Hot-Dogs and Handbags: A Look at the Lives and Times of New York City Street Vendors

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Looking back, the eye-catching ad in New York City subway cars clearly addresses a deep fissure within the city's body politic. The text of this ad reads:

"There are roughly three New Yorks. There is, first, the New York of the man or woman who was born here, who takes the city for granted and accepts its size and its turbulence as natural and inevitable. Second, there is the New York of the commuter â€” the city that is devoured by locusts each day and spat out each night. Third, there is the New York of the person who was born somewhere else and came to New York in quest of something. [â€?] Commuters give the city its tidal restlessness; natives give it solidity and continuity; but the settlers give it passion."

Yet the meaning of this observation passed us by as we cruised under the East River toward Brooklyn. Only later did we realize that this proclamation written by E.B. White hints at a controversial thought: that New York immigrant settlers merit the same dignity the City grants to commuting professionals and established New York families alike.

It was not initially clear to us that immigrant workers generally, and street vendors specifically, are denied dignity by many of the current political debates taking place in New York City. In many cases, vendors are completely left out of most development of public policies as well as the implementation of the â€œquality-of-lifeâ€ offenses that directly affect the vendors themselves. Clarity, however, followed experience. Unprepared for a revelation-filled afternoon, we maneuvered Manhattan’s hot sidewalks and learned that vendors raise umbrellas over their carts for a very practical reason, to protect themselves from the relentless downtown heat. We also realized that vendors experience harsh treatment by laws and police officers, all a result of a political drive to remove vendors from the streets of New York City.

To begin our roaming inquiry into the situation of vendors, we visited the Street Vendors’ Project. Hoping to better understand the obstacles faced by vendors, we visited the director of the SVP, Sean Basinski (who, incidentally, worked as a street food vendor himself before attending law school), and we asked for an introduction to a “typical” Manhattan vendor. Basinski curtly informed us that there is no such thing as a “typical” street vendor. Basinski curtly informed us that there is no such thing as a “typical” street vendor. Estimates for the number of vendors (licensed and unlicensed) scattered throughout the five boroughs of New York City range from ten to fourteen thousand, and according to the SVP, common ethnicities of vendors include Chinese, Senegalese, Bangladeshi, Egyptian, Afghani, Mexican, and Russian. Overhearing our conversation with Basinski, Shake (a street vendor himself and a SVP board member), recommended that we “go out on the Street and get to know some folks.”

Pointing at the street sixteen floors below, he repeated: â€œall the answers are out there.â€

In order to better understand who vendors are, it may be appropriate to first establish the political state as well as political activism currently taking place in street vendors’ behalf.

Vendor activism

After visiting the Street Vendors’ Project (SVP), an activist group for vendors’ rights that is directed by vendors, we learned that a flurry of municipal government initiatives had pushed vendors completely out of certain neighborhoods and restricted vendors’ access to many more. At the same time, local painters and craftspeople had rallied under the banner of A.R.T.I.S.T. (Artists’ Response To Illegal State Tactics) for the continuation of their First Amendment right to sell their own art. Thus a schism divides society and craftspeople had rallied under the banner of A.R.T.I.S.T. (Artists’ Response To Illegal State Tactics) for the continuation of their First Amendment right to sell their own art.

E.B. White said that â€œsettlers give [New York] passion.â€ In distinctly unromantic opposition, Deputy Mayor Curran, quoted in the SVP publication Peddling Uphill: A Report on the Conditions of Street
Vendors in New York City, referred to Manhattan vendors in 1938 as “dirty, defiant, unlicensed peddlers.” These battle lines between business interests and immigrants’ rights supporters were drawn long before we arrived and before E.B. White penned his reflective characterization. In fact, Peddling Uphill notes that vendors on Manhattan streets faced opposition as early as 1691.

The position of vendors today is eroding because ever more streets are barred to vendors, and vending regulations continue to increase in complexity—while civil servants from the seven agencies tasked to regulate vendors scramble themselves to interpret the thick vending rulebook. The situation for individual vendors is unique and hinges on many factors, such as their access to legal institutions and legal counsel. Vendors must pay fines as high as one thousand dollars for innocuous sounding violations like carrying their vendors’ license in a pocket rather than around their neck, and both the Street Vendors’ Project and the Midtown Community Court strive to equitably address these infractions through legal channels. Above all, a city-issued vending license presides as the apparatus of opportunity for individual vendors. Without a vending license, people stopped by the police for selling goods on the streets face immediate and serious consequences. Their goods can be confiscated, they will be fined, and they can be arrested.

A Day in the Life…

In Manhattan, we did not have to walk far before finding a hot-spot for street vendors: Battery Park. The park burgeoned with handbag, Hot Dog, Shish Kebab, and “I Heart New York™” T-shirt sellers. Shake was right – the answers were to be found on the streets, but we first needed to meet a talkative vendor.

Getting to know vendors is not a simple task. You have to time it perfectly so as not to approach a vendor when he has a customer and risk disrupting his business. So as not to overwhelm the vendors with a group of three inquisitive researchers, we split up in hopes that vendors would be more willing to share their experiences through a one-on-one interaction.

Thirty minutes, a hot dog, chicken shish kebab and Snapple Iced Tea later, our group reconvened to share and digest our experiences. Our first experience with vendors was very eye-opening and through our first thirty minutes of informal conversation, we learned more than any article or book could have so far conveyed. Each and every vendor has a different story.

The threads of these New York institutions are woven into the stories of three vendors’ lives. J has achieved success as a photo vendor, but this does not mean he is financially secure. The average Lower Manhattan street vendor, according to Peddling Uphill, earns only fourteen thousand dollars per year which would put the average vendor with a family’s earnings well below the poverty line. Helena, a Battery Park hotdog vendor, though licensed does not own her cart. She sells food all day and hands the greater share of her profits to “The Boss,” yet she declares she is satisfied with her job. She decides her own work schedule and is free from the typical worries of a business owner.

J and his friend Oscar both gazed toward Staten Island in the distance. J, a framed-photograph vendor in Battery Park, and Oscar, his informal assistant, may have been wondering if passengers from the approaching Liberty Island tourist ferries would buy their merchandise: ten dollars for a small picture, twenty for a medium, and 50 for the largest size.

For J, selling pictures on the street pays the rent; that is, in an apartment far from his place of work in lower Manhattan, in Flushing, Queens. He shares this cramped home with a Korean fireman, and a Greek man. He speaks highly of vending as a career. He says that “the money isn’t bad, nor are the rules, the police, or the other vendors.” Regarding the difficulties of his profession, J explained that police, passerbys, and other vendors do not hassle him. Rather, he described all these characters in flattering terms.

“The NYPD come around and ask for my I.D. and tax I.D., and they check dates and I.D. numbers to see that they match. If I don’t have these or if they are wrong, I get a fine but just this morning a NYPD officer asked for my I.D’s and I showed them to him, and he was okay. I only got one ticket ever. A cop wrote me a ticket early one morning for not having my prices posted, but I told him that I was about to post them. I just had not posted ‘em yet. But the cop didn’t fill in the date and location, so when I went to court for the ticket the judge dismissed it.”

After all this, J claims that the only real difficulty of his job is pushing his cart up the hill to the garage where all of the park’s vendors store their carts.

For J, life as a vendor is a gift to be enjoyed and shared. J’s attitude about life and his job seemed
Ibrahim

Just down the walkway in Battery Park we met a woman named Helena. She sold food at one of those iconic hotdog & pretzel pushcarts that epitomizes New York City to many people. She is from Romania and has been living in New York with her husband and two children for more than ten years. Though Helena and J. at first-glances seem to share many job attributes, at a closer look, we could tell that they are very differ vastly simply because J. owns his business and Helena only operates her pushcart. Her push-cart is owned by "The Boss" (the ominous name she has assigned for the man whom she gives her daily earnings). Though Helena is not allowed to keep her all of her profits, she enjoys her job and is not burdened with the responsibilities of business ownership. Furthermore, she has the freedom to decide when she wants to work. In her case that means working for only two or three months during the summer to support her family while the children spend their vacation in Romania. "How much do you earn with that?" I asked. She smiles charmingly and replies, "It's enough," implying that she is not comfortable disclosing an exact amount. Helena works everyday from 8:00 am to 5:00 pm. Bathroom breaks are nearly a luxury but she does not state that as a major obstacle. As a woman working in an unprotected, solitary job, Helena admits that she is occasionally wary. "Sometimes, I am a bit afraid. This job can be dangerous, you know. There are thieves and other bad people. But most of the time I really love this job and my customers."

Although Helena is employed by another person, she needed her own license to be allowed to vend. She said it was no problem to get this license, but in the licensing process there is a difference between food vendors and merchandise vendors. Unless you are a US veteran, it is almost impossible to obtain a license to vend merchandise in New York. In fact, the existing waiting list to get such a license has been closed since 1992. In stark contrast, food licenses are unlimited but one needs permission for a pushcart and there is a city-wide limit of 3,000. To apply for a food vendor license, an applicant must go to the Department of New York Consumer Affairs, with their Tax ID, Social Security Number, and state-issued I.D. In addition to these requirements, one must attend a one-week food protection course at the Health Department.

Ibrahim

Not far from the cart where Helena worked, a man who looked to be in his early 50s was engaged in a different type of street vending. He carried a plastic bag and wore a fanny pack in which he carried watches and sunglasses for sale. This stoic, unlicensed vendor is named Ibrahim. Ibrahim is from Senegal and has lived in New York City for six years. With the money he remits to Senegal he supports twenty people: three wives, twelve children and a handful of sisters. He has not seen his family for 6 years because he is afraid that he will not be able to enter the US again if he goes back to Senegal even for a visit. It was quite a challenge, however, to elicit more personal information from Ibrahim. That might have been a result of linguistic barriers as we were communicating in a wild mixture of French and English.

After 4:30pm, Ibrahim could be found in Battery Park, approaching tourists with the following sales pitch: "Sunglasses? Watches? Cheap!" Ibrahim intimated that his timing for arrival in the park was strategic. "After 4 pm, police in Battery Park go home. Sometimes not, this is the problem, you know?" As we talked, his eyes moved over the crowds, constantly scanning the park in search of New York's Finest. This made me nervous, but I continued probing and hoped to get more answers. Ibrahim did not seem to feel safe or relaxed at all. I was not sure if it was my company and all of my questions or simply the situation (constantly on the run, his survival strategy) but his nerves were definitely tightly strung. Without a consistent location from which to sell his goods, he was forced to try his luck all over the city. I asked him if he had problems with the police. "Every day," he answered, "I also had to see the judge a couple of times." Suddenly he became talkative and told me much about his Muslim belief and that he strictly observes the 5 daily Selah; Islamic prayer. Ibrahim claims that his faith is what takes the place of his daily fear of Police.
Strictly weekends

Compared to a common weekday in Battery Park, the weekends attract a different type of street vendor to New York City. Every weekend there are different street fairs that occur throughout the five boroughs. There are a few significant differences between the weeklong street vendors (vendors that vend on the weekdays as well as weekends) and the weekend street vendors (vendors that vend exclusively during the weekends).

Weeklong street vendors seem to be people of habit. Each day you can rely on your neighborhood vendor to be in the same spot, selling the same items that he has been selling for years. The weekend vendor is more nomadic. Weekdays bring food vendors, such as Helena, that sell cheap and reliable New York City street food: pretzels, hot dogs, kebabs and knishes. But the weekend vendors tend to provide a greater variety of goods, including specialty foods such as vegetarian Thai Summer Rolls and Latin style sweet corn Arepas with mozzarella cheese. As a result, the weekend vendors expect their customers to pay more.

Another difference between weekend vendors and weeklong vendors is the public’s reaction to their presence. Many times during the week, vendors are considered a nuisance to business owners as people claim that they cause clutter on the side-walks. This is a very different experience for some businesses near the weekend fairs. Businesses have said that the fair actually attracts more customers to their shops and it is not a nuisance because it usually only occurs once a month in a given location.

Pedro, a 23-year-old clay figurine artist from Virginia, is well aware of the difference of vending during the week as opposed to vending during the weekend in a street fair. Street fairs are where you make the real money. Any artist can set up a table on any street, as long you don't set-up in a place that touches public property like this wall (he patted the coal-toned marble against which he leaned) and as long as the street is not restricted. Not many artists sell at street fairs, most think that the artsy areas are the best, but they’re wrong. I might make two or three hundred dollars in a day at Union Square, but the first time I sold at a street fair, I made $800! I was like whoa, I should do this all the time.

Street fairs may be a good compromise for vendors that are seeking employment but are unable to receive a general merchandise license to vend everyday of the week. New York City's Department of Consumer Affairs strictly limits the amount of merchandise licenses that they distribute (in fact they do not limit it, they just do not issue licenses anymore other than to military veterans). However, street fair licenses are of a unique nature and they can be issued independent of the back-log for general merchandise licenses. But many vendors, weekday and weekend, encounter the same problems with attaining licenses if they are undocumented immigrants.

Being Documented matters!

This is the take home message from our conversation with Nakisha Evans, Program Associate for Seedco, a non-profit organization based in Manhattan. The goal of Seedco is to create economic opportunities for disadvantaged job seekers, workers, and neighborhood entrepreneurs. We met with Ms. Evans because we wanted to better understand the position of street vendors who are seeking public assistance, what services vendors could access in order to "professionalize" their careers, what support is available to vendors in need, and what options exist for unlicensed street vendors who want to move toward business legitimacy and away from the informal sector.

In answering these questions, Evans described three sub-populations of vendors: licensed, unlicensed but documented (in terms of US residency status), and unlicensed and un-documented. There are almost no services available for un-documented immigrants in general and they are hardly eligible for benefits, Evans explained. Thus, most unlicensed street vendors cannot rely on state support since the majority of them do not have documented residency in the US. This is particularly important in regard to street vendors’ access to health care. Vendors’ jobs are very physical. They are exposed to very cold weather in the winter and extreme humidity and heat in the summer. According to SVP’s report, Peddling Uphill, street vendors may suffer from back problems and other issues resulting from restricted access to restrooms during long workdays which last for 8 to 10 hours. As recourse, Evans suggested two options related to Seedco.

1. A street vendor's first option is going to one of the two Business Solution Centers in Manhattan operated by Seedco. These centers offer services for anyone who needs information related to his business or career. Evans admitted that many un-documented, unlicensed vendors do not use these kinds of services because they are afraid of their residency status being reported to the Department of Homeland Security and facing deportation. However, Evans adamantly describes this behavior to be based on an unsubstantiated myth.
2. A second option is going to the Workforce1 Center in Harlem. This center is financed by the Robin Hood Foundation and functions according to the one-stop principle; a comprehensive package of services for job seekers. The approximately 285 walk-in clients who come to the center each week can find services like job training, career counseling, job readiness, referrals to approved skills, job placement and post-placement services. Evans also states that it starts with basic help such as assisting in writing a resume, providing computer courses to help people navigate the internet for a job search and giving financial education and interview training. On an annual basis they place 2,000 people into jobs.

These solutions sound great on paper but it lead us to a purely logistical paradox. According to the SVPâ€™s figures, there are approximately 6,000 unlicensed street vendors in the city. We wanted to know what Evans thought about this number in regard to the capacity of the programs she mentioned. In terms of the quality, she is convinced of the effectiveness but at the same time she acknowledges that there are always limitations resulting from a lack of resources. In the case of our un-documented street vendors we wanted to know what assistance would look like. Evans describes that the first step would be to get the vendor documented or at least â€œclose to being documented.â€ In that process he can get help from the different Community Based Organizations (CBOs) Seedco is cooperates with. â€œWhat they usually do is help the customer navigate in the legal system,â€ said Evans.

As soon as the unlicensed vendor has documented status in terms of residency, things become much easier and he can access the same services as a legal street vendor who seeks assistance. Evans told us that the general approach of Seedco towards unlicensed street vendors is not getting them a license; rather, trying to find them a different job according to their skills and training. This makes sense when we take into account that many vendors are highly qualified in certain fields. Often times, immigrants have degrees from another country but face problems of the degreeâ€™s recognition in the US. To assist with this problem, part of the help Seedco and their partners offer is a job coach who also helps the clients earn a GED (High School Equivalency Certificate) and assistance in transferring credits from foreign educational institutions.

Street Vending: A Quality-of-Life Offense?
It was Giulianiâ€™s Fault

Through talking with many people about their personal opinions of street vendors in New York City, a common subject that was mentioned was the effect that former mayor Giuliani has had on the city. According to the New York Times, Giulianiâ€™s quality-of-life offenses have targeted everyone from â€œreckless cab drivers, turnstile jumpers, squeegee men andâ€œsidewalk vendors.â€ One New Yorker attested to the changes by saying, “New York today is not the New York of ten years ago, not even the New York of five years ago.”

Starting in 1994 with a push to banish all illegal vendors and move all other vendors into â€œopen-airâ€ style markets to reduce heavy traffic, Giulianiâ€™s plans were very unpopular with street vendors, but possibly even more importantly, the working class patrons of street vendors that voted him into office. As a result of his 1998 â€œQuality-of-lifeâ€ campaign, Giuliani put a 144 block ban (concentrated in midtown and lower Manhattan) on vendors in New York City, further restricting the nearly 4,000 licensed vendors and an estimated 8-10,000 unlicensed ones. This proposition was alleged lobbied for by many of Manhattans Business Improvement Districts (BIDs).

Through many of his quality-of-life campaigns throughout the 90s, Giuliani made it clear that his â€œsympathy lies more with the cityâ€™s tax-paying merchantsâ€ (New York Times). Being that most vendors are immigrants (documented and undocumented alike) there are not many options to fall back on if vending is banned in New York City. For many vendors, their immigrant status will not even allow them to collect public assistance. One vendor was quoted in the New York Times referring to the 144 block ban as â€œa direct assault on the poor, on the new immigrants, and also on those who cannot go to Macy’s, Bloomingdales to shop.â€

During a clean street sweep of 125th Street in Harlem in 1994, hundreds of NYPD officers pushed vendors off of the streets. The result; a non-violent protest and march organized by unlicensed vendors of Harlem where many vendors and organizers were arrested. During the 1998 ban in lower parts of Manhattan, vendors again shut-down their stands for a day and marched in protest of the ban.

Ultimately, Giuliani and his team were forced to concede the 1998 ban and it did not affect as many vendors as the Mayor had initially hoped. This is evidence that the street vendor community can be very strong and since they are still here today, it is evidence that New York is forced to accept them as a part of the cityâ€™s culture.

The City vs. Street Vendors
Round 1: BIDs

Though Giuliani is no longer in office, the legacy of his term is still visible on many New York streets. It can be very interesting at times to think why there are many vendors on one street when only a couple blocks further, there are hardly any, even though there seems to be just as much foot traffic. Potentially, much of this has to do with BIDs.

As described by New York City’s Small Business Services, a Business Improvement District is a formal organization made up of property owners and commercial tenants who are dedicated to promoting business development and improving an area’s quality-of-life. BIDs deliver supplemental services such as sanitation and maintenance, public safety and visitor services, marketing and promotional programs, capital improvements, and beautification for the area - all funded by a special assessment paid by property owners within the district.

The city contains nearly 60 BIDs and they annually contribute roughly $80 million to the city. The question arises, how does this affect street vendors?

Especially important is the focus that BIDs have on beautification for the area. Many people can consider street vendors’ informal business as an eyesore on the community and this is where BIDs can step in and help the establishments in the districts they serve, but there are limitations.

While speaking with Dan from the Downtown Alliance BID (consisting of areas surrounding Liberty Plaza, Wall Street and Battery Park), he stressed that BIDs cannot make any new regulations for street vendors. Each BID can only follow the regulations that the city puts forth for vendors and as long as vendors are not in violation of city code, BIDs have no right to regulate them. Though BIDs are not able to create new regulations, it was unofficially expressed that one BID constructed concrete planters in their district’s sidewalks to physically prevent street vendors from setting up shop. BIDs carry discretion on how dedicated they are to enforcing city regulations. As mentioned above, some businesses appreciate street vendors because they claim it can bring foot traffic into their stores while others find street vending a nuisance. In the cases of nuisances, Dan explained that BIDs are able to "use security officers without badges or guns to ‘shoo’ [vendors] away."

Round 2: ECB

When a licensed vendor is found in violation of one of the many regulations that he must abide by, they must either pay or contest their violation with the Environmental Control Board (ECB). The ECB is a board that hears disputes like a court but it only deals with issues in which people are violating New York City’s quality-of-life laws. It is important to note that the violations in which many vendors are cited for are not criminal offenses. Therefore, the ECB issues only monetary penalties "when it finds people in violation of the City's quality-of-life laws." Though the ECB is not a formal court, vendors that are found in violation are able to present evidence in favor of their case. However, many of the vendors that are found in violation, do not have the resources to pay for legal representation and often times end up representing themselves or paying the hefty fine.

Round 3: MCC

The ECB is not the only organization that is currently dealing with disciplining street vendors. New York City’s Midtown Community Court (MCC) was launched in 1993 and was founded in order to combat what the city deems as quality-of-life offenses, such as street vending without a license. However, an unlicensed street vendor in Manhattan has the opportunity to go to the MCC for arraignment only. Danielle Stockweather, Deputy Director of Social Service and Planning for the MCC said that "if the case is not disposed of, then it goes to New York Criminal Court." Unlike a formal court, a MCC judge is given more discretion in his sentencing and often the violation results in the offender getting an alternative fines and/or jail time; such as participating in some type of community service project, organized through partnership with local residents and businesses.

Whether a vendor is licensed or unlicensed, one thing is for sure, they routinely interact with the ECB or MCC. Though the MCC may sound like a good alternative to slapping fines on vendors (and I think that most people would agree that this is an innovative alternative), the problem is not ultimately fixed by lighter disciplinary action than more formal criminal courts. The MCC was created to point out problems of society and communities that often push people into lines of work that are seen as quality-of-life offenses. Many of the unlicensed vendors are well aware that their line of work is against the law. They do not break the law because they want to; rather, many vendors feel that it is the only way they know
how to survive. I think that a closer look needs to be taken at city policy and examine if the current policies are appropriate or need to be revamped.

NYC Street Vending as a Lens to Greater Societal Injustices
As we researched minority rights issues in New York City, our inquisitive lenses were only lately turned to the plight of those most gregarious of immigrant varieties, street vendors. Our inquiries led us toward this contested territory, and on it we unearthed sharp differences of opinion. Shop owners and their umbrella organizations (BIDs), city policy-makers, and even law enforcement agencies sometimes treat street vendors as municipal nuisances. Quality-of-life regulations treat vendors as quality-of-life offenders. However, this "clean streets" sentiment faces opposition from on-the-go consumer seeking quick and inexpensive meals, immigrants' and workers' rights advocates who fight against initiatives that curtail immigrants' or workers' chances for economic success, and, of course street vendors hope to achieve the American Dream of color-blind financial success.

Since the early days of New York City, newcomers have filled tenements and opened-up shop on Manhattan's grid of streets. Oftentimes these shops were nothing more than a pushcart and a display table and since the city’s early days, immigrants predominated as these push-cart vendors. The same is true on the streets of Manhattan today; 80% of street-vendors were born in a country other than the US. Though vendors today share some traits with New York's vendors of yesteryear, the situation for contemporary vendors has changed drastically. Before we seek to eradicate an entrepreneurial endeavor that has outdated the US Constitution, a closer look has to be taken at the culture of street vending. Looking at society through the lens of street vendors, many inequities arise and raise pertinent questions of how the United States treats its minorities, immigrants and working-class people. Perhaps vendors' stories can be used as a lever to move policy-makers and business people to eradicate these painfully real inequities.

References


These vendors are a fixture of New York’s streets and New Yorkers’ routines, vital to the culture of the city. But day to day, they struggle to do business against a host of challenges: byzantine city codes and regulations on street vending, exorbitant fines for small violations (like setting up an inch too close to the curb) and the occasional rage of brick-and-mortar businesses or residents. Not to mention the weather, the whims of transit and foot traffic, and the trials of standing for hours, often alone, with no real shelter or private space. This classic New York City attraction gives millions of visitors each year spectacular views of New York City and the surrounding area from its 86th- and 102nd-floor observatories. The Empire State Building, which opened during the Great Depression in 1931, reflects its Art Deco era in its architecture and lobby. Buying tickets to the observation decks in advance cuts waiting time and is especially important if you’re in New York City during high vacation season.