



TESTIMONY OF VOLUNTEERS OF LEGAL SERVICE
New York City Council Committee on Consumer and Worker Protection
Oversight: Street Vending in NYC
December 13, 2023

Good afternoon. My name is Annie Xie and I am a Staff Attorney with the Microenterprise Project at Volunteers of Legal Service (VOLS). VOLS is a legal services nonprofit founded in 1984. Our mission is to bridge the justice gap in underserved communities through increased pro bono legal services. For over 20 years, the VOLS Microenterprise Project has helped existing and aspiring small business owners and entrepreneurs access high-quality free legal services from our dedicated staff and our network of pro bono attorneys. VOLS helps small business owners with transactional small business legal needs, including entity formation, drafting and reviewing contracts, and understanding industry-specific regulations. We partner with community and economic development organizations to connect with clients who would benefit from our legal assistance, focusing on minority-, women-, immigrant-, and veteran-owned businesses.

For many New Yorkers, entrepreneurship is an effective path out of poverty and into financial stability and independence. Entrepreneurship takes many forms, including street vending, which provides crucial economic opportunities particularly for immigrants, minorities, and veterans. The repeal of misdemeanor criminal penalties for food and merchandise vending will help ensure that street vendors do not face the threat or fear of arrest as they seek to provide for themselves, their families, and their communities.

At VOLS, we hear from all types of entrepreneurs, including street vendors, about the challenges of navigating what seems like a regulatory maze. These difficulties are often compounded by language barriers. In our work we recently learned about a licensed fruit vendor



who had hundreds of dollars of produce thrown out by the Department of Sanitation, which issued two violations that the fruit vendor could not understand, in part because they had limited English proficiency. Another food vendor, a Black, U.S. Navy veteran on Social Security, recently approached VOLS in frustration because his food cart permit decal was stolen, and he could not access any information on what to do next. He filed a police report but received two tickets for operating without a permit. These examples highlight the hurdles that street vendors encounter in addition to potentially facing criminal penalties.

Beyond considering the decriminalization of street vending, we believe that expanding access to licensing, as outlined in Intro 1270, will allow street vendors to formalize and grow their businesses under a fair regulatory system. This way, street vendors would no longer have to choose between operating without a permit or renting a permit from an existing permit-holder in the underground market (either by going into severe debt or exhausting their life savings). Intro 1270 also calls for the training that is part of the food vendor licensing process to include information on the particular vending restrictions of prospective license holders. It is immensely valuable for entrepreneurs to know what restrictions apply to their specific business. We also want to highlight that it is critically important that this information be made language accessible.

Street vendors reflect the city's diversity and embody the city's entrepreneurial spirit. Street vendors are among the smallest of New York City's small businesses, and yet they form an essential part of our communities and our local economies. Thank you for accepting our testimony and for supporting the needs of New York City's street vendor entrepreneurs.