is amended to read as follows:

(e) The commissioner shall establish a separate waiting list or lists for the issuance of full-term permits pursuant to this subchapter to be administered in accordance with requirements to be established by rules of the commissioner. The commissioner may by rule limit the number of places on such waiting list or lists.

§ 10. Subparagraph (a) of paragraph 3 of subdivision b of section 17-307 of the administrative code of the city of New York, as amended by local law number 15 for the year 1995, is amended to read as follows:

(a) (i) Notwithstanding the provisions of paragraph two of this subdivision limiting the number of full-term permits that are authorized to be issued, the commissioner may issue up to a maximum of [one hundred] 100 additional full-term permits authorizing the holders thereof to vend food from any vehicle or pushcart in any public place in the city of New York where food vendors are not prohibited from vending. Such permits shall be issued only to natural persons [who at the time of application for a permit hereunder are not holders of a full-term permit issued pursuant to paragraph two of this subdivision and who have not had a full-term permit revoked or suspended. No person shall be issued more than one permit. Such permits].

(ii) The department shall make available for application 45 supervisory licenses per twelve-month period for ten consecutive years beginning on July 1, 2022. In addition to the 100 permits authorized to be issued by clause (i) of this subparagraph, and notwithstanding the provisions of paragraph two of this subdivision limiting the number of full-term permits authorized to be issued, the department shall make available for application to applicants who comply with the requirements for such supervisory licenses an additional 45 permits per twelve-month period for ten consecutive years beginning on July 1, 2022 and issue a permit to each applicant who complies with the requirements for such permit.

(iii) Supervisory licenses available pursuant to this paragraph shall be [issued in the order in which applications for such permits are received] made available for application in accordance with the preferences specified in subparagraph (b) of this paragraph and the procedures established by the commissioner. [The issuance or renewal of a full-term permit pursuant to this paragraph shall be subject to the permittee within three months after the certification of a complete application therefor presenting a pushcart or vehicle for inspection by the department and, within six months after such certification, passing such inspection. After the initial issuance of such permits, the]

(iv) The commissioner shall establish a waiting list, not to exceed four hundred in number, to be

administered in accordance with procedures to be established by rules of the commissioner.

§ 11. Subparagraph (c) of paragraph 3 of subdivision b of section 17-307 of the administrative code of the city of New York is REPEALED.

§ 12. Subparagraph (d) of paragraph 3 of subdivision b of section 17-307 of the administrative code of the city of New York is relettered as subparagraph (c).

§ 13. Subparagraphs (a), (b) and (c) of paragraph 4 of subdivision b of section 17-307 of the administrative code of the city of New York, as added by local law number 9 for the year 2008, are amended to read as follows:

(a) Notwithstanding the provisions of paragraph two of this subdivision limiting the total number of full-term permits that are authorized to be issued, the commissioner may issue up to a maximum of one thousand fresh fruits and vegetable permits, as that term is defined in subdivision r of section 17-306 of this chapter. [The initial issuance of these one thousand fresh fruits and vegetables permits shall be phased in over a two-year period. No more than five hundred permits shall be issued during the first year of permit availability, nor shall more than one-half of the number of fresh fruits and vegetables permits designated for use in a borough be issued during the first year of permit availability. During the second year of permit availability the commissioner may issue the remaining five hundred permits along with any permits from the initial five hundred not issued during the first year of permit availability. Thereafter, the maximum number of such permits which may be in effect shall be one thousand and no new permits shall be issued in excess of such number.] Each of the one thousand fruits and vegetables permits to be issued pursuant to this paragraph shall be designated for use exclusively in a specified borough as follows:

(i) three hundred fifty of such fruits and vegetables permits shall authorize the holders thereof to vend fresh fruits and vegetables, water, raw single ingredient nuts and any other food designated by the commissioner as healthful pursuant to section 17-324.1 from any [vehicle or any] green cart in the borough of the Bronx in the areas designated in clause (i) of subparagraph [b] (b) of this paragraph.

(ii) three hundred fifty of such fruits and vegetables permits shall authorize the holders thereof to vend fresh fruits and vegetables, water, raw single ingredient nuts and any other food designated by the commissioner as healthful pursuant to section 17-324.1 from any [vehicle or any] green cart in the borough of Brooklyn in the areas designated in clause (ii) of subparagraph [b] (b) of this paragraph.

(iii) one hundred fifty of such fresh fruits and vegetables permits shall authorize the holders thereof to vend fresh fruits and vegetables, water, raw single ingredient nuts and any other food designated by the commissioner as healthful pursuant to section 17-324.1 from any [vehicle or any] green cart in the borough of Manhattan in the areas designated in clause (iii) of subparagraph [b] (b) of this paragraph.

(iv) one hundred of such fresh fruits and vegetables permits shall authorize the holders thereof to vend fresh fruits and vegetables, water, raw single ingredient nuts and any other food designated by the commissioner as healthful pursuant to section 17-324.1 from any [vehicle or any] green cart in the borough of Queens in the areas designated in clause (iv) of subparagraph [b] (b) of this paragraph.

(v) fifty of such fresh fruits and vegetables permits shall authorize the holders thereof to vend fresh fruits and vegetables, water, raw single ingredient nuts and any other food designated by the commissioner as healthful pursuant to section 17-324.1 from any [vehicle or any] green cart in the borough of Staten Island in the areas designated in clause (v) of subparagraph [b] (b) of this paragraph.

(b) The issuance or renewal of a full-term permit issued pursuant to this paragraph shall be subject to the permittee within three months after the certification of a complete application therefore presenting a green cart for inspection by the department and, within six months after such certification, passing such inspection. No person shall be issued more than one permit. Fresh fruits and vegetables permits, in addition to being designated for use exclusively in a borough as specified in subparagraph (a) of this paragraph, shall be designated for use exclusively within the police precincts specified below or pursuant to subparagraph (c) of this paragraph, and shall be subject to the same time and place restrictions for vending in such areas as other food vendors:

- (i) Bronx: Police Precincts 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 52;
- (ii) Brooklyn: Police Precincts 67, 70, 71, 72, 73, 75, 77, 79, 81, 83;
- (iii) Manhattan: Police Precincts 23, 25, 26, 28, 30, 32, 33, 34;
- (iv) Queens: Police Precincts 100, 101, 103, 113; and
- (v) Staten Island: Police Precinct 120.

(c) [Notwithstanding any provision of this section to the contrary, within eight months of the effective date of the local law adding this paragraph, the commissioner may exempt by rule any police precinct specified in subparagraph b of paragraph four of this section upon] In addition to the police precincts listed in subparagraph (b) of this paragraph, a fresh fruits and vegetable permits that is designated for use exclusively in a borough as specified in subparagraph (a) of this paragraph may also be designated for use in any other police precinct in such borough that the commissioner has specified in rules of the department, after determining that the rate of consumption of fresh fruits and vegetables in [the] such precinct is [not] substantially lower than the citywide average and that the precinct [does not have] has an elevated rate of nutrition-related health problems compared to the rest of the city.

§ 14. Subdivision b of section 17-307 of the administrative code of the city of New York is amended by adding a new paragraph 5 to read as follows:

5. (a) On or after July 1, 2022 all new permits issued under this subchapter, except fresh fruits and vegetables permits, shall be designated for use only when any holder of a supervisory license is physically present and vending. Such requirement shall not apply to a permit issued before July 1, 2022 or a renewal thereof until July 1, 2032. On or after July 1, 2032, all permits issued under this subchapter, except fresh fruits and vegetables permits, shall be designated for use only when any holder of a supervisory license is physically present and vending.

(b) The commissioner shall make available for application 400 supervisory licenses per twelve-month period for ten consecutive years beginning on July 1, 2022. Notwithstanding the provisions of this subdivision

limiting the total number of full-term permits that are authorized to be issued, the commissioner shall make available a permit application to each license applicant who complies with the requirements for such supervisory license and issue a permit to each permit applicant who complies with the requirements for such permit. On or before July 1, 2032, the commissioner shall make available for application supervisory licenses to any person seeking to renew a permit that was issued under this subchapter before July 1, 2022.

(c) In accordance with procedures to be established by rules of the commissioner, in each twelve month period, 100 of the supervisory licenses made available for application under this paragraph shall be designated for use in any borough, and the remaining 300 such supervisory licenses shall be designated for use in boroughs outside of Manhattan.

(d) Preferences shall be given in the availability of applications for supervisory licenses pursuant to this paragraph and in the placement on a waiting list therefor to the following categories of persons in the following order:

(i) Persons who have held a food vendor license continuously since on or before March 1, 2017 and have been on a waiting list for a full-term permit pursuant to subparagraph (e) of paragraph 2 of this subdivision and remain on such list as of the date an application is made available. Applications shall be made available to such persons by order of numerical rank on the waiting list.

(ii) Persons who have been on a waiting list for a full-term permit pursuant to this subchapter and remain on such list as of the date an application is made available but have not held a food vendor license continuously since on or before March 1, 2017. Applications shall be made available to such persons by order of numerical rank on the waiting list.

(iii) Persons who have held a food vendor license continuously since on or before March 1, 2017 but are were not on a waiting list for a full-term permit pursuant to this subchapter as of the effective date of the local law that added this paragraph.

(iv) Persons who have not held a food vendor license continuously since on or before March 1, 2017

and were not on a waiting list for a full-term permit pursuant to this subchapter as of the effective date of the local law that added this paragraph.

(e) The commissioner may by rule limit the number of places on such waiting list, but shall ensure that such waiting list is operative prior to supervisory licenses becoming available to new individuals.

§ 15. Subdivision d of section 17-307 of the administrative code of the city of New York, as amended by local law number 9 for the year 2008, is amended to read as follows:

d. A food vendor's license shall not entitle the holder thereof to vend any food other than foods which the commissioner or board may authorize or otherwise approve[, except that a]. A food vendor vending from a green cart or vehicle with a fresh fruits and vegetables permit shall [only] not be authorized to vend any food other than fresh fruit and vegetables, water, raw single ingredient nuts and any other food that has been designated by the commissioner as healthful pursuant to section 17-324.1. [No food vendor while acting as such shall vend any item which the commissioner or board has not authorized or otherwise approved.]

§ 16. Section 17-307 of the administrative code of the city of New York is amended by adding new subdivision h to read as follows:

h. No permit or license, including a supervisory license, shall be issued to a person required to have a permit or license pursuant to this subchapter unless such person obtains a certificate issued by the department subsequent to successful completion of a training developed or approved by the department on the vending restrictions contained in this section and any other information the department deems necessary to the safe operation of such vending unit, and passage of an examination administered by the department. The department shall require renewal of such certificate every four years. Renewal shall be contingent on passing an examination regarding the vending restrictions contained in this section and any other information the department deems necessary to the safe operation of such vending unit pursuant to rules promulgated by the department. Any examinations, or educational materials designed for such training program shall be made available in English and in the ten most common languages spoken by limited English proficient individuals in

the city according to the department of city planning. Such educational materials shall be available on the department's website.

§ 17. Subchapter 2 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-307.1 to read as follows:

§ 17-307.1 Supervisory licenses

a. License restrictions. In addition to laws applicable to food vendors, the following additional requirements apply to supervisory licensees:

1. A permittee issued a supervisory license shall not allow the operation of such permittee's vehicle or pushcart unless such permittee or another holder of a supervisory licensee is physically present and vending at such vehicle or pushcart, subject to any exceptions provided in rules of the commissioner.

2. A person issued a supervisory license may not vend food from any vehicle or pushcart located outside of the geographical restrictions on such person's supervisory license unless a licensee authorized to vend alone from such vehicle or pushcart is also physically present and vending or the permit for such vehicle or pushcart does not require the presence of a supervisory licensee.

b. Eligibility for supervisory license.

1. The department shall issue a supervisory license only to a natural person.

2. The department shall not issue a supervisory license to any person who at the time of application had a full-term or temporary permit or supervisory license revoked or suspended or who is not fit and able to conduct, maintain or operate a food vending business.

3. The department shall not issue a supervisory license to any person who is a minor.

4. No person shall be issued more than one supervisory license.

§ 18. Subdivision b of section 17-308 of the administrative code of the city of New York is amended to read as follows:

b. The annual fee for a license or renewal thereof shall be twenty-five dollars, except that the annual fee

for a supervisory license shall be five hundred dollars; provided, however, that for an initial license issued for more than two years the applicable license fee shall be increased proportionally to the nearest quarter year.

§ 19. Paragraph 2 of subdivision c of section 17-308 of the administrative code of the city of New York is amended to read as follows:

2. For a vehicle selling foods prepared or processed therein: [one hundred dollars] as specified by rules of the commissioner.

§ 20. Subdivision b of section 17-311 of the administrative code of the city of New York, as amended by local law number 108 for the year 2017, is amended to read as follows:

b. The food vendor's license, including a supervisory license, shall be worn conspicuously by him or her at all times while he or she is operating as a food vendor.

§ 21. Section 17-311 of the administrative code of the city of New York is amended by adding a subdivision e to read as follows:

e. A permit plate on a vehicle or pushcart issued to a supervisory licensee shall indicate, either by color or other designation of the department's choosing, that such vehicle or pushcart may only be operated when a supervisory licensee is physically present and vending at such vehicle or pushcart.

§ 22. Subdivision d of section 17-315 of the administrative code of the city of New York, as amended by local law number 18 for the year 2013, is amended to read as follows:

d. No vending pushcart shall be located against display windows of fixed location businesses, nor shall they be within twenty feet of any licensed stoop line stand, licensed sidewalk cafe, or any entranceway to any building, store, theatre, movie house, sports arena or other place of public assembly, or within twenty feet from exits, including service exits, to buildings that are exclusively residential at the street level.

§ 23. Section 17-315 of the administrative code of the city of New York is amended by adding a new subdivision m to read as follows:

m. The department, or such other agency designated by the mayor, shall provide a website that shows a

map of block faces where food vending is prohibited by law, based on the day and hour entered by the user.

§ 24. Paragraph 5 of subdivision a of section 17-317 of the administrative code of the city of New York, as added by local law number 9 for the year 2008, is amended to read as follows:

5. A licensee issued a "fresh fruits and vegetables" permit, pursuant to paragraph 4 of subdivision b of section 17-307 of this subchapter, is found to be vending food [other than fresh fruits and vegetables] such licensee is not permitted to sell or is found to be vending in a police precinct other than one in which the licensee is authorized to vend in accordance with [his (her)] such licensee's borough-specific permit.

§ 25. Subdivision a of section 17-317 of the administrative code of the city of New York is amended by adding a new paragraph 6 as follows:

6. A vehicle or pushcart for which the department issued a permit to a supervisory licensee is found to be operating without the presence of a person who has been issued a supervisory license or outside of the geographical restrictions permitted by the supervisory license.

§ 26. Subdivision e of section 17-321 of the administrative code of the city of New York, as added by local law number 20 for the year 2013, is amended to read as follows:

e. Any notice of violation issued to a food vendor by an officer or employee described in subdivision a of this section that is returnable to [the environmental control board] a tribunal established within the office of administrative trials and hearings or within any agency of the city of New York designated to conduct such proceedings, or to any court of competent jurisdiction, shall state the permit number of the vehicle or pushcart associated with such notice of violation. Any penalty duly imposed by such tribunal, and any fine or penalty imposed by such court, shall be considered to have been issued against the permittee associated with such permit number for the purposes of the non-issuance or renewal of a food vendor permit pursuant to subdivision b of section 17-317.

§ 27. Title 17 of the administrative code of the city of New York is hereby amended by adding a new section 17-324.1 to read as follows:

§ 17-324.1 Other foods. The commissioner may designate by rule a list of healthful foods in addition to fresh fruits and vegetables, water, and raw single ingredient nuts, provided that any food designated as healthful is in alignment with evidence-based dietary recommendations.

§ 28. Subdivision a of section 20-454 of the administrative code of the city of New York is amended to read as follows:

a. All licenses issued pursuant to this subchapter shall be valid for [one year] two years unless sooner suspended or revoked. The commissioner shall establish by regulation the expiration date of such licenses.

§ 29. Subdivision q of section 20-465 of the administrative code of the city of New York, as added by local law number 12 for the year 1989, is amended to read as follows:

q. No general vendor shall vend:

1. within twenty feet from sidewalk cafes or licensed stoop line stands; and
2. within five feet from (a) bus shelters, (b) newsstands, (c) public telephones or (d) disabled access ramps[; and].

§ 30. Section 20-465 of the administrative code of the city of New York is amended by adding a new subdivision r to read as follows:

r. The department, or such other agency designated by the mayor, shall provide a website that shows a map of block faces where general vending is prohibited by law, based on the day and hour entered by the user.

§ 31. Subchapter 27 of chapter 2 of title 20 of administrative code of the city of New York is amended by adding a new section 20-465.2 to read as follows:

§ 20-465.2 Street vendor advisory board. a. There is hereby established a street vendor advisory board consisting of the commissioner of consumer and worker protection, the commissioner of health and mental hygiene, the commissioner of small business services, the commissioner of transportation, and the police commissioner, or the designee of any such commissioner, six members appointed by the speaker, two of whom represent street vendors, one of whom represent the small business community, one of whom represents

organizations representing workers at retail food stores, one of whom represents property owners and one of whom who represents a community organization, and four members appointed by the mayor, two of whom represent street vendors and two of whom represent the small business community.

b. In addition to its other duties, the street vendor advisory board shall, prior to June 1 of each year from 2023 through 2030, issue to the speaker of the council a recommendation on whether the department of health and mental hygiene's authority to issue any or all of the supervisory licenses authorized to be issued by such department should be restricted, expanded, or otherwise altered based on an analysis of the results of the increased number of food vendor permits issued pursuant to the local law that added this section.

§ 32. The street vendor advisory board shall convene no later than April 28, 2021. The board shall review and evaluate all state and local laws and rules related to street vendors, including placement restrictions such as the minimum distance of 20 feet from any building entrance or exit, and the process for obtaining a street vendor license or permit pursuant to titles 17 and 20 of the administrative code of the city of New York. In conducting such review and evaluation the board shall consider whether such laws and rules should be clarified, are overly burdensome, or are duplicative. Such review shall also include an assessment of how the open streets, open restaurants and open storefronts programs affect the availability of legal spaces to vend, as well as whether new placement restrictions should be considered to ensure equitable and efficient use of sidewalk and street space. On or before November 1, 2021, the board shall submit to the speaker of the council and the mayor a report containing the board's recommendations in relation to amendments to local laws and/or rules based on such review and evaluation and the basis for each recommendation. Such report shall also include recommendations for the creation of designated community spaces where street vendors can congregate to vend, including specific recommendations concerning appropriate locations for food trucks and the availability of commissary space throughout the city.

§ 33. The commissioner of health and mental hygiene shall open the waiting list for full-term permits operated pursuant to subparagraph (e) of paragraph 2 of subdivision b of section 17-307 of the administrative

code of the city of New York as soon as practicable, but no later than six months prior to the first issuance of supervisory licenses pursuant to subparagraph (b) of paragraph 5 of subdivision b of section 17-307 of the administrative code of the city of New York. At such time, only persons who have held a food vendor license continuously since on or before March 1, 2017 may be added to the waiting list.

§ 34. Nothing in this local law limits the authority of any agency granted elsewhere in law to enforce any law or rule.

§ 35. Sections one, three, four, five, six, seven, eight, nine, ten, eleven, twelve, fourteen, seventeen, eighteen, twenty, twenty-one, twenty-five, twenty-six, thirty-three and thirty-four of this local law take effect immediately. Sections two, thirteen, fifteen, twenty-four, twenty-seven, twenty-eight, thirty-one and thirty-two of this local law take effect 90 days after they become law. Sections sixteen, nineteen, twenty-two and twenty-nine of this local law take effect 180 days after they become law. Sections twenty-three and thirty of this local law take effect 1 year after they become law.

RC/LUR/DSS/BJR/BAM
LS 1334/Int 1303/2016
LS 634
1/20/2021