

February 27, 2024

Steven Montague
Managing Director
J. Safra Real Estate
546 5th Avenue
New York, NY 10036

Re: The Future of Faneuil Hall

Dear Mr. Montague:

Congratulations on J. Safra Real Estate’s recent acquisition of Faneuil Hall Marketplace, one of Boston’s historic landmarks and the cradle of liberty. With this acquisition comes an opportunity and a responsibility to bring Faneuil Hall into the future, as a lively hub of local commerce and gathering. We are writing to offer concrete and immediate suggestions for how to do so, with a particular focus on ensuring that the Faneuil Hall—an economic hub—is well-represented by the rich diversity of Boston’s minority-owned, immigrant-owned, and women-owned small businesses.

Lawyers for Civil Rights (LCR) works with communities of color, immigrants, and low-income communities to fight discrimination and foster equity through creative and courageous legal advocacy, community education, and economic empowerment. LCR | BizGrow focuses on ensuring that small businesses have the opportunity to grow and thrive.

Faneuil Hall is at a critical crossroads, and under new leadership and ownership it has an opportunity to change for the better. Your predecessor has been publicly criticized for “failing to curate a locally-focused experience, and instead bringing in out-of-state chains to help fill the shops,”¹ and for “discriminatory, unfair, and deceptive practices targeting shopkeepers of color”² at Faneuil Hall Marketplace. The time to act is now to lift up the small businesses that fuel the engine of our Commonwealth.

Here are concrete action steps that we urge Faneuil Hall to implement:

¹ Jon Chesto, *A new start for Faneuil Hall? New operator takes over historic marketplace*, Boston.com (Feb. 1, 2024), available at <https://www.boston.com/news/the-boston-globe/2024/02/01/a-new-start-for-faneuil-hall-new-operator-take-s-over-historic-marketplace/#:~:text=The%20real%20estate%20arm%20of,for%20the%20past%2013%20years>.

² *Faneuil Hall Shopkeepers of Color Targeted and Criminalized*, Lawyers for Civil Rights (last visited February 26, 2024), available at <https://lawyersforcivilrights.org/our-impact/economic-justice/faneuil-hall-shopkeepers-of-color-targeted-and-criminalized/>

1. Increase locally-owned, minority-owned, immigrant-owned and women-owned businesses operating at Faneuil Hall.

Faneuil Hall must commit to shifting the make-up of the market's businesses to increase the number of small and locally-owned businesses.

Currently the marketplace is made up of approximately 34% locally-owned businesses, 23% women-owned businesses and 24% minority-owned businesses. Faneuil Hall should publicly commit to reaching 40% locally-owned by the end of 2024, and 50% locally-owned within three (3) years. At all times, at least 60% of all businesses should be minority-owned or women-owned. These are all achievable goals and we stand ready to support you.

Increasing the diversity of businesses will better reflect the local economy, and will also help enliven Faneuil Hall. Unlike now, in the 1970s “there were no chains and every morsel was fresh, original, and delicious.”³ It is past time for market ownership to bring Boston the unique and diverse offering that this space was intended to display for locals and tourists alike. Dramatically refreshing the makeup of the market could help bring in local sensations such as [Jamaica Mi Hungry](#), [Tawakal Halal Cafe](#), and [Sweet Teez Bakery](#), which would help draw a local crowd to Faneuil Hall.⁴

In order to more effectively make this shift in the current landscape, we encourage you to develop formal partnerships with organizations supporting small business. Community organizations such as LCR | BizGrow, Commonwealth Kitchen, Nibble Kitchen, Amplify Latinx, the Greater Boston Latino Network (GBLN), and the Black Economic Council of Massachusetts (BECMA) can function as pipelines for outreach and engagement with high quality locally-owned businesses who have the capacity to operate at Faneuil Hall.

More diverse local businesses will bring the vibrant culture of Boston to Faneuil Hall and usher in new local customers in addition to maintaining a constant stream of tourists and return visitors.

³ Erika Adams, *Why Is Quincy Market's Food So Bad? Diners Have Theories*, Eater Boston (Aug. 31, 2023), available at <https://boston.eater.com/2023/8/31/23852028/quincy-market-tourist-trap-bad-food>

⁴ Devra First, *Why a Somali nook in East Boston is one of the country's best new restaurants*, Boston Globe (Sept. 24, 2019), available at <https://www.bostonglobe.com/lifestyle/food-dining/2019/09/24/why-somali-nook-east-boston-one-country-best-new-restaurants/0crpJ5Xn0e7vqNqNght0gK/story.html>

2. Replace the current property management company.

With effective and sustainable stewardship of this historic marketplace must come the replacement of the current management company. We understand that the day-to-day property manager is Jones Lang LaSalle (JLL), and that they will remain in place after the acquisition.⁵ LCR has exposed the unfair and deceptive practices that marketplace management exhibited toward minority shopkeepers,⁶ including:

- Management threatening to “tear up” licenses for three shopkeepers of color operating push carts at Faneuil Hall when they raised basic grievances.
- Management removing businesses of color from the Faneuil Hall website in retaliation for raising legitimate operation concerns such as long bathroom lines.
- Management calling the police on shopkeepers of color without justification when these shopkeepers visited the management office to share their legitimate concerns.
- Management undermining shopkeepers by consigning their push carts to poor sales locations through deception and coercion. They have also failed to uphold commitments on cart locations. This interferes with the shopkeepers’ business operations as location at the market has a significant impact on sales.
- Management repeatedly declining requests from shopkeepers to provide them with fully executed copies of the license agreements. This ploy keeps the shopkeepers’ legal status in the marketplace in doubt.

This pattern of retaliation and criminalization against shopkeepers of color is unprofessional and unlawful. Small business owners are harmed. It also exposes the marketplace to liability.⁷ Immediate remedial steps should include placing businesses that Faneuil Hall management retaliated against back on the Faneuil Hall website, including Orient Express and Forever Leaf. We also urge you to find a new management company.

⁵ JLL continues to be featured in the marketplace website. See <https://faneuilhallmarketplace.com/about/faneuil-hall-marketplace> (last visited Feb. 27, 2024).

⁶ *Faneuil Hall Shopkeepers of Color Targeted and Criminalized*, Lawyers for Civil Rights (last visited February 26, 2024), available at <https://lawyersforcivilrights.org/our-impact/economic-justice/faneuil-hall-shopkeepers-of-color-targeted-and-criminalized/>

⁷ Ivy Scott & Tonya Alanez, *Three vendors claim discrimination by Faneuil Hall Marketplace management*, Boston Globe (Sept. 21, 2023), available at <https://www.bostonglobe.com/2023/09/21/metro/faneuil-hall-marketplace-landlord/>

3. Develop more small business-friendly leases with local shopkeepers.

In order to encourage local businesses to make bold business decisions and bring new energy to the marketplace, we encourage you to adopt leases and license agreements with more business-friendly terms, including:

- Right of first refusal to renew when lease terms come to completion;
- Reasonable limits on rent increases when renewing leases;
- Transparency about common area maintenance (CAM) charges and other operating or auxiliary monthly costs before signing leases;
- License agreements for push carts should lay out specific agreed-upon cart locations for a year to provide businesses with certainty and an opportunity to build up customers at a consistent site; and
- Removal of license agreement clauses allowing for unilateral marketplace revocation of licenses “at will and without cause.” The Faneuil Hall license agreements we have reviewed all contain this unfair language.

With the predictability of a lease or license agreement incorporating clear terms and stability for a small business, entrepreneurs can more confidently invest in their physical space and make the market the world-class destination it should be.

4. Create transparent pathways to leasing.

To make open retail spaces available to locally-owned and independently-owned businesses, we urge the creation of a more transparent leasing process. An immediate start would be by listing all current space availability on the leasing page⁸ of your website. Each listing should include total square footage and price per square foot.

In order for new and local businesses to have a fair shot at becoming a shopkeeper at Faneuil Hall, all future openings for push carts, stalls, or separately leased brick-and-mortar spaces should be advertised through your website and public events with community organizations such as the Black Economic Council of Massachusetts (BECMA), Amplify Latinx, and the Greater Boston Latino Network (GBLN). Faneuil Hall can host engagement events to make new leasing opportunities available and to partner with community organizations to disseminate information and marketplace opportunities.

Other local institutions have adopted this model with great success. When MassPort was opening new retail spaces, for example, they held multiple meet-and-greet events with hundreds

⁸ *Leasing*, Faneuil Hall Marketplace (last visited Feb. 26, 2024), available at <https://faneuilhallmarketplace.com/about/leasing>

of interested local businesses, which brought them highly sought-after and successful businesses such as [Shojo](#) and [Berkshire Farms Market](#). We helped to raise awareness and visibility for these community engagement events and activities. We can help Faneuil Hall with similar efforts.

5. Create cultural vibrancy in the marketplace.

Faneuil Hall should continue to provide space for street performers and musicians. Locals and tourists alike enjoy the impromptu performances and informal artistic productions. The marketplace has a powerful opportunity to leverage what organically happens on the cobblestone streets and team up with local artists, musicians, and performers for a curated events calendar. By adopting a formal cultural calendar that is much more robust and in-sync with major events such as Lunar New Year or Black History Month, you can create an uplifting and fun cultural epicenter. For connections to local artists, Faneuil Hall can connect with LCR | BizGrow, Black Market Nubian, New England Foundation for the Arts (NEFA), MassCultural Council, and many other groups in the arts and culture ecosystem.

6. “Green” the marketplace for a sustainable future.

Boston is particularly susceptible to climate-related disasters, including coastal flooding from sea level changes and intensifying storms.⁹ By 2050, Faneuil Hall may be affected by potential flooding during high tide.¹⁰ In order to secure a viable, durable, and sustainable future for the marketplace, we urge you to adopt a formal “greenspace” plan for the areas in and around the marketplace with climate resiliency in mind. This plan should include: proper storm drainage; efforts to reduce heat-island effect; and waste reduction strategies. These efforts could go in tandem with attracting more businesses tied to the “green” economy and attracting tourists committed to sustainability and zero waste.

7. Create an advisory board of shopkeepers and community representatives.

A meaningful way to engage shopkeepers, particularly those who are deeply committed to improving Faneuil Hall, is to create an advisory board consisting of shopkeepers and small business leaders who can help advise the marketplace in the implementation of strategies and recommendations outlined in this letter. With the intentional pivot to include more local and small

⁹ *Coastal Resilience for Downtown and North End*, City of Boston (last visited Feb. 26, 2024), available at <https://www.boston.gov/departments/environment/climate-ready-boston/coastal-resilience-downtown-and-north-end>

¹⁰ *Climate Ready Boston Map Explorer*, Boston Maps (last visited Feb. 26, 2024), available at <https://www.arcgis.com/apps/View/index.html?appid=7a599ab2ebad43d68adabc9a9e9bea0e6>



businesses at Faneuil Hall, this advisory board would visibly indicate a shift to work alongside local entrepreneurs at the marketplace to enhance the customer experience.

LCR | BizGrow would be happy to join the advisory board to help you meet the mutual goals of small business owners and Faneuil Hall leadership.

It is crucial that you bring the marketplace into the future by supporting and promoting small businesses and re-establishing Faneuil Hall – the cradle of liberty – as an entrepreneurship and cultural hub for Boston.

We are respectfully requesting a meeting to discuss these recommendations, and to help evolve Faneuil Hall into a vibrant local marketplace. Please contact LCR | BizGrow Entrepreneurship Manager Roz Freeman at rfreeman@lawyersforcivilrights.org to discuss this matter in greater detail.

Sincerely,

Roz Freeman, Entrepreneurship Manager
Priya Lane, Esq., BizGrow Director
Lawyers for Civil Rights