

Russell Squire
Chair

Will Brightbill
District Manager



505 Park Avenue, Suite 620
New York, N.Y. 10022-1106
(212) 758-4340
(212) 758-4616 (Fax)
www.cb8m.com – Website
info@cb8m.com – E-Mail

The City of New York
Community Board 8 Manhattan
Vendor Committee
June 29, 2022 – 6:30 PM
Conducted Remotely on Zoom

Board Members Present: Michele Birnbaum, Loraine Brown, Lindsey Cormack, Marco Tamayo, and Monica Sanchez*

***Public Member**

Item 1: A representative from the Department of Consumer and Worker Protection will be present to discuss the new street vendor protocols and enforcement as per the two documents attached.

Charlie Driver, a representative from the Department of Consumer and Worker Protection, was present to discuss the new street vendor protocols and enforcement as per the two documents attached, Local Law 18 and an article by the Mayor describing the new protocols.

The requirements for street vendor protocols are outlined in Local Law 18 which was signed into law in January 2021. Following this, the Council additionally created the *Office of Street Vendor Enforcement* (OSVE) and the *Street Vendor Advisory Board*, tasking the Board with reviewing and evaluating all State and City laws and rules that regulate vending in New York City. This Board does not necessarily incorporate the laws, as they are described in Local Law 18.

Charlie Driver explained that both Local Law 18 and the Advisory Board call for an increase in the numbers of food vendors on the street. The Board is made up of five representatives from five city agencies, DCWP, DOHMH, DOT, NYPD, SBS and was commissioned to deal with vending law and open up the city to more street vending. In addition to these agencies, 2 members represent street vendors, 1 member represents workers in retail food stores, 1 member represents property owners, 1 member represents small businesses, and 1 member represents community organizations. Mayor De Blasio also appointed 2 members to represent street vendors and 2 members to represent small business constituencies.

In May 2022, the Advisory Board released 20 steps to deal with street vending. See attached documents.

The *Department of Consumer Affairs and Worker Protection* and the *Department of Health and Worker Protection* along with the *Parks Department* are the main enforcers with the Police Department enforcing criminal and counterfeit acts.

Michele B. asked how much of what the Panel issued is law. Charlie said none of it is law. It is a consensus. It includes the expansion of permits and a supervisory permit and requires that one person who is a permit holder be with the cart at all times. Michele asked - How much of Local 18 is being enforced, and who is enforcing the law, at the moment? Charlie answered that very little of it is enforceable and that there have been no changes to the time, place and manner of vending; the changes are visionary. He further explained that the expansion of the number of permits will begin in 2023 with 450 per year for 10 years to be issued non-veteran food vendors and 45 permits per year for ten years to be issued to veteran vendors. The Advisory Board has the right to limit or increase the number of licenses that will be issued, but not beyond the maximum of 450.

The Board will cut “red tape” such as repealing book-keeping requirements for vendors, as they are currently similar to the bookkeeping required by bricks and mortar food stores. The question was raised about the process for collecting taxes, but the question could not be answered. The new suggestions are to eliminate the *Vendor Review Panel*, eliminate some restricted streets and expand areas for vending. We suggested that a member of the DOT, who oversees Open Restaurants, should be appointed to work with the Advisory Panel.

Michele reminded that computer chips are being issued for carts when the permit renewal is granted and asked if a program is in place to use these chips for either location or tracking a cart for commissary entry. We were not able to get an answer to that question.

Marco Tamayo asked if public plaza use included POPS were under consideration for vending use, and the response was NO, at the moment.

Marco shared that the Fresh Food within NYCHA developments is currently in place to encourage inclusion of those residents in the Green Cart program. Michele reported on her testimony at the Green Cart hearing in opposition to expanding the product line on Green Carts because she was concerned that they could turn in to little bodegas and compete with the bodega community.

Dan Rossi, a disabled veteran vendor, asked about the enforcement of vending now. Where does the Advisory jurisdiction end? Who issues tickets? Charlie Driver responded saying that The DOHWP and the DCAWP can ticket as outlined in Title 17, the specific section in the Administrative Code of the City that deals with street vending.

Michele asked about size of the enforcement squad and the routing of enforcement. Charlie related that there are 20 inspectors for General Merchandise vendors that cover the 5 Boroughs and that they are in the field 7 days a week and mainly respond to complaints. DOH has a similar size work force for inspecting food related vending. While these inspectors are more regularly sent to more congested areas, they could be sent to less crowded areas, i.e. BIDS or public gathering places. Who is enforcing food on Parks property, asks Barbara Morris. Charlies responded that the *Parks Dept.* enforces, but Dan Rossi offered that they have no jurisdiction over Food Vendors. So, this point must be clarified.

Barbara Morris advised all that there was to be a hearing the next day (June 30th) on the new regulations, but no one knew about it. June 30th was also the deadline for public comments. She was concerned that the Advisory Board was establishing a waiting list for disabled veteran vendors, but relayed that vets are not supposed to be on waiting lists, because they can vend freely. Barbara pointed out that the primary members of the Advisory board are primarily from the *Street Vendors Project* and vendor associations and wanted to know how do we go to those meetings or get the minutes? Barbara suggested that the makeup of the Advisory Board, while including SBS, and some consumers, no members were local. There is no ability to have input. Michele was concerned about this, as well. The Advisory Board, along with the Mayor’s appointees, seemed to be heavily weighted to the vendor community with only one community representative and no description as to where that community member comes from or whom he/she represents. There are no public meetings by the Board, which is of concern. We hoped that there would be public disclosure of the Advisory Board’s recommendation, but Charlie advised us that they are only talking about the increase of permits, and that will happen next summer.

Boez Galil expressed that he is a big fan of street food. He spoke of credit cards and shared that they are used by street vendors in India. Could companies provide that service here of electronic payment? He would like to locate individual vendors using Google maps. Charlie clarified that some vendors do take credit cards, although it is primarily cash.

Christopher Stevens is concerned that the new regulations have no better enforcement than the old ones. In the less populated parts of the City, enforcement is minimal. Charlie Driver said that there are great numbers of enforcement agents.

Dylan Jeronimo Kennedy asked about what the bill says about the Advisory Board granting the amount of new permits. Can they advise none, or do they have to advise a specific amount? Theoretically, they could advise none, but that is very unlikely.

Marco supports creating spaces in garages, parking lots, etc., but says that in our community, we have concerns about spaces as our streets are narrow, and we have many open restaurants, and a network of bicycle lanes, and, we have the highest density of population in the city. He advised that the number street vendors has to be analyzed based on all the other uses of our streets.

Michele asked Charlie to leave a contact person about how to reach out to the Advisory Board to offer our suggestions and to have our voices heard. He said we could reach out to him. He suggested that we testify if there is a new hearing, and that there is no point person on the Panel for us to reach out to. The Advisory Board is only advisory, and the administration and the City Council have the final word. Charlie needed to leave the meeting at this 7:15 PM time.

Barbara Morris, a veteran vendor, thinks the vending protocol is a “mess.” She is opposed to this Bill. She says that Disabled Veterans are left out. She related that if a vendor doesn’t show an ID, the enforcement team can’t enforce. She has also seen an abandoned food cart which was not removed. She is concerned that there are three separate enforcement teams, and they don’t work together – Parks, DOH, DCA. They need to be going out as a team. Police no longer act as an enforcing agency.

Dylan is concerned about street vendors without permits because he eats their food. The license should be around their necks with the permits posted on the cart. Michele explained the permit process.

Michele explained the commissary process in response to Dylan’s concerns about the health of the food on the food vendor cart or truck. Michele lamented that if there were tracking chips on the carts, they would provide feedback on whether-or-not the cart returned to the commissary for cleaning. The vendor is also supposed to bring his garbage back to the commissary at the end of the day, but we know that is not routinely happening, as there is minimal oversight of the commissaries that serve the vending community.

We are in opposition to the increase of vendor permits, as the streets are too crowded to accommodate them, and they increase competition between vendors to the detriment of some veteran vendors. Michele explained additional vendor law and expressed concerns that the city agencies don’t have adequate funding for meaningful enforcement.

Marco wants to limit the number of street vendors in our community. He said that we need to give the vets more opportunity and protect them financially. There can be good financial revenue for vendors in our district, but enforcement is the key to everything to ensure the quality-of-life concerns of residents, businesses and vendors are addressed. Without sufficient enforcement we cannot do much.

Mrs. Brown expressed her concern for veterans and all vendor enforcement. Mrs. Brown worked with veterans in Boston to get them placement in the Boston subways system. She offered them business and accounting training to be sure that they could function. She would like to see the stands in our subways be owned and operated by veteran vendors. She was disturbed to see a vendor relieve himself on the street on primary day and then proceed to load his fruits and vegetables. This is a health, decency, and public issue, she said.

Barbara Morris does not think that this new Bill specifies limitations. She thinks that if they are making a list of veteran vendors, that is not permitted. Vendors from other Boroughs will come to Manhattan. The Supervisors license means that the permit owner then hires a worker.

Barbara Morris is very concerned that this new Advisory Board will make things more difficult for all vendors and vets.

Michele informed the attendees that our resolutions cover all the concerns that the City is trying to address and that she has sent them to all our elected officials and the entire City Council in the hope that they would consider some of our recommendations.

Our next concern is siting. If they go forward with increasing the number of permits, we must be on top of that.

Weed trucks are a concern. Michele has sent their locations to DOH, and they have moved them, but they have shown up elsewhere. We now found out the DOH is no longer the enforcing agency, nor is the DCA or the Police. We think it's the state. Christopher Stevens said that the weed trucks were all seized because the company that owns 16 trucks had over \$500,000 of parking violations. He believes they were probably seized by the Sheriff.

Marco advised us that the Cannabis Control Board meets every three months. He had called them many times for clarity on their position and enforcement of the cannabis trucks and was not able to reach them. Christopher reported that the state is still working on the regulations for selling Cannabis in stores or on the street, and so we can't find the enforcing agency. The State is currently working on the rules and regulations.

Michele said we would try to get all of the relevant information on trucks selling cannabis and have the subject as an agenda item at our next meeting in the Fall.

With no other questions and comments being posed, the meeting was adjourned at approximately 8:30 PM.

Respectfully submitted,

Michele Birnbaum and Marco Tamayo, Co-chairs.

Addendum: Please note that following this meeting, and because we were advised that public commentary to the Advisory Board was ending on the hearing date of June 30th, Michele sent Community Board 8's resolutions on street vending to the *Street Vendor Advisory Board* so that it would be added to the public record and serve as our input to this hearing.



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 I. 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. Minutes of the Stated Meeting - January 28, 2021, 20. Int. No. 1116-B (FINAL), 21. Fiscal Impact Statement, 22. Legislative Documents - Letter to the Mayor, 23. Local Law 18				

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, 2017⁵ 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
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1/20/2021

Street Vending in NYC

Overview and Recommendations
from the Street Vendor Advisory Board



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Acronyms

CVM	Community Vending Marketplaces
DCWP	Department of Consumer and Worker Protection
DOHMH	Department of Health and Mental Hygiene
DOT	Department of Transportation
GV	General Vendor
LL	Local Law
MFV	Mobile Food Vendor
NYPD	New York Police Department
NYCHA	New York City Housing Authority
OATH	Office of Administrative Trials and Hearings
OSVE	Office of Street Vendor Enforcement
RCNY	Rules of the City of New York
SBS	Small Business Services

Introduction

Street vending, while an important presence in New York City, is frequently subject to intense public debate, in part because of the complicated patchwork of State and City laws and rules that govern it.

In 2021, the New York City Council (Council) opened a new chapter in vending regulation by creating the Office of Street Vendor Enforcement (OSVE) and the Street Vendor Advisory Board (Board), tasking the Board with reviewing and evaluating all State and City laws and rules that regulate vending in New York City.¹

The Board had a mandate to:

1. Determine whether any laws and rules were unclear or overly burdensome or duplicative and propose amendments.
2. Make recommendations on the creation of designated community spaces where street vendors can congregate to vend.
3. Make recommendations on appropriate locations for food trucks and commissary² space throughout the city.
4. Assess programs such as Open Streets, Open Restaurants, and Open Storefronts and their impact on the availability of legal places to vend.
5. Recommend whether new geographic and location restrictions should be considered to ensure equitable and efficient use of sidewalk and street space.

The law that created OSVE, Local Law 18 of 2021 (LL 18), also outlined a path to make available and increase supervisory licenses³ for Mobile Food Vendors (MFV). The Board must make a recommendation to the Speaker of the Council about whether the Department of Health and Mental Hygiene's (DOHMH) authority to issue any, or all, of the licenses available under LL 18 should be expanded, restricted, or altered. The Board must make this recommendation annually from June 1, 2023 through June 1, 2030.⁴

This report provides an overview of the complex State and City laws and rules that govern the licensing of street vendors in New York City, and the time, geographic, and placement restrictions on vending. It also describes the Board, its workplan, and its recommended changes to the vending landscape.

¹ Some of these laws date back to 1909 - New York State (NYS) General Business Law (GBL) 33.

² Commissaries are independent businesses where food, containers, or supplies are processed.

³ "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. See LL 18 of 2021.

⁴ LL 18 of 2021.

Overview of Street Vending Regulations

Street vending in New York City is governed by a patchwork of State and City laws and rules. Adding to the confusion, vending regulations are not centrally located in the New York City Administrative Code (Administrative Code) and span sections of law governing sanitation, environment, health, transportation, and licensing, to name several. This framework creates a complex system of categories of vending licenses and permits:

- General Vendor (GV) license for non-veterans
- GV license for veterans
- specialized GV licenses
- MFV licenses
- mobile food vending permit (for a unit; for example, a cart or truck)
- special MFV permits
- supervisory licenses

There are also vendors of expressive matter who do not require a license because of rights under the First Amendment of the U.S. Constitution.

This web of regulations also establishes the time, geographic, and placement restrictions on vending, and the various City agencies responsible for enforcement of these restrictions.

General Vending and Mobile Food Vending Licenses

The Administrative Code and the Rules of the City of New York (RCNY) create two categories of street vending:

1. mobile food vending (selling food in a public place); and
2. general vending (selling non-food goods/services in a public place).

The Department of Consumer and Worker Protection (DCWP) issues GV licenses, including licenses for eligible veterans. Since 1979, City law has capped the number of GV licenses for non-veterans at 853.⁵

DOHMH issues both a MFV license and a mobile food vending permit:

- A **license** is issued to an individual who prepares or serves food from a permitted mobile food vending unit.
- A **permit** is issued to an individual or business and is intrinsically tied to a mobile food vending unit; for example, a cart or truck.

MFV licenses are not capped.

Mobile food vending permits do have caps that vary depending on the type of permit:

- Citywide permits: 2,900 plus an additional 100 for veterans
- Temporary seasonal permits: 1,000
- Fresh fruit and vegetable (Green Cart): 1,000
- Borough-specific:⁶ 200

⁵ NYC Administrative Code 20-459.

⁶ Borough-specific mobile food vending permits allow vending in the Bronx, Brooklyn, Queens, or Staten Island (50 permits per borough).

LL 18 will increase the number of supervisory licenses by 445 each year for the next 10 years beginning in July 2022.⁷

Licenses for Veterans of the U.S. Armed Forces

New York State law creates the legal right for veterans of the armed forces, as well as their surviving spouses or surviving domestic partners, to obtain a GV license in New York City if they meet certain requirements. The City's cap on GV licenses does not apply to eligible veterans. Under State law, veterans, or their spouses or domestic partners, cannot transfer GV licenses to anyone.⁸

Additionally, State law requires New York City to issue "specialized vending licenses" to veterans who are physically disabled because of their service. Specialized vending licensees can vend on any block face regardless of local law restrictions, but they are subject to certain exceptions and prohibitions within State law.

Last, State law creates a specific specialized vending license for general vending within Midtown Manhattan. The number of Midtown specialized vending licensees is limited to 105, and only one specialized vending licensee can vend per block face within this area. Specialized vending licenses are issued to eligible veterans by DCWP.⁹

First Amendment Vendors

Vendors who exclusively sell newspapers, periodicals, books, other similar written matter, or other goods protected by the First Amendment do not need a vending-related license. However, these vendors must follow applicable laws, including those that restrict the time and placement of GVs.¹⁰

Time and Geographic Restrictions

The Administrative Code and RCNY restrict when and where general vending and mobile food vending can occur. The bulk of these street restrictions were created by the Street Vendor Review Panel (Review Panel), an interagency panel created by New York City law in 1995. The Review Panel is chaired by the commissioner of the Department of Small Business Services (SBS) and includes the director of the Department of City Planning and the commissioner of the Department of Transportation (DOT), as well as one appointee of the Mayor nominated by the Speaker. The Administrative Code grants the Review Panel the exclusive authority to promulgate rules that create, repeal, or amend restricted streets.¹¹ The Review Panel has not amended restricted street rules since the early 2000s.¹²

At present, City law prohibits:

- all vending (non-food, food) in the area surrounding the World Trade Center;¹³
- general vending in Midtown Manhattan;¹⁴

⁷ Of these 445 new permits to be created each year, 100 will be Citywide, 300 will be Borough-specific, and 45 will be reserved for veterans.

⁸ NYS GBL 32.

⁹ NYS GBL 35-a.

¹⁰ NYC Administrative Code 20-453; 20-473.

¹¹ NYC Administrative Code 20-465.1.

¹² See *The City Record* (Jan. 31, 2000), amendments to 6 RCNY 2-314, effective Mar. 1, 2000.

¹³ NYC Administrative Code 20-465(g); 17-315(k).

¹⁴ NYC Administrative Code 20-465(g).

- vending on streets in certain zoning districts, in an area surrounding downtown Flushing, Queens, and in an area surrounding Dyker Heights, Brooklyn at certain times of the year, unless the vendor is an eligible veteran with a specialized vending license.¹⁵

State law also contains general restrictions for specialized vending licensees, including prohibitions on vending on certain blocks and cross streets in Manhattan.¹⁶

Placement and Size Restrictions

City laws and rules regulate where GVs and MFVs can be and how much space their display can take up on the streets and sidewalks. Some examples:

- Vending is only allowed on a sidewalk that has a 12-foot clear path for pedestrians.
- No vending is allowed within 20 feet of a building entrance or within 10 feet of any subway entrance or crosswalk.¹⁷
- Certain vending is not allowed on any ventilation grill, cellar door, or on the sidewalk abutting a no standing zone that is adjacent to a hospital.¹⁸
- There are limits on the size of vending tables, pushcarts, and vehicles.¹⁹

Additionally, MFVs are subject to various health, food safety, and sanitation requirements in the City Health Code and State Sanitary Code and enforced by DOHMH.²⁰

Depending on the location, State law also contains placement restrictions for specialized vending licensees that differ from those that apply to non-specialized GVs and MFVs.²¹

As required by LL 18, the Board assessed how the Open Storefronts,²² Open Restaurants,²³ and Open Streets²⁴ programs affected the availability of legal spaces to vend.

Open Storefronts

Intended to give businesses more flexibility to display goods outside of their storefronts during the COVID-19 pandemic, the Open Storefronts program will be in place for the pendency of the state of emergency.²⁵

Program design has not created notable conflict with allowable vendor locations, or between program participants and street vendors.

Open Restaurants

Open Restaurants is a multiphase program to expand outdoor seating options for food establishments that is in the process of being made permanent under LL 114 of 2020.²⁶

¹⁵ NYC Administrative Code 20-465; 17-315.

¹⁶ NYS GBL 35-a.

¹⁷ NYC Administrative Code 20-465; 17-315.

¹⁸ Id.

¹⁹ Id. and 24 RCNY Sec. 6-06.

²⁰ See New York City Health Code.

²¹ NYS GBL 35-a.

²² See nyc.gov/openstorefronts

²³ See nyc.gov/openrestaurants

²⁴ See nyc.gov/openstreets

²⁵ See [Emergency Executive Order 65](#) (March 29, 2022) at nyc.gov.

²⁶ See council.nyc.gov and search [Legislation](#).

Program design has not created notable conflict with allowable vendor locations, or between program participants and street vendors.

Open Streets

The Open Streets program allows communities to embrace new public space and support small business; GVs and MFVs can operate provided they observe existing time, place, and manner restrictions.

Board members did not identify specific instances of notable conflict between the program and street vendors.

Enforcement

In January 2021, the Council passed LL 18, which created OSVE. On March 18, 2021, former Mayor Bill de Blasio designated OSVE to be housed at DCWP.

Prior to passage of LL 18, the New York Police Department (NYPD), with assistance from DOHMH and the Department of Parks and Recreation (Parks), conducted enforcement of the City's vendor licensing and permitting requirements and geographic, time, and placement restrictions.

OSVE has replaced NYPD as the primary enforcement agency; however, the following agencies still conduct some of the enforcement they did prior to passage of LL 18:

- Parks Enforcement Patrol officers continue to lead enforcement in city parks.²⁷
- DOHMH continues to perform food safety inspections.
- NYPD continues to handle counterfeiting and other criminal conduct.

²⁷ See nyc.gov/opendata for a list of [Parks Properties](#) and [Parks Properties Map](#).

Street Vendor Advisory Board

Per LL 18, the Board consists of designees from five City agencies:

1. DCWP
2. DOHMH
3. DOT
4. NYPD
5. SBS

LL 18 empowered the Speaker of the Council and the Mayor to nominate to the Board 10 additional stakeholder members, six and four respectively, and stipulated what constituencies, and how many of each, must be represented.

The Speaker's six members comprise:

- 2 members to represent street vendors
- 1 member to represent workers in retail food stores
- 1 member to represent property owners
- 1 member to represent small businesses
- 1 member to represent community organizations

The Mayor's four members comprise:

- 2 members to represent street vendors
- 2 members to represent small business constituencies

Below is the list of Board members.

Murad Awawdeh, Executive Director,
New York Immigration Coalition (NYIC)
(community organization representative)

Randy Peers, President and CEO,
Brooklyn Chamber of Commerce
(small business representative)

Sonia Perez, street vendor and member of
the Street Vendor Project Leadership Board
(street vendor representative)

Matthew Shapiro, Legal Director,
Street Vendor Project
(street vendor representative)

Reggie Thomas, Senior Vice President,
Real Estate Board of New York (REBNY)
(property owner representative)

Aly Y. Waddy, Secretary-Treasurer,
UFCW Local 1500
(food retail worker representative)²⁸

Appointed by former Speaker Corey D. Johnson

Mohamed Attia, Executive Director,
Street Vendor Project
(street vendor representative)

Cheikh Boubacar Fall, veteran street vendor
(street vendor representative)

David Estrada, Executive Director,
Sunset Park Business Improvement District
(small business representative)

Regina Myer, President,
Downtown Brooklyn Partnership
(small business representative)

Appointed by former Mayor Bill de Blasio

²⁸ Former Speaker Johnson appointed Aly Waddy as a member of the Board on October 19, 2021 to replace his original appointee Nikki Kateman, Political and Communications Director of RWDSU/UFCW.

Workplan

The Board's designated agencies convened for the first time on April 28, 2021, meeting the deadline for the first meeting set by LL 18. However, due to operational delays related to the COVID-19 pandemic, nominations by the Speaker and Mayor of the other Board members were not finalized until August 2021. Due to this unexpected delay, the Board extended its workplan to ensure sufficient time for deliberation, consistent with LL 18's mandate, meeting 21 times over six months.²⁹

The Board invited a collaborative approach for members to identify and present proposals and engage in deliberative conversation with one another. Only proposals that achieved consensus among Board members were accepted as final recommendations to the Speaker and Mayor. To achieve consensus, Board members were in favor of a recommendation, had a neutral position, or had no objection.

From September 2021 to November 2021, Board members worked diligently to familiarize themselves with the array of State and City laws and rules around street vending and submitted proposals for discussion to the Board. Members presented on their respective proposals, and the Board began to identify issues where consensus could be achievable.

From December 2021 to February 2022, the Board focused on proposals where consensus was emerging, among them:

- repealing criminal liability in the Administrative Code for street vendors;
- exploring additional legal vending opportunities for street vendors; and
- reducing unnecessary and burdensome regulations for street vendors.

Meetings in February 2022 focused on larger thematic discussions of the vending landscape, including:

- amending license and permit caps;
- amending placement restrictions; and
- finding ways to meet the needs of street vendors who are veterans.

The final meetings of the Board in March 2022 revisited specific issues of interest identified by individual Board members, such as:

- piloting siting programs for street vendors;
- developing a uniform clear path restriction to replace restricted streets; and
- expanding the geographic reach of the Green Cart program.

²⁹ Meetings were held on 9/13/21, 10/6/21, 10/12/21, 10/19/21, 10/22/21, 10/29/21, 12/14/21, 12/16/21, 1/12/22, 1/19/22, 1/26/22, 1/28/22, 2/2/22, 2/9/22, 2/16/22, 2/23/22, 3/16/22, and 3/23/22. Additionally, there were three meetings by a smaller committee tasked by the Board to discuss restricted streets and placement restrictions. Those meetings took place on 1/21/22, 1/28/22, and 2/4/22.

Final Recommendations

After six months of work, Board members developed 16 final recommendations, ranging from specific amendments of local law to broad new conceptual approaches to street vending in New York City. Each recommendation is the product of a consensus-building process. For each of the 16 proposals, Board members were in favor of the final recommendation, had a neutral position, or had no objection. The final recommendations are arranged chronologically, in the order they were approved by the Board.

#1: Increase SBS Business Support Programming

The Board recommends that additional resources be provided to SBS, with the purpose of developing and tailoring street vendor-specific programs that will assist vendors in accessing entrepreneurial opportunities and achieving compliance with relevant laws and rules.

#2: Repeal Criminal Liability for General Vendors and Mobile Food Vendors

The Board recommends repealing the misdemeanor criminal penalties that exist in 20-472 and 17-325 of the Administrative Code.

#3: Clarify Prohibition of Vending in Bicycle Lanes

The Board recommends adding language to the New York City Administrative Code specifically prohibiting vending, or vending-related activity, in bicycle lanes. Proposed legislative language reads:

GV (Administrative Code 20-465): “No vending vehicle, pushcart, stand, goods or any other item related to the operation of a vending business shall be placed on or within a bicycle lane. For purposes of this section, the term “bicycle lane” means a portion of the roadway that has been marked off or separated for the preferential or exclusive use of bicycles.”

MFV (Administrative Code 17-315): “No food vending vehicle, pushcart, goods or any other item related to the operation of a food vending business shall be placed on or within a bicycle lane. For purposes of this section, the term “bicycle lane” means a portion of the roadway that has been marked off or separated for the preferential or exclusive use of bicycles.”

#4: Allow Vending Summonses to be Adjudicated by the Office of Administrative Trials and Hearings (OATH)

The Board recommends amending New York City Charter section 1049a(c) and Administrative Code sections 20-472(d) and 17-325(d) to allow vending summonses issued by OSVE to be adjudicated by OATH. These amendments must be made by the State Legislature.

Summonses for vending violations are currently heard at the Environmental Control Board, not OATH, where all other DCWP hearings are conducted.³⁰ By allowing summonses to be adjudicated at OATH, OSVE inspectors will be able to leverage existing systems to track notice of hearings seamlessly and more efficiently use their time in the field.

³⁰ The Environmental Control Board is chaired by the commissioner of OATH and is composed of six ex-officio members that include the Department of Environmental Protection, Department of Sanitation, Department of Buildings, DOHMH, NYPD, and the Fire Department, as well as six members appointed by the Mayor with advice and consent of the Council.

#5: Repeal Bookkeeping Requirements

The Board recommends repealing bookkeeping requirements in the Administrative Code, specifically sections 17-313 and 20-463.

#6: Simplify Requirements Regarding Display of Goods

The Board recommends simplifying the language regulating GV display of goods in section 20-465(n) of the Administrative Code for clarity. Specifically, the Board recommends repealing language that is unclear and replacing it with plain language.

Repeal:	Replace with:
“The display may not be less than twenty-four inches above the sidewalk where the display surface is parallel to the sidewalk and may not be less than twelve inches above the sidewalk where the display surface is vertical. Where a rack or other display structure is placed on top of or above a table or other base, the size of the base shall not be less than the size of the display structure placed thereon. Nothing shall be placed on the base so as to exceed the size limitations contained in this section.”	“No general vendor display may exceed five feet in height from ground level, except that a general vendor may use an umbrella that exceeds such height.”

#7: Allow Mobile Food Vendors to Keep Goods on Top of Carts

The Board recommends amending section 17-315(c) of the Administrative Code to allow vendors to display or store goods on top of their carts. The Board’s suggested amendment reads (additions italicized, removals ~~struck through~~):

“All items relating to the operation of a food vending business shall be kept in, on, or under the vending vehicle or pushcart. ~~except that samples of the non-perishable items sold may be displayed on the vending vehicle or pushcart.~~ No items relating to the operation of a food vending business other than an adjoining acceptable waste container shall be placed upon any public space adjacent to the vending vehicle or pushcart, and no food shall be sold except from an authorized vehicle or pushcart.”

#8: Create “Community Vending Marketplaces”

Currently, there are approximately 23,000 GV and MFV licensees in New York City.

The Board recommends that the Council explore legislation to establish Community Vending Marketplaces (CVM) in underserved neighborhoods to create legal entrepreneurial opportunities for street vendors and expand access to food and other goods for New Yorkers. CVMs serve as discrete areas or locations where vendors of all types are allowed to gather and operate.

When identifying CVMs, the Council should partner with local community stakeholders and consider:

- Modeling forerunner examples of CVMs, such as the street vendor gatherings at the Red Hook Ball Fields.

- Identifying specific and clearly delineated locations in underserved neighborhoods, such as food deserts, to host CVMs.³¹
- Allowing CVMs to be used by GV and MFV.
- Encouraging opportunities for CVM vendors to work together to increase purchasing power and access microcredit.

#9: Create Additional Commissary Space for Vendors Through Municipally Owned Property or Through Public-Private Partnerships

Commissaries are independent businesses where food, containers, or supplies are processed. As of January 2022, DOHMH permits 74 commissaries citywide.³²

The Board recommends that the Council create additional commissary spaces for MFVs by encouraging public-private partnerships that can develop new commissary spaces or by tasking City agencies to identify municipally owned property that can be leveraged for new commissary spaces. Any newly identified commissary spaces must follow City laws and rules, including, but not limited to, DOHMH requirements for commissaries, which include the ability to:

- store mobile food vending units;
- clean and sanitize mobile food vending units;
- clean and sanitize equipment used by mobile food vending units;
- dispose of waste from mobile food vending units; and
- supply mobile food vending units.

Additionally, when identifying potential commissary spaces, the geographic needs of MFVs to be in proximity to their clients should be addressed. Localizing additional commissary spaces in the following neighborhoods would be extremely beneficial to MFVs:

- | | |
|----------------------|---------------------|
| • South Bronx | • Astoria |
| • Uptown Manhattan | • Long Island City |
| • Midtown Manhattan | • Downtown Brooklyn |
| • Downtown Manhattan | |

#10: Repeal the Street Vendor Review Panel

Currently, the Street Vendor Review Panel is the only body able to create, repeal, or amend restricted streets through rulemaking (RCNY). The Review Panel has not met or altered restricted streets in any way since the early 2000s.

The Board recommends that the Council repeal and replace the Review Panel (Administrative Code 20-465.1). The Council should work with stakeholders to develop a new mechanism for identifying, creating, amending, or repealing restricted streets that will immediately replace the Review Panel. That mechanism should include localized input from brick-and-mortar businesses and street vendors and use objective standards based in health, safety, and the public's well-being for identifying a restricted street.

³¹ The U.S. Department of Agriculture defines food deserts for an urban area as low-income census tracts where a significant share (at least 33%) of the population is greater than ½ mile from the nearest supermarket.

³² DOHMH data, shared 1/25/22.

#11: Align Restrictions Between General Vendors and Mobile Food Vendors

The Board recommends that the Council explore legislation that ensures consistent and analogous placement and street restrictions exist for both GV's and MFV's, where practicable.

#12: Explore the Feasibility of Expanding Legal Vending Opportunities in Certain Municipal Parking Lots

In New York City, municipal parking lots are managed by DOT. There are a total of 29 municipal parking lots.

The Board recommends that DOT assess the feasibility of developing entrepreneurial opportunities for vendors in municipal parking lots. DOT should receive input from local community stakeholders, including street vendors and brick-and-mortar businesses. They should explore which lots may be conducive to commercial activity and examine opportunities to use these spaces, considering times and days of low usage, operational and fiscal concerns, and lot geometry, while also prioritizing safety. DOT should identify best practices for using municipal parking lots.

#13: Explore the Feasibility of Expanding Legal Vending Opportunities in Certain Pedestrian Plazas

In New York City, there are 82 pedestrian plazas, 67 of which are open to the public; of those, 35 have local Business Improvement Districts or other community-based organizations as partners. Additionally, several pedestrian plazas are maintained by Parks.

The Board recommends that DOT assess the feasibility of developing additional commercial activity, including additional entrepreneurial opportunities for vendors, in DOT public plazas without existing partners. The goal would be to identify issues and opportunities relating to different types of commercial activity and make recommendations on policies and best practices for commercial activity, public space access, and management going forward.

#14: Explore the Feasibility of Expanding Legal Opportunities for Mobile Food Vendors to Operate in Metered Parking Spots

Under Administrative Code 17-315(f), MFV's are required to abide by all traffic and parking laws, and all street vendors are prevented by Section 4-08(h)(7) of Chapter 4 of Title 34 of RCNY from operating in metered parking. However, MFV's operating in food trucks have difficulty finding non-metered parking near high foot traffic areas.

The Board recommends that DOT assess the feasibility of expanding legal opportunities for MFV's to operate in metered parking spots. DOT should incorporate localized feedback from stakeholders, such as street vendors, brick-and-mortar businesses, and constituents. DOT should also assess methods to designate and assign metered parking for mobile food vending activity, such as premium fees to be charged to MFV's and/or concession agreements. If feasible, DOT should identify potential pilot locations that would benefit from having metered parking designated for use by MFV's.

#15: Street Vendor Siting Pilots

In an effort to design a street vending framework that de-escalates potential points of conflict between street vendors, storefront businesses, and place management organizations, the Board recommends the City pursue partnerships with local economic development organizations and local street vendors to collaborate on conducting five or more vendor siting pilots in different neighborhood commercial districts. These should test and evaluate:

- different vendor siting practices;
- placement guidelines;
- technology;
- tools for easily and accurately identifying legal street vending sites;
- innovative mechanisms for designating some portion of local vendor fees and/or revenues in order to pay for shared street vendor needs, services, and maintenance; and
- any other potential ideas meriting testing and evaluation.

Any designation of street vendor fees or revenues should only be considered once street vendors have been allowed to obtain all necessary licenses and permits for lawful street vending operation, and any new siting practices shall not result in the displacement of any currently operating street vendors.

#16: Green Cart Program Enhancements

The Board recommends enhancing the Green Cart program by incentivizing fruit and vegetable vendors to operate on or adjacent to select New York City Housing Authority (NYCHA) properties to increase healthy food access. Additionally, the Board recommends working with NYCHA to explore allowing their residents to vend food that meets the needs of the tenant population. This expansion should also build on previous City efforts to train street vendors on how to use Electronic Benefits Transfer (EBT) terminals and identify the resources needed to scale the program.

Conclusion

The Board was brought together to review and evaluate the current street vending ecosystem in New York City, and to find common ground among stakeholders with differing backgrounds and points of view.

There was widespread agreement that New York City's street vendors represent an integral part of the city's streetscape and, as some of the city's smallest small businesses, provide a valuable service for their customers. Their work is a vital pathway to financial stability for themselves, their families, and their communities.

Advocates of brick-and-mortar businesses also had consistent, compelling concerns about the interests of their constituency and how those interplay with street vendors.

Ultimately, through a collaborative and consensus-building process, the Board was able to identify 16 achievable recommendations to continue the reforms to street vending that LL 18 began. While the Board does not expect this report to be the final word on street vending, this report will contribute to moving our city in a direction that enriches the streetscape, provides affordable food and goods to customers who need them, and opens vital economic opportunities to thousands of New Yorkers.

