

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2020**

No. 88

Introduced by Council Members Moya, Gjonaj, Brannan, Kallos, Rosenthal and Ayala.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to fees charged by third-party food delivery services while an emergency has been declared and food service establishments are prohibited from operating at the maximum indoor occupancy, and for 90 days thereafter

Be it enacted by the Council as follows:

Section 1. The definition of “declared emergency” in section 20-845 of the administrative code of the city of New York, as added by local law number 52 for the year 2020, is REPEALED and subdivisions b and c of section 20-846, as added by local law number 52 for the year 2020, are amended to read as follows:

b. It shall be unlawful for a third-party food delivery service to charge a food service establishment any fee [or fees] other than a delivery fee for the use of their service greater than 5% of the purchase price of each online order, *provided that such cap shall not apply to a credit card fee that is charged to the third-party food delivery service and is charged in the same amount by the third-party food delivery service to such food service establishment.* [Any fees or other charges from a third-party food delivery service to a food service establishment beyond such maximum 5% fee per order, and a delivery fee collected pursuant to subdivision a of this section, are unlawful.]

c. The requirements of this section apply only during [a declared emergency] *the period in which a state disaster emergency has been declared by the governor of the state of New York or a*

state of emergency has been declared by the mayor, such declaration is in effect in the city, and all food service establishments in the city are prohibited from operating at the maximum indoor occupancy and for a period of 90 days [after the end of a declared emergency] thereafter.

§ 2. This local law takes effect immediately.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on August 27, 2020 and approved by the Mayor on September 14, 2020.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 88 of 2020, Council Int. No. 2054-A of 2020) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

STEPHEN LOUIS, Acting Corporation Counsel.