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## City Room

Blogging From the Five Boroughs

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### Hearing on Street Vendors Gets Heated

By Colin Moynihan AND Sewell Chan

Street vendors, like these men seen in Union Square on Friday, would face regulatory changes under a package of proposals before the City Council. (Photo: Katie Orlinsky for The New York Times)

Updated, 6:30 p.m. | The floor and the balcony of the City Council chamber were both filled on Friday morning as hundreds of people assembled for a hearing on eight bills that would change the ways vendors are regulated in New York City. But the hearing turned acrimonious — and at times confusing — when representatives of the Bloomberg administration came forward with an unrelated proposal to fingerprint people arrested for unlawful vending.

The bills the Council considered would, among other things, increase to 25,000 from 3,100 the number of full-time food vending permits; increase to 1,023 from 853 the number of merchandise vending licenses; restrict book and magazine vending in certain heavily trafficked areas; prohibit vendors from leaving pushcarts, stands and goods unattended for more than 30 minutes; and ban food vendors from covering any ventilation grill, manhole, electrical-transformer vault or subway access grating.

The first two hours of the hearing were taken up with discussion on those measures, including testimony by officials from the Department of Consumer Affairs, the Department of Health and Mental Hygiene and the Police Department.

But then the hearing veered off course when Shari C. Hyman, the mayor's deputy criminal justice coordinator, spoke. She said that the Bloomberg administration wanted to change state law to require the fingerprinting of people arrested for unlawful vending — a means of cracking down, she said, on unlicensed vendors who unfairly compete with licensed vendors, crowd sidewalks and endanger pedestrians.

“These bills do not address the heart of the problem — the lack of meaningful penalties for those who violate the law,” she said.

Currently, she said, people arrested for unlawful vending are not fingerprinted unless they fail to provide proper identification. They make their way in and out of the criminal justice system — “often in a matter of hours,” she

said — and their cases are frequently dropped, making it “impossible to track” people who are arrested repeatedly for the same crime.

“As a result,” Ms. Hyman said, “an arrest for unlicensed vending amounts to little more than a nuisance to many of these unlawful vendors, and is absorbed as a cost of doing business.”

Ms. Hyman added, “Any meaningful attempt to address this problem will necessarily involve changing the state law to require that individuals arrested for vending-related offenses are fingerprinted as part of the booking process.”

The eight bills under consideration, she said, would affect only lawful vendors and “do nothing to deter unlicensed vendors or more harshly punish those who violate the laws.”

Some Council members reacted with surprise.

“You say you don’t like any of the bills in any shape or form and you just want to talk about your bill, which you never introduced?” Councilman Leroy G. Comrie of Queens, who led the hearing in his role as chairman of the Consumer Affairs Committee, asked Ms. Hyman.

“This is incredible,” said Councilman Charles Barron of Brooklyn. “You’re just talking to us about fingerprinting and not addressing any of the issues, whether it be police harassment or overcrowding.”

Ms. Hyman said that the mayor’s office could support some of the bills before the Council. She said that the city proposed the fingerprinting in 1990 and that the idea was being revived because the Police Department needed a “valid enforcement mechanism” to crack down on unlawful vending.

Mr. Comrie asked that the committee members address provisions within the proposed bills. “We’re bouncing all over the place,” he said.

Ms. Hyman and the other city officials went on to discuss the way money is stored when vendors are arrested and how long and whether vendors should be allowed to leave stands or pushcarts unattended.

But over the next hour or so, Ms. Hyman and Susan Petito, the assistant police commissioner for intergovernmental affairs, continued to raise the issue of fingerprinting. At one point it came up during a discussion of vending in Sunset Park, Brooklyn.

“Fingerprinting alone is not the panacea or the cure-all,” Mr. Comrie said.

Other than the fingerprinting proposal, perhaps the most important bill would raise the number of general-vending licenses to 1,023, a 20 percent increase

from the current cap of 853, unchanged since 1979. An estimated 1,000 applicants are on a waiting list for such licenses, and the waiting list was closed several years ago.

James Williams, a merchandise vendor on Chambers Street and a board member of the [Street Vendor Project](#), which has more than 750 members, said the “one good idea” among the eight bills was the proposal to increase the number of licenses and permits available. He called the other proposals confusing or unnecessary, saying there was little evidence that vendors were covering subway grates and that the proposal banning vendors from leaving their goods unattended would only make it easier for the police to confiscate vendors’ properties.

“Who here has not had a family or child-care emergency that has made them leave their work for more than 30 minutes?” he asked.

Members of a group called *Vamos Unidos* held a rally and press conference on the steps of City Hall, arguing that the number of full-time food vending permits should be expanded to 25,000 from 3,100.

“Street vendors play an important role in the local economy,” a *Vamos* member, Rafael Samanez, testified in the Council chamber. “Amidst the worst economic crisis in decades, the city has a chance to create thousands of new jobs by increasing the number of food cart permits and general license permits.”

Representatives of the restaurant industry, which sees itself as competing with the food vendors, disagreed.

A member of the New York State Restaurant Association, Michael Murphy, said: “This proposed intro is a direct threat to thousands of neighborhood retailers who are struggling in an era of rising rent, higher taxes, and increased regulatory abuse.”

John Durso, president of Local 338 of Retail, Wholesale and Department Store Union/United Food and Commercial Workers, cited similar economic factors, saying food vendors selling produce could hurt grocery stores.

“The proliferation of these carts near established food stores, combined with the downturn in the economy, have resulted in the expected closing of six stores where we represent workers, five in northern Manhattan, one in southern Queens.”

But Hilda Jaimes, a member of *Esperanza del Barrio*, a street vendor organization, asked the council members to grant new licenses.

**“Well beyond cultural and human reasons a reasonable cart few would provide the city with additional revenue, which is certainly need now more than ever.”**