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Group seeks new legislation to increase number of street vendors

by Kristen Bonardi-Rapp

Early each morning, Leonardo (who asked that his last name not be used for this story) wheels his Tacos Rey Leo cart up onto the sidewalk on St. Nicholas Avenue between W. 183rd and 184th Streets.

For the next twelve hours – from 8 a.m. to 8 p.m. every day – the 44-year-old and his nephew Leopoldo will work the taco cart's grill nonstop: shearing slices of pork off the side of a massive 50-pound rotisserie, making the tipico Mexicano, or typical Mexican food, advertised on each side of the cart: tacos, gorditas, and quesadillas, as well as Jarritos, the popular Mexican soda offered in a dozen different tropical fruit flavors.

Until six months ago, Leonardo and his wife Maria were just two more people among the almost 3,000 on New York City's waiting list for food cart licenses.

However, thanks to the help of non-profit organization VAMOS Unidos, they successfully secured a license, now stickered to the side of their cart, which Leonardo points to with pride, a broad smile under his bristling mustache.

VAMOS Unidos was founded by Rafael Samanez in June 2007. VAMOS is an acronym for Vendedoras Ambulantes Movilizando y Organizando en Solidaridad, which in English is "Street Vendors Mobilizing and Organizing in Solidarity."

"We're a community-based organization that focuses on the rights of workers," Samanez says, "mostly low-income workers, street vendors."



Until six months ago, Leonardo and his wife Maria were just two more people among the almost 3,000 on New York City's waiting list for food cart licenses. (photo: Christopher Auger-Dominguez)

Samanez, along with his staff of two employees, not only guides vendors like Leonardo and Maria through the process of obtaining licenses and permits and helping them file taxes.

He is also supporting legislation to

increase the number of permits the city's Department of Consumer Affairs will allow.

Currently, the city has a cap on the number of food vendors: 3,100, a limit that has not been raised since it was set

almost 30 years ago, in 1979. In addition to the almost 3,000 people on the city's waiting list to get a food vendor license, there are almost 10,000 additional applicants who haven't qualified for that waiting list yet.

As a result, many vendors sell without a permit, risking thousands of dollars in fines – and even arrest.

"Giuliani made changes so that it is an arrestable offense," Samanez said. It's generally left to the discretion of the officer, but if vendors don't have the necessary permits, the police will often arrest the vendors, as well as confiscate their merchandise.

"A lot of our folks have been abused in their other jobs, working in factories or [doing] domestic work," Samanez says, "They choose to be vendors so that they can be their own boss, or have flexibility."

He adds that many of the vendors are mothers, often single, who work at times in order to be available when their children are home, because the families are unable to afford child care.

Leonardo and Maria were among the lucky ones, though: after being on the waiting list for eight years, their name was drawn from the lottery the city holds every two years, allowing them to apply for a cart license.

As soon as they were selected, the couple needed to fill out the paperwork immediately in order to remain eligible.

"We move really quickly," says VAMOS Unidos organizer Jennifer Arieta, who adds

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that the city hurries the process on purpose. "There's a lot of people that never know, because it's all in English, so they lose out on their license," she said.

With the legislation they plan to present to the City Council, VAMOS Unidos hopes to change this. "Right away, there's a need for 13,000 more permits," Samanez says, citing the current waiting list plus the additional applicants, "so we're proposing 16,000."

At the current rate of \$200 per license, 16,000 new licenses would mean an infusion of \$3.2 million into city coffers.

With a potential economic downturn for the city looming on the horizon, will the City Council be more receptive to raising the limit on permits? Samanez seems doubtful.

"This equals jobs for our communities," says Samanez. "Jobs for low-income folks that live and work in this area, and [City Council members] have just been against that. Whenever we propose something that's helpful, they either cancel hearings or they don't put it up for a hearing. And their excuse is, 'We need to look at the big picture.'"

Samanez specifically singled out Council Member Charles Barron of Brooklyn, currently the chair of consumer affairs committee, for not placing anything about food vendors for a hearing in a long

time, as well as Council Member John C. Liu of Queens for stating there needs to be more enforcement as well as more ticketing and fines for food vendors, an idea Samanez derides as "ridiculous."

"What that translates to is a person that is probably on welfare, because he doesn't have a job, trying to pay a \$2,000 fine for trying to work," says Samanez. "That's what it means, or getting arrested. Mothers are getting arrested for this. It's very unfair."

Back at Tacos Rey Leo, Leonardo agrees. Before he had a license, he would sell at festivals because he didn't have to worry about the police.

"It's a big risk to sell," Leonardo says through a translator, "but people do it because there are not really other jobs that they can have."

As Leonardo talks, his nephew Leopoldo waits on customers, often greeting them warmly, and looking far more baby-faced than most 22-year-olds, despite the 12-hour days he puts in.

If the legislation VAMOS Unidos is proposing raises the number of available food vendor licenses, would he own his own cart?

He looks down and smiles shyly. "Right now it's very difficult," he says, via translator, "but yes, that's what every street vendor would like."



Actualmente la ciudad tiene un límite en el número de vendedores de comida: 3,100, un límite que no ha sido aumentado desde que fue puesto hace casi 30 años atrás, en el 1979. (foto Christopher Auger-Dominguez)

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bienestar publicó, porque no tiene un trabajo, tratando de pagar una multa de \$2,000 por tratar de trabajar", dijo Samanez. "Eso es lo que significa, o ser arrestado. Madres están siendo arrestadas por esto. Es bien injusto".

De vuelta a Tacos Rey Leo, Leonardo está de acuerdo. Antes de que él tuviese una licencia, él vendía en festivales porque no se tenía que preocupar por la policía.

"Es un riesgo bien grande el vender", dijo Leonardo a través de un traductor, "pero las personas lo hacen porque realmente no hay

otros trabajos que puedan tener".

Según Leonardo habla, su sobrino Leopoldo espera por clientes, a menudo dándoles una calurosa bienvenida, y pareciendo mucho más joven de sus casi 22 años de edad, a pesar de las 12 horas de trabajos diarios. Si la legislación que VAMOS Unidos está proponiendo aumenta el número de licencias de vendedores de comida disponibles, ¿tendría él su propio carrito?

El mira hacia abajo y sonríe tímidamente. "Ahora mismo es bien difícil", dijo él, "pero sí, eso es lo que cada vendedor en la calle le gustaría".