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Int. No. 536

By Council Members Brannan, Gennaro, Restler, Ossé and Banks

A Local Law to amend the administrative code of the city of New York, in relation to requiring certain retail food stores to post notices on the food donation web portal concerning the availability of excess food, and arranging for the transportation and retrieval of such food

Be it enacted by the Council as follows:

Section 1. Section 16-497 of Chapter 4-G of title 16 of the administrative code of the city of New York, as added by local law number 176 for the year 2017, is amended to read as follows:

§ 16-497 Food donation web portal. a. Definitions. For the purposes of this chapter, the following terms have the following meanings:

Excess food. The term "excess food" means food that (i) meets all quality and labeling standards imposed by federal, state, and local laws and regulations even though the food may not be readily marketable due to appearance, age, freshness, grade, size, surplus, or other conditions; (ii) is not required to meet the needs of a retail food store; and (iii) would otherwise be discarded.

Retail food store. The term "retail food store" means any establishment in the city where food and food products offered to the consumer are intended for off-premises consumption, but excludes convenience stores, pharmacies, greenmarkets or farmers' markets and food service establishments.

b. [Within eighteen months after the effective date of the local law that added this section, t]The department or another agency or office designated by the mayor, shall, in conjunction with the department of information technology and telecommunications, create or modify and maintain a web portal that will allow prospective food donors and recipients, including but not limited to restaurants, grocery stores, produce

markets, dining facilities and food rescue organizations, to post [notifications] notices concerning the availability of food, including food that would otherwise go to waste, and to arrange for the transportation or retrieval of such food. Such portal shall, at a minimum, allow (i) a prospective food donor to describe the type and amount of food available, including any information necessary to keep the food safe for human consumption, such as refrigeration requirements, as well as other information necessary to facilitate its donation, (ii) a prospective food recipient to specify the type and amount of food donations it will accept and the areas of the city from which it will accept donations and to receive prompt notification concerning the availability of food satisfying such specifications, and (iii) a prospective food donor and a prospective food recipient to communicate directly through a messaging system within such portal.

c. Each retail food store that has a floor area of at least 15,000 square feet, or that is part of a chain of three or more retail food stores that have a combined floor area of at least 15,000 square feet and that operate under common ownership and control, with excess food available, shall, at least once a month:

1. Post a notice on such portal offering such excess food for donation;

2. Arrange for the retrieval of such excess food by its recipient; and

3. If requested by the recipient, with reasonable effort arrange for the transportation of such excess food.

d. Retail food stores that would otherwise be subject to the requirements of subdivision c of this section shall be exempt from such requirements if they have, and are in compliance with, written agreements with not-for-profit organizations for the donation of food at least once per month.

e. The commissioner shall enforce the requirements of subdivision c of this section. A retail food store that would otherwise be subject to the requirements of subdivision c of this section that fails to comply with such subdivision shall be subject to a penalty of no more than $10,000 for each month during which such retail food store failed to post a required notice. The commissioner shall investigate any retail food store that has not posted notices offering excess food for at least six months out of the previous 12 months.

f. No later than December 1 of each year, the commissioner or another agency or office designated by

the mayor, shall:

1. conduct a review of all notices concerning available, excess food posted to the food web portal within the past year;

2. assess, in its discretion, to what extent such notices would meet the estimated demand for food from city residents likely to suffer from hunger in the next year; and

3. submit a report detailing the results of such review and assessment to the mayor and the speaker of the council.

g. The commissioner or another agency or office designated by the mayor shall promulgate rules to implement the requirements of this section.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of sanitation or another agency or office designated by the mayor shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Session 13
LS #7728
1/11/2024

Session 12
JSA
LS #7728
3/24/2022