File #: Int 0431-2024, **Version:** B

Int. No. 431-B

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), Salaam, Feliz, Brannan, Banks, Abreu, Brewer, Joseph, Menin, Salamanca, Riley, Powers, Schulman, Brooks-Powers, Lee, Stevens, Gennaro, Epstein and Narcisse (in conjunction with the Queens, Brooklyn and Bronx Borough Presidents)

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

Be it enacted by the Council as follows:

Section 1. Section 13-e of the New York city charter, as amended by local law number 117 for the year 2024, is amended to read as follows:

§ 13-e. Office of street vendor enforcement. There shall be an office of street vendor enforcement, which shall consist of enforcement agents who are specially trained in local laws and rules related to vending on the streets and sidewalks of the city of New York. The office of street vendor enforcement shall be fully operational on or before September 1, 2021 and shall commence enforcement activities on or before such date. Such enforcement activities shall, at a minimum, include a sufficient number of street patrols to inspect or examine the vending activities of at least [75] 80 percent of applicable permittees or licensees on an annual basis. For the purposes of this section, the term "applicable permittees or licensees" means persons issued full-term or temporary permits pursuant to section 17-307 of the administrative code, or persons issued licenses to vend pursuant to sections 17-307 or 17-307.1 of the administrative code, or licenses issued pursuant to section 20-456 of the administrative code. The mayor may establish such office in the executive office of the mayor, within any other office in the executive office of the mayor, or within any department, the head of which is appointed by the mayor. Such office shall have the power and duty to:

a. enforce all local laws and rules related to vending on the streets and sidewalks and in parks of the city of New York, other than such local laws and rules related to food safety, including, but not limited to: section 16-118, subchapter 2 of chapter 3 of title 17, section 18-146, subchapter 27 of chapter 2 of title 20 and chapter 1 of title 24 of the administrative code; article 89 of the health code; and any rules of the city of New York implementing such laws;

b. focus its enforcement efforts on areas including, but not limited to, areas adjacent to retailers that dedicate substantial floor area to the sale of fresh fruits and vegetables, areas that are restricted to vending by sections 17-315 and 20-465 of the administrative code, and any other areas identified by the department of transportation as [excessively congested] a global corridor or a regional corridor and featuring a high level of complaints about vendor activity, if any;

c. collaborate with the department of small business services to provide training, outreach and education to all street vendors on entrepreneurship and compliance with all applicable local laws and regulations, as well as solicit feedback from the street vendor community;

d. receive all complaints related to street vending on the streets and sidewalks of the city of New York from the 311 service center or from any other means; and

e. engage in such other activities related to enforcement of laws related to vending on the streets and sidewalks and in parks of the city of New York, or related to improving compliance with such laws, as may be designated by the mayor. For the purposes of this section, ["excessively congested" areas include, but are not limited to, areas where pedestrian volume regularly approaches or exceeds the capacity of the sidewalk] a "global corridor" and a "regional corridor" are each one of the five street categories referenced in the department of transportation's NYC streets plan established pursuant to section 19-199.1 of the administrative code.

§ 2. 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] 200 supervisory licenses per twelve-month period for [ten] five consecutive years beginning on [July 1, 2022] July 1, 2026. 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] 200 permits per twelve-month period for [ten] five consecutive years beginning on [July 1, 2022] July 1, 2026 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.

(iv) The commissioner shall establish a waiting list[, not to exceed four hundred in number,] to be administered in accordance with procedures to be established by the rules of the commissioner.

§ 3. 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, 2031. On or after [July 1, 2032] July 1, 2031, 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] 2,000 supervisory licenses per twelve-month period for [ten] five consecutive years beginning on [July 1, 2022] July 1, 2026. 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, 2031, 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] 500 of the supervisory licenses made available for application under this paragraph shall be designated for use in any borough, and the remaining [300] 1,500 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) No later than July 1, 2031, the commissioner shall replenish the waiting list in accordance with the preferences set forth in this paragraph.

§ 4. 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 any vending restriction applicable to the prospective license holder and shall include education related to vending restrictions applicable to 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.

§ 5. Subchapter 2 of chapter 3 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-315.1 to read as follows:

§ 17-315.1 Cleanliness and waste removal requirements. a. A vendor shall keep the area within a 2-foot radius surrounding such vendor’s vending vehicle or pushcart free from obstruction and keep such area free from garbage, refuse, rubbish, litter or debris.

b. A vendor shall, upon the request of a person authorized to enforce this section, provide proof of the proper waste disposal at a commissary required by subdivision e of section 89.27 of the New York city health code, in accordance with rules of the department of sanitation, as allowed by law.

§ 6. Section 17-317 of the administrative code of the city of New York is amended by adding a new subdivision g to read as follows:

g. 1. The department may suspend or revoke a supervisory license or supervisory permit or other permit or license issued pursuant to this subchapter, after notice and an opportunity to be heard, for three violations of subdivisions b, c, e, g or h of section 17-315 committed within a 1-year period, as determined by the department. Such license or permit shall be suspended for 30 days upon the first such determination, 60 days upon the second such determination, and revoked upon the third such determination.

2. Prior to the reinstatement of a license, permit, supervisory license, or supervisory license permit suspended pursuant to paragraph 1 of this subdivision, such licensee or permittee shall complete the food protection course offered by the department, pursuant to section 81.15 the New York city health code or successor rules or regulations regarding food protection certificates required for all such licensees.

§ 7. Subdivision b of section 17-325 of the administrative code of the city of New York, as amended by local law number 122 for the year 2025, is amended to read as follows:

b. 1. In addition to the penalties prescribed by subdivision a of this section, any person who violates, or

any person aiding another to violate, the provisions of subdivision a, b, or c of section 17-307 [of this subchapter] shall be liable for a civil penalty of not less than $150 nor more than $1,000 together with a penalty of $100 per day for every day during which the unlicensed business operated; except that a person who violates, or any person aiding another to violate, the provisions of subdivision a, b, or c of section 17-307 [of this subchapter] by engaging in continued unlicensed activity as defined by the commissioner, considering factors including but not limited to the frequency and duration of such unlicensed activity, shall be liable for a civil penalty of $1,000 together with a penalty of $250 per day for every day during which the unlicensed business operated. The commissioner may also consider additional civil penalties of up to $1,000 if such person had an opportunity to obtain a license or add themselves to the waitlist for such license.

2. Any person who violates any of the provisions of this subchapter, other than subdivision a, b, or c of section 17-307 [of this subchapter] or subdivision k of section 17-315, or any of the rules and regulations promulgated hereunder shall be liable for a civil penalty as follows:

(a) For the first violation, a penalty of $25.

(b) For the second violation issued for the same offense within a period of two years of the date of a first violation, a penalty of $50.

(c) For the third violation issued for the same offense within a period of [two] 2 years of the date of a first violation, a penalty of $100, in addition to the remedy provided for in subdivision f of section 17-317 [of this subchapter].

(d) For any subsequent violations issued for the same offense within a period of [two] 2 years of the date of a first violation, a penalty of $250.

3. Notwithstanding paragraph 2 of this subdivision, any person that violates subdivision c of section 17-311 by failing to firmly affix a current letter grade or letter grade pending card to a vending vehicle or pushcart in a conspicuous place as required by rules of the department shall be liable for a civil penalty of $500.

4. Any person that violates section 17-311 or subdivisions a or b of section 17-315, or any rules

promulgated thereunder, shall not be subject to a civil penalty for a first-time violation if such person proves to the satisfaction of the department, within [seven] 7 days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 17-311 or subdivisions a or b of section 17-315, or any rules promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the office of administrative trials and hearings, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

5. Any person who violates subdivision k of section 17-315, or any of the rules and regulations promulgated hereunder, shall be liable for a civil penalty as follows:

(a) For the first violation, a penalty of $50.

(b) For the second violation issued for the same offense within a period of 2 years of the date of a first violation, a penalty of $100.

(c) For the third violation issued for the same offense within a period of 2 years of the date of a first violation, a penalty of $200, in addition to the remedy provided for in subdivision f of section 17-317.

(d) For any subsequent violations issued for the same offense within a period of 2 years of the date of a first violation, a penalty of $400.

§ 8. Section 20-459 of the administrative code of the city of New York is amended to read as follows:

§ 20-459 New licenses; existing licenses. a. The maximum number of licenses in effect pursuant to this subchapter [on the first day of September, nineteen hundred seventy-nine shall be the maximum number of licenses permitted to be in effect] shall be 853 in addition to the number of licenses granted pursuant to subdivisions c and h of this section.

b. A license issued pursuant to this subchapter shall be renewable by the licensee upon its expiration or within sixty days of its expiration provided the licensee meets all other requirements for renewal, provided that the license has not been revoked, and provided that the licensee has not committed violations which could be a basis for license revocation under any provision of this subchapter.

c. The commissioner shall make available for application 10,500 additional licenses on January 15, 2027.

d. 1. In accordance with procedures to be established by rules of the commissioner, 2,625 of the general vending licenses made available for application under this section shall be designated for use in any borough, and the remaining 7,875 of such general vending licenses shall be designated for use in boroughs outside of Manhattan.

2. A general vendor with a license designated for use in boroughs outside of Manhattan pursuant to this subdivision shall not vend in Manhattan. A general vendor who vends in Manhattan using such a license shall be considered an unlicensed vendor for purposes of section 20-453.

e. The commissioner shall open, establish and maintain a new waiting list for the issuance of licenses pursuant to this subchapter to be administered in accordance with the requirements to be established by the rules of the commissioner. 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 the date on which additional general vendor licenses become available pursuant to subdivision c of this section.

f. Persons who have been assigned a priority number by the department to track their application for a general vendor license on a preexisting waiting list maintained pursuant to section 2-319 of title 6 of the rules of the city of New York, shall be given preference on the waiting list established pursuant to subdivision e of this section, and the ordering of such persons on such list shall be based on priority numbers currently assigned to them.

g. No persons with two or more convictions of possessing or selling stolen property or trademark

counterfeiting pursuant to section 165.40, 165.45, 165.50 or 165.71 of the penal law within two years of the date such persons applies for the waiting list or general vendor license, shall be placed on a waiting list or provided an application for a general vendor license pursuant to this section.

h. Reserved.

§ 9. Section 20-465.2 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:

§ 20-465.2 Street vendor advisory board. a. There is hereby established a street vendor advisory board consisting of the commissioner of consumer and worker protection, the commissioner of health and mental hygiene, the commissioner of small business services, the commissioner of transportation, the commissioner of sanitation, and the police commissioner, or the designee of any such commissioner, the speaker of the council or their designee, [six] 10 members appointed by the speaker, two of whom represent street vendors, one of whom [represent] represents the small business community, one of whom represents organizations representing workers at retail food stores, one of whom represents property owners, one of whom represents veterans, one of whom represents grocery stores, one of whom represents the restaurant industry in low-income communities, and one of whom who represents a community organization, and [four] 6 members appointed by the mayor, two of whom represent street vendors, [and] two of whom represent the small business community, one of whom represents the immigrant community and one of whom represents the low-wage worker community. One such appointment from the speaker of the council and one such appointment from the mayor shall be appointed as co-chairs of the street vendor advisory board.

b. In addition to its other duties, the street vendor advisory board shall, prior to June 1 of each year from 2023 through [2030] 2026, issue to the speaker of the council a recommendation on whether the department of health and mental hygiene's authority to issue any or all of the supervisory licenses authorized to be issued by such department should be restricted, expanded, or otherwise altered based on an analysis of the results of the increased number of food vendor permits issued pursuant to the local law that added this section.

c. The street vendor advisory board shall, prior to June 1 of each year from 2027 through 2031, issue to the speaker of the council a recommendation on whether the department's authority to issue any or all of the general vendor licenses authorized to be issued by the department should be restricted, expanded, or otherwise altered based on an analysis of the results of the increased number of general vendor licenses issued pursuant to the local law that added this subdivision.

d. The street vendor advisory board shall, prior to June 1 of each year from 2027 through 2031, issue a report to the speaker of the council analyzing the impact of the increased number of general vendor licenses and food vendor permits. Such report shall include information from 2027 through 2031 on:

1. The status of all waiting lists pertaining to mobile food vending and general vending;

2. The number of applications made available and the number of licenses or permits issued by the department of health and mental hygiene and the department of consumer and worker protection;

3. The number of street vending related complaints received;

4. The number of street vending related violations issued by category;

5. The number of street vending enforcement personnel assigned to enforce street vending within the office of street vendor enforcement;

6. Recommendations on whether the number of street vendor enforcement personnel should be expanded or otherwise altered;

7. The number of street vending enforcement unit inspections; and

8. Recommendations on whether the department of health and mental hygiene or the department of consumer and worker protection's authority to issue licenses and permits should be restricted, expanded or otherwise altered based on analysis of the results of the number of licenses issued each year.

§ 10. Subchapter 27 of chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-465.3 to read as follows:

§ 20-465.3 Cleanliness and waste removal requirements. a. A general vendor shall keep the area within

a 2-foot radius surrounding such vendor's vending vehicle, pushcart, or stand free from obstruction and keep such area free from garbage, refuse, rubbish, litter or debris.

b. A general vendor shall, upon the request of a person authorized to enforce this section, provide proof of proper waste disposal as required by rules of the department of sanitation, as allowed by law.

§ 11. Section 20-467 of the administrative code of the city of New York is amended to read as follows:

§ 20-467 Suspension and revocation of license. a. Any license issued pursuant to the provisions of this subchapter may be suspended or revoked by the commissioner upon notice and [hearing] an opportunity to be heard for any of the following causes:

[a.] 1. Fraud, misrepresentation, or false statements contained in the application for the license;

[b.] 2. Violation of chapter one or subchapter one of chapter five of this title of this code or the regulations promulgated thereto; provided, however, that in the event of a conflict between the provisions of such chapter and subchapter and the provisions of this subchapter, the provisions of this subchapter shall prevail;

[c.] 3. Fraud, misrepresentation, or false statements made in connection with the selling or leasing of any goods or services;

[d.] 4. Four or more violations of any provision of this subchapter or the regulations promulgated thereto in a two-year period;

[e.] 5. Failure to answer a summons or notice of violation, appear for a hearing, or pay a fine or civil penalty imposed pursuant to the provisions of this subchapter or the regulations promulgated hereunder;

[f.] 6. Conviction of possessing or selling stolen property pursuant to section 165.40, 165.45, [or] 165.50, or 165.71 of the penal law.

b. Any license issued pursuant to this chapter may be suspended or revoked after notice and an opportunity to be heard for three violations of subdivisions c, e, h or i of section 20-465 committed within a 1-year period, as determined by the department. Such license shall be suspended for 30 days upon the first such

determination, 60 days upon the second such determination, and revoked upon the third such determination.

§ 12. Subdivision b of section 20-472 of the administrative code of the city of New York, as amended by local law number 122 for the year 2025, is amended to read as follows:

b. 1. In addition to the penalties prescribed by subdivision a of this section, any person who violates, or any person aiding another to violate, the provisions of section 20-453 [of this subchapter] shall be liable for a civil penalty of $250 together with a penalty of $250 per day for every day during which the unlicensed business operated; except that a person who violates, or any person aiding another to violate, the provisions of section 20-453 [of this subchapter] by engaging in continued unlicensed activity as defined by the commissioner, considering factors including but not limited to the frequency and duration of such unlicensed activity and whether such vendor had an opportunity to obtain a license, shall be liable for a civil penalty of $1,000 together with a penalty of $250 per day for every day during which the unlicensed business operated. The commissioner may also consider additional civil penalties of up to $1,000 if such person had an opportunity to obtain a license or add themselves to the waitlist for such license.

2. Any person who violates any of the provisions of this subchapter, other than section 20-453 or subdivisions (g), (h), (i) or (j) of section 20-465, or any of the rules and regulations promulgated hereunder shall be liable for a civil penalty as follows:

(a) For the first violation, a penalty of $25.

(b) For the second violation issued for the same offense within a period of [two] 2 years of the date of a first violation, a penalty of $50.

(c) For the third violation issued for the same offense within a period of [two] 2 years of the date of a first violation, a penalty of $100.

(d) For any subsequent violations issued for the same offense within a period of [two] 2 years of the date of a first violation, a penalty of $250.

3. Notwithstanding any inconsistent provision of this subdivision, a person shall be subject to a civil

penalty of zero dollars for a first violation of subdivision b of section 20-461 [of this subchapter] or any rule or regulation promulgated thereunder. The notice of violation for such first violation shall inform the respondent of the provision of law or rule that the department believes the respondent has violated, describe the condition or activity that is the basis for the notice of violation, and advise the respondent that the law authorizes civil penalties for such violation and that subsequent violations may result in the imposition of such civil penalties. Any person who violates subdivision b of section 20-461 or any rule or regulation promulgated thereunder shall be subject to a civil penalty of $25 for a second violation and a civil penalty of $50 for a third or subsequent violation.

4. Any person who violates subdivisions (g), (h), (i) or (j) of section 20-465, or any of the rules and regulations promulgated hereunder, shall be liable for a civil penalty as follows:

(a) For the first violation, a penalty of $50.

(b) For the second violation issued for the same offense within a period of 2 years of the date of a first violation, a penalty of $100.

(c) For the third violation issued for the same offense within a period of 2 years of the date of a first violation, a penalty of $200.

(d) For any subsequent violations issued for the same offense within a period of 2 years of the date of a first violation, a penalty of $400.

§ 13. This local law takes effect immediately.

SS
LS #8036
12/10/2025 10:07 PM