

## Testimony of Mark Dicus, SoHo Broadway Initiative

October 26, 2016

My name is Mark Dicus, I'm the Executive Director of SoHo Broadway Initiative, the not for profit that manages the business improvement district along Broadway in SoHo. The SoHo Broadway corridor is a vibrant mixed use community that includes residential, office and retail operating side by side. Vendors are attracted to the robust amounts of foot traffic that fill our sidewalks. Our organization was formed to improve sidewalk congestion found within our district.

We are very familiar with rules governing vending and have close working relationships with many vendors in our corridor. We've also spent thousands of dollars mapping the area and developing a guidebook to show where vending is permitted. In fact, many vendors come to our office for help finding legal locations in our district.

We are pleased to see that Council is interested in tackling comprehensive reform of the rules governing street vending.

While vendors are an important member of the SoHo Broadway community, as anyone will tell you our sidewalks are overcrowded with pedestrians competing for limited amounts of space. While this legislation is a start, it does not go far enough in addressing many of the fundamental flaws facing the street vendor system.

This legislation adds 4,200 new food vendor permits and loosens several location restrictions, but leaves the main elements of the system essentially unchanged.

The proposed legislation does not address the black market for food cart permits. The bill also does not change the first come first served system by which locations are chosen, vendors will continue to fight for locations and be encouraged to break the rules.

The legislation also does not clear up the vagueness in the rules that leads to thousands of summonses that are issued and dismissed each year.

The legislation also does not modernize food carts to address the noise and exhaust pollution they create.

The legislation continues the one size fits all approach to siting vendors that does not give communities any input in the siting of a food vending cart on a public sidewalk.

Will permit holders and licensed food vendors who pay thousands of dollars a year in fines continue to have their permits and licenses renewed? Last year, the Department of Health and Mental Hygiene did not deny the renewal of a single food cart permit because of multiple violations and revoked only 12 permits for multiple violations. The City should not be creating a business model where fines are just a cost of doing business. The City should be creating a system that incentivizes compliance with the rules and revokes the permit of those who blatantly and continually violate the law.

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How will the proposed legislation address the above fundamental flaws I just described?

Please form the Advisory Board and give all stakeholders including vendors the opportunity to shape a system that works for the City. Give Community Boards and BIDs a formal role on this advisory board as these organizations have a wealth of knowledge about the needs and concerns of their communities.

All revisions to the location restrictions should be referred to the Advisory Board and no changes to these restrictions should be authorized as part of this legislation. Once the system is functioning then we can determine whether more food carts can be accommodated.

Please create the Street Vendor Enforcement Unit, it will be an important tool in ensuring the rules are being followed creating a more level playing field for vendors. More details are needed as to the size, authority and deployment of this unit to ensure that it has the resources needed to be successful. Will the unit be staffed with NYPD police officers or peace officers? How many officers will be part of this unit? Where will the unit be deployed from? The Initiative feels strongly that the unit should be staffed with NYPD police officers who have the authority to make arrests, confiscate property and write summonses for any violation observed. The unit should be deployed from the Borough commands and must be staffed with enough enforcement officers to be successful. Creating a Street Vendor Enforcement Unit is only part of the solution and is not a magic potion that will cure all of the problems of the current system.

Please start a pilot designated vending locations program to test innovative approaches to the placement of vendors in our City. As currently drafted, a designated location could be an entire borough and DOT could rewrite all of the rules without meaningful oversight. However, as with any other use of public space, this decision should be subject to a formal process of community input, review and approval.

Street vending significantly impacts the quality of life of the residential population, the office workers and the ground floor retail business that call our district home. This is a once in a lifetime chance to reform the system, but it must be done in a way that allows meaningful input from impacted stakeholders. Forming an advisory board with meaningful opportunities for public input and dialogue should be the first step in that process.

As currently drafted, the Initiative cannot support this legislation and we urge you to take the approach outlined today to reform the street vendor system.