



**Mayor's Office of Special Enforcement  
New York City Council  
Committee on Small Business  
July 1, 2021**

Good morning, Chair Gjonaj and members of the Committee on Small Business. My name is Christian Klossner and I am the Executive Director of the Office of Special Enforcement (OSE), which is overseen by the Mayor's Office of Criminal Justice. I am also joined by my colleague, Steven Ettannani, Executive Director of External Affairs for the Department of Consumer and Worker Protection (DCWP). Thank you for the opportunity to testify today.

OSE's mandate, originating from a Mayoral Executive Order in 2006, is to coordinate efforts across City agencies to problem-solve around emerging issues adversely affecting neighborhood cohesion, livability, and safety. OSE has served this function in numerous issue areas, with the vast majority of this work over the past several years focused on preventing the housing loss and community disruption caused by illegal short term rentals. Since the emergence of Covid-19, OSE has engaged in new work streams related to the pandemic, including, pursuant to a designation from the corporation counsel, taking a lead in investigating industry compliance with Local Laws 51 and 52 of 2020, which prohibited delivery apps from charging restaurants for phone calls that do not result in transactions and extending the caps on certain delivery app fees during, and for 90 days after, the pandemic.

When the laws were first passed, the enforcement challenges were clear – we considered how we could move quickly to enforce a law, ensure industry wide compliance, and do so without placing a heavy time burden on struggling restaurateurs to gather, detect, and report every possible violation and then participate in extensive investigation and prosecutions of overcharges on a one-by-one basis. We also considered how we could do all that with existing resources.

OSE is pleased to have piloted a successful enforcement model that resulted in broadspread compliance with the law. Instead of taking a complaint by complaint approach that would have entailed bringing multiple actions against the same several companies, OSE established a sort of early warning system by which it would learn about potential violations, and then use those reports of singular occurrence that appeared to violate the law to confront the companies and ensure that the issues were addressed comprehensively to the benefit of all the users of those companies' services.

I want to take a moment to thank those restaurateurs who notified OSE of practices that potentially violated the law. Their reports, and the effort they took to prepare them, allowed OSE to identify and resolve compliance issues as well as develop a sense of the limitations of the law and to understand some of the perhaps unintended consequences of these laws. I look forward to hearing from them during this hearing about these new proposals and the need for a permanent cap.

It should also be noted that the companies chose to take compliance seriously. Often, new laws are challenged by industry lawsuits seeking to invalidate the regulations. When it came to these laws, the companies apparently chose to forego legal challenge of the laws, and instead accepted the temporary restrictions for the duration of the pandemic.

I also want to thank the sponsors and the Council for providing tools beyond the traditional enforcement rubric of complaint, investigation, violation and civil penalty. OSE believes that including restitution as a potential remedy not only created an option for making restaurants whole, but eliminated the financial incentive for companies who may have otherwise chosen not to comply. Including an option to seek injunctive relief meant that we could seek a court order forcing a company to comply, instead of hoping that fines for noncompliance would be sufficient deterrence. And allowing an action to be brought in any court of competent jurisdiction for the full range of remedies sent the message that enforcement actions could be brought swiftly and comprehensively, and not get bogged down in multiple actions against the same party that would resolve one instance at a time. It was your partnership in providing the set of options the administration requested that made possible the level of compliance we observed and produced.

OSE testified at the last hearing in August that the Administration supports passage of legislation ensuring the provisions added by Local Laws 51 and 52 remain in effect until restaurants are allowed to open fully. At a time where the declared health emergency forced most restaurants to pivot to a delivery only or delivery mostly operation, it was critical to step in and ensure that restaurants would not be forced to operate at a loss while delivery service companies reaped a windfall with a surge in deliveries. Put another way, the pandemic forced restaurants to use services that may have otherwise never have accepted the rates or terms of, simply to keep the lights on and their staff employed.

As the City reopens, restaurants are leading the way in the recovery of the New York job market. According to my colleagues at the NYC Department of Small Business Services, restaurants added 15,000 jobs in April and the City's full-service restaurants now have three times as many employees in April of this year as they had in April of 2020, their lowest point. Even with these very positive indicators tourism and foot traffic are still catching up with below pre-pandemic norms and restaurants still need our support to recover from a devastating year. Now that we are no longer subject to the emergency declarations and restaurants are no

longer prohibited from maximum occupancy, and the clock is winding down on these laws, OSE appears today to report that the administration continues to support ensuring that local businesses are not subject to predatory actions by companies that interject themselves between a business and its patrons, while also supporting those same local businesses' ability to determine for themselves, free from artificial bargaining disparities, what services they are or are not willing to pay for.

Introductions 2356 and 2359 would make the provisions of Local Laws 51 and 52 permanent. Introduction 2333 prohibits third-party delivery apps from arranging deliveries from a restaurant or listing the restaurant on the app without a written agreement between the app and the restaurant to provide delivery services. Introduction 2335 requires third-party delivery apps to disclose a restaurant's direct phone number, with a description of the phone number and any fees associated with calling the number. If the app also includes an additional phone number as part of the listing, the app must include a description of the additional phone number and any fees associated with calling the additional number. The Administration stands ready to work with Council on these proposals to ensure they have dedicated resources and staff, are well-tailored to prevent predatory behavior, and include flexible enforcement alternatives.

In particular, OSE encourages a close review of the bills' provisions and definitions. Specifically, the definition of third-party food delivery service could prove problematic in the long-term. A company could easily abandon its delivery options and then be free to charge whatever it could get a restaurant to agree to for advertising and promotion. Similarly, a company could provide a range of helpful services, but by also offering delivery, be financially prevented from offering the valuable services. Or a third situation could be two companies that provide advertising and discount credit card processing rates, and one of the two also offers delivery. Only the company that includes delivery would fall under the limits of the law.

We are looking forward to hearing from the restaurateurs who make the kinds of business decisions that are currently impacted by the existing laws, and who will be most affected by the bill proposals. We are committed to working with the Council to ensure the final bills reflect the policies that will protect restaurants from predatory behavior while retaining the business options that they choose for themselves.

Thank you again for the opportunity to provide testimony, and I welcome any questions you have.



**Comments Relative to Intro 2359-2021 Concerning Limiting Fees Charged by  
Third Party Delivery Service Providers  
David London, Head of U.S. East Government Relations**

Dear Council Chair Gjonaj and Members of the Committee on Small Business:

My name is David London and I am Head of Government Relations, U.S. East, at DoorDash. We are a third party delivery network company whose mission is to grow and empower local economies, including in New York City. We do that by partnering with thousands of local restaurants throughout New York City for online ordering, takeout, delivery, and marketing services. We also empower New Yorkers from all walks of life to earn money when, where, and how they choose by delivering meals and other essentials to their communities.

We offer the following comments related to Intro 2359-2021, which limits contracted commissions agreed between DoorDash and our restaurant partners. While the intent of the temporary cap passed last summer was to provide temporary pandemic relief, this amendment imposes permanent price controls which will have a negative downstream impact on New Yorkers. Price controls have led to increased costs for customers, reduced order volume for restaurants, and fewer earnings opportunities for Dashers. Price controls are also typically reserved for entities responsible for civic necessities like electricity or water, not competitive markets like food delivery. Restaurants have options in how they offer off-premise consumption, and now that doors have reopened and restaurants are back to full indoor capacity, delivery can once again be one of many tools restaurants have at their disposal.

Since the temporary measure passed last year, DoorDash has introduced 15% commission and commission-free delivery options for small- and medium-sized restaurants, making a permanent price control unnecessary. We have maintained service to restaurants under the temporary cap with the understanding that the cap would end when the threat of COVID-19 to restaurant operations had passed; however this service could not be maintained at the same levels with permanent restrictions imposed on contracts with our restaurant partners.

**Our commitment to our community**

We believe in investing in and supporting the communities in which we operate, from small towns to the biggest city in America.

We have taken that responsibility especially seriously during the pandemic. As cities and states issued guidance restricting the operations of restaurants and other businesses, delivery and pickup services became critical to reducing person-to-person contact while ensuring residents had access to food and other essentials.



Here in New York City, since the start of the pandemic, we have expanded initiatives to support restaurants, delivery workers, and community members. With our mission to empower local communities, over the past year DoorDash connected with local nonprofits and associations to roll out the following programs:

#### Supporting Small Businesses

- Within the first few weeks of lock-down we moved swiftly to reduce commissions by 50% for all restaurants with 5 or fewer locations, providing over \$100M in relief for our local partners across the U.S.
- Last fall, we partnered with the New York City Hospitality Alliance to offer \$500,000 in grants to help small, locally owned, New York City restaurants keep their doors open during the winter months. See [here](#) for the recipient list.
- We also provided \$350,000 to ROAR/Robinhood for restaurant worker relief.
- In March 2021, we launched our Main Street Strong Accelerator with 25 New York City-based restaurants receiving \$20,000 as well as access to a curriculum of business education and resources. The program helps women and underrepresented local entrepreneurs gain access to the capital and other tools they need to sustain and grow their business.

#### Supporting the Community

- We expanded our Project DASH initiative to fuel deliveries of meals, groceries, household goods, and school supplies to communities in need. Over the course of the pandemic DoorDash powered the delivery of over 13 million meals to communities in need, including over 1.2 million meals to underserved communities in New York City.
- Through our partnership with Gay Men's Health Crisis (GMHC) we are powering the delivery of free bags of groceries to GMHC clients living with HIV/AIDS.
- Since vaccines became available, DoorDash has donated over \$3 million in gift cards to bolster local outreach and encourage community vaccination efforts across the country.

#### Supporting Dashers

- We hosted events with local community partners across the five boroughs in order to distribute thousands of masks, hand sanitizer, and other resources to Dashers and community members. These events are an extension of our continued effort to provide free PPE -- including hand sanitizer, masks, and gloves -- to all Dashers completely free of charge.
- We provided financial assistance to eligible Dashers diagnosed with COVID-19 or who were advised to quarantine by a medical or public health professional.
- We partnered with Doctor On Demand, one of the nation's leading healthcare platforms, to provide Dashers with access to online risk assessments for COVID-19, and ensure eligible couriers can access a virtual urgent care visit for



just \$4. We also partnered on a webinar to ensure Dashers had information about the COVID-19 vaccine.

- We worked with our restaurant partners to ensure that Dashers had access to bathrooms at over 200 restaurants, a number that continues to grow.

### **Perspective on legislation under consideration**

We are committed to working with the Council to continue to support our community of merchants, consumers, and Dashers.

While we applaud the City Council for exploring solutions to further support restaurants, as mentioned above, price controls are typically reserved for entities responsible for civic necessities, not competitive markets like food delivery. Restaurants have options in how they provide off-premise consumption including self-delivery, courier services, or platforms like DoorDash. Now that restaurant doors have fully reopened, restaurants are recovering their in-store sales and delivery can once again be one of many tools restaurants have at their disposal.

Price controls have negative downstream consequences that will hurt the community. Increased costs for consumers can create a regressive tax through decreasing access to delivery, and also decreasing work opportunities for Dashers. We estimate nearly \$19M in potential annual earnings for Dashers will be lost due to higher consumer prices and decreased demand. These impacts will be felt most in the city's communities of color: 72% of orders are delivered to communities of color and 89% of Dasher earnings go to Dashers in communities of color.

Restaurants have the ability today to recoup commission fees via charging higher prices online versus in-store. Partners on DoorDash set their own prices on delivery and many are choosing to charge more online. By inflating prices 15-30% online, restaurants are directly recouping up to 100%, and on occasion more than 100%, of the cost of commissions. Restaurants have a mechanism already to lower their costs and pass these costs on to consumers.

Delivery service is expensive, especially in NYC. DoorDash offers a 15%, 25% and 30% option to all restaurants with fewer than 75 locations. All of our plans cover credit card processing fees, Dasher earnings (\$33 per average active hour in Manhattan), costs to maintain safety including dasher insurance and background checks, teams of dedicated customer service specialists, technology services including payment processing, order management, application maintenance, and dispatching technology and marketing services including new customer acquisition.

DoorDash offers products that are tailor-made to meet the needs of restaurants from local small businesses to the largest chains, and we've worked hard to expand those offerings over the past year:



On the DoorDash platform, restaurants have the opportunity to choose the package of services that fits their needs best, including a 15% option that provides delivery or higher commission packages that include additional marketing services to generate more orders.

Restaurants also have non-commission based options for DoorDash Drive or DoorDash Storefront products and have the option to manage delivery via their own fleet.

- Restaurants that have their own website and ordering platforms can partner with DoorDash Drive for delivery fulfillment using Dashers while controlling the customer experience.
- DoorDash Storefront enables restaurants to create their own online stores at the click of a button. Because this is the restaurant's channel, they control the customer experience and do not pay a commission to DoorDash. Restaurants **only** pay a 3% + \$0.30 per transaction fee to cover credit card processing; consumers pay for the entire cost of delivery.

Restaurants who choose to partner with DoorDash do so to help increase sales by reaching new customers. Interfering with these private, voluntary agreements will limit the choices restaurants have regarding the services that work best for them. According to our [Economic Impact Report](#), conducted by Technomic:

- 75% of restaurants agree DoorDash enables them to reach new customers
  - Access to new customers will be limited under a price control
- 73% of restaurants agree that third party delivery platforms are good for the restaurant industry
- Restaurants who used DoorDash were 8x more likely to stay in business during COVID-19

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In closing, our mission is to empower local economies, which includes supporting restaurants by offering a wide range of products and services, with pricing options that meet their unique needs.

DoorDash is proud of our commitment to our community, restaurants, customers and Dashers. We know that this is only the beginning and that solving this, and other, complex challenges will require partnership between DoorDash, policymakers, and other stakeholders. We look forward to creating a stronger, brighter, and more vibrant future for our community.

Thank you for the opportunity to provide this written testimony and we welcome the opportunity to work with the Committee and bill sponsors moving forward.

**NEW YORK CITY COUNCIL  
COMMITTEE ON SMALL BUSINESS**

Thursday, July 1, 2021

Committee Hearing on Preconsidered Int, in relation to limiting fees charged to food service establishments by third-party food delivery services

*Written Testimony for Joshua Gold, Uber Technologies Inc.<sup>1</sup>*

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Uber Eats welcomes a continued conversation with the New York City Council on the topic of food delivery platforms. Over the past several years, the process of food delivery has evolved significantly. What used to be a simple relationship between a consumer, food establishment, and delivery person now also includes app-based technology and major national corporations. We provide our restaurant partners with the necessary hardware and software to manage their operations through data, and have Eats experts on hand to troubleshoot any issues the partner experiences in real time. We understand that restaurants small and large are adapting to the changing landscape of food delivery across the city, and our goal at Uber Eats is to make that process as transparent and fair as possible, so that they can continue to grow their customer base and prosper.

We believe in the importance of empowering local economies, and over this past year, our platform announced financial assistance packages and made significant investments to continue driving demand to local businesses. In the middle of the worst economic downturn in a century, Uber Eats took steps to ensure that thousands of local retailers and restaurants could stay in business; thousands of New Yorkers could continue to earn income to provide for themselves and their families; and our most vulnerable populations—including the elderly and immunocompromised—could continue to access food and essential supplies from their homes.

In spring 2020, right after COVID-19 hit New York City, we launched initiatives to waive delivery fees to consumers in order to generate demand for restaurants, introduced new safety features on the app, and waived activation fees and commission fees on pick up orders. Last summer, we launched a Black-Owned Restaurant Initiative, and committed \$10 million to support Black-owned businesses over the next two years by driving demand via promotions and other merchant support. And this past February we announced a restaurant support package to assist local restaurants through the next wave of the health crisis totaling \$20 Million in funding for restaurant success in 2021, including \$4.5 million in grants to local restaurants.

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<sup>1</sup> Uber Technologies, Inc., is the parent of Portier, LLC which operates under 'Uber Eats'.



Over the past 15 months, we have seen many changes in the food delivery industry. Instead of being a service largely centered around Manhattan and Western Brooklyn, there was a huge shift both in the customer and worker base to the outerboroughs. In the first few months after COVID-19 hit New York City, we saw tens of thousands of New Yorkers sign up to deliver using our platform, with the largest increases coming from those who live in the outer rings of the outerboroughs. Additionally, in the same time period it became clear that New Yorkers in traditionally low-income neighborhoods also relied on Uber Eats more than anyone else. Those residents who did not have the flexibility to leave the City, and were forced to stay home due to social distancing concerns turned to Uber Eats to get basic necessities for their families. For example, in the early months of the pandemic we saw a 61% increase in orders in Southeast Queens, a 35% increase in the South Bronx, and an 88% increase in outer Queens. This is compared to the West Village and Upper East Side, where we saw food delivery orders decline.

It is clear that services like Uber Eats played a critical role and provided a valuable service throughout the pandemic to restaurants who used delivery as a lifeline, workers who were able to access work quickly and flexibly, and consumers who depended on delivery to safely access food and other necessities.

*Int 2333, Int 2335. Pre-Considered Intro by Chair Gjonaj*

Uber Eats generally supports these measures that would address issues in the industry related to unfair telephone charges, and transparency to consumers so they know if they are calling a restaurant's direct line, or a number provided through a platform.

We also support the bill that would require contracts between platform companies and restaurants. This allows restaurants to have more control over their business, creates greater transparency, and eliminates confusion over outdated menu items or pricing. Uber Eats was also supportive of S-1630A, which addresses the same issues and passed through the State Legislature earlier this year.

*Pre-Considered Intro by Council Member Moya*

This legislation would amend Local Law 52, which was originally passed in May 2020, and amended again in August to what is now Local Law 88. Up for consideration today, is amending it again to eliminate the sunset tied to the COVID State of Emergency to make the commission cap between restaurants and delivery platforms permanent.

While we applaud the City Council for creating the structure of the cap, which exists currently and acknowledges the very different business models that exist in the food delivery industry, we cannot support codifying it into law as a permanent statute. Commissions paid by restaurants

are not profits for delivery platforms. These funds pay for things such as operating costs, insurance, marketing, customer support, background checks, and delivery workers, among other important parts of the business. The amount of commission charged to restaurant partners corresponds to services that restaurants chose to opt-into. For example, a restaurant that uses their own courier pays a lower commission than a restaurant using a courier through Uber.

New York City would be the only place in the county to pass a law of this nature, without any intention of modifying it in the future. San Francisco is currently debating a permanent cap and has indicated openness to amendments which would allow restaurants to contract for additional services. Chicago recently extended its cap, but only for a maximum of six months after the end of the State of Emergency, and even the City of Yonkers passed a permanent cap this past Spring but has since notified the industry that the City doesn't plan to enforce it and will amend it to make it temporary. Passing a law of this nature raises serious legal concerns, including the U.S. Constitution's Contracts Clause, which limits state and local governments' ability to modify contracts between private parties. Rarely do we see private businesses subject to price controls, and in the rare case, namely public utilities, it is to prevent price gouging by a monopoly, and the contract is set to ensure that the utility is still able to gain a profit.

Since June 2020, when this cap was put into place, Uber Eats has lost more than \$60 million in revenue due to the need to subsidize each trip. While a significant hit to our business, we understood that restaurants were facing the toughest year in a century, and we all had to do our part in ensuring that industry would survive and move forward. However, as the City moves through recovery it's important that this industry can also see a return to normal.

Food delivery in New York City has evolved significantly over the last several years, and even as many see just a few delivery platforms as the participants in this industry, it's important to recognize that it is far more diverse. On the logistics only side, companies like Relay have established a substantial business to provide delivery in New York. And on the consumer-facing side, many additional players exist- from large companies like Toast and ChowNow- to smaller competitors who have recently entered the market like AstoriaEats. The marketplace is working, and since the cap went into place all of the delivery companies have focused on winning over independent restaurants through deals and incentives.

We do, however, understand the Council's desire to support our restaurant industry as it continues to face challenges to recover from the pandemic. With tourism and business travel still suffering and commercial offices unoccupied, we know that New York City restaurants may need a longer runway than other cities. To that end, we would encourage the Council to explore extending the cap rather than making it permanent. Additionally, establishing regulators around transparent contracting would make sure small business owners fully understood agreements they entered in to.



**TESTIMONY OF**  
**LISA SORIN, PRESIDENT - THE BRONX CHAMBER OF COMMERCE**  
**BEFORE THE NEW YORK CITY COUNCIL COMMITTEE ON SMALL BUSINESS**  
**THURSDAY, JULY 1, 2021 - 11:00AM**

Good morning Chairman Gjonaj and members of the New York City Council Committee on Small Business. Thank you for the opportunity to testify today. I am Lisa Sorin, President of The Bronx Chamber of Commerce, a business service organization representing over 23,000 Bronx businesses, ranging from micro and small businesses to large industry employers.

I am concerned and express our organization's opposition to the Third-Party Permanent Delivery Cap legislation being discussed today. I know our organization's opposition runs counter to many of my colleagues; however, we cannot continue to overstep and over legislate business without a proper understanding of unintended consequences. Our organization does believe that smart amendments to this legislation could make it much better, but as it is written - it opens the door for future regulatory actions on businesses and establishes a slippery slope for future Council actions that will deeply impact a business's ability to operate in New York City.

During the pandemic and closures of businesses it came to light the exorbitant prices that were being charged to our restaurants and food establishments by third party delivery services. I represent many food establishments that reached out with the concerns of pricing and loss of income due to these prices. I believe these companies were taking advantage of the businesses during the worst of times in our city's recent memory. I applaud this committee, especially Chair Gjonaj for the foresight in researching this issue thoroughly and doing something about it. Temporary capping of fees made sense; it reduced the cost to our food establishments allowing room for profit or at a minimum they were able to break even.

Our businesses are now in the recovery stage and are seeing the light at the end of the tunnel in which their consumers, like me, look forward to going out and eating in public.

I believe the right way to do this would be to extend the temporary cap and work with this industry on their business models that make sense for everyone. This Council must bring business to the table and negotiate in good faith. Mandating pricing caps of private industry is a slippery slope. If this bill goes through, what is to stop members from going through a list of private businesses and determining what they should and should not charge. Allowing this bill to go through is another notice that NYC remains anti-business, that the city will mandate how business is run and what pricing businesses should charge.

A better solution: let us revisit how this delivery industry does business and look closely at what regulations, if any, need to be put in place to protect our mom and pop (micro businesses) not mandate what they can and cannot charge. This City already has mandated how businesses can schedule their employees, who you can and cannot fire, and how much time we give off to employees. The addition of more regulations and the outrageous amount paperwork that is mandated by City agencies is a death knell to businesses which want to operate. This City has established itself as being anti-business with regulatory actions and an anemic pandemic response - the legislation today is another example of overstepping Charter duties.

With respect to all you do to support our micro businesses, which my members and businesses across my borough appreciate, but where do we draw the line? What industry is next?

I stand ready, as do my members, to work with you and determine how best to move forward on this issue. It worked during the pandemic and can help during recovery but let us really talk about reasonable next steps, maybe provide monies toward marketing and education for our small businesses. Many of our immigrant businesses may not understand their choices as it relates to this specific service.

We must learn from our recent and long-term history. We lost the Amazon headquarters - a huge job creator - because our representatives at City and State levels determined what was in the best interest of our businesses and communities. It became a short-term solution, yet Amazon moved into Manhattan and opened many warehouse employing hundreds if not thousands of people at minimum wage and we lost the opportunity for new schools, high tech jobs, trainings and so forth. Let us learn from these mistakes, let us take a step back and bring the right businesses to the table and figure out what will work best without putting your foot down and telling business how to do business.

Thank you, I will take any questions you may have.

Written Testimony on Third-Party Delivery Legislation  
NYC Council Committee on Small Business

On behalf of the Brooklyn Chamber of Commerce, we would like to thank Committee Chair Mark Gonaj and all the committee members for the opportunity to submit testimony for today's important hearing addressing longstanding concerns restaurants have expressed in dealing with third-party delivery services.

The Brooklyn Chamber of Commerce serves as one of the largest business advocacy organizations in New York City. Our 1,600 members, along with the thousands of additional non-member businesses we served during the pandemic, represent the heart of the small business community in Brooklyn. A significant part of our pandemic recovery work has focused on our restaurant industry, which has faced tremendous hardship since COVID forced a wholesale shutdown of the economy fifteen months ago. We are proud of the work we have done in partnership with the other Chambers of Commerce, and the NYC Hospitality Alliance, to address the concerns of the thousands of restaurants employing over 300,000 workers across the City. We also know that issues and concerns they have expressed in dealing with third-party delivery services and their related technology, existed well before COVID. The legislation advanced today will go a long way in addressing these concerns.

The Brooklyn Chamber of Commerce fully supports the following proposed administrative code changes as written:

- **Int. No 2356** - A Local Law to amend the administrative code of the city of New York, in relation to prohibiting certain telephone order charges by third-party food delivery services.
- **Int. No 2355** - A Local Law to amend the administrative code of the city of New York, in relation to requiring third-party food delivery services to provide a description of the telephone numbers listed in connection with food service establishments.
- **Int. No 2333** - A Local Law to amend the administrative code of the city of New York, in relation to prohibiting third-party delivery services from arranging unauthorized deliveries from and posting unauthorized listings of food service establishments, and technical amendments in relation thereto.

The Brooklyn Chamber of Commerce acknowledges that third-party delivery is important to the restaurant industry as a whole, and not all of their practices are bad. We do recognize, however, that the City of New York should help to create a more fair and equitable marketplace that creates some economic parity between the delivery services and restaurants.

This noted, the Brooklyn Chamber of Commerce believes that caps on any form of commerce are generally not in the long-term interests of economic growth, unless such unregulated commerce impacts another industry adversely. In the case of third-party delivery, restaurants have been impacted adversely.

Therefore, the Brooklyn Chamber is in support of **Int. No 2359** - A Local Law to amend the administrative code of the city of New York, in relation to limiting fees charged to food service establishments by third-party food delivery services. We do believe, however, that cap percentage should be reviewed periodically, and adjusted, based on changing economic conditions. Doing so, would ensure that we can maintain a proper balance in the marketplace.

We want to once again thank the City Council and the Committee on Small Business for putting forth this legislation. We look forward to working with the Council on this, and other economic revitalization legislation in the future.

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## **In support of Intros 2333, 2335, 2356, and 2359**

Good afternoon. My name is Kathleen Reilly, and I am the NYC Government Affairs Coordinator for the New York State Restaurant Association. We are a trade association representing food and beverage establishments in New York City and State. We are the largest hospitality trade association in the State, and we have advocated on behalf of our members for over 80 years. Our members represent a large and widely regulated constituency in New York City, and our industry continues to be disproportionately hurt by the lingering impact and losses of the Covid-19 pandemic.

The pandemic has exacerbated so many dynamics in the restaurant industry, and in particular, restaurants' relationships with food delivery platforms have grown all the more important over the last 16 months. When our city eateries were closed for on-premise dining, then limited to outdoor dining, then strictly capacity-restricted for indoor dining, restaurants relied upon takeout and delivery orders to keep any amount of cashflow coming. Takeout and delivery sales could not make up for the losses sustained from pandemic limitations – in a survey we conducted in partnership with the National Restaurant Association earlier this year, we found that increased takeout and delivery orders made up for under 30% of lost on-premise business for most restaurant operators. Yet, restaurants were still forced to rely on takeout and delivery in order for their businesses to survive until the reopening. In many cases, that placed restaurant operators in a difficult, “can't live with it, can't live without it” position towards the food delivery platforms.

Thankfully, New York City Council took the responsible step last spring to set some boundaries on the fee structures these delivery platforms were charging restaurants, correctly noting that restaurant operators were effectively hamstrung by the exploitative fees from these platforms. With fee caps in place, one facet of the relationship between restaurants and delivery platforms was put in check, albeit temporarily. Today, City Council is taking the bold opportunity to consider making these fee caps permanent, and NYSRA is fully supportive of this move.

While Intro 2359 creating permanent fee caps is the centerpiece of this hearing today in our minds, it is important to remember the larger context for these caps, which is the relationship between the delivery platforms and restaurants. The other Intros being considered today touch upon several of these points: Intro 2333 prohibits platforms from listing restaurants without their consent – a practice which has landed many of these platforms in lawsuits around the country but has still not been banned here in New York. Intro 2335 provides oversight and customer transparency about phone numbers listed on third party platforms, clearly marking phone numbers that are hosted by the third parties and requiring a direct phone number to be listed as well. Finally, Intro 2356 would make a ban on phony phone charges permanent – it is baffling that this law needed to be passed in the first place, but exploitative practices by these platforms made it a necessity.

The lived experience of restaurant operators, and their important testimony at this hearing and

hearings past, make it clear that third party delivery platforms have been finding ways to take advantage of their role in the restaurant ecosystem, sometimes around the margins, and sometimes front and center. Thankfully, City Council has not lost focus on this sector, taking the opportunity to learn more about the dynamics at play through oversight hearings, and then introducing legislation to solve problem after problem that has come to light. Today's hearing marks an important turning point, both because it strives to address even more ills (such as the unauthorized listings or lack of direct phone numbers) but also because City Council has given the restaurant community a platform to say: exploitative behavior is wrong during the height of a pandemic, during the long slow recovery from a pandemic, and actually, always. If it took a pandemic for some of this exploitation to come to light, the least we can do for a beleaguered restaurant industry is not forget what we learned there or begin to excuse exploitation moving forward.

Both Intros 2333 and 2335, addressing new wrongs, and Intros 2359 and 2356, which permanently ban already identified wrongs, have the full support of the New York State Restaurant Association. We would also like to share some insight gained from our efforts around the state, working with fee caps earlier in the pandemic. All over the state, in localities that also passed fee caps and at the state legislature, the third-party delivery platforms advocated for an amendment to the caps that actually amounts to a huge loophole, and we want to bring your attention to it proactively in case the same ask is made in New York City. The platforms asked to be allowed to offer "opt-in additional marketing services" to restaurants for an additional percentage charge above and beyond the fee caps. This is likely intuitive to this Committee, but that would very easily allow the platforms to circumvent the caps altogether, dropping the service level or visibility of restaurants who do not "opt-in" to barebones or non-existent, then requiring them to pay extra to regain what they lost. We have not heard from a single member that they wish they were paying more to these platforms. The platforms may frame this idea as beneficial for restaurants, but please do not take their word for it. Intro 2359 offers strong fee cap protections to restaurants as written, and any opportunity for platforms to charge more will fully undermine that.

In conclusion, the New York State Restaurant Association is so appreciative that City Council and this Committee are turning some necessary attention toward the relationship between restaurants and food delivery platforms by considering this critical package of legislation today. The New York State Restaurant Association is in wholehearted support of each Intro under consideration, and we want to especially emphasize the importance of continued fee caps for the restaurants of New York City. In the coming months, as the restaurant industry begins to dig itself out of the hole caused by Covid-19, we look forward to continuing the conversation on cultivating an environment where NYC restaurants can survive, recover, and ultimately, thrive.

Respectfully Submitted,

Kathleen Reilly

NYC Government Affairs Coordinator

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New York State Restaurant Association

315 W 36<sup>th</sup> St., 7<sup>th</sup> Floor

New York, New York 10018

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## Testimony of the New York City Hospitality Alliance Before the Committee on Small Business Thursday, July 1<sup>st</sup> at 11:00AM

My name is Andrew Rigie and I am the Executive Director of the New York City Hospitality Alliance (“The Alliance”), a not-for-profit association representing restaurants and nightlife establishments throughout the five boroughs. We thank the Committee on Small Business for holding today’s hearing and thank the bill sponsors for introducing this important legislation. Restaurant delivery was a key revenue stream for many restaurants pre-pandemic, it provided a critical lifeline to the industry throughout the pandemic and will continue to be into the future, especially as the sector recovers from Covid-19’s devastating impact.

Unfortunately, some of the mega third-party delivery services (“3PDS”) used their power and leverage before the pandemic to exploit restaurants with sky high fees, charging restaurants bogus fees, and engaging in other unethical business practices. And while the City of New York rightfully capped fees and established penalties for bogus charges during Covid-19, these laws were temporary and will expire soon, which is hugely problematic, especially because some of these same companies have consolidated power during the pandemic and will gain even more leverage over our city’s independent restaurants.

To be clear, third-party delivery companies play an important role in our city’s restaurant industry, not all companies are exploitive, but the economic and competitive dynamics among some of the largest companies in the sector creates an environment with adverse effects on restaurants, delivery workers and consumers. Therefore, the sector needs appropriate regulations to create a fairer and more equitable marketplace to create an opportunity for all to succeed, and to ensure not all are at the mercy of a few billion-dollar 3PDS corporations.

That is why, The Alliance supports these bills:

- [T2021-7733](#), in relation to limiting fees charged to food service establishments by third-party food delivery services
  - We **SUPPORT** this legislation that will make permanent the temporary fee cap on 3PDS. Unfortunately, pre-pandemic certain 3PDS were using their immense leverage and their market share over local restaurants to extract fees ranging from 15% - 30%+ of each order processed on their platform. Restaurants would often break even or could lose money on some orders because of the high fees, but they are not empowered to leave the platform because they rely on the revenue to offset operational expenses, and if they leave the platform, they essentially lose access to their customers and the 3PDS will promote their competitors. Restaurants on their platforms would then be pinned against each other and pressured into continuing to pay higher fees to be listed higher in search results (etc) while orders remain barely profitable. And because 3PDS spend hundreds of millions of dollars to control and manipulate the customer marketplace, this legislation should be passed along with [Int. 2311](#), that would require 3PDS to provide restaurants with their own customer data so they can market direct to the consumer, manage those relationships, offer them perks, and not be beholden to these platforms to reach their own customers.

As we emerge from the pandemic, we cannot return to a situation where certain 3PDS control the marketplace at the expense of local restaurants and workers while making it more difficult for competitor 3PDS to enter the market. We know certain 3PDS have too much power because over the years as they acquire more and more market share and consolidate, they're fees go up, instead of down. We do however recommend two modifications to strengthen this legislation:

1. The 15% fee cap for conducting the physical delivery should be reduced to 10%, which some companies charged pre-pandemic.
  2. Restaurants must be permitted to use their own delivery employees or courier services to conduct deliveries, thus 3PDS must be prohibited from requiring restaurants to contract with their delivery services as a prerequisite to be listed in their online marketplace.
- [Int. No. 2333](#), in relation to prohibiting third-party delivery services from arranging unauthorized deliveries from and posting unauthorized listings of food service establishments, and technical amendments in relation thereto:
    - We **SUPPORT** this legislation that requires 3PDS to have a valid agreement with a restaurant before they list them or arrange for a delivery from the restaurant. This is important because certain 3PDS are listing restaurants on their sites without their permission, creating problems for restaurant owners, workers and customers. For example, 3PDS's will pull restaurants' menus from the internet without their permission and list them on their website to siphon off customers who would have otherwise ordered directly from a restaurant and not paid a fee or pay a lower fee. Sometimes the menus that 3PDS's list on their websites are out-of-date and contain menu items no longer offered by the restaurants, list the incorrect price, are out of stock, are offered for in-restaurant dining only not delivery, and in cases have listed menus from the wrong restaurants or those that don't even offer delivery. This obviously misleads and hurts consumers and is hugely problematic for restaurants because when an order is incorrect, the customer inevitably blames the restaurants, which inadvertently tarnishes their reputation and can cause bad reviews and loss of future customers. Furthermore, restaurants should have the right to determine which 3PDS companies they work with, not only because it's a proper business practice, but also because all parties should have a level of trust and transparency that the entity and person who delivers their food engages in proper food safety protocols, etc.
  - [Int. No. 2335](#), in relation to requiring third-party food delivery services to provide a description of the telephone numbers listed in connection with food service establishments
    - We **SUPPORT** this legislation (*subject to modifications below*) because 3PDS often create secondary phone numbers they control for restaurants and then they will collect a fee for the orders placed via that number. Then they use their vast financial resources and technical expertise to promote those secondary numbers ahead of the restaurants own

phone number for which the restaurant would not pay a fee to the 3PDS for the order. Even customers that aim to call direct to save a restaurant a fee get confused and call the wrong number.

This bill provides transparency to the customer to help them order direct when they want, while making them aware of any associated fees incurred to them or the restaurant.

- Because 3PDS websites and mobile applications are not the only place where they list restaurants' phone numbers, this proposal should be updated to ensure that anywhere a 3PDS lists phone numbers, such as internet ads, etc, they list and identify the restaurants' direct phone numbers, etc.
  - However, we do ask that the bill language is clarified so the identification of the fees associated with either phone number be the fees charged by the 3PDS. It is not feasible for a 3PDS to list a restaurants *possible* delivery charge next to the direct number because they may not know it.
- [T2021-7732](#), in relation to prohibiting certain telephone order charges by third-party food delivery services
    - We support **SUPPORT** this legislation that will make permanent the temporary law prohibiting 3PDS from charging restaurants bogus fees for customer phone calls that do not result in an order. Frankly, the fact that we need a law prohibiting 3PDS from charging restaurants fees for services not rendered shows how brazenly companies like Grubhub / Seamless will exploit small businesses and why this package of regulatory reform is so necessary.

We thank the Committee on Small Business and the sponsors of this legislation for their consideration of our comments. We are grateful for your leadership on these critically important issues affecting our city's restaurant industry, which are being watched closely by legislative bodies across the country that seek to support their local restaurants and regulate the 3PDS sector. Because time is of the essence, with a couple of the temporary measures expiring, we urge the committee and then full City Council to pass these bills at the next stated meeting and then urge the mayor to enact them into law.

Respectfully submitted,

Andrew Rigie  
Executive Director  
arigie@thenycalliance.org



**Testimony Before the New York City Council  
Committee on Small Business  
July 1, 2021**

Tech:NYC is a nonprofit coalition of more than 800 technology companies in New York. Our membership includes the largest tech companies in the world as well as hundreds of small and growing startups. We are committed to the state's enduring economic resilience and to ensuring that all New Yorkers can benefit from innovation. Tech:NYC and our members work with government and community partners to foster a dynamic ecosystem so that New York remains the best place in the country to start and grow a technology company.

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Comments: Food delivery in New York is not just a luxury enjoyed by the affluent, but an important service for people from all walks of life. During the pandemic, it was a crucial lifeline. Delivery platforms fed and delivered essential meals to New Yorkers with compromised immune systems, the elderly, busy parents juggling work and zoom schooling, and every day New Yorkers who were careful about COVID precautions. We understand the value of these services and support legislation that helps restaurants, delivery workers, customers ordering food, and the New York City restaurant ecosystem thrive.

Tech:NYC is fully invested in ensuring that New York is a city that supports the people who live here. Like you, we were here before COVID and we are not leaving. Our mission of attracting technology companies to grow and relocate here is directly linked to the health of the city's cultural institutions, diversity, and restaurant tableau that make the five boroughs so special. For these reasons, we believe that restaurant and small business survival is vitally important.

Unfortunately, we cannot support making the state of emergency pandemic 20% delivery fee cap permanent as proposed in T-2021-7733 by Councilman Moya. The cap will make it more expensive for customers to order food, it will not lead to more financially stable restaurants without corresponding commercial rent reform and other structural changes, and it will also lead to the collapse of smaller delivery companies and encourage a consolidation of food delivery platforms.

First, restaurants do have a broad range of platforms to choose from, all with varying structures and benefits. Now with the pandemic slowing and the state of emergency lifted, instituting an artificial price cap is not the best way forward. Most specifically, this will raise prices for customers ordering food and as a result will reduce the amount that customers end up ordering



over time. Increased food prices may not be a concern to high-income families in gentrified neighborhoods, but it will have an effect on the ability of lower-income New Yorkers to access food from home.

The fee cap is attempting a “silver bullet” solution to a complex problem that is greatly affected by many issues, such as commercial rent, increasing labor costs, and endless fines by the city and the state for largely innocuous reasons. It is unfortunate that delivery platform fees — which are relatively minor compared to the cost of labor, rent, and city fines — may be capped while no efforts exist to address these other problems. We encourage you to consider the origin of the proposed 20% fee cap, which is not tied directly to any economic justification and is entirely arbitrary. Given this reality, these caps will not enable more restaurants to survive — which is an important goal that we support. Instead, this short-sighted solution will just make ordering food more expensive for New Yorkers, which will lead to an even greater contraction of the food delivery market.

As many restaurants will readily admit, maintaining their own delivery operations and delivery staff is too complicated and expensive for individual establishments. Tech:NYC’s member companies are committed to using technology and innovation to not just provide these much needed delivery services, but to help local economies survive by making brick and mortar retailers accessible at the touch of a button. Unfortunately, making the existing cap permanent will negatively impact delivery platforms’ ability to provide these services.

Our members are not uniform in size and scale and there is real competition in this market. Some of our members will not be able to survive the commission cap and two notable mergers in this industry have already recently occurred. Fewer delivery network companies will severely limit the broad range of services and fee structures made available to restaurants from the different delivery platforms, which right now can be tailored to each restaurant’s needs. Put simply, less competition is not good for businesses, workers, or customers.

Tech:NYC’s food delivery platform members do understand their responsibility at this time. For this reason, since COVID began impacting New York, these companies have provided tens of millions of dollars in direct restaurant support and have spent millions more providing free meals to healthcare workers, seniors, school children, and other vulnerable groups. Additionally, before the initial commission cap last May, all of the delivery network companies in our membership froze or reduced commission rates in response to the pandemic, in some cases by as much as 50 percent.

We know that as a city, we can emerge from this pandemic stronger than before COVID when we commit to working together. We also know that at the federal level, a robust social safety net, rental assistance, and access to more affordable capital would make a significant difference for



restaurants while at the state level, commercial rent control could provide a real lifeline in these times. Unfortunately, we also know that these structural changes are unlikely to occur any time soon but we are willing to partner with you on these issues.

Thank you for your consideration and please do not hesitate to reach out with any questions.



Mr Andrew Ding  
Owner, The Expat  
The Handpulled Noodle  
The Noodle  
The Chipped Cup  
40 Morningside Ave, #73  
New York, NY 10026

Attn:  
Committee on Small Business  
New York City Council  
July 3rd, 2021

**Written Testimony in support of [T2021-7733](#) / [Int. No. 2333](#), / [Int. No. 2335](#) & [T2021-7732](#)**

I am writing in support of the four bills proposed in light of the fact that all of these 3rd party online ordering companies have proven time and time again that they operate in a way which is aggressively mercenary and ruthless. Their actions and business operations have repeatedly placed the pursuit of their own profits above all standards of morality and ethics, using their domination over the online landscape to exploit and hold restaurants hostage.

In fact, in an interview for the Podcast series 'Land of the Giants' (episode 2) released in June of this year, Matt Maloney, CEO of Grubhub and Seamless, openly admitted that he set aside his personal, ethical and moral compass when embarking on the scheme of listing fake websites of restaurants without their knowledge or consent simply to be competitive against Doordash. Maloney said:

“We announced that our growth expectations were decreasing because Doordash was spending so much money in our markets, and we said in order to counter this threat, we are going to adopt the same strategies that we have publicly denounced time and time again. Because we are at a strategic disadvantage by not doing this, by allowing this to happen on moral grounds and not participating, we believe we are at a disadvantage.”

Maloney continues to say:



“I've always competed extremely aggressively and that was a tactic I did not think was sustainable and still don't think the tactic is sustainable. So yeah, we didn't want to do it but it was clear, either it needed to be outlawed or we needed to do it cause they kept raising more ground”.

This kind of business mentality also explains how such an inaccurate phone order charge scheme even came into being. Furthermore, it is simply unfathomable that a technology company capable of creating such a sophisticated online marketplace could create a statistical model so egregiously flawed that it was only accurate 5% of the time. There is no question that the practice was intentionally designed to capture as much money as possible whilst being as difficult to monitor and contest as possible. Additionally, Grubhub did nothing to change or improve accuracy, defiantly using the approach even after multiple lawsuits were filed against them over this practice in as early as 2019. More suits continued until the approach was outlawed last year.

To this day, over a year after first reporting and contesting the 55 fraudulent charges on April 21, 2020, I have not received any proof that an audit had been conducted. Also, there has been no communication showing that those charges were fully refunded. Grubhub's restaurant support system appears to be artfully designed to make such follow ups as cumbersome as possible, remarkably reminiscent of the way some gyms hide behind arbitrary procedures and communication blockades to prevent members from canceling.

Companies like Grubhub are in a vicious and destructive war against each other vying for domination with no regard for the wellbeing of the restaurants they depend upon. Companies like Grubhub are constantly devising all manne of devious schemes they clearly know to be unethical and wrong. Yet, they're still willing to implement such practices because when it comes to the question of survival, nothing is off limits.

Companies like Grubhub have attempted to brand the fees they charge as a traditional 'marketing expense' when in reality, the real beneficiaries of all their marketing expenditures are themselves. This money is used to promote their own brands, win customer loyalty for themselves, and to further distance our diners from us whilst continuing to tighten their choke-hold on our razor thin margins. In fact, we are contractually prohibited from connecting with our diners to offer specials and incentives or to encourage them to use our own websites. (See attached)

Restaurants have been plunged into a hopeless state of servitude that paints a textbook case of the adage: *Damned if you do. Damned if you don't*. It is a reality that consumers demand the availability of online delivery services. For these companies to effectively say, “You have the choice not to use us”, is a blatant obfuscation of reality.

I thank you all for having passed the bill this past year to cap fees from companies like Grubhub. Your swift action undoubtedly saved many restaurants like mine from certain demise. As so many owners like myself work to rebuild, I urge you to help level this playing field, to help erode the stacked deck, by making these commission caps permanent. We need the city's protection against these ruthless, unethical and morally bankrupt companies. The future survival of the entire restaurant industry depends on it.

# Terms of Use

Updated: May 29, 2017

**See: Page 9 Section III RE: Prohibition from direct solicitation to our own customers.**

## USING GRUBHUB FOR RESTAURANTS

We own and operate this website (restaurant.grubhub.com), the related mobile sites and mobile application(s), and selected other domains (collectively, "Grubhub for Restaurants" or "GFR"). These terms of use (the "Agreement") constitute a contract between you and us. What does that mean? It means that by accessing and/or using Grubhub for Restaurants, you agree to all the terms and conditions of this Agreement. If you do not agree to all the terms and conditions of this Agreement, do not use Grubhub for Restaurants. As used in this Agreement, "Grubhub," "we," "us," and "our" will mean Grubhub Holdings Inc. and its subsidiaries and affiliates.

You may only use Grubhub for Restaurants if you are a current Grubhub restaurant partner ("Restaurant") operating under an effective restaurant agreement between you and Grubhub ("Restaurant Agreement"). This Agreement incorporates the provisions of your Restaurant Agreement.

Grubhub for Restaurants may be accessed and/or installed on any web or mobile device, which may include a tablet computer provided by Grubhub ("Device"). Any Device provided to you will remain the property of Grubhub, and is provided "as is" without any warranties of any kind either express or implied, including, without limitation, warranties of merchantability and fitness for a particular purpose. Grubhub may require you to return the Device to Grubhub at any time, including, without limitation, in the event your Restaurant Agreement is terminated, or in the event you do not agree to or violate this Agreement, the Grubhub Terms of Use (<https://www.grubhub.com/legal/terms-of-use>), the Grubhub Privacy Policy (<https://www.grubhub.com/legal/privacy-policy>), or any other agreement between you and Grubhub. Any Device provided to you may only be used to access Grubhub for Restaurants, and may not be used for any other purpose, or transferred, loaned, sold or otherwise provided in any manner to any third party.

You agree that Grubhub is not responsible for, and is hereby released from any and all liability with respect to: (a) any defect, damage or loss relating to the Device; (b) any obligation to repair or replace the Device; and (c) any claims, actions, losses, judgments, liabilities, damages, costs and expenses (including, without limitation, reasonable attorneys' fees) arising from or relating to your use of the Device, including in connection with your use of Grubhub for Restaurants on the Device. Grubhub will not be responsible for the Device or any other hardware or software acquired by you through any channel or means. You will be responsible for any and all costs associated with maintaining any Internet connection required to access or use Grubhub for Restaurants (including, without limitation, cost of routers and any monthly connectivity services fees), and for all claims, damages and costs (including replacement) associated with a damaged, lost or defective Device.

Use of Grubhub for Restaurants requires that you be registered for an account ("Account"). In connection with such registration, you agree to (a) provide true, accurate, current and complete information about yourself as necessary to complete your registration, and (b) promptly update the

personal information you provide to ensure that it is always true, accurate, current and complete. If you provide any information that is untrue, inaccurate, outdated or incomplete, or Grubhub has reasonable grounds to suspect that such information is untrue, inaccurate, outdated or incomplete, Grubhub has the right to block your current or future use of Grubhub for Restaurants (or any portion of your use).

You are responsible for maintaining the confidentiality and security of your Account and password, and you are fully responsible for all activities or any other actions that occur under or are taken in connection with your password or Account (including any individual user accounts created under your Account). You agree to: (a) use all reasonable precautions to protect the confidentiality and security of your Account and any information provided through Grubhub for Restaurants, including, without limitation, (i) storing all Devices in a safe location, (ii) restricting access to your Account to authorized personnel, and (iii) ensuring that you sign out of your Account at the end of each session; and (b) immediately notify Grubhub of any known or suspected unauthorized use(s) of your password or Account, or any known or suspected breach of security, including loss, theft, or unauthorized disclosure of your password or any other information provided through your Account. You further agree not to provide your Account to any third parties without the express written approval of Grubhub. You agree that Grubhub will not be liable for, and is hereby released from any and all claims, actions, losses, judgments, liabilities, damages, costs and expenses (including, without limitation, reasonable attorneys' fees) of any kind arising from or relating to your failure to comply with (a) or (b) of this paragraph or for any acts or omissions by you or someone else using your Account and/or password.

## **OUR ALCOHOLIC BEVERAGES POLICY**

Some jurisdictions permit the ordering and delivery of alcoholic beverages. If you provide your own delivery services and are fulfilling an order including alcoholic beverages in such a jurisdiction, you acknowledge that you are responsible for ensuring that the recipient is at least 21 years of age by requiring a valid government-issued identification card at the time of delivery. You will ensure that any delivery personnel you use are (a) informed prior to delivery that he or she is delivering an order which contains an alcoholic beverage, and (b) properly trained to request a government-issued identification card. You represent, warrant and covenant that you will comply with all federal, state and local laws regarding the sale and delivery of alcohol, and you agree to indemnify Grubhub and its representatives for any and all costs, expenses and losses (including, without limitation, reasonable attorneys' fees) arising out of any breach or alleged breach of the foregoing representations, warranties and covenants.

## **OUR MATERIALS AND LICENSE TO YOU**

With the exception of information, menus, photographs or logos provided by you, Grubhub for Restaurants and everything on it (collectively, "Materials") are owned by or licensed to Grubhub. Grubhub for Restaurants and the Materials are protected by copyright, trademark, trade dress, domain name, patent, trade secret, international treaties and/or other proprietary rights and laws of the United States and other countries. Except as otherwise indicated on Grubhub for Restaurants and except for the trademarks, service marks, logos and trade names of you or other companies that

are or may be displayed on Grubhub for Restaurants, all trademarks, service marks, logos, trade dress and trade names are proprietary to Grubhub, including, without limitation: Grubhub; Seamless; DiningIn; Restaurants on the Run; Delivered Dish; LABite.com; AllMenus; Campusfood.com; dotmenu; Eating Made Easy; Happy Eating; Grubhub for Restaurants; GrubCentral; OrderHub; DeliveryHub; The Daily Grub; and Delivering Food Happiness. Please be advised that Grubhub actively and aggressively enforces its intellectual property rights to the fullest extent of the law.

We grant you a limited, non-exclusive, non-transferable and revocable license to access and use Grubhub for Restaurants and/or the Materials, solely as expressly permitted by this Agreement and your Restaurant Agreement and subject to all the terms and conditions of this Agreement, the Restaurant Agreement, all applicable intellectual property laws, and any additional notices or restrictions contained on Grubhub for Restaurants or otherwise communicated to you. Any other use of Grubhub for Restaurants and/or the Materials is strictly prohibited. No Materials may be copied, republished, uploaded, posted, transmitted, distributed in any way, and/or modified without our express written permission. Nothing contained on Grubhub for Restaurants should be interpreted as granting to you any license or right to use any of the Materials and/or third party proprietary content on Grubhub for Restaurants without the express written permission of Grubhub or the appropriate third-party owner, as applicable.

Grubhub reserves the right, in its sole and absolute discretion, to modify, suspend, or discontinue at any time, with or without notice, Grubhub for Restaurants and/or services offered on or through Grubhub for Restaurants (or any part thereof), including but not limited to Grubhub for Restaurants features, look and feel, and functional elements and related services.

## **DINER INFORMATION**

"Diner Information" is any information provided through Grubhub for Restaurants or is otherwise made available to Restaurant by Grubhub about a Grubhub diner ("Diner"), which may include, without limitation, a Diner's first and last name or last initial, address, email address, and telephone number. You acknowledge that you will have access to Diner Information when a Diner places an order with a Restaurant, and that such Diner Information is private and/or sensitive in nature. You agree that: (a) you will be responsible for maintaining, and will use all reasonable precautions to protect the confidentiality and security of, Diner Information; (b) you will comply with the Grubhub Privacy Policy; (c) you will comply with all applicable laws, rules and regulations with respect to the privacy and security of Diner Information; and (d) Grubhub is not responsible for, and is hereby released from any and all claims, actions, losses, judgments, liabilities, damages, costs and expenses (including reasonable attorneys' fees) of any kind arising from or relating to your failure to comply with (a), (b) or (c) of this paragraph or for any acts or omissions by you or someone else with access to Diner Information.

You acknowledge that Diner Information is proprietary to Grubhub, and agree to use Diner Information only for authorized purposes directly related to fulfilling and delivering (if applicable) a Diner's order, and may not use Diner Information to contact Diners directly other than in relation to an order placed on Grubhub. Notwithstanding any provision of this Agreement to the contrary, you are expressly prohibited from distributing, selling, providing access to, or otherwise making available Diner Information to any third party other than authorized Restaurant personnel in order to fulfill

orders. The foregoing restrictions apply regardless of whether Diner Information is modified or combined with any other information or any other lists or databases. Nothing in this paragraph will prohibit the Restaurant from disclosing a Diner's order information to the Diner placing such order.

## **DRIVER INFORMATION**

"Driver Information" is any information provided through Grubhub for Restaurants about a Grubhub delivery partner ("Driver"), including, without limitation, a Driver's first and last name or last initial, telephone number and geo-location. You acknowledge that you will have access to Driver Information when you receive an order for Grubhub delivery or otherwise request a Driver to deliver an order, and that such Driver Information may be private and/or sensitive in nature. You agree that: (a) you will be responsible for maintaining, and will use all reasonable precautions to protect, the confidentiality and security of Driver Information and that you will also operate in compliance with the Grubhub Privacy Policy and the Grubhub Driver App Privacy Policy; (b) you will comply with all applicable laws, rules and regulations with respect to the privacy and security of Driver Information; and (c) Grubhub is not responsible for, and is hereby released from any and all claims, actions, losses, judgments, liabilities, damages, costs and expenses (including reasonable attorneys' fees) of any kind arising from or relating to your failure to comply with (a) and (b) of this paragraph or for any acts or omissions by you or someone else with access to Driver Information.

You acknowledge that Driver Information is proprietary to Grubhub, and agree to use Driver Information only for authorized purposes directly related to fulfilling delivery of orders, and may not be used to contact Drivers directly other than in relation to the delivery of order placed on Grubhub. Notwithstanding any provision of this Agreement to the contrary, you are expressly prohibited from distributing, selling, providing access to, or otherwise making available Driver Information to any third party other than authorized Restaurant personnel in order to fulfill delivery orders. The foregoing restrictions apply regardless of whether Driver Information is modified or combined with any other information or any other lists or databases.

## **YOUR CONDUCT AND CONTENT**

### **I. User Conduct**

By accessing or using Grubhub for Restaurants, you agree: to comply with all applicable laws regarding online conduct and acceptable material; not to use Grubhub for Restaurants or any related services or submit content to Grubhub for Restaurants if you are under the age of 13; not to access Grubhub for Restaurants or any related services using a third party's account/registration without the express consent of the account holder; not to attempt, through any means, to gain unauthorized access to any part of Grubhub for Restaurants and/or any service, other account, computer system and/or network connected to any Grubhub server; not to deep-link to Grubhub for Restaurants and/or access Grubhub for Restaurants manually and/or with any robot, spider, web crawler, extraction software, automated process and/or device to scrape, copy, compile, collect and/or monitor any portion of Grubhub for Restaurants and/or any Materials and/or other content on Grubhub for Restaurants, unless Grubhub has given you specific permission to do so in writing; not to conduct any kind of systematic retrieval of data or other content on Grubhub for Restaurants; not

to use Grubhub for Restaurants in any manner that could damage, disable, overburden and/or impair any Grubhub server, or the network(s) connected to any Grubhub server, and/or interfere with any other party's use and enjoyment of Grubhub for Restaurants; not to use Grubhub for Restaurants for illegal purposes, or as prohibited by these Terms; not to use Grubhub for Restaurants to engage in commercial activities apart from sanctioned use of Grubhub services; not to copy any content, including, but not limited to Restaurant menu content and third-party reviews, for republication in print or online; not to license, sell and/or otherwise provide access to and/or use of Grubhub for Restaurants to any third party, including, without limitation, to build a competitive product and/or service; not to create Restaurant reviews or blog entries for or with any commercial or other purpose or intent that does not in good faith comport with the purpose or spirit of Grubhub for Restaurants; not to upload or transmit viruses or other harmful, disruptive or destructive files; and/or not to modify Diner charges without Diner's prior authorization; and/or not to disrupt, interfere with, or otherwise harm or violate the security of Grubhub for Restaurants, or any services, system resources, accounts, passwords, servers or networks connected to or accessible through Grubhub for Restaurants or affiliated or linked sites (including those of our Restaurant partners).

You agree that the consequences of any unpermitted commercial use or republication of content or information from Grubhub for Restaurants which is not expressly permitted may be so serious and incalculable that monetary compensation may not be a sufficient or appropriate remedy and that Grubhub will be entitled to temporary and permanent injunctive relief to prohibit such use.

## **II. Use of Your Content**

You grant Grubhub an irrevocable, transferable, paid up, royalty-free, perpetual, non-exclusive worldwide sub-licensable license to use, copy, display, publish, modify, remove, publicly perform, translate, create derivative works from, distribute and/or otherwise use the content which you upload on Grubhub for Restaurants ("User Content") and in all forms of media now known or hereafter invented (collectively, the "Uses"), without notification to and/or approval by you. User Content includes, without limitation, any menu information uploaded on Grubhub for Restaurants. You further grant Grubhub a license to use your Restaurant name and/or other account information, including, without limitation, your ratings history and how long you have been a Restaurant on Grubhub, to attribute User Content to you in connection with the Uses, if we choose to do so, again without notification to and/or approval by you.

## **III. Conduct within Grubhub for Restaurants**

By transmitting User Content, you agree to follow the standards of conduct below, and any additional standards stated on Grubhub for Restaurants or otherwise agreed to between you and Grubhub. We do our best to encourage civility and discourage disruptive communication on Grubhub for Restaurants. We also discourage communications that incite others to violate our standards. We expect your cooperation in upholding our standards. You are responsible for all User Content. You agree not to provide any User Content that: is unlawful, harmful to adults or minors, threatening, abusive, harassing, tortious, defamatory, vulgar, obscene, profane, offensive, invasive of another's privacy, hateful, discriminatory and/or otherwise objectionable; has a purpose not contemplated by this Agreement or the Restaurant Agreement; is false, misleading and/or not written in good faith; infringes any patent, trademark, trade secret, copyright, right of privacy and/or publicity, and/or other proprietary rights of any person and/or entity; is illegal and/or promotes illegal activity; violates any

requirement set forth in your Restaurant Agreement or any other agreement between you and Grubhub (including, without limitation, the requirement that item pricing is at least as favorable to Diners as that which is available on the Restaurant's standard menu or offered to any third party service); contains unauthorized advertising and/or solicits users to a business other than Grubhub; and/or is intended to interrupt, destroy or limit the functionality or integrity of any computer software, hardware or Materials on Grubhub for Restaurants or other websites.

Grubhub may monitor any and all use of Grubhub for Restaurants. We reserve the right to change, delete and/or remove, in part or in full, any User Content that we believe, and/or to terminate and/or suspend access to any Materials and/or all or part(s) of Grubhub for Restaurants for conduct that we believe, violates our standards, violates any other terms or conditions of this Agreement or the Restaurant Agreement, interferes with other people's enjoyment of Grubhub for Restaurants or any Materials, is inappropriate, or for any other reason, in each case, in our sole discretion. Grubhub will cooperate with local, state and/or federal authorities to the extent permitted by applicable law in connection with User Content.

## **RELEASE**

Grubhub and its officers, directors, employees, parents, subsidiaries, affiliates, successors, assigns, licensors, licensees, designees, business partners, contractors, agents and representatives (collectively, the "Released Parties") will not be responsible for, and you hereby expressly release the Released Parties from any and all liability from all claims, actions, losses, judgments, liabilities, damages, costs and expenses (including, without limitation, reasonable attorneys' fees) arising out of or related to your breach or alleged breach of any provision of this Agreement, your violation of applicable law, your use of Grubhub for Restaurants or any Materials (including, without limitation, any User Content), or all Uses by Grubhub or any third party authorized by Grubhub.

## **DISCLAIMER**

GRUBHUB FOR RESTAURANTS, THE MATERIALS AND ALL OTHER CONTENT ON GRUBHUB FOR RESTAURANTS ARE PROVIDED "AS IS" AND WITHOUT WARRANTIES OF ANY KIND EITHER EXPRESS OR IMPLIED. TO THE FULLEST EXTENT PERMISSIBLE UNDER APPLICABLE LAW, THE RELEASED PARTIES DISCLAIM WITH RESPECT TO GRUBHUB FOR RESTAURANTS, THE MATERIALS AND ALL OTHER CONTENT ON GRUBHUB FOR RESTAURANTS, ALL WARRANTIES, EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. GRUBHUB DOES NOT REPRESENT OR WARRANT THAT GRUBHUB FOR RESTAURANTS, THE MATERIALS OR THE OTHER CONTENT ON GRUBHUB FOR RESTAURANTS WILL BE SECURE, UNINTERRUPTED OR ERROR-FREE, THAT DEFECTS WILL BE CORRECTED, OR THAT GRUBHUB FOR RESTAURANTS, THE MATERIALS OR OTHER CONTENT ON GRUBHUB FOR RESTAURANTS ARE FREE FROM VIRUSES OR OTHER HARMFUL COMPONENTS. GRUBHUB DOES NOT WARRANT OR MAKE ANY REPRESENTATIONS REGARDING THE USE OR THE RESULTS OF THE USE OF GRUBHUB FOR RESTAURANTS, THE MATERIALS OR ANY OTHER CONTENT ON GRUBHUB FOR RESTAURANTS IN TERMS OF THEIR CORRECTNESS, ACCURACY, RELIABILITY, TIMELINESS,



COMPLETENESS, CURRENTNESS, OR OTHERWISE, INCLUDING, WITHOUT LIMITATION, THE ANY INFORMATION RELATED TO AN ORDER PLACED ON GRUBHUB FOR RESTAURANTS. YOU (AND NOT GRUBHUB) ASSUME THE ENTIRE COST OF ALL NECESSARY SERVICING, REPAIR, OR CORRECTION RELATING TO YOUR USE OF GRUBHUB FOR RESTAURANTS, THE MATERIALS AND/OR OTHER CONTENT ON GRUBHUB FOR RESTAURANTS. APPLICABLE LAW MAY NOT ALLOW THE EXCLUSION OF IMPLIED WARRANTIES, SO THE ABOVE EXCLUSION MAY NOT FULLY APPLY TO YOU.

## **LIMITATION OF LIABILITY**

IN NO EVENT WILL GRUBHUB BE LIABLE TO YOU FOR ANY DIRECT, INDIRECT, SPECIAL, PUNITIVE, INCIDENTAL, EXEMPLARY OR CONSEQUENTIAL DAMAGES, OR ANY LOSS OR DAMAGES WHATSOEVER (EVEN IF GRUBHUB HAS BEEN PREVIOUSLY ADVISED OF THE POSSIBILITY OF SUCH DAMAGES), WHETHER IN AN ACTION UNDER CONTRACT, NEGLIGENCE, OR ANY OTHER THEORY, IN ANY MANNER ARISING OUT OF OR IN CONNECTION WITH THE USE, INABILITY TO USE, PERFORMANCE OF, OR SERVICES PROVIDED ON OR THROUGH GRUBHUB FOR RESTAURANTS. GRUBHUB ASSUMES NO RESPONSIBILITY AND WILL NOT BE LIABLE FOR ANY DAMAGES TO, OR VIRUSES THAT MAY INFECT, YOUR DEVICE OR OTHER PROPERTY ON ACCOUNT OF YOUR ACCESS TO, USE OF, BROWSING OF, OR DOWNLOADING OF ANY MATERIAL FROM GRUBHUB FOR RESTAURANTS. GRUBHUB ASSUMES NO RESPONSIBILITY OR LIABILITY IN ANY MANNER ARISING OUT OF OR IN CONNECTION WITH ANY INFORMATION, CONTENT, PRODUCTS, SERVICES, OR MATERIAL AVAILABLE ON OR THROUGH GRUBHUB FOR RESTAURANTS, AS WELL AS ANY THIRD PARTY WEBSITE PAGES OR ADDITIONAL WEBSITES LINKED FROM GRUBHUB FOR RESTAURANTS, FOR ANY ERROR, DEFAMATION, LIBEL, SLANDER, OMISSION, FALSEHOOD, OBSCENITY, PORNOGRAPHY, PROFANITY, DANGER, INACCURACY CONTAINED THEREIN OR HARM TO PERSON OR PROPERTY CAUSED THEREBY. THESE LIMITATIONS WILL APPLY NOTWITHSTANDING ANY FAILURE OF ESSENTIAL PURPOSE OF ANY LIMITED REMEDY. BECAUSE SOME JURISDICTIONS DO NOT ALLOW THE EXCLUSION OR LIMITATION OF LIABILITY FOR CONSEQUENTIAL OR INCIDENTAL DAMAGES, THE ABOVE LIMITATIONS MAY NOT APPLY TO YOU. IN NO EVENT WILL GRUBHUB'S TOTAL LIABILITY TO YOU FOR ALL DAMAGES, LOSSES AND CAUSES OF ACTION, WHETHER IN CONTRACT, TORT (INCLUDING BUT NOT LIMITED TO, NEGLIGENCE) OR OTHERWISE, EXCEED (A) THE AMOUNT PAID BY YOU TO GRUBHUB, OR (B) \$100 (WHICHEVER IS LESS).

YOU AND GRUBHUB AGREE THAT THE WARRANTY DISCLAIMERS AND LIMITATIONS OF LIABILITY IN THIS AGREEMENT ARE MATERIAL, BARGAINED-FOR BASES OF THIS AGREEMENT, AND THAT THEY HAVE BEEN TAKEN INTO ACCOUNT IN DETERMINING THE CONSIDERATION TO BE GIVEN BY EACH PARTY UNDER THIS AGREEMENT AND IN THE DECISION BY EACH PARTY TO ENTER INTO THIS AGREEMENT. YOU AND GRUBHUB AGREE THAT THE WARRANTY DISCLAIMERS AND LIMITATIONS OF LIABILITY IN THIS AGREEMENT ARE FAIR AND REASONABLE.

IF YOU ARE DISSATISFIED WITH GRUBHUB FOR RESTAURANTS OR DO NOT AGREE TO ANY PROVISIONS OF THIS AGREEMENT, YOUR SOLE AND EXCLUSIVE REMEDY IS TO

DISCONTINUE USING GRUBHUB FOR RESTAURANTS, EXCEPT AS MAY BE PROVIDED FOR IN THIS SECTION.

## **THIRD-PARTY LINKS**

Grubhub for Restaurants may contain links to websites that are owned, controlled, developed, sponsored and/or maintained by third parties and which may be subject to additional terms and conditions ("Third Party Websites"). Grubhub does not review, monitor, operate and/or control the Third Party Websites and Grubhub makes no guarantees, representations and/or warranties as to, and will have no liability for, the content available on or through and/or the functioning of the Third Party Websites. By providing access to Third Party Websites, Grubhub is not recommending and/or otherwise endorsing the products and/or services provided by the sponsors and/or owners of those websites. Your access to and/or use of Third Party Websites, including providing information, materials and/or other content to such Third Party Websites, is entirely at your own risk. Grubhub reserves the right to discontinue links to any Third Party Websites at any time and for any reason, without notice.

## **PRIVACY POLICY**

The terms and conditions of the Grubhub Privacy Policy located at <https://www.grubhub.com/legal/privacy-policy> are incorporated into this Agreement by reference.

## **COPYRIGHT POLICY**

Grubhub respects the intellectual property of others, and we ask all of our users to do the same. If you believe that your copyrighted work has been copied and is accessible on Grubhub for Restaurants or a website through which our services may be accessed in a way that constitutes copyright infringement, please provide Grubhub's Copyright Agent (as set forth below) with notification containing the following information required by the Digital Millennium Copyright Act, 17 U.S.C. 512:

A physical or electronic signature of a person authorized to act on behalf of the copyright owner of the work that allegedly has been infringed;

Identification of the copyrighted work claimed to have been infringed, or, if multiple copyrighted works allegedly have been infringed at a single online site, then a representative list of such copyrighted works;

Identification of the material that is claimed to be infringing and that is to be removed or access to which is to be disabled, and information reasonably sufficient to permit us to locate the allegedly infringing material, e.g., the specific web page address on the Sites;

Information reasonably sufficient to permit us to contact the party alleging infringement, including an email address;

A statement that the party alleging infringement has a good-faith belief that use of the copyrighted work in the manner complained of is not authorized by the copyright owner, its agent, or the law; and

A statement that the information in the notification is accurate, and under penalty of perjury, that the party alleging infringement is authorized to act on behalf of the copyright owner of the work that allegedly has been infringed.

Please send this notification to our copyright agent at: Grubhub Holdings Inc., Attention: Copyright Agent, 1065 Avenue of the Americas, 15th Floor, New York, NY 10018.

## **RESTAURANTS ONLY**

Restaurants acknowledge and agree that we strive to provide timely communication to Diners regarding the delivery of their orders. All Restaurants have an obligation to confirm the orders that Diners place on the Grubhub platform, and repeated failure to confirm orders will result in penalties, up to and including permanent closure on the Grubhub platform, in our sole discretion.

Grubhub may make available to Restaurants, from time to time, and in its sole discretion, Restaurant-funded advertising, marketing and promotional opportunities (collectively, "Promos"). In the event such Promos include promotional discount(s), Restaurant acknowledges and agrees that the full cost of any such promotional discount(s) provided herein shall be billed to Restaurant as an offset to amounts collected by Grubhub and owed to Restaurant, and that Restaurant remains responsible for the full commissions and fees (which will be charged without regard to any promotional discount(s) applied) owed to Grubhub pursuant to the restaurant agreement between Restaurant and Grubhub.

Grubhub will have the right to market any and all Promos to Diners in Grubhub's sole discretion, including, without limitation, in relation to the frequency, prominence, location (e.g. brand channels) and duration that Grubhub advertises such Promos. Grubhub may permit Restaurant to select certain Promo terms and conditions (e.g. percentage or dollar amount off, duration of the Promo, etc.). In addition to those Restaurant-selected terms and conditions, Grubhub may set additional terms and conditions in its sole discretion. Once opted into the Promo through GFR, Restaurant may not subsequently make changes to the Promo terms and conditions, and Grubhub is authorized to continue offering the Promo in accordance with such terms and conditions.

Restaurant assumes full responsibility for fulfillment of all orders subject to Promos and will indemnify, hold harmless and defend Grubhub from and against any claims, demands, actions, suits, damages, liabilities, losses, settlements, judgments, costs and expenses (including, without limitation, reasonable attorneys' fees) arising from its acts or omissions in connection with any such Promo.

## **VIOLATIONS OF THE AGREEMENT**

Grubhub reserves the right to seek all remedies available at law and in equity for violations of the Agreement, including, without limitation, the right to block access from a particular Internet or IP address to Grubhub for Restaurants.

## CHANGES TO THE AGREEMENT

We may change this Agreement from time to time and without prior notice. If we make a change to this Agreement it will be effective as soon as we post it, and the most current version of this Agreement will always be posted. If we make a material change to the Agreement, we will notify you. You agree that you will review this Agreement periodically. By continuing to access and/or use Grubhub for Restaurants and/or any Device provided to you after we make changes to this Agreement, you agree to be bound by the revised Agreement. You agree that if you do not agree to the new terms of the Agreement, you will stop accessing and using Grubhub for Restaurants and any Device provided to you.

## GOVERNING LAW

You acknowledge and agree that your access to and/or use of Grubhub for Restaurants, the Materials and other content on Grubhub for Restaurants is subject to all applicable international, federal, state and local laws and regulations. You further acknowledge and agree that all claims or disputes arising out of this agreement, will be decided by an arbitrator through arbitration and not by a judge or jury ("Arbitration Agreement"). This Arbitration Agreement is governed by the Federal Arbitration Act ("FAA") and evidences a transaction involving commerce. The arbitration will be conducted before a single arbitrator under the Commercial Arbitration Rules of the American Arbitration Association ("AAA"), which are available at [www.adr.org](http://www.adr.org). The arbitrator's fees and the costs will be shared equally by the parties, unless prohibited by law. Parties are responsible for their own attorneys' fees. The arbitration proceeding will take place in the county where the Restaurant is located unless otherwise agreed. A court of competent jurisdiction will have the authority to enter judgment on the arbitrator's decision/award. The parties agree to bring any claim or dispute in arbitration on an individual basis only, and not as a class or collective action, and there will be no right or authority for any claim or dispute to be brought, heard or arbitrated as a class or collective action ("Class Action Waiver"). Regardless of anything herein and/or the applicable AAA Rules, the interpretation, applicability or enforceability of the Class Action Waiver may only be determined by a court and not an arbitrator. The following claims are excluded from this Arbitration Agreement: (1) claims in small claims court; (2) claims to enforce or to prevent the actual or threatened violation of a party's intellectual property rights; (3) claims for temporary relief in connection with an arbitrable controversy; and (4) claims that are non-arbitrable per the applicable federal statute.

With the exception of the Arbitration Agreement, which is governed by the FAA, this Agreement is governed by New York law. This Agreement, together with the Restaurant Agreement, constitutes the entire agreement between you and Grubhub and supersedes any prior understanding (written or oral) on the subject matter hereof. Grubhub is an independent contractor of Restaurant. This Agreement can only be modified in writing signed by both you and Grubhub. In the event that any portion of this Agreement is held to be unenforceable, the remainder of the provisions will remain in full force and effect. In the event of a breach, in addition to any remedies at law or in equity, the non-breaching party will be entitled to obtain specific performance and immediate injunctive relief. Failure by either party to require performance or claim breach will not be construed as a waiver. You may not assign this Agreement without the prior written consent of Grubhub. This Agreement is binding on you and your permitted heirs, successors and assigns. This provision as well as the

ownership, warranties, indemnity, arbitration and confidentiality provisions will survive any expiration or termination of this Agreement.

## Delivery Fees

July 1, 2021

My name is Andrew Gillick from Josie Woods Pub and I support this legislation to regulate the unfair and unethical business practices of certain 3<sup>rd</sup> party delivery companies.

Our city's restaurants have been taken advantage by some of the huge 3<sup>rd</sup> party delivery companies that use their market share to extract large fees from us while using their leverage to keep us on their platforms. I support permanently capping 3<sup>rd</sup> party delivery fees which will be very important as restaurants try to recover from the pandemic and long into the future. These 3<sup>rd</sup> party delivery companies have only consolidated power and increased their leverage over local restaurants as a result of the pandemic, while we have suffered. We should have had a fee cap before the pandemic, and we really need to make the temporary fee cap permanent now before it expires.

I support requiring 3<sup>rd</sup> party delivery companies to have permission from restaurants before they list them on their sites. Not having permission is unethical but they do it anyway. It results in restaurant menus being posted from the internet without our permission that often have mispriced and discontinued items, creating problems for restaurant owners, workers, and customers. This practice siphons off customers who would have otherwise ordered directly from restaurants and not paid a fee or paid a lower fee.

I support prohibiting 3<sup>rd</sup> party delivery companies from charging restaurants bogus fees for phone calls that do not result in an order. It's outrageous that companies like Grubhub and Seamless have a well-documented history of doing this, so we need to permanently prohibit this practice.

I support requiring transparent phone number listings. 3<sup>rd</sup> party delivery companies sometimes create secondary phone numbers for restaurants, they promote those numbers over the restaurant's direct phone number, and then charge restaurants a fee for orders placed via the secondary phone number. So, even customers that aim to call direct to save a restaurant a fee get confused and call the wrong number. Restaurants should not be subject to the misleading practice and consumers deserve transparency from these 3<sup>rd</sup> party delivery companies.

I urge the City Council to pass this important legislation and for the mayor to sign it into law.

Thank you.

Andrew Gillick

Josie Woods Pub

July 1, 2021

My name is Catherine Manning from Villanelle and I support this legislation to regulate the unfair and unethical business practices of certain 3<sup>rd</sup> party delivery companies.

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I urge the City Council to pass this important legislation and for the mayor to sign it into law.

Thank you.

Catherine Manning  
Villanelle





July 1, 2021

**Testimony of Montana Williams  
Director, State and Local Public Policy  
Chamber of Progress**

**New York City Council  
Committee on Small Business**

**Int. No. 2359, “Prohibiting third-party delivery services from arranging unauthorized deliveries from and posting unauthorized listings of food service establishments”**

Good morning Chair Mark Gjonaj, members of the Council,

My name is Montana Williams and I am the Director of State and Local Public Policy for the Chamber of Progress, a new center-left tech industry coalition promoting technology’s progressive future.

Our organization works to ensure that all Americans benefit from technological leaps, and that the tech industry operates responsibly and fairly. Our organization’s commitment to a progressive society, economy, and workforce sets us apart from other business groups. For example, we strongly support federal legislation to promote voting rights; support President Biden’s proposed corporate tax increase to fund infrastructure investments; back a national emissions reduction target of 50% by 2030; and support significant government investments in broadband infrastructure.

Our corporate partners include companies like DoorDash, Grubhub, and UberEats, but our partners do not have a vote on or veto over our positions. We do not speak for individual partner companies and remain true to our stated principles even when our partners disagree.

During the pandemic, Governor Andrew Cuomo designated food delivery as an essential service. Companies like Grubhub, DoorDash, and Uber Eats provided a safe and convenient alternative for families to get their meals. These companies also provided consumers with security and peace of mind by conducting thorough background checks, secure credit card processing, and exceptional customer service, and provided logistical assistance for a network of drivers.

These companies now offer a range of services to restaurants at different fee levels. Restaurants (through fees on each order) and customers (through delivery fees) help fund them. These companies provided marketing for not only the usual big brands, but also provided exposure to the smaller, mom and pop restaurants.

In a well-intentioned effort last year to protect restaurants, the New York City Council imposed a temporary 15% cap on the fees paid by restaurants to delivery services, and a 5% cap on any other fee third-party delivery services may charge. The caps may have offered some relief to restaurants in challenging times, but it also made it more expensive for New Yorkers who were trying to support local restaurants safely through delivery.

That's because while restaurants might have been paying lower fees, delivery services still had to pay drivers, conduct background checks, and handle customer inquiries. Families ordering local delivery ended up covering restaurants' tabs through higher prices or recovery fees, creating a domino effect. Families began to place smaller or less frequent orders. DoorDash recently reported that restaurant sales volume decreased 4% year over year in St. Louis and 7% in Philadelphia—two cities where prices went up due to city-imposed restaurant fee caps.

This translated into lost wages for delivery drivers and lost sales tax revenue. If this cap stays in place, delivery service DoorDash estimates a New York tax revenue loss of \$5 million annually.

Delivery services were a crucial lifeline for restaurants during the pandemic, particularly minority- and immigrant-owned restaurants. When Midtown and Downtown restaurants saw their weekday office worker foot traffic decline, delivery services were a crucial connection into neighborhoods. In fact, eight in 10 restaurant managers said delivery services kept them from cutting hours or laying off staff.

Though times are still tough, local restaurants are now on the path to recovery. New York restaurants have been functioning at full capacity since May 19 and the Small Business Administration is administering \$29 billion in grants to restaurants through the Restaurant Revitalization Fund. Thanks to these initiatives, local restaurant owners will soon be on the path to recovery.

New York and other cities imposed fee caps as temporary measures in response to the pandemic. While New York's delivery service fee caps well-intentioned, their adverse consequences for families, restaurants, and drivers are now clear. As we emerge from the pandemic, we encourage the City Council to leave the delivery fee cap behind. Thank you.

Today I am reaching out to you to ask that you do not pass the bill that puts a price control on the commission for delivery services. By passing this bill, you are putting delivery workers like me at risk and risking our ability to earn when we want to.

I started delivering with DoorDash over the past year to help fund my company Kupanda Sisters, LLC, which works towards improving literacy for youth back in my hometown of Georgetown, Guyana. Delivery work has become my main source of funding for this great cause. Being a Dasher is a great solution for me and I do not know how I will be able to raise money without it. If this bill were to pass, this would deeply affect me.

- Cindy Charles



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**Daniel Minh McCarthy**  
Assistant Professor of Marketing

**Elliot Shin Oblander**  
PhD Candidate in Marketing

June 30, 2021

Mark Gjonaj  
Helen Rosenthal  
Bill Perkins  
Ydanis Rodriguez  
Eric Dinowitz  
Selvena N. Brooks-Powers  
Stephen T. Levin

VIA EMAIL

Committee on Small Business  
250 Broadway  
New York, NY 10007

Dear members of the Committee on Small Business:

In this letter, we would like to provide a summary and further elaboration upon the testimony that we will be presenting via live testimony tomorrow.

This written testimony is based upon academic research that we have conducted over the past one year, in which we study the impact of the COVID-19 pandemic upon consumer behavior – how customers are acquired, how long they remain, how many orders they place, and how much they spend on those orders – within the restaurant delivery category. We first quantify the overall magnitude of the pandemic’s effect on demand in the restaurant delivery category, then move from “what” to “why,” uncovering the different mechanisms driving these impacts.

As a testament to our work’s relevance and impact, it has been covered by the Wall Street Journal, New York Magazine, NPR, The Economist, Axios, and many other media outlets. We believe our research is relevant to the council members for this hearing because it suggests the restaurant delivery category primarily grew by taking what would have been on-premise dining visits and converting them into delivery orders.

We provide a very brief overview of our study next, then discuss the implications most relevant to this hearing, before moving to closing remarks and references to more information.

### **Study overview**

The COVID-19 pandemic disrupted how consumers eat, driving us away from on-premise dining towards delivery platforms such as DoorDash, UberEats, and GrubHub. Our paper sheds light on how, how much,

and why the COVID-19 pandemic transformed customer behavior in the restaurant delivery category, to better understand what consumer demand might look like after the pandemic subsides, and even more pertinent to the hearings, to understand how much of this demand was purely due to people wanting to dine on-premise, but being unable to do so (i.e., as opposed to creating “new” demand).

We answer this question through a unique collection of modern data sources. We use rich customer-level purchasing data covering two million individuals over five years from Earnest Research, a leading provider of credit card panel data, in conjunction with data on the historical geographic market entry of several major restaurant delivery companies (including data from YipitData, a leading alternative data firm) and geolocation data covering 18 million devices from SafeGraph, summarizing stay-at-home behavior, restaurant employment, and dine-in activity by geography over time.

Our results suggest that pre-pandemic customer purchasing trends were unfavorable – the number of customers newly acquired into the category had been steadily falling due to the category nearing saturation, with newer customers ordering less frequently than more tenured customers. COVID-19 more than halted these trends, creating a monumental \$19.3 billion in incremental delivery sales, which represented most (69%) of overall delivery sales growth in 2020. Because of COVID, delivery sales grew 122% in 2020. Without COVID, 2020 sales growth would have been a much lower 38%. The COVID boost was largely due to already-active pre-COVID customers placing more orders and a general increase in average order size (e.g., due to family and group orders), not acquiring more customers or retaining existing customers for a longer duration of time.

Moving from what to why, our results suggest that people staying at home, all else equal, *decreases* overall delivery sales, as people cook from home more instead of ordering out. A consequence of this is that the overall market share of restaurants – through dine-in, takeout, and delivery – shrank relative to in-home cooking.

Most pertinent to the hearings, we find that growth in restaurant delivery was primarily due to substitution away from restaurant dine-in – in plain English, consumers were turning to delivery because they weren’t able to physically go to restaurants, but otherwise would have in normal times. In this sense, sales during COVID has been a zero-sum game for restaurants relative to the delivery companies. Our results suggest that during COVID, restaurants’ existing customers to a large extent simply gravitated to third-party delivery apps. On this level, the third-party delivery apps did not generate much in the way of *truly* incremental sales.

These findings have clear relevance to the hearings to be discussed on July 1<sup>st</sup>. They suggest that the delivery order gains were largely “one-for-one swaps” from restaurant dine-in visits, implying that the unprecedented demand growth was effectively a transfer of wealth from restaurants due to an act of God. These trends may partially revert in response to the full reopening of on-premise dining in New York City. However, dine-in returning to pre-pandemic volume levels is not guaranteed. To the extent that they do not (e.g., due to consumers retaining near-pandemic-level habituation to ordering delivery, and/or pandemic-induced restaurant labor staffing shortages leading to poor on-premise dining experiences that more permanently lower consumer demand for dine-in), the aforementioned transfer of wealth from restaurants to delivery services may continue well after the pandemic is officially over.

## References

For those interested in additional information regarding the paper and its findings, please see these additional references:

- Link to study: [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3836262](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3836262)

- Non-technical summary of study: <https://www.linkedin.com/pulse/pandemic-made-2020-restaurant-delivery-dine-in-rough-patch-mccarthy/>
- Wall Street Journal: <https://www.wsj.com/articles/for-food-delivery-covid-19-was-a-sugar-high-11619780401>
- The Economist: <https://www.economist.com/graphic-detail/2021/05/26/why-the-food-delivery-boom-may-soon-hit-the-skids>
- Axios: <https://www.axios.com/doordash-grubhub-uber-delivery-apps-72c55d0f-a066-4f8a-a6e3-e0108d8516b9.html>
- New York Magazine: <https://www.grubstreet.com/2021/05/5-reasons-the-food-delivery-boom-may-soon-go-bust.html>
- NPR/WABE: <https://www.wabe.org/delivery-services-may-be-in-for-a-rough-patch-as-atlanta-restaurants-start-filling-up-tables/>

We hope that these findings contribute to the hearings, and would be more than happy to discuss them with you at your convenient if it would help you to do so. We thank you for your consideration.

Best,



Daniel McCarthy  
Assistant Professor of Marketing  
Emory University's Goizueta School of Business



Elliot Shin Oblander  
PhD Candidate in Marketing  
Columbia Business School

July 1, 2021

DAN CONSTANTINE

My name is [ENTER YOUR NAME] from [ENTER RESTAURANT NAME] and I support this legislation to regulate the unfair and unethical business practices of certain 3<sup>rd</sup> party delivery companies.

Our city's restaurants have been taken advantage by some of the huge 3<sup>rd</sup> party delivery companies that use their market share to extract large fees from us while using their leverage to keep us on their platforms. I support permanently capping 3<sup>rd</sup> party delivery fees which will be very important as restaurants try to recover from the pandemic and long into the future. These 3<sup>rd</sup> party delivery companies have only consolidated power and increased their leverage over local restaurants as a result of the pandemic, while we have suffered. We should have had a fee cap before the pandemic, and we really need to make the temporary fee cap permanent now before it expires.

I support requiring 3<sup>rd</sup> party delivery companies to have permission from restaurants before they list them on their sites. Not having permission is unethical but they do it anyway. It results in restaurant menus being posted from the internet without our permission that often have mispriced and discontinued items, creating problems for restaurant owners, workers, and customers. This practice siphons off customers who would have otherwise ordered directly from restaurants and not paid a fee or pay a lower fee.

I support prohibiting 3<sup>rd</sup> party delivery companies from charging restaurants bogus fees for phone calls that do not result in an order. It's outrageous that companies like Grubhub and Seamless have a well-documented history of doing this, so we need to permanently prohibit this practice.

I support requiring transparent phone number listings. 3<sup>rd</sup> party delivery companies sometimes create secondary phone numbers for restaurants, they promote those numbers over the restaurant's direct phone number, and then charge restaurants a fee for orders placed via the secondary phone number. So, even customers that aim to call direct to save a restaurant a fee get confused and call the wrong number. Restaurants should not be subject to the misleading practice and consumers deserve transparency from these 3<sup>rd</sup> party delivery companies.

I urge the City Council to pass this important legislation and for the mayor to sign it into law.

Thank you.

[ENTER YOUR NAME]  
[ENTER BUSINESS NAME]

DAN CONSTANTINE

ENTERPRISE RESTAURANT

D/B/A AMARANTH-

21 EAST 62 ST NYC 10065.

d/b/a/ AMARANTH  
ENTERPRISE RESTAURANT LLC  
21 E. 62ND ST.  
NEW YORK, NY 10065-7222

My name is D'Shea Grant and I am a delivery worker with DoorDash, and I am here to address the committee about the proposed legislation that would limit the fees that app-based delivery services could charge restaurants.

I chose to work as a delivery driver, because I am first and foremost a mother and a caretaker to my daughter, and I need to have the flexibility in my schedule to be there for her when she needs me. I am with my daughter during the day, and I go out to make deliveries at night. Working as a delivery courier has been a lifeline and provides valuable income to me and my family.

Throughout the pandemic, I feel the work I've done delivering meals to folks who've been under quarantine is incredibly important. Delivery workers are truly essential to the lifeblood of the community, especially this past year.

I love my local restaurants, and I feel that my work has been helping the local businesses that I cherish stay open during the COVID-19 crisis. But, when I heard about the current proposal that would permanently cap the fees that delivery companies can charge restaurants, I started to get concerned. The fees that companies like DoorDash charge restaurants go toward things like marketing and premium services for restaurants and go directly toward paying delivery couriers like myself and provide us with more support and safety protections. A permanent price control like this would have a direct, negative impact on my ability to earn money. Price controls will lead to higher prices for customers in New York City, and as prices rise, demand for restaurants and for the delivery services that I provide will go down. This is not something that I, or a lot of the people delivering on these platforms, can afford.

When I heard that the City Council was considering this proposal, I knew that their idea was well-intentioned. But, as someone who relies heavily on the flexible income I make as a delivery courier, I know that the unintended consequences of the proposal will harm people like me.

I want to see my representatives consider a proposal that continues to protect the local restaurants we all love, but that doesn't hurt customers' ability to get affordable and accessible delivery or impact my ability to earn money.



I really feel that a permanent commission cap is not the answer. Thank you for considering people like me before you vote on this issue.

testimony; 3rd party delivery cap

Good Afternoon...My name is George Tenedios. I am the CEO of a fast casual brand named Fresh&co. We also operate two other brands: Café Metro and Flavors Café and We are a privately owned family business.

Pre-pandemic, we were an organization comprised of.... 26 fast casual restaurants, a commissary facility, and a corporate office with a total of 1,056 employees as of March 1st 2020.

Due to the state mandated closures, we were forced to shut down our operations, and furlough all 1,056 employees for 6 months.

Because of the growing debt, and struggle with Landlord negotiations- we've since had to make the difficult decision to permanently close 9 of our locations. We reopened in September with 17 total restaurants.

Today, as I speak to you- we are still well below our pre-pandemic volumes, operating at 35% of pre-covid sales, and a work force of 228 employees. Currently, 40% of our existing business is driven by 3rd party delivery platforms. Staying bullish on the return of the NYC daytime population- our company-wide initiative is to hire a minimum of 200 team members by September 1st. That's 200 families. 200 members of various communities throughout NYC. 200 people that will be able to return to some sort of structure in their life as we all strive to return to normalcy as quickly and safely as possible.

Various media outlets and public reports have suggested an anticipated 65% return to offices by September 7th, and 100% most likely closer to the Second quarter of 2022.

But even that number is not a realistic capture of the day-time population of NYC.

The misleading part of these reports is that these are companies, and corporations that are re-opening with some sort of weekly rotation of only 1-3 days in office. Nonetheless, it's a step in the right direction, but the lack of a full return, and the continuous lapse of NYC tourism is still far off from the norm.

The metrics for 15% up to 30% for 3rd party delivery fees has always been a profit-loss scenario for my business, as the bulk of my business consists of individual meals. Add in these bogus phone charges that get passed onto restaurants, which is dictated by the 3rd party companies, and add that to our loss factor. The industry standard for a fast casual restaurant is anywhere from 6-9%, as Councilman Gjonaj confirmed earlier.

The 3rd party delivery caps we have been blessed with, has helped our business tremendously over the last 10 months. It has helped us re-capture some sort of profit from these orders, as the economics of 5% and 15% commission rates are exactly in-line of what our industry standard is in regards to profit margins and EBITDA.

As many restauranteurs and operators can attest to- offering delivery through one of these third party platforms has become a “must- have” practice that continues to grow, and over power any and all efforts a business makes to try and shift sales through an in-house app or website.

A permanent cap on 3rd party delivery fees will not only help my business keep the lights on, and continue to service New Yorkers + tourists- but will allow us to remain bullish in our efforts to re-invest in our business, and re-invest in our work force, as we slowly return back to normalcy.

Our industry needs help. We need the 3rdparty fee cap to either remain permanent, or extended, as it’s going to take time for NYC to build back its momentum, its economy, and it’s population. We need help before more restauranteurs and operators are forced to go out of business, and the hospitality work force loses more job opportunities.

thank you.

Best,

George Tenedios

ceo • co-founder

[www.freshandco.com](http://www.freshandco.com)

save time and order online. download the fresh&co app >> [App Store](#) or [Google Play](#)

3rd Parity Fee Cap

July 1, 2021

My name is Grace Figueroa from Gramber LLC d/b/a Happy Bowls NYC and I support this legislation to regulate the unfair and unethical business practices of certain 3<sup>rd</sup> party delivery companies.

Our city's restaurants have been taken advantage of by some of the huge 3<sup>rd</sup> party delivery companies that use their market share to extract large fees (ranging from 30% to 40%) from us while using their leverage to keep us on their platforms. I support permanently capping 3<sup>rd</sup> party delivery fees which will be very important as restaurants try to recover from the pandemic and long into the future. These 3<sup>rd</sup> party delivery companies have only consolidated power (Grubhub purchased by a larger company, Uber and Postmates consolidation along with DoorDash purchasing Caviar) and increased their leverage over local restaurants as a result of the pandemic, while we have suffered. We should have had a fee cap before the pandemic, and we really need to make the temporary fee cap permanent now before it expires.

I support requiring transparent phone number listings. 3<sup>rd</sup> party delivery companies sometimes create secondary phone numbers for restaurants, they promote those numbers over the restaurant's direct phone number, and then charge restaurants a fee for orders placed via the secondary phone number. I believe that customer data belongs to the restaurant. Note that we ran marketing campaigns for new customers and there is no way for the restaurant that's in fact true as Uber does not want to provide such data. Restaurants should not be subject to the misleading practice and consumers deserve transparency from these 3<sup>rd</sup> party delivery companies.

I urge the City Council to pass this important legislation and for the mayor to sign it into law.

Thank you.

Grace Figueroa  
Happy Bowls NYC Owner



**61 Fourth Ave**  
**New York, NY 10003**

[HappyBowls.com](http://HappyBowls.com)

July 1, 2021

My name is Emil Radoncic from Harlem Shake at 100 W 124<sup>th</sup> St, New York, NY 10027, and I support this legislation to regulate the unfair and unethical business practices of certain 3<sup>rd</sup> party delivery companies.

Our city's restaurants have been taken advantage by some of the huge 3<sup>rd</sup> party delivery companies that use their market share to extract large fees from us while using their leverage to keep us on their platforms. I support, even urge you to save us, by permanently capping 3<sup>rd</sup> party delivery fees which will be very important as restaurants try to recover from the pandemic and long into the future. These 3<sup>rd</sup> party delivery companies have only consolidated power and increased their leverage over local restaurants as a result of the pandemic, while we have suffered. We should have had a fee cap before the pandemic, and we really need to make the temporary fee cap permanent now before it expires.

**As an illustration to the incredible amounts paid to third party for delivery fees, please look at my true examples extracted from our profit and loss statement for the following years:**

<b>2018</b>	<b>delivery provider fees</b>	<b>\$253,317.57</b>	<b>net profit</b>	<b>\$33,827</b>
<b>2019</b>	<b>delivery provider fees</b>	<b>\$192,525.29</b>	<b>net profit</b>	<b>\$16,932.77</b>
<b>2020</b>	<b>delivery provider fees</b>	<b>\$210, 225.21</b>	<b>net profit</b>	<b>\$20,832.31</b>
<b>2021 YTD</b>	<b>delivery provider fees</b>	<b>\$127,759 .59</b>	<b>net profit</b>	<b>\$84,001. 92 ( net of any employment government credits)</b>

**Please note that above number are using OUR OWN delivery staff, NOT third-party drivers such as Uber or Grubhub. The numbers in 2021 clearly demonstrate that capping the delivery fees provides for a more fair distribution of our hard-earned dollars.**

**So in essence, prior to the pandemic, we were paying above 10x our annual profit in delivery fees for marketing and technical monopoly. In a city where we are squeezed between tough real estate and tight labor laws, we don't need to work only for a tech giant! Someone who works hard to provide food and ambiance for our citizens, also needs to be respected for the hard work and a t least be able to make a living.**

I support requiring 3<sup>rd</sup> party delivery companies to have permission from restaurants before they list them on their sites. Not having permission is unethical but they do it anyway. Postmates is notorious for listing restaurants without permission AND with outdated menus, creating staff and guest confusions and aggravations over pricing discrepancies. . It results in restaurant menus being posted from the internet without our permission that often have mispriced and discontinued items, creating problems for restaurant owners, workers, and customers. This practice siphons off customers who would have otherwise ordered directly from restaurants and not paid a fee or pay a lower fee.

I support prohibiting 3<sup>rd</sup> party delivery companies from charging restaurants bogus fees for phone calls that do not result in an order. It's outrageous that companies like Grubhub and Seamless have a well-documented history of doing this, so we need to permanently prohibit this practice.

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I urge the City Council to pass this important legislation and for the mayor to sign it into law.

Thank you.  
Emil Radoncic  
Co- Founder  
Harlem Shake

July 1, 2021

My name is Jelena Pasic from Harlem Shake at 100 W 124<sup>th</sup> St, New York, NY 10027, and I support this legislation to regulate the unfair and unethical business practices of certain 3<sup>rd</sup> party delivery companies.

Our city's restaurants have been taken advantage by some of the huge 3<sup>rd</sup> party delivery companies that use their market share to extract large fees from us while using their leverage to keep us on their platforms. I support, even urge you to save us, by permanently capping 3<sup>rd</sup> party delivery fees which will be very important as restaurants try to recover from the pandemic and long into the future. These 3<sup>rd</sup> party delivery companies have only consolidated power and increased their leverage over local restaurants as a result of the pandemic, while we have suffered. We should have had a fee cap before the pandemic, and we really need to make the temporary fee cap permanent now before it expires.

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I urge the City Council to pass this important legislation and for the mayor to sign it into law.

Thank you.

Jelena Pasic  
Founder  
Harlem Shake

July 6, 2021

My name is Nenad Pasic from Harlem Shake at 100 W 124<sup>th</sup> St, New York, NY 10027, and I support this legislation to regulate the unfair and unethical business practices of certain 3<sup>rd</sup> party delivery companies.

Our city's restaurants have been taken advantage by some of the huge 3<sup>rd</sup> party delivery companies that use their market share to extract large fees from us while using their leverage to keep us on their platforms. I support, even urge you to save us, by permanently capping 3<sup>rd</sup> party delivery fees which will be very important as restaurants try to recover from the pandemic and long into the future. These 3<sup>rd</sup> party delivery companies have only consolidated power and increased their leverage over local restaurants as a result of the pandemic, while we have suffered. We should have had a fee cap before the pandemic, and we really need to make the temporary fee cap permanent now before it expires.

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I urge the City Council to pass this important legislation and for the mayor to sign it into law.

Thank you.  
Nenad Pasic  
Co- Founder  
Harlem Shake





July 1, 2021

To the Honorable Chair and Members of the Committee on Small Business,

The Haitian American Caucus (HAC) is writing to oppose the proposal to permanently cap the fees that delivery companies charge restaurants. HAC is the largest and most prominent Haitian American advocacy group in New York City, and we are dedicated to providing support and resources to the Haitian American community and its allies across New York City and the country. We're grateful for the support the City Council has given to our restaurants and small businesses at this very difficult time. Because of our commitment to the restaurants and small businesses in our network, we are not in favor of the bill that is being proposed to permanently cap commission fees that delivery companies can charge. This commission cap will make food delivery services less affordable and more out of reach for vulnerable communities and result in less work for our delivery workers.

Delivery services allow New York City's small businesses to reach new customers, receive more orders and thereby create more revenue. The volume of these orders from delivery services helps restaurants owned by underrepresented small businesses owners. By implementing a permanent commission cap, the cost of the delivery will undoubtedly be passed along to the customer. This will mean fewer orders coming into restaurants, resulting in less work for delivery workers. Without these orders, neither restaurants nor delivery workers will not be able to make ends meet.

Delivery services helped our city during the darkest days of the pandemic, allowing our most vulnerable to get the food they needed and restaurants within our network to continue to survive. While we're now living in a post-pandemic world, this service is still vital to our community. We have been in touch with both our local restaurants and the delivery services and want to see a solution that would work for both parties. Some delivery services charge commission fees even lower than what the Council is seeking, and we believe transparency in delivery services should be the focus instead.

We urge you to reconsider legislation that would do the opposite of what is intended and will ultimately hurt communities of color.

Samuel M. Pierre, MPA

Haitian American Caucus

Executive Director

[spierre@hacus.org](mailto:spierre@hacus.org)

# BODRUM MEDITERRANEAN RESTAURANT

July 1, 2021

My name is Huseyin Ozer from Bodrum Restaurant and I support this legislation to regulate the unfair and unethical business practices of certain 3<sup>rd</sup> party delivery companies.

Our city's restaurants have been taken advantage by some of the huge 3<sup>rd</sup> party delivery companies that use their market share to extract large fees from us while using their leverage to keep us on their platforms. I support permanently capping 3<sup>rd</sup> party delivery fees which will be very important as restaurants try to recover from the pandemic and long into the future. These 3<sup>rd</sup> party delivery companies have only consolidated power and increased their leverage over local restaurants as a result of the pandemic, while we have suffered. We should have had a fee cap before the pandemic, and we really need to make the temporary fee cap permanent now before it expires.

I support requiring 3<sup>rd</sup> party delivery companies to have permission from restaurants before they list them on their sites. Not having permission is unethical but they do it anyway. It results in restaurant menus being posted from the internet without our permission that often have mispriced and discontinued items, creating problems for restaurant owners, workers, and customers. This practice siphons off customers who would have otherwise ordered directly from restaurants and not paid a fee or pay a lower fee.

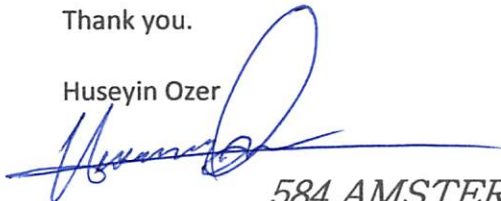
I support prohibiting 3<sup>rd</sup> party delivery companies from charging restaurants bogus fees for phone calls that do not result in an order. It's outrageous that companies like Grubhub and Seamless have a well-documented history of doing this, so we need to permanently prohibit this practice.

I support requiring transparent phone number listings. 3<sup>rd</sup> party delivery companies sometimes create secondary phone numbers for restaurants, they promote those numbers over the restaurant's direct phone number, and then charge restaurants a fee for orders placed via the secondary phone number. So, even customers that aim to call direct to save a restaurant a fee get confused and call the wrong number. Restaurants should not be subject to the misleading practice and consumers deserve transparency from these 3<sup>rd</sup> party delivery companies.

I urge the City Council to pass this important legislation and for the mayor to sign it into law.

Thank you.

Huseyin Ozer



*584 AMSTERDAM AVENUE. NEW YORK, NY 10024*

*212-799-2806*

2012 Wyoming Ave NW  
Suite #301  
Washington, DC 20009

I wish to provide my analysis of the impact of imposing a permanent fee cap on third-party food service deliveries operating in New York City. I do not believe it will help restaurants, drivers, or customers.

In the midst of the pandemic cities across the country imposed such caps, justifying them a way to help restaurants struggling with survival in the midst of a crisis that limited their ability to open their dining rooms. Several cities concluded that the fee charged by delivery companies unfairly reduces restaurant profits, and capped that fee--most often at fifteen percent of the cost of the meal. They concluded that capping fees would boost restaurant profits without negative consequences elsewhere.

However, I submit that this perspective is mistaken. In communities that have imposed such caps the response of the market has negated much of the intended impact. For instance, delivery companies faced with a cap have seen fit to add a flat fee of between \$1 and \$3 to the delivery in places like Washington, DC where I live.

The added fee charged in most markets where the cost to restaurants was capped reduces demand for food delivery, and demand for food delivery falls in places where these fees are imposed. In such situations the platform companies often reduce their service areas for restaurants as well in order to make deliveries more economical, further diminishing sales.

Such caps also disrupt the fragile 3-sided food delivery service marketplace, resulting in fewer opportunities for work for delivery drivers and lower earnings for those who rely on this business for a sizable share of their income.

It's a mistake to think that such caps help restaurants: ephemeraly increasing their net margins while reducing demand is not usually a tradeoff that benefits them, and they don't need a government to do this for them--they can increase prices on takeout food if they desire.

The main economic rationale for a price cap is that the restaurants operate in a monopsonistic market, but there are multiple competitors in the food delivery market in most places: Four different companies compete for market share across the country and none of them appear to be earning a profit at present.

Also, restaurants are not forced to participate in the food delivery market: they can simply decline to participate, and many choose to do so, or only contract with the one that gives them the best deal. Others provide their own delivery service and eschew the platforms. They choose to contract with delivery platforms because it boosts sales.

Progressive governments have competing goals at stake: they want to make sure that drivers are paid enough, that restaurants are not charged too much for these services and that consumers continue to frequent their establishments. Those are worthy goals, but the idea that imposing a fee cap would improve collective outcomes is predicated upon consumers being willing to pay significantly more for their delivered food, and that's typically where this calculus breaks down.

I find it hard to identify a public rationale for capping the fees that food delivery companies charge, and the actions that app companies and restaurants take in response to them will obviate much of the impact of a price cap anyway. These caps are little more than a costly and counterproductive exercise meant to show compassion.

Very Truly Yours

*Ike Brannon*

Ike Brannon, Ph.D.  
Senior fellow, Jack Kemp Foundation

## Excessive 3rd Party Fees continue to hurt our business and our industry

Good afternoon-

I know that there was a meeting this morning asking for business input on the rates and fees that 3<sup>rd</sup> Parties charge business and the practices that they use.

Being in the industry for the last 20+ years, I have seen the transition to the digital world and how the consumer patterns have changed. In order for businesses to survive, you have to take it on the chin in most instances. Margins are already very tight in the restaurant and fast casual space and giving up an additional 20% to 30% commission to these providers basically puts you at barely surviving. Not only are their commissions excessive, but their predatory practices really hinder businesses.

Our city's restaurants have been taken advantage by some of the huge 3<sup>rd</sup> party delivery companies that use their market share to extract large fees from us while using their leverage to keep us on their platforms. I support permanently capping 3<sup>rd</sup> party delivery fees which will be very important as restaurants try to recover from the pandemic and long into the future. These 3<sup>rd</sup> party delivery companies have only consolidated power and increased their leverage over local restaurants as a result of the pandemic, while we have suffered. We should have had a fee cap before the pandemic, and we really need to make the temporary fee cap permanent now before it expires.

I support requiring 3<sup>rd</sup> party delivery companies to have permission from restaurants before they list them on their sites. Not having permission is unethical but they do it anyway. It results in restaurant menus being posted from the internet without our permission that often have mispriced and discontinued items, creating problems for restaurant owners, workers, and customers. This

practice siphons off customers who would have otherwise ordered directly from restaurants and not paid a fee or pay a lower fee.

I urge the City Council to pass this important legislation and for the mayor to sign it into law.

Jeff Shoemaker

CFO

c. 610.212.4187



[www.magnoliabakery.com](http://www.magnoliabakery.com)

## Fee cap on 3d party delivry cos

My name is Jeremy Wladis and I own and operate The Restaurant Group which has three restaurants in New York City on the Upper Westside of Manhattan. Prior to the pandemic, the restaurant business was a constant struggle and grind to make a living for myself, my family and our team. All our restaurants are small mom and pop restaurants. One of our resaurants is a very famous 40 year old, maybe 1st Farm to Table rest in NYC called Good Enough To Eat. Even this restaurant is a constant struggle to make a living! Many things have contributed to making the restaurant business more and more difficult and one of the biggest challenges is the third-party delivery apps. Many restaurants lose money; a really good, successful restaurant can make somewhere in the nature of about 10% profit. When these delivery apps charge as much as 40 to 50% of the guests' final bill, it takes money right out of our pockets and hurts our ability to continue to operate a successful business. Delivery business used to be a profit center for small restaurants. We typically do delivery now to break even and promote our restaurant and as an amenity. Since the pandemic most of our costs in the restaurant business have soared. The restaurant business was a struggle before covid and we always needed to do 90% of our old volume typically to pay the bills. Now, even if we were doing a hundred percent we would be lucky to pay the bills. We are still not at 100% and may never be because many people have moved out of the city and all the other circumstances. These third-party companies came in and changed the landscape in the business world of what we do. I have employed thousands of people over the past 33 years on The Upper West Side. Many people are still with me for well over 20 to 30 years, this is how they make a living. I beg of this committee, please, please, please cap these fees permanently and give the restaurant small business world and all the people and families that need these jobs to exist the ability to be successful!

A few more points I would like to add and I am more than happy to speak about these at any point in time:

1. We constantly wait for drivers for pickups and we get blamed for the late deliveries and other issues that are caused by these companies.
2. In general, the Representatives -- particularly for the GrubHub/Seamless world -- are completely non-responsive, not particularly friendly, and aren't always on the up and up. We spend more money with these companies than almost any other vendor or purveyor and our service from them is horrendous ,if existent at all.
3. The reps have told us clearly that the minimum is 20 to 25% etc, depending on which rep and what they say. They will never put any info in writing except for the signed contract as to try to charge you more!

4. If the delivery driver is late or drops the delivery or the computer system doesn't work properly, whatever the problem is, the answer is always that the restaurant is at fault. The restaurant pays for it for these mistakes and GrubHub continues to get their money and the guest usually gets the food and the restaurant gets all the blame and the costs

5. I can go on all day about these people. It's one of the worst stresses we have in the entire industry.

6. These were our customers before they were their customers.

7. The advertisement \$ they spend has very little to do with us, it is just an attraction to get OUR CUSTOMERS to come to their sites!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!

I really want to say thank you so much for listening to all of us and understanding our hardship. I would be more than happy to speak to anyone at any point in time and explain so much more.

Thnx Again & Again,

Jeremy & Team  
917 846 3835 cel

Jeremy S. Wladis

The Restaurant Group

Hachi Maki, Harvest Kitchen, brad's burgers & bbq, Good Enough To Eat, Zen Taco, Fuel Pizza.

(o) 212 579 3195

(c) 917 846 fuel (3835)

[jeremy@therestaurantgroup.com](mailto:jeremy@therestaurantgroup.com)

[www.therestaurantgroup.com](http://www.therestaurantgroup.com)



My name is Johnny Marrero, I am a Brooklyn-based delivery courier and I am here to speak about the proposed bill that would put a cap on the commissions that delivery companies can charge merchants on their platforms. I am a native New Yorker, and I have grown up loving this city and the local restaurants in my neighborhood. When I signed up to be a delivery courier, I never would've expected that my work would become as essential as it did during the COVID-19 crisis. Being able to deliver food from local businesses to customers who weren't able to leave their homes felt like being able to really do good for my community. I chose to work as a delivery worker at the beginning of COVID in order to help out my father, who had recently lost his job. He began delivering and I figured it would be a great way for me to help him out with his bills. I continue to work fulltime as a delivery courier and it has become my main source of income. I love getting to drive around the various parts of the city and getting to explore new restaurants.

The proposed legislation by the City Council that would put a cap on the commissions that delivery companies can charge restaurants, would likely mean I will take a hit on the income I can earn. I know the intention of the proposal that's being considered is meant to help restaurants, but I'm worried that this bill will have negative effects on people like myself who work on these platforms. A permanent price control would directly hurt delivery workers' ability to make money. Restaurants pay app-based delivery companies for a variety of services through commissions, one of these being delivery services. Capping these commissions means less earnings for people like me. A commission cap could also mean delivery services get more expensive for the customers I deliver to, which ultimately means less orders for me. I want the City Council to make sure they're balancing all sides of this issue. I respectfully urge you to reconsider this proposal because of its unintended consequences and consider legislation that supports restaurants and doesn't hurt my ability to earn as a delivery worker.

DoorDash has always been a great source of work when times got tough. When I heard about the legislation that would enact commission caps on delivery services, I worried. I decided to Dash to earn extra money to pay for the increased bills that accumulated within the months. In NYC, it became expensive to live, food, daily expenses and other necessities. Delivering with DoorDash is crucial in helping my family survive during these hard times.

I love Dashing, it allows me to meet new people and explore new places – but if the New York City Council passes this legislation, my ability to earn on the platform will severely diminish. We've depended on this income throughout the pandemic. If this bill were to pass, this would deeply affect my family

- Lisa Norville

I'm writing to you in response to the legislation to implement commission caps on delivery services. This legislation will ultimately result in fewer orders and harm my ability to make a living and provide for my family.

As a new father working in the hospitality industry, the start of the pandemic was a scary time. After being laid off from my job as a bartender, I wondered how I would provide for my new family. That's when I found DoorDash – I was able to work when I wanted and for however long I wanted. Today, I'm back to working at restaurants and I'm still delivering on DoorDash in order to provide for my family. Please consider people like me and do not pass this bill.

July 1, 2021

My name is [ENTER YOUR NAME] from [ENTER RESTAURANT NAME] and I support this legislation to regulate the unfair and unethical business practices of certain 3<sup>rd</sup> party delivery companies.

Our city's restaurants have been taken advantage by some of the huge 3<sup>rd</sup> party delivery companies that use their market share to extract large fees from us while using their leverage to keep us on their platforms. I support permanently capping 3<sup>rd</sup> party delivery fees which will be very important as restaurants try to recover from the pandemic and long into the future. These 3<sup>rd</sup> party delivery companies have only consolidated power and increased their leverage over local restaurants as a result of the pandemic, while we have suffered. We should have had a fee cap before the pandemic, and we really need to make the temporary fee cap permanent now before it expires.

I support requiring 3<sup>rd</sup> party delivery companies to have permission from restaurants before they list them on their sites. Not having permission is unethical but they do it anyway. It results in restaurant menus being posted from the internet without our permission that often have mispriced and discontinued items, creating problems for restaurant owners, workers, and customers. This practice siphons off customers who would have otherwise ordered directly from restaurants and not paid a fee or pay a lower fee.

I support prohibiting 3<sup>rd</sup> party delivery companies from charging restaurants bogus fees for phone calls that do not result in an order. It's outrageous that companies like Grubhub and Seamless have a well-documented history of doing this, so we need to permanently prohibit this practice.

I support requiring transparent phone number listings. 3<sup>rd</sup> party delivery companies sometimes create secondary phone numbers for restaurants, they promote those numbers over the restaurant's direct phone number, and then charge restaurants a fee for orders placed via the secondary phone number. So, even customers that aim to call direct to save a restaurant a fee get confused and call the wrong number. Restaurants should not be subject to the misleading practice and consumers deserve transparency from these 3<sup>rd</sup> party delivery companies.

I urge the City Council to pass this important legislation and for the mayor to sign it into law.

Thank you.

[ENTER YOUR NAME]

[ENTER BUSINESS NAME]

Testimony of Queens Together  
Committee on Small Business  
July 1, 2021

My name is Jonathan Forgash and I am the Executive Director of the Queens Together, a non-profit association of diverse restaurants supporting each other in business and working with communities in crisis.

Let me start by saying the 3rd party delivery, and ordering, platforms offer valuable services to the restaurant community.

That being said, these services are not being sold to restaurants as standard business offerings to help the bottom line. Many of the larger 3rd party delivery and ordering platforms are using these services in a predatory manner to dominate the market, control a restaurant's online presence and exploit our restaurant community for profit. How? With exorbitant fees, hidden fees, confusing contracts, false websites and false phone numbers. I would like to add that the diverse restaurant industry of Queens NY is particularly ripe for abuse and manipulation by companies such as these.

Over the last year one of our member restaurants, a small pizzeria in western Queens, paid a total of \$178,000 in fees to 3rd party delivery platforms. That's about 23% of each order. These exorbitant fees leave very little room, if any, for profits.

A bakery reported that a delivery person showed up for a 3rd party order and there was no order prepared. Why? The business was not using the 3rd party platform. The 3rd party app had the business listed on their site with an inaccurate menu. A customer placed an order under false conditions. A situation like this can hurt the reputation of the restaurant and cause loss of future income.

These practices, and others, financially cripple the restaurants. Keeps them beholden, and potentially hurt their reputation due to confusing messaging with customers. I would also like to add that these 3rd party companies suck money not just out of the restaurants pockets but from the neighborhoods themselves. It was mentioned during testimony that there has been a 19 billion transfer of wealth from restaurants to 3rd party platforms. It should be noted that this wealth transfer also negatively affected the neighborhoods in which the restaurants reside.

NYC needs an equitable marketplace for the restaurants and their customers. Keeping the money local helps everyone.

The City of New York capped fees and established penalties for bogus charges during Covid-19. Unfortunately, these laws are temporary and expire soon. Queens Together urges the council to pass the bills being discussed today. We would hate to see these very powerful companies go back to pre-pandemic methods and continue consolidating power over our city's independent restaurants. Now is the time to do the right thing and support our small businesses in NYC.

Queens Together supports these bills. It is time to stop the nonsense.

- Cap transaction fees at 10%.
- Create a simple straightforward contract between vendor and restaurant. This must be available in a variety of languages. This is important in a multicultural community such as Queens, NY.
- All fees and charges must be clearly stated in the contract.
- Give a restaurant access to their customer data.
- Stop unauthorized deliveries.
- Stop unauthorized creation of restaurant websites, menu listings and phone numbers.
- Create laws to prohibit and regulate these practices.

Thank you and I welcome your questions.

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*Other comments based on what was said during the hearing:*

*Quite frankly I am at a loss for words after hearing some testimony today and I would like to address them. GrubHub mentioned that they are a publicly traded company and need to turn a profit to keep shareholders happy. And they are asking the city council to help create and enforce that environment. I would like to ask for the same rules and regulations to keep restaurants profitable and in business. The person from Grub hub also mentioned that restaurants can raise prices to make more money. Unfortunately, restaurants operate in an open market and must keep their prices competitive. Many of the large 3rd party apps have helped to shrink and control the market, therefore there is less choice and must pay what is being offered to them.*

*Regarding the phone numbers and possible orders. The office of enforcement stated that it is difficult and expensive to listen in and or investigate the phone calls for orders*

*coming in and this is a reason to keep it as is. Isn't this the reason for the false phone number system to be prohibited?*

If you would like to hear more stories like this, please contact Queens Together and we can arrange a zoom meeting with our restaurants.

Jonathan Forgash

[Queenstogether.org](http://Queenstogether.org)

Jonathan@queenstogether.org

917-626-8960



## CC TESTIMONY ON DELIVERY APPS

My name is Michael Fuquay and I am co-owner of The Queensboro in Jackson Heights. Thank you for inviting me to speak today.

Prior to Covid, our restaurant worked with Grubhub and Caviar.

In March 2020 we cut the cord and fired the delivery apps. Take out and delivery became our entire business and we could not afford to pay anyone 30% of our revenue.

We pivoted to offering take and delivery through our own website and used our own staff to make deliveries. This was key to our business and our employees surviving the pandemic.

Despite ending our relationship with the delivery apps, they continue to list us on their websites. We have asked to be removed and our requests have been ignored. The apps collect orders and call us as if they are the end user. We only find out the source when the app driver arrives for pick up. Why is this a problem for us?

One of The Queensboro's many pivots during the pandemic was to revamp our menu and pricing to meet the needs of our neighborhood. However, if you go on the delivery apps, you will find menus and prices from before the pandemic. This poses a problem. We frequently get calls for menu items that we no longer produce. Or complaints about prices not matching on line. Because we have no way to directly contact these consumers, we have no way to repair the damage done to our reputation.

The delivery apps are presenting us to the public as if we are their partner. In truth they have pirated our menu without consent. What's more, they are presenting us falsely to the public and doing significant damage to our reputation in the process.

I want to re-iterate something that has come up over and over- these are not companies that act in good faith. They are both predatory and parasitic. We will never do business with them again because they have proven they are not a trust worthy partner.

I salute the committee for taking up this issue. Thank you for your time and energy.



After I heard about this legislation, I was shocked. I've been delivering on the DoorDash platform while I get my degree. Earning a degree is expensive so having a part time job to take away some of the financial stress has been helpful.

If this bill were to pass and there was a commission cap, I'm very concerned about how this will impact delivery services that I rely on for part of my income. I need the paycheck and I love this job. It's been a hard year and a half, but I've been lucky enough to meet so many kind people. I have relationships with these restaurants and customers, I would like to still work with them. I hope legislators understand from a delivery workers perspective and decide not to pass this bill.

July 1, 2021

My name is Terri Choi from Hangawi Restaurant and I support this legislation to regulate the unfair and unethical business practices of certain 3<sup>rd</sup> party delivery companies.

Our city's restaurants have been taken advantage by some of the huge 3<sup>rd</sup> party delivery companies that use their market share to extract large fees from us while using their leverage to keep us on their platforms. I support permanently capping 3<sup>rd</sup> party delivery fees which will be very important as restaurants try to recover from the pandemic and long into the future. These 3<sup>rd</sup> party delivery companies have only consolidated power and increased their leverage over local restaurants as a result of the pandemic, while we have suffered. We should have had a fee cap before the pandemic, and we really need to make the temporary fee cap permanent now before it expires.

I support requiring 3<sup>rd</sup> party delivery companies to have permission from restaurants before they list them on their sites. Not having permission is unethical but they do it anyway. It results in restaurant menus being posted from the internet without our permission that often have mispriced and discontinued items, creating problems for restaurant owners, workers, and customers. This practice siphons off customers who would have otherwise ordered directly from restaurants and not paid a fee or pay a lower fee.

I support prohibiting 3<sup>rd</sup> party delivery companies from charging restaurants bogus fees for phone calls that do not result in an order. It's outrageous that companies like Grubhub and Seamless have a well-documented history of doing this, so we need to permanently prohibit this practice.

I support requiring transparent phone number listings. 3<sup>rd</sup> party delivery companies sometimes create secondary phone numbers for restaurants, they promote those numbers over the restaurant's direct phone number, and then charge restaurants a fee for orders placed via the secondary phone number. So, even customers that aim to call direct to save a restaurant a fee get confused and call the wrong number. Restaurants should not be subject to the misleading practice and consumers deserve transparency from these 3<sup>rd</sup> party delivery companies.

I urge the City Council to pass this important legislation and for the mayor to sign it into law.

Thank you.

Terri Choi  
Hangawi Restaurant



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**July 1, 2021**

Hello, my name is Andreas Koutsoudakis and I am the owner of Tribeca's Kitchen, co-founding partner of Koutsoudakis & Iakovou Group, PLLC, and Board President of the Greenwich Village Chelsea Chamber of Commerce. I've grown up in this industry, and I am also an attorney for dozens of restaurants throughout the five boroughs. I've seen lots of positive development in this sector over the years. Delivery services were a great invention no doubt. They make it easier to increase brand awareness and reach a broader client base that might otherwise not know about you. That said, this is the hospitality industry and anything that jeopardizes a restaurant's ability to service their guests, according to their standards and liking, threatens the very existence of hospitality. To be clear, technology in a broad sense, now more than ever, is critical to the survival of all businesses in every industry. However, that does not mean we should allow venture-capital-backed marketing machines that no small business can ever compete with to continue hijacking our restaurants and hospitality itself without any protection and controls. The proposed legislation seeks to provide that protection and control, because without it, there will be no industry to protect. Just a lot of ghost kitchens and delivery only operations. I don't think that's the city we want, and I don't think that's the community we want.

All these issues the proposed legislation seeks to address stem from the fact that these 3<sup>rd</sup> party ordering and delivery platforms prevent restaurants from connecting with their guests. From listing us on platforms without our authorization to charging high fees for delivery or "marketing", these platforms threaten the very existence of "hospitality" in the hospitality industry, and not just individual businesses.



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Mr. Klossner stated earlier that he has some issues and doubt with allowing a advertising and marketing company to charge 15% to a restaurant, but a company providing the same service but also delivery services can only charge 5%. Let me explain the difference. First of all, paying a higher amount for physically delivering the food ordered from the restaurants on the 3<sup>rd</sup> party platform does have value. It does kill jobs, but it has value at least to restaurants. Putting that aside, 3<sup>rd</sup> party delivery platforms differ from advertising companies of the type that Mr. Klossner generally described. The traditional agency develops and executed a digital and/or print advertising strategy across multiple sites, magazines, etc., with the goal of actually generating identifiable customers and ROI for the business it is hired by. The 3<sup>rd</sup> party platforms have a business model that necessarily depends on driving customers to their platform, and providing those customers and their information to the business is literally something they oppose. As such, the only thing they have in common with traditional agencies is that the general goal of both as presented to the business is to increase their revenue. However, if the increase is outweighed by the cost of the service provider, the company's engagement is terminated. Restaurants can't do that with these platforms without your help.

Technology is supposed to be centered around efficiency; it is supposed to provide tools that no one would be able to have independently, but that, thanks to these companies, we can all collectively enjoy. Issues arise, however, when the technology provider is the only one benefiting – AT THE EXPENSE OF THE UNDERLYING RESTAURANTS it's platform centers on – we have a big problem. That is exactly what is happening here.

Even the largest restaurant group cannot compete with these platforms. Do we really want to live in a world that allows financial models to control our behavior, our hospitality industry, and literally make it viable to do delivery only in order to survive? Where



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connecting with our communities is not prioritized, and instead, literally prevented by allowing these platforms to continue business as usual?

Secondary phone numbers, unapproved listings, and phone call charges have nothing to do with these companies being technology providers. These platforms leverage venture-capital money to outmarket our own brand. In any other context, using a restaurant's information or brand without permission is illegal, but these platforms are somehow getting away with it. They shouldn't be compensated for doing so on top of it, especially when there's constant proof that our business is being damaged, and we can't even stop them from doing so. People often say, "well, if you don't like these platforms, why don't you just stop using them?" They're not wrong in saying this, but we simply cannot stop using them because we are being listed without us agreeing or disagreeing. We are, at once, being forced to engage with the platforms while also being held hostage by them. The result is that the blame always gets placed on us, because customers think that we are being unclear when it is really the platforms' doing.

We are in survival mode now, and at the very least the cap should be extended. There is no worse time to lift a cap than now. Businesses are reliant on keeping 95% of sales from orders through these platforms and bringing that down to 80 or 75% is catastrophic. There is no way that businesses can plan or adjust to this - they'll be forced to up prices and terminate employees to survive. Something's gotta give. On top of that, restaurants are still waiting on grants and loans during this recovery process, and the SBA sent an email announcement stating the RRF program is now closed. How is it even a debatable issue that this legislation must be passed? We cannot go back to a pre-pandemic framework. It is simply not sustainable when restaurant profit margins are non-existent at this time, and just 10% in the best of times for the best of restaurants.



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Letting these issues continue to build up will only allow big, capital-healthy businesses to survive. As such, we wholeheartedly support the legislative package, and we urge the City Council to send a clear message to technology companies at large seeking to tap into one of the largest urban markets in the world – you are welcome in our great city, but your business model must support OUR communities and be aligned with OUR values and principles. We will not allow business models to dictate what our communities look like, and they certainly will not eliminate our small businesses. Our restaurants matter to us. Hospitality matters to us.

Thank you to the panelists and the Committee on Small Business, as well as the City Council Members and Mayor De Blasio for listening to the cries for help.

Sincerely,

Andreas Koutsoudakis

July 1, 2021

My name is William R. Choi from Franchia Vegan Cafe and I support this legislation to regulate the unfair and unethical business practices of certain 3<sup>rd</sup> party delivery companies.

Our city's restaurants have been taken advantage by some of the huge 3<sup>rd</sup> party delivery companies that use their market share to extract large fees from us while using their leverage to keep us on their platforms. I support permanently capping 3<sup>rd</sup> party delivery fees which will be very important as restaurants try to recover from the pandemic and long into the future. These 3<sup>rd</sup> party delivery companies have only consolidated power and increased their leverage over local restaurants as a result of the pandemic, while we have suffered. We should have had a fee cap before the pandemic, and we really need to make the temporary fee cap permanent now before it expires.

I support requiring 3<sup>rd</sup> party delivery companies to have permission from restaurants before they list them on their sites. Not having permission is unethical but they do it anyway. It results in restaurant menus being posted from the internet without our permission that often have mispriced and discontinued items, creating problems for restaurant owners, workers, and customers. This practice siphons off customers who would have otherwise ordered directly from restaurants and not paid a fee or pay a lower fee.

I support prohibiting 3<sup>rd</sup> party delivery companies from charging restaurants bogus fees for phone calls that do not result in an order. It's outrageous that companies like Grubhub and Seamless have a well-documented history of doing this, so we need to permanently prohibit this practice.

I support requiring transparent phone number listings. 3<sup>rd</sup> party delivery companies sometimes create secondary phone numbers for restaurants, they promote those numbers over the restaurant's direct phone number, and then charge restaurants a fee for orders placed via the secondary phone number. So, even customers that aim to call direct to save a restaurant a fee get confused and call the wrong number. Restaurants should not be subject to the misleading practice and consumers deserve transparency from these 3<sup>rd</sup> party delivery companies.

I urge the City Council to pass this important legislation and for the mayor to sign it into law.

Thank you.

William R. Choi  
Franchia Vegan Cafe

## Testimony

My name is Cynthia and my mom Maria Simon we opened a restaurant Corazon de Mexico, Long Island City 2017 that offered traditional Mexican cuisine full-dining and catering service. Additionally, in 2019 we opened La Adelita de Woodside, Queens. We strongly support and advocate women suffered domestic abuse and seeking for assistance to grow emotionally and economically. My mom and I opened it as a dream an inspiration to other women to strive and had placed our primary home in loan trusting we would succeed.

Prior-Covid 2019, we started to grow as a business. The third-party delivery integration at that stage use to be a fraction of our revenue and not our primarily streamed-lined.

However, due to Covid-19 restrictions placed by the government changed the whole model how restaurant operate. Unfortunately, we had to close Corazon de Mexico although the third-party delivery integration allow us to survive with the basic necessity



and paying our staff. Every Friday when payment due it was entirely use for staff and food supplies.

Presently, in La Adelita de Woodside still trying to deal with the aftermath of the closure of Corazon de Mexico and currently experiencing foreclosure of my primary home have been extremely difficult.

Although, everything appears to be normal and full capacity our current client still has preference of delivery and pick-up orders as we do not offer outdoor dining due to the Bus-stop in-front of our business.

As Small Business Owner, we were only able to receive the first PPP loan since then for a reason or the other have been as lucky other business to have grant to overcome this debt. Utilities bills still owed with current and passed business.

Currently, we are in survivor mode and allowing these third-party to have the liberty to place the fees will destroy not only my business but other Small Business. They can't live without us and we can't live without them in this current situation.

They are part of the restaurant business for recovery although it is a portion; it makes a lot of difference in our business.

The fight is not over. Please, help us Moms & Pops business survive. We tried to convince customer with discount to order directly through our website to eliminate commission, fees and its impossible to compete with the them through marketing and are the first ones to show-up on Google as option.

Thank you for fighting & standing-up for representing us Small Business & feeling our pain through this journey.

Cynthia & Maria

La Adelita de Woodside

Today I learned about the bill that would put a cap on commission for delivery services. I'm writing to tell you that I hope you will listen to people like me who are scared that it will actually reduce work opportunities for people like me.

I am a single mother living in New York. My daughter lives in California, however I help with her finances when things are tight. I don't want her to ever have to worry about bills the way I've had to, so when I have time I make deliveries to help give her a financial buffer. Delivery services have really helped me, and my daughter and I hope you will consider changes to make sure they are able to continue to be there for us!

- Joan Gonzalez

I'm writing to you in response to the legislation to implement commission caps on delivery services. This legislation will ultimately result in fewer orders and harm my ability to make a living and provide for my family.

As a new father working in the hospitality industry, the start of the pandemic was a scary time. After being laid off from my job as a bartender, I wondered how I would provide for my new family. That's when I found DoorDash – I was able to work when I wanted and for however long I wanted. Today, I'm back to working at restaurants and I'm still delivering on DoorDash in order to provide for my family. Please consider people like me and do not pass this bill.

- Louis Sanchez

DoorDash has always been a great alternative when times got tough. When I heard about the legislation that would enact commission caps on delivery services, I worried since working part time has been critical for my family's financial stress.

During hard times, I've been able to lean on having a part time job. When my wife was laid off from a job that she had for 20 years, we turned to DoorDash. We've depended on this income throughout the pandemic. If this bill were to pass, this would deeply affect my family.

- Solomon Mahlab

Please pass the proposal drafted to cap delivery fees and enforce other regulations on the restaurant delivery industry in NYC!

Thank You, Steven Trigoboff

10 Rutgers St NYC 10002

Trigger Happy

[triggernyc@gmail.com](mailto:triggernyc@gmail.com)

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Aleksei Nalivaika and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Aleksei Nalivaika

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Alfredo Garcia and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Alfredo Garcia

[@[NEIGHBORHOOD]]



## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Allah shabbir and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Allah shabbir

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Alpha Balde and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Alpha Balde

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Andrew Chu and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Andrew Chu

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Andrey Khalilov and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Andrey Khalilov

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Anthony concepcion and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Anthony concepcion

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Arthur gregory and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Arthur gregory

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Aser Kalkoumdo and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Aser Kalkoumdo

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Asik Ahmed and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Asik Ahmed

[@[NEIGHBORHOOD]]



## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Bamba Jagamaye and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Bamba Jagamaye  
[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Bangaly Fofana and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Bangaly Fofana

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is BASSIROU SAKANDE and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

BASSIROU SAKANDE

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Binod gurung and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Binod gurung  
[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Carl Raymond and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Carl Raymond

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Cesar Brito and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Cesar Brito

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Chouaib Dellabani and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Chouaib Dellabani

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is chris watson and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

chris watson

[@[NEIGHBORHOOD]]



## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Christopher Ramirez and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Christopher Ramirez

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Christopher Stewart and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Christopher Stewart

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Cindy cifuentes and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Cindy cifuentes

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Daouda Camara and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Daouda Camara

[@[NEIGHBORHOOD]]

Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Dashawn Tillery and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Dashawn Tillery

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Dawa Zangpo and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Dawa Zangpo

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Dilan Zengin and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Dilan Zengin

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Emmanuel E. and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Emmanuel E.

[@[NEIGHBORHOOD]]



## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Enrique Romero and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Enrique Romero

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Glenn Tojoy and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Glenn Tojoy

[@[NEIGHBORHOOD]]

Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Gnandi Tchedre and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Gnandi Tchedre

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Heidy Trujillo and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Heidy Trujillo

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Henri Bah and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Henri Bah

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Hilaire Bouda and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Hilaire Bouda

[@[NEIGHBORHOOD]]

Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Ibrahim Muhammad and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Ibrahim Muhammad  
@[NEIGHBORHOOD]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Ismail Sall and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Ismail Sall

[@[NEIGHBORHOOD]]



## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

name is Israel Espinoza and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Israel Espinoza

[@[NEIGHBORHOOD]]

Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Jaime Rosas and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Jaime Rosas

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Jairo Junior and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Jairo Junior

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is John Gonzalez and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

John Gonzalez

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Jose feliz and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Jose feliz

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Kamran Suleymanzade and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Kamran Suleymanzade

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Kanga Kouame and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Kanga Kouame

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Laith jasser and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Laith jasser

[@[NEIGHBORHOOD]]



## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Mamadou Barry and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Mamadou Barry

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Mamadou Cherif and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Mamadou Cherif

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Mamadou diallo and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Mamadou diallo

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Mame kane and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Mame kane

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Manuel Hernandez and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Manuel Hernandez

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Maurice Jamison and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Maurice Jamison

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is MD ISLAM and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

MD ISLAM

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Michael Chen and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Michael Chen

[@[NEIGHBORHOOD]]



## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Michael McElvaine and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Michael McElvaine

[@[NEIGHBORHOOD]]

Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Mohamed Elbeialy and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Mohamed Elbeialy

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Mohamed Taha and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Mohamed Taha

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Mohammad Hossain and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Mohammad Hossain

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Mombleon BAH and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Mombleon BAH

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Niampa Adama and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Niampa Adama

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Noghayin Ehigie and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Noghayin Ehigie

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Oscar Falcon and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Oscar Falcon

[@[NEIGHBORHOOD]]



## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Rachid Abbas and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Rachid Abbas

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Rafael Godoy and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Rafael Godoy

[@[NEIGHBORHOOD]]

Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Rajendra Mohabir and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Rajendra Mohabir

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Ramandeep Kaur and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making the delivery fee cap permanent between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Ramandeep Kaur

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Rema Kiemtore and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Rema Kiemtore

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Reyal Das and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Reyal Das

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Saibou Bastou and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Saibou Bastou

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is SAIDOU ZABSONRE and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

SAIDOU ZABSONRE

[@[NEIGHBORHOOD]]



## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Sanjay Patel and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Sanjay Patel

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Saran kaba and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Saran kaba

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Serigne Lo and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Serigne Lo

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Shewangeremew abebe and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Shewangeremew abebe

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Sidiki Conde and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Sidiki Conde

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Steven Paulino and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Steven Paulino

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Steven valle and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Steven valle

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Taylison Santos and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Taylison Santos

[@[NEIGHBORHOOD]]



## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Trent Davis and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Trent Davis

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Wahabo Ripama and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Wahabo Ripama

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Wekabapan Fofana and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Wekabapan Fofana

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Xavier White and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Xavier White

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Yvelisse Sylvain and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Yvelisse Sylvain

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Zahirul islam and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Zahirul islam

[@[NEIGHBORHOOD]]

## Oppose the Permanent Cap

To Chair Mark Gjonaj and City Councilmembers,

My name is Zakwani Zulualabiade and I am a delivery worker who uses Uber Eats.

On Thursday, you are considering making permanent the delivery fee cap between restaurants and delivery platforms. Before you do this, I encourage you to consider how this might impact delivery workers like me.

In order to adjust to a permanent cap, delivery platforms may have to make adjustments that would ultimately impact my earnings as a delivery worker in the City. Higher fees to consumers could mean less tips to me. Changing what level of service is provided to restaurants could mean less trips overall.

By permanently capping the rates a restaurant can pay to a delivery platform, Uber Eats would likely make changes that would indirectly affect me and the thousands of other delivery workers in the City.

The health emergency is over. I hope you will consider letting the market go back to normal before passing any new rules.

Thank you.

Zakwani Zulualabiade

[@[NEIGHBORHOOD]]