



Public Hearing – September 27th, 2021

NYC Department of Health and Mental Hygiene

New Chapter 19A- Governing the addition of individuals to the current waiting list for full-term mobile food vending permits as required by section 33 of Local Law 18 of 2021

The New York Association of Grocery Stores, NYAGS is a coalition of local New York City grocers fighting to stay alive as special interests and big chains continue to encroach on the businesses our families have maintained for decades. I am submitting this comment on behalf of NYAGS and in opposition to NYCDOHMH's proposed new Chapter 19A as the city has failed to take any action whatsoever on both the enforcement unit and advisory board as required under the law. As such, we strongly suggest that the city extend the January 1, 2022 waiting list deadline as well as the issuance of 445 permits set for July 1, 2022.

The proposed rules would govern the expansion of the current mobile food vending full-term permit waiting list as required by Local Law 18, which requires the issuance of up to 445 food vending permits each year for 10 years beginning on July 1, 2022. This is a clear example of the city placing the proverbial cart before the horse yet once again and to the detriment of those that the city once hailed as the heroes of COVID-19—the brick-and-mortar grocery stores and their workers.

It's unbelievable that the city is poised to increase licenses before taking any action whatsoever on establishing the enforcement unit, which would exclusively enforce vending laws and is required under the legislation. The enforcement unit is the entity responsible for responding to vending complaints and violations throughout the city. How are we moving to exponentially increase street vendor permits without there being a true enforcement mechanism in place as everyone agrees is absolutely necessary.

Even more disturbing, the city has failed to take any action on creating the street vendor advisory board, as required under the law, to assess the effectiveness of the enforcement unit and the roll-out of new permits, and examine and make recommendations pertaining to vending laws. How can an advisory board make recommendations pertaining to vending laws when it doesn't even exist yet?

There is no dispute that NYC is losing vital supermarkets and that the city's failure to control fruit and vegetable peddlers right next to or near existing supermarkets is part of a significant problem that aids and abets the loss of needed markets that our communities rely on. The advisory board and enforcement unit were supposed to address this. What happened? Do our union workers not matter to the city because make no doubt about it, unregulated vending hurts workers: In particular, Unite, the UFCW and the RWDSU represent restaurant and supermarket workers whose jobs are threatened by the loss of business to food carts and peddlers. These workers are protected by their union with good negotiated wage scales along with health and pension benefits-not to mention workman's compensation coverage.

Sincerely,

David Schwartz, Esq.