

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

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**No. 51**

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Introduced by Council Members Gjonaj, Moya, Constantinides, Brannan, Rosenthal, Gibson, Perkins, Louis, Ayala, Lander, Chin, Koslowitz, Rivera, Ampy-Samuel, Vallone, Lancman, Holden, Kallos and Menchaca.

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to telephone order charges by third-party food delivery services during, and for 90 days after, a declared emergency that prohibits on-premises dining**

*Be it enacted by the Council as follows:*

Section 1. Section 20-845 of the administrative code of the city of New York, as added by a local law for the year 2020 amending the administrative code of the city of New York, relating to fees charged by third-party food delivery services, as proposed in introduction number 1908-B for the year 2020, is amended by adding a new definition of “telephone order” in alphabetical order to read as follows:

Telephone order. The term “telephone order” means an order placed by a customer to a food service establishment through a telephone call forwarded by a call system provided by a third-party food delivery service.

§ 2. Chapter 5 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-847 to read as follows:

*§ 20-847 Telephone orders. a. No third-party food delivery service may charge any fee from a food service establishment for a telephone order if a telephone call between such establishment and a customer does not result in an actual transaction during such telephone call.*

*b. The requirements of this section apply only during a declared emergency and for a period of 90 days after the end of a declared emergency.*

§ 3. Subdivision a of section 20-848 of the administrative code of the city of New York, as added by a local law for the year 2020 amending the administrative code of the city of New York, relating to fees charged by third-party food delivery services, as proposed in introduction number 1908-B for the year 2020, is amended to read as follows:

a. Any person that violates any provision of [this subchapter] *section 20-846* or any rule promulgated pursuant [to this subchapter] *thereto* shall be subject to a civil penalty that shall not exceed \$1,000 per violation. *Any person that violates any provision of section 20-847 or any rule promulgated pursuant thereto shall be subject to a civil penalty that shall not exceed \$500 per violation.* Violations under this subchapter shall accrue on a daily basis for each day and for each food service establishment charged a fee in violation of this subchapter or any rule promulgated pursuant to this subchapter. A proceeding to recover any civil penalty authorized pursuant to this subchapter may be brought in any tribunal established within the office of administrative trials and hearings or within any agency of the city designated to conduct such proceedings.

§ 4. This local law takes effect on the same date that a local law for the year 2020 amending the administrative code of the city of New York, relating to fees charged by third-party food delivery services, as proposed in introduction number 1908-B for the year 2020, takes effect.

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

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on May 13, 2020 and approved by the Mayor on May 26, 2020.

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

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 51 of 2020, Council Int. No. 1898-A of 2020) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

STEPHEN LOUIS, Acting Corporation Counsel.