



**Media Advisory**  
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**Speaker Mark-Viverito acknowledges small business crisis in NYC State of City Address:  
Speaker's solution is inaction and a third study on issue**

**Dateline NYC March 30, 2016:** When it comes to the true state of our city's small businesses, Speaker Mark-Viverito's recent State of the City Address got it right by drawing attention to the growing crisis faced by long established small businesses being forced out by exorbitant rent increases when their leases expire. The Speaker said, "**Mom and pop shops are the economic heart of our City... But skyrocketing real estate prices mean that when small businesses have to renew their leases, they often face significant and unaffordable rent increases - forcing many to relocate, or close completely.**"

But what Speaker Mark-Viverito says and what action she is taking are at odds. The action behind her stated solution is to continue the failed policy of her predecessor, former Speaker Quinn, and study the problem while pursuing a policy of inaction as our small businesses continue being destroyed. The Speaker's solution to study this crisis is a reflection of her continued endorsement by the Real Estate Board of New York (REBNY) whose goal is blocking a vote on the Small Business Jobs Survival Act while keeping the status quo of commercial tenant exploitation. The Speaker said, "**So this year the Council will launch a planning study to develop recommendations for strengthening our small business community through land use policy and other tools, such as tax incentives.**" How can the Speaker acknowledge "unaffordable rent increases," as the core problem and then not address it in her solution?

The Speaker is blocking true progressive lawmakers--28 thus far, a majority of the City Council--a chance to vote on and pass progressive legislation while correcting the most anti-democratic and anti-immigrant act committed by a Speaker's office in modern times. In 2009, prior to a vote on the **Small Business Jobs Survival Act** by the Small Business Committee, a claim was made by then Speaker Quinn's office that the bill had 'legal problems' and could not be voted on. The bill was certain to pass with 32 sponsors including the entire Small Business Committee. Small business advocates cried foul and correctly pointed out that the powerful real estate lobby made no such legal challenges to the bill at the public hearing - not even in writing - and that the bill had a long history of court rulings that upheld its constitutionality every time. This vague legal challenge was a roadblock created by REBNY in collusion with the Speaker's staff to stop a vote on the **Small Business Jobs Survival Act**.

That unsubstantiated legal roadblock was proven without any legal merit by a Special Legal Review of the bill sponsored by Bronx Borough President Diaz in 2010. Even after disproven, the legal roadblock continues to be the only claim by the Speaker's office for denying even a hearing on the **Small Business Jobs Survival Act**. The Speaker's office has made no effort in seven years to recommend amendments to the **Small Business Jobs Survival Act** which would satisfy their legal concerns.

The Speaker's call for yet another study to address this crisis is what Sung Soo Kim, former Chairman of the Mayor's First Small Business Advisory Board, appointed by Mayors Dinkins and Giuliani, calls another Trojan Horse from City Hall created by REBNY to keep the status quo. He is not surprised by the Speaker's call for another study at a time of crisis and record closings of small businesses. Kim said, "*Small business owners, and especially immigrant owners were marginalized by City*

*government and a deprived social class that have no voice in making economic policy in NYC. What is clear to any true progressive legislator is that the absolute essential component of any law to stop the closing of businesses is **the right to renewal of the lease**, without which all proposals will fail and all independent owners in New York City will eventually be forced to close."*

Small business advocates say the Speaker's call for another study is redundant and an insult to desperate business owners struggling to survive. Another study is not necessary because Manhattan Borough President Gale Brewer, recently completed a huge multi year study that started in May 2014 and involved 21 government agencies, small business organizations and several small business roundtables to gain the facts. From this extensive study MBP Brewer made several recommendations, one of which is now being turned into proposed legislation for the Council to consider. Furthermore, NYC Comptroller, Scott Stringer formed a Red Tape Commission to advocate for small business owners and identify their major problems and recommend solutions to address them. He held town hall meetings in five boroughs to listen to community activists and business leaders. The final report will be released very soon. Instead of another study benefitting REBNY with the goal of keeping the status quo, the Speaker must begin public hearings on all proposed solutions to address this crisis and stop the closing of our city's small business owners.

Small business advocates hoped Speaker Mark Viverito would keep her campaign pledge to take the Council in another direction from former Mayor Bloomberg and make City Council encourage more progressive legislation like the **Small Business Jobs Survival Act**. They hoped she would be the same leading progressive Council Member who testified at the public hearing on the **Small Business Jobs Survival Act** before the Small Business Committee.

*Council Member Mark- Viverito stated at the 2009 hearing, "I'm very proud of the fact that we're having a hearing on this legislation (Small Business Jobs Survival Act). I'm very proud of the fact that Robert Jackson has introduced this. I've signed on as a sponsor, as many of us here have. I'm not on this committee but I felt compelled to come because it really is an important proposal. We obviously have intent on passing this. We're (Council) going to be very firm and very strong. As a Council we have a responsibility to represent all sectors in this city and not just a select few, which I believe is what has happened with this administration. We are here to also represent the tenants, to represent the small business owners and to do what we can to preserve this vital backbone in this city...it is important and we're very much committed to that."*

The Speaker's call for another study is the opposite position she took as a Council Member. As Council Member she called for the Council to be "firm and strong." As Speaker she calls on them to be silent and study the problem. As a Council Member she recognized that the Council has a responsibility to represent all sectors in this city and not just special interests. As Speaker, she allows the real estate lobby to define the problems of our small business community and propose the solutions to those problems. Her policy has led to making the crisis worse. Today in NYC the Commercial Courts issue warrants to vacate businesses on average of 542 per month. An estimated 1,000 small businesses close each month in NYC. Another study is the last thing that will preserve small businesses. Why does Speaker Mark-Viverito continue to fail small business and hold the **Small Business Jobs Survival Act** hostage?

\*\*\*TakeBackNYC is a direct action political lobbying organization representing a coalition of small business owners, residents, and advocacy groups formed with one goal, and one goal only: Empower and protect the rights of NYC small business owners. [www.takebacknyc.nyc](http://www.takebacknyc.nyc)