

Testimony from NYC Department of Sanitation, NYC Small Business Services, NYC Department of Consumer and Worker Protection & NYC Department of Health and Mental Hygiene

Committee on Consumer and Worker Protection

Oversight Hearing: Street Vending Enforcement and the Issuance of Licenses Pursuant to Local Law 18 of 2021

Council Chambers – City Hall

May 6, 2025

NYC Department of Sanitation (DSNY)

Good morning Chair Menin and members of the Committee on Consumer and Worker Protection. I am Joshua Goodman, Deputy Commissioner, Public Affairs & Customer Experience at the New York City Department of Sanitation.

In April of 2023, Mayor Adams designated DSNY as the agency with primary responsibility for coordinating enforcement of the City's rules around street vending, particularly around cleanliness, street passability, and quality of life. The Mayor designated DSNY for this role because we are uniquely positioned to enforce these kinds of rules – we have a uniformed police force of trained and licensed peace officers, but we also have substantial experience protecting and enforcing access to our streets and sidewalks.

Over the last two years, we have leveraged this experience successfully, and having the Department of Sanitation serve as the lead agency on this complex issue means that this work is done thoughtfully, with a focus on balancing the needs of vendors, brick and mortar businesses, and communities at large. Our enforcement work is rooted in the belief that all New Yorkers, across every neighborhood, in every borough, deserve clean, safe sidewalks.

We take a warnings-first approach, often posting dozens of warning signs throughout an area before taking any enforcement actions, but we also engage in robust enforcement to protect cleanliness and quality of life. This enforcement is civil in nature, and Sanitation Police as a general rule do not make arrests.

In Fiscal Year 2025 so far, the 35 Sanitation Police assigned to street vending enforcement have conducted more than 8,000 inspections, issued approximately 5,000 summonses, and donated or composted about one and a quarter million lbs. of food that was either abandoned or being vended illegally. Generally, about one quarter of summonses issued by DSNY are for unlicensed vending.

The overwhelming passage of Proposition 2 in November 2024 shows that this work is resonating with the public. This measure gives DSNY the ability to enforce street vendor rules in public areas that are not streets. However, at this time we have not yet used this authority and are developing a plan for implementation. In any case, the passage of Proposition 2 is evidence that New Yorkers support ongoing enforcement of these laws – as is the continued volume of requests for enforcement that we receive via 311, from community groups, and, in particular, from members of this Council.

While DSNY does not set the laws or penalties, we are responsible for fair and consistent enforcement, particularly in cases where public safety or sanitation is compromised. We enforce these laws, with a focus on situations where vending has created dirty conditions, safety issues, items being left out overnight, and setups that block curbs, subway entrances, bus stops, sidewalks or store entrances.

Several of the bills on the agenda today deal with issues of licensure, and we yield to our agency partners to speak about them. One bill, Introduction 1164, sponsored by Council Member Ariola, does deal with enforcement, requiring the development of an interagency portal for sharing street vending enforcement information. This bill duplicates the work of the Office of Street Vendor Enforcement, legislating a tech solution to a problem that we have not encountered in a systemic way. DSNY does share data with relevant agencies, and they with us, but as the lead agency on vending enforcement, this is done at a staff level. Given the fiscal and time impact of this bill, and the fact that significant data is already on Open Data, we feel it is unnecessary at this time.

Thank you for the opportunity to testify. Now I would like to pass it over to my colleague from NYC Small Business Services for their testimony.

NYC Small Business Services (SBS)

Good morning, Chair Menin and members of the City Council Committee on Consumer and Worker Protection. My name is Haris Khan, and I serve as Chief of Staff at the Department of Small Business Services (“SBS”). Thank you for the opportunity to testify today.

At SBS, we are committed to supporting entrepreneurship, including startups, micro-enterprises, storefronts, and street vendors. Our no-cost services include business courses, legal consultations, help navigating concessionary opportunities, and more. Our programs are accessible to New Yorkers through SBS’s seven neighborhood-based Business Solution Centers, our hotline (888-SBS-4NYC), and our MyCity Business site at www.nyc.gov/business. Our work is grounded in an education-first approach that seeks to equip small businesses with clearer understanding of current regulations and connects them to resources that can help them grow and thrive.

Street vendors play a vital role in New York City’s economy as they are, in many ways, the smallest of small businesses. Recognizing this, the administration has included leadership from the Street Vendor Project in the Small Business Advisory Commission, formed under Executive Order 15 in 2022. This ensures that the voices of street vendors are included in conversations about the regulatory landscape facing small businesses. SBS also partners with sister agencies to conduct outreach to vendors when new licensing opportunities arise. Over the past three years, we have mailed over 22,000 pamphlets to street vendors, making them aware of available SBS resources in a host of languages, including Spanish, Haitian Creole, and Wolof. In coordination with DOHMH’s supervisory license rollout, we also provided DOHMH over 15,000 pamphlets. Additionally, we translated DOHMH’s technical assistance presentation into multiple languages and co-hosted physical and virtual workshops to help vendors better understand the opportunity. Our services are broadly accessible to all, whether a business operates from a storefront or from a cart, and in FY24, over 24,000 New Yorkers benefited from our services. We are proud of that reach and impact.

I would now like to turn to Intro, 408, which would create a Division of Street Vendor Assistance within SBS and require the department to tailor programs specifically for street vendors. While we support the

goal of ensuring vendors take advantage of our services, SBS's existing programs are already inclusive and designed to meet the diverse needs of small businesses. Creating a separate division would divert limited time and resources away from service delivery and into new layers of reporting and program design. Moreover, the bill's reporting requirements, especially tracking vendor participation, can deter engagement from a community that includes many immigrants.

We welcome continued dialogue with the bill sponsors and the City Council to find effective ways to ensure street vendors are supported and look forward to answering any questions.

NYC Department of Consumer and Worker Protection (DCWP)

Good morning, Chair Menin, and members of the Committee on Consumer & Worker Protection. I am Carlos Ortiz, Deputy Commissioner of External Affairs at the Department of Consumer and Worker Protection (DCWP). Thank you for the opportunity to testify today on issues related to street vending.

The Department of Consumer & Worker Protection issues general vendor licenses to those who sell goods or services in a public place, such as the street or sidewalk. There are currently ~1,900 licensed general vendors. The number of licenses issued to non-veteran general vendors is capped at 853 licenses and the waiting list for non-veteran applicants is currently closed. License applications for general vendors are available to veterans or the surviving spouses or domestic partners of a veteran.

Introduction 431 would increase the number of food vendor supervisory licenses and general vendor licenses available each year for five years, and thereafter would remove the cap on food vendor supervisory licenses and general vendor licenses. The Administration supports reducing regulatory barriers on businesses, such as expanding the total number of licenses, to bring more street vendors into regulation and compliance. The Administration is opposed to lifting the cap entirely on street vendor licenses due to concerns about the impact on the quality of life for every day New Yorkers. We look forward to engaging in the legislative process with the Council, and stakeholders here today, to join this conversation on examining license caps and understanding how the City can better support street vendors, our smallest small businesses, while balancing the needs of brick & mortar establishments.

Thank you for the opportunity to testify before the committee on these issues. I would now like to pass it over to my colleague from NYC Department of Health and Mental Hygiene for their testimony.

NYC Department of Health and Mental Hygiene (DOHMH)

Good morning, Chair Menin and members of the Committee on Consumer and Worker Protection. I am Corinne Schiff, Deputy Commissioner for Environmental Health at the New York City Department of Health and Mental Hygiene. On behalf of Acting Commissioner Dr. Michelle Morse, thank you for the opportunity to testify today on the Health Department's enforcement of street food vending and on the legislation before the committee.

The Department's mission is to protect and promote the health of all New Yorkers, including by promoting the safety of food sold from food carts and trucks. We do this by issuing permits to operate a food cart or truck, issuing licenses to the people who vend food, providing mandated training for vendors on food protection, and conducting food safety inspections.

I want to start by providing a brief update on the Department's implementation of Local Law 18 of 2021, which expanded opportunities for street food vending. Local Law 18 established a new mobile food vending license, called a supervisory license, and a new kind of permit, a supervisory license permit. The mobile food vending license authorizes a person to vend, and a permit authorizes a food cart or truck to be used for vending. A food cart or truck with a supervisory license permit must be operated by a person with a supervisory license.

The Department is charged with issuing 445 applications for a supervisory license each year for ten years as of July 2022. Supervisory license applications are issued to people on waiting lists in accordance with the local law's detailed criteria and prioritization. Vendors on the waiting lists can track their progress on the Department's lookup tool, available on our website. Once a person has a supervisory license, they are entitled to apply for a supervisory license permit for a food cart or truck at any time; there is no deadline or waiting list to apply. The Local Law requires that as of July 1, 2032, all full term food carts and trucks, other than Green Carts, operate under a supervisory license permit.

The Department has issued almost twice as many supervisory license applications as the local law requires, offering not only the 445 supervisory license applications per year for the last three years, but also re-issuing applications that did not turn into supervisory licenses and offering applications that became available for legacy permits no longer in use. As of late April, 823 vendors applied for the supervisory license, and after approving the applications, the Department issued all 823 supervisory licenses. So far, 382 of the 823 licensees have obtained their supervisory license permits. Other vendors are in the permitting process, and—because the local law has no deadline to apply for the supervisory license permit—others may be preparing to apply sometime in the future.

I will turn now to the legislation under consideration today. Introduction 431 would accelerate the transition to supervisory license permits by moving the deadline from 2032 to 2029, increasing the number of supervisory license applications required to be issued each year, and would remove the cap on licenses as of July 2029.

The NYC Health Department has no concerns about issuing more supervisory license applications annually than the local law currently requires and would like to work with the City Council on some of the details to ease implementation. The Administration is opposed to lifting the cap entirely and looks forward to further conversations. If the Council changes the cap on food vending carts and trucks, this will expand the Health Department's current workload to monitor food safety, including the issuance of licenses and permits, provision of mandatory food safety training, and inspections – leading to increased costs for the Department. We have no concerns with Introduction 1251, which would allow the Department to issue additional supervisory license applications if needed to meet licensing targets.

We want to note that New York State and New York City law require food carts and trucks to have a commissary; commissaries provide cleaning, storage, and facilities for food preparation. Any vending expansion must ensure sufficient commissary space to meet food safety requirements.

Thank you for the opportunity to testify. I, along with my colleagues from DSNY, DCWP, and SBS, are happy to take your questions.