



Legislation Text

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By Council Members Sanchez, Farías, De La Rosa, Krishnan, Hanif, Ayala, Ossé, Cabán, Nurse, Marte, Restler, Gutiérrez, Won, Avilés, Hudson, Louis, the Public Advocate (Mr. Williams), Rivera, Salaam, Feliz, Brannan, Banks, Abreu, Brewer and Joseph (in conjunction with the Queens Borough President)

A Local Law to amend the administrative code of the city of New York, in relation to ensuring business licensing and regulatory compliance of all mobile food and general vendors.

Be it enacted by the Council as follows:

Section 1. Subparagraph a of paragraph 3 of subdivision b of section 17-307 of the administrative code of the city of New York, as amended by local law number 18 for the year 2021, is amended to read as follows:

(a) (i) Notwithstanding the provisions of paragraph two of this subdivision limiting the number of full-term permits that are authorized to be issued, the commissioner may issue up to a maximum of 100 additional full-term permits authorizing the holders thereof to vend food from any vehicle or pushcart in any public place in the city of New York where food vendors are not prohibited from vending. Such permits shall be issued only to natural persons.

(ii) The department shall make available for application [45] 90 supervisory licenses per twelve-month period for [ten] five consecutive years beginning on [July 1, 2022] July 1, 2024. In addition to the 100 permits authorized to be issued by clause (i) of this subparagraph, and notwithstanding the provisions of paragraph two of this subdivision limiting the number of full-term permits authorized to be issued, the department shall make available for application to applicants who comply with the requirements for such supervisory licenses an additional [45] 90 permits per twelve-month period for [ten] five consecutive years beginning on [July 1, 2022] July 1, 2024 and issue a permit to each applicant who complies with the requirements for such permit.

(iii) Supervisory licenses available pursuant to this paragraph shall be made available for application in accordance with the preferences specified in subparagraph (b) of this paragraph and the procedures established by the commissioner.

§ 2. Paragraph 5 of subdivision b of section 17-307 of the administrative code of the city of New York, as amended by local law number 18 for the year 2021, is amended to read as follows:

5. (a) On or after July 1, 2022 all new permits issued under this subchapter, except fresh fruits and vegetables permits, shall be designated for use only when any holder of a supervisory license is physically present and vending. Such requirement shall not apply to a permit issued before July 1, 2022 or a renewal thereof until [July 1, 2032] July 1, 2029. On or after [July 1, 2032] July 1, 2029, all permits issued under this subchapter, except fresh fruits and vegetables permits, shall be designated for use only when any holder of a supervisory license is physically present and vending.

(b) The commissioner shall make available for application [400] 1,500 supervisory licenses per twelve-month period for [ten] five consecutive years beginning on [July 1, 2022] July 1, 2024. Notwithstanding the provisions of this subdivision limiting the total number of full-term permits that are authorized to be issued, the commissioner shall make available a permit application to each license applicant who complies with the requirements for such supervisory license and issue a permit to each permit applicant who complies with the requirements for such permit. On or before [July 1, 2032] July 1, 2029, the commissioner shall make available for application supervisory licenses to any person seeking to renew a permit that was issued under this subchapter before July 1, 2022.

(c) In accordance with procedures to be established by rules of the commissioner, in each twelve month period, [100] 375 of the supervisory licenses made available for application under this paragraph shall be designated for use in any borough, and the remaining [300] 1,125 such supervisory licenses shall be designated for use in boroughs outside of Manhattan.

(d) Preferences shall be given in the availability of applications for supervisory licenses pursuant to this

paragraph and in the placement on a waiting list therefor to the following categories of persons in the following order.

(i) Persons who have held a food vendor license continuously since on or before March 1, 2017 and have been on a waiting list for a full-term permit pursuant to subparagraph (e) of paragraph 2 of this subdivision and remain on such list as of the date an application is made available. Applications shall be made available to such persons by order of numerical rank on the waiting list.

(ii) Persons who have been on a waiting list for a full-term permit pursuant to this subchapter and remain on such list as of the date an application is made available but have not held a food vendor license continuously since on or before March 1, 2017. Applications shall be made available to such persons by order of numerical rank on the waiting list.

(iii) Persons who have held a food vendor license continuously since on or before March 1, 2017 but are were not on a waiting list for a full-term permit pursuant to this subchapter as of the effective date of the local law that added this paragraph.

(iv) Persons who have not held a food vendor license continuously since on or before March 1, 2017 and were not on a waiting list for a full-term permit pursuant to this subchapter as of the effective date of the local law that added this paragraph.

(e) The commissioner may by rule limit the number of places on such waiting list, but shall ensure that such waiting list is operative prior to supervisory licenses becoming available to new individuals.

(f) On or by July 1, 2029, an unlimited number of supervisory licenses shall be made available for application in accordance with the provisions of this subchapter.

§ 3. Subdivision h of section 17-307 of the administrative code of the city of New York, as added by local law number 18 for the year 2021, is amended to read as follows:

h. No permit or license, including a supervisory license, shall be issued to a person required to have a permit or license pursuant to this subchapter unless such person obtains a certificate issued by the department

subsequent to successful completion of a training developed or approved by the department on the vending restrictions contained in this section and any other information the department deems necessary to the safe operation of such vending unit, and passage of an examination administered by the department. Such training shall include information related to the particular vending restrictions of the prospective license holder. The department shall require renewal of such certificate every four years. Renewal shall be contingent on passing an examination regarding the vending restrictions contained in this section and any other information the department deems necessary to the safe operation of such vending unit pursuant to rules promulgated by the department. Any examinations, or educational materials designed for such training program shall be made available in English and in the ten most common languages spoken by limited English proficient individuals in the city according to the department of city planning. Such educational materials shall be available on the department's website.

§ 4. Subdivision a of section 20-459 of the administrative code of the city of New York is amended to read as follows:

a. The number of licenses in effect pursuant to this subchapter on the first day of September, nineteen hundred seventy-nine shall be the [maximum] minimum number of licenses permitted to be in effect.

§ 5. Section 20-459 of the administrative code of the city of New York is amended by adding a new subdivision c to read as follows:

c. The commissioner shall make available for application 1,500 additional licenses per twelve-month period for five consecutive years beginning on July 1, 2024. On or by July 1, 2029, an unlimited number of licenses shall be made available for application in accordance with the provisions of this subchapter.

§ 6. This local law takes effect immediately.

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