



Council on American-Islamic Relations

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**Testimony In Support of Int. Nos. 287, 288, 292, 832, and 1116
New York City Council Committee on Consumer Affairs
by the Council on American-Islamic Relations, New York Inc. (“CAIR-NY”)
April 11, 2019**

On behalf of the Council on American-Islamic Relations, New York Inc. (“CAIR-NY”), the leading civil liberties and advocacy organization for the Muslim community here in New York City and across New York State, I am testifying in support of **Int. Nos. 287, 288, 292, 832, and 1116**. Thank you to the members of the Committee on Consumer Affairs and Business Licensing for having this important hearing on these important pieces of vendor legislation. My name is Ahmed Mohamed, and I serve as the Litigation Director for CAIR-NY. CAIR-NY’s mission is to enhance understanding of Islam, protect civil rights, promote justice, and empower American Muslims.

The street vending scene is an iconic profession epitomizing New York City culture. Today, more than 57 percent of street food vendors in New York City are Muslim.¹ Muslim New Yorkers are proud to provide a necessary service to New Yorkers and tourists alike.

However, many street food vendors struggle to obtain legal permits to operate their food carts because of an arcane cap placed on food vending permits in 1983. As a result, vendors must either rent a permit from a existing permit-holder on the underground market at exorbitant rate² or vend without a permit, risking their freedom³. New Yorkers willing to work should not have to risk their freedom just to make an honest living.

Int. No. 1116 is a positive piece of legislation that will increase the current cap on food vending permits. The effects of the legislation will be substantial. First, the underground market for permit will decrease and hard working New Yorkers will no longer have to pay outrageous amounts simply to operate a small business. Since the new permits require the presence of the license-holder there will be little risk that they will be rented on the underground market. Second, it will provide much need economic opportunities, primarily for immigrant and veteran communities. Third, vendors without permits will enter the marketplace and come out from the shadows, no longer fearing harsh punishment. Fourth, previously unlicensed vendors will now be subject to health and safety regulations. Additionally, this bill will create an enforcement unit and advisory board so that street vending regulations can be clarified moving forward.

¹ See <https://www.ispu.org/wp-content/uploads/2018/07/MAP-NYC-Report-Web-3.pdf>

² See <https://nowheremen.tv/2017/07/06/nyc-street-food-vendor-permits/>

³ See <https://reason.com/archives/2016/07/05/new-york-city-drives-street-vendors-to-o>

For many street vendors, their street vending business supports their family. In circumstances, where a street vendor is no longer able to continue the business, it can be debilitating for the street vendor's family. Accordingly, Int. No. 832 is necessary for a street vending business to remain in the family. Int. No. 832 will allow a permit holder to transfer a permit to a dependent spouse, child, or domestic partner. As a result, the family will retain the support of the vending business if a permit holder dies or is no longer able to manage the vending business.

Street vendor safety must also be a priority. Currently, vendors are forced to place their pushcart and table near the curb, creating a safety hazard. In recent years, many vendors have had their carts hit by incoming traffic. Int. 287 would provide minimal space for vendors to safely operate near the curb while simultaneously ensuring a clear passageway for pedestrians.

Vendors are currently prohibited from vending "within a bus stop." CAIR-NY supports this prohibition. However, this prohibition is unreasonably ambiguous since it does not define where a bus stop begins and ends. At times, this has resulted in enforcement authorities interpreting this provision to restrict vendors from entire blocks. Int. 288 provides a meaningful resolution by prohibiting vendors from operating within 25 feet from a bus stop sign. Int. 288 allows for space for passengers to enter and exit a bus and creates much needed space for vendors to operate their business.

Lastly, City Council should pass Int. 292 to clarify current law regarding the storage of items on a cart. Currently, food vendors receive a summons if they keep items "on" their carts as opposed to "in or under." This technical reading of current law is untenable. This interpretation does not improve public health or safety. Int. 292 intends to resolve this issue by clarifying that vendors may storage items in, on, or under their carts.

We therefore urge you to open the New York City doors to immigrant and veteran entrepreneurs to flourish. For more information, please contact us at info@ny.cair.com.