

August, 18, 2026

Commissioner Samuel A.A. Levine
NYC Department of Consumer and Worker Protection (DCWP)
42 Broadway #5
New York, NY 10004

Re: Proposed General Vendor License Waitlists Rule

Dear Commissioner Levine,

My name is Nick Gulotta and I write as a New Yorker who cares deeply about an equitable small business landscape and as a public servant who has worked on this topic for nearly fifteen years at the City Council and for the Mayor's Office. My comment focuses primarily on Section [§ 2-319 \(e\) \(2\)](#) of the proposed rule:

(2) New prospective applicants requesting to be placed on such new waitlists may certify, in a form and manner as determined by the Commissioner, whether such prospective applicant engaged in vending activity as a general vendor as defined in section 20-452 or as a food vendor as defined in section 17-306 of the Administrative Code at any time between January 29, 2025 and November 2, 2026. Upon request, the applicant may be required to make records available to the Department to establish the accuracy of their certification and show proof of prior vending activity.

I strongly believe and it is clear that our city's street vendors overwhelmingly feel that *self-certification* to indicate that one has been a vendor would be unfair to longterm vendors. They have expressed that this approach could open the floodgates for people to apply for the waitlist, occupy space, and even receive priority over longterm vendors. Thousands of general vendors have served New Yorkers as they were subjected to excessive enforcement for decades. The City failed these vendors, the overwhelming majority of whom are immigrants who face barriers in the formal economy, by refusing to increase the number of licenses beyond 853. After years of organizing, these vendors recently won the first significant expansion of licenses in 47 years. DCWP should listen to these vendors and honor the spirit of the legislation that they fought for.

The proposed rule does not elaborate on what criteria or proof DCWP will require from vendors to prove they are currently vending. I recommend that vendors should be able to present the following proofs. Other agencies such as the Human Resources Administration have used a point systems such as the one used by IDNYC to verify identity and residency. Proofs should could include:

- Civil or criminal summonses were received while vending at any point in the past.
- Sales tax filings.

- Receipts of wholesale purchases of their supply and merchandise.
- Signed letters from customers, faith leaders, elected officials, brick-and-mortar businesses, or nonprofit organizations.
- Timestamped pictures of the applicant while vending
- Certificate of Authority to collect sales taxes in NYS.

I also recommend that our city's beloved food vendors should **NOT** be given priority for General Vendor Licenses for the November waitlist. While important in their own right, merchandise vendors are their own category of small business. I do not know of any other waitlist maintained by city government where another category of applicant would be given priority over those who the program was actually intended for. This would not take place in waitlists maintained by NYC Public Schools, the New York Public Housing Authority, or for civil service exams, and should not take place for General Vendor Licenses.

The proposed rule also increases the fines for violations of Administrative Code sections 20-465(g), 20-465(i), and 20-465(j). I strongly encourage the agency to provide maximum flexibility and direct a "fix-it, don't fine-it" approach. Local Law 54 of 2026 adds new responsibilities for vendors and the expansion of licenses will lead vendors to formalize the businesses they have maintained without a license for decades. It would take time and education for anyone to adapt to these changes. This rule should reflect that reality.

Finally, the application and waitlist-enrollment process must account for language justice and limited digital literacy. Communications from DCWP to vendors and the assistance provided should be available in the languages most commonly spoken by vendors. I recommend DCWP provide in-person options and application assistance in all five boroughs.

These are the nuts-and-bolts issues that we must address to truly deliver economic justice to New Yorkers. DCWP has an historic opportunity to demonstrate to the rest of city government what an equitable process that supports working New Yorkers can look like. Thank you for your time and consideration of my recommendations.

Very respectfully,



Nick Gulotta