



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, NY 10007

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OFFICE OF THE CITY CLERK

2025 AUG 13 P 3:45

August 13, 2025

Hon. Michael McSweeney
City Clerk and Clerk of the Council
141 Worth Street
New York, NY 10013
Dear Mr. McSweeney:

Pursuant to Section 37 of the New York City Charter, I hereby veto and disapprove Introductory Number 1135-A, which would amend the Administrative Code of the City of New York "in relation to minimum payments to grocery delivery workers." To the extent that Introductory Number 1133-A in more general terms would produce the same results as 1135-A, I am compelled to veto and disapprove that legislation as well.

Now is not the time to do anything that will further increase the cost for New Yorkers of obtaining groceries, when prices are already too high. Introductory Number 1135-A would increase the cost of groceries for many New Yorkers who rely on local delivery services, including seniors, people with disabilities, and families with limited access to quality grocery stores. At a time when New Yorkers are especially focused on affordability and when national and international economic forces have raised the cost of many daily essentials, including groceries, my administration is focused on reducing costs for everyday New Yorkers and allowing them to afford to put fresh and healthy food on their tables.

To be crystal clear, I continue to believe that all New Yorkers deserve a fair wage. I have been a steadfast supporter of increased minimum pay rates for app-based restaurant delivery workers, and I remain committed ultimately to extending those protections to other industries—including third-party grocery delivery workers—but there is too much economic uncertainty to implement this change in this industry right now. Unlike the delivery of restaurant meals, grocery delivery is a fundamental need for many New Yorkers, including many

essential items obtained using delivery services). Therefore, I am compelled to veto and disapprove 1133-A at this time as well.

To be crystal clear, I continue to believe that all New Yorkers deserve a fair wage. I have been a steadfast supporter of increased minimum pay rates for app-based restaurant delivery workers, and I remain committed ultimately to extending those protections to other industries—including third-party grocery delivery workers—but there is too much economic uncertainty to implement this change in this industry right now. Unlike the delivery of restaurant meals, grocery delivery is a fundamental need for many New Yorkers, including many SNAP and EBT recipients, as well as seniors and people with disabilities, who use grocery delivery services to access fresh and affordable food products for their daily sustenance. Because the increased cost of grocery deliveries would be borne by consumers, there is a strong and unacceptable risk at this critical time that this bill will create more inflation for New Yorkers who are least able to afford it, including SNAP recipients, seniors and people with disabilities, who cannot just go to the grocery store every time they need food. At a time when most Americans are feeling increased cost burdens across so many consumer goods, especially groceries, I am determined to keep groceries affordable for every New Yorker. I am therefore compelled to veto this bill, mindful that there may come a time to focus on increasing these grocery delivery workers' wages but this is not that time, when so many New Yorkers are just trying to make ends meet, especially when it comes to affording groceries.

Accordingly, I hereby veto and disapprove Introductory Number 1135-A and Introductory Number 1133-A.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Adams", with a stylized flourish at the end.

Eric Adams
Mayor

Int. No. 1135-A

By Council Members Nurse, Gutiérrez, Hanif, Cabán, Ossé, Rivera, Restler, Brewer, Abreu, Hudson, Avilés, Feliz, De La Rosa, Marte, Joseph and Banks

A Local Law to amend the administrative code of the city of New York, in relation to minimum payments to grocery delivery workers

Be it enacted by the Council as follows:

1 Section 1. Legislative findings. The council hereby finds that grocery delivery workers
2 hired, retained, or engaged as independent contractors by third-party grocery delivery services to
3 deliver groceries and other goods from grocery stores and other retail food establishments perform
4 work that is substantially similar to the work performed by food delivery workers hired, retained,
5 or engaged as independent contractors by third-party food delivery services and third-party courier
6 services to deliver food items from food service establishments, and that the working conditions
7 for such grocery delivery workers are substantially similar to the working conditions for such food
8 delivery workers. Both grocery delivery workers and food delivery workers transport, carry, or
9 otherwise enable the conveyance of groceries and similar goods, such as meals, from businesses
10 or other locations directly to customers in New York City. Third-party grocery delivery services,
11 third-party food delivery services, and third-party courier services usually classify both grocery
12 delivery workers and food delivery workers as independent contractors, and thus, both grocery
13 delivery workers and food delivery workers do not receive the same minimum wage and benefits
14 to which they would be entitled if such services classified such workers as employees.

15 In addition, the council finds that, like a food delivery worker, and unlike a worker
16 performing similar work who is classified as an employee, a grocery delivery worker does not
17 receive workers' compensation benefits from a third-party grocery delivery service that hires,
18 retains, or engages such worker as an independent contractor. The department of consumer and

1 worker protection determined the workers' compensation component of the minimum pay rate for
2 food delivery workers based on the value of the workers' compensation benefits received by
3 delivery workers in New York State who are classified as employees, and provided an adjustment
4 to account for differences in certain federal benefits for employees and independent contractors.

5 The council finds that food delivery workers and grocery delivery workers incur similar
6 expenses necessary to perform their work that third-party grocery delivery services, third-party
7 food delivery services, and third-party courier services usually do not reimburse, such as the cost
8 of a vehicle or other mode of transportation to deliver goods, and mobile phone expenses. The
9 council finds that phone-related expenses for a food delivery worker are substantially similar to
10 the phone-related expenses for a grocery delivery worker. Although the frequency and necessity
11 of the use of motor vehicles among grocery delivery workers may be higher than such use by food
12 delivery workers, the council finds that vehicle-related expenses for a grocery delivery worker are
13 at least as great as vehicle-related expenses for a food delivery worker.

14 The council further finds that, based on these substantial similarities between the work
15 performed by and working conditions of grocery delivery workers and food delivery workers,
16 grocery delivery workers have the same need for minimum pay protections as food delivery
17 workers. The council thus finds that the minimum pay rate that a third-party food delivery service
18 or third-party courier service is required to make to a food delivery worker, pursuant to section 7-
19 810 of title 6 of the rules of the city of New York, is applicable in determining the minimum
20 payments that a third-party grocery delivery service should be required to make to a grocery
21 delivery worker.

22 The council further finds that because the working conditions for grocery delivery workers
23 are substantially similar to the working conditions for food delivery workers, the method for

1 calculating minimum payments for a food delivery worker set forth in section 7-810 of title 6 of
2 the rules of the city of New York may be utilized to calculate minimum payments for a grocery
3 delivery worker. The council finds that the department of consumer and worker protection may
4 adjust such method as applied to grocery delivery workers to account for variations in the working
5 conditions of grocery delivery workers as compared to the working conditions of food delivery
6 workers, including variations in policies and procedures of such services related to trip offers or
7 assignments or worker schedules.

8 These findings do not limit the authority of the department of consumer and worker
9 protection to establish or amend one or more rates or methods for determining the minimum
10 payments required for food delivery workers or grocery delivery workers.

11 § 2. Section 20-1501 of the administrative code of the city of New York, as amended by a
12 local law for the year 2025 amending the administrative code of the city of New York, relating to
13 protections for contracted delivery workers, as proposed in introduction number 1133, is amended
14 by adding new definitions of “grocery delivery worker,” “retail food establishment” and “third-
15 party grocery delivery service” in alphabetical order to read as follows:

16 Grocery delivery worker. The term “grocery delivery worker” means any natural person or
17 any organization composed of no more than 1 natural person, whether or not incorporated or
18 employing a trade name, who is retained by a third-party grocery delivery service to deliver goods
19 from a business to a customer in exchange for compensation.

20 Retail food establishment. The term “retail food establishment” means any business
21 establishment located in the city that is licensed as a food processing establishment pursuant to
22 article 20-C of the agriculture and markets law or as a retail food store or food warehouse pursuant
23 to article 28 of the agriculture and markets law.

1 Third-party grocery delivery service. The term “third-party grocery delivery service”
2 means any website, mobile application, or other internet service that: (i) facilitates, offers or
3 arranges for the delivery of goods from a retail food establishment; and (ii) is owned or operated
4 by a person other than the person who owns such retail food establishment.

5 § 3. Subdivision e of section 20-1522 of the administrative code of the city of New York,
6 as added by a local law for the year 2025 amending the administrative code of the city of New
7 York, relating to protections for contracted delivery workers, as proposed in introduction number
8 1133, is amended to read as follows:

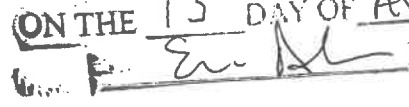
9 e. [Reserved] A third-party grocery delivery service shall make payments to grocery
10 delivery workers retained by such service that meet or exceed the minimum pay requirements for
11 food delivery workers established by the department pursuant to subdivision a of this section. The
12 department may by rule establish a method for applying such minimum pay requirements to
13 grocery delivery workers that is tailored to the circumstances of such workers, including variations
14 in the working conditions of such workers as compared to the working conditions of food delivery
15 workers.

16 § 4. This local law takes effect on the same date that a local law for the year 2025 amending
17 the administrative code of the city of New York, relating to safe delivery device access for
18 contracted delivery workers, as proposed in introduction number 30-B, takes effect.

I hereby certify that the above bill was passed by the Council of the City of
New York on **Monday, July 14, 2025** receiving the following votes:

Affirmative.....**36**.....
Negative.....**5**.....
Abstentions.....**1**.....


Michael M. McSweeney, City Clerk, Clerk of the Council.

DISAPPROVED
ON THE 13 DAY OF AUG 2025
 MAYOR

LS #17449(B)
7/3/25

Int. No. 1133-A

By Council Members Gutiérrez, Nurse, Hanif, Cabán, Ossé, Restler, Brewer, Abreu, Hudson, Avilés, Feliz, De La Rosa, Rivera, Marte, Louis and Joseph

A Local Law to amend the administrative code of the city of New York, in relation to protections for contracted delivery workers

Be it enacted by the Council as follows:

Section 1. Chapter 15 of title 20 of the administrative code of the city of New York, as added by local law number 114 for the year 2021, the definition of “third-party courier service” in section 20-1501 of such chapter as amended by local law number 17 for the year 2023, subdivision a of section 20-1521 of such chapter as amended by local law number 118 for the year 2021, section 20-1522 of such chapter as added by local law number 115 for the year 2021, section 20-1523 of such chapter as added by local law number 116 for the year 2021, section 20-1524 of such chapter as added by local law number 113 for the year 2021, and section 20-1525 of such chapter as added by local law number 41 for the year 2023, is amended to read as follows:

CHAPTER 15

[THIRD-PARTY SERVICE] CONTRACTED DELIVERY WORKERS

SUBCHAPTER 1

GENERAL PROVISIONS

[§ 20-1501 Definitions.

§ 20-1502 Outreach and education.

§ 20-1503 Reporting.

§ 20-1504 Retaliation.

§ 20-1505 Notice of rights.

§ 20-1506 Recordkeeping.

§ 20-1507 Administrative enforcement.

§ 20-1508 Remedies for workers.

§ 20-1509 Civil penalties.

§ 20-1510 Enforcement by the corporation counsel.

§ 20-1511 Private cause of action.

§ 20-1512 Civil action by corporation counsel for pattern or practice of violations.]

1 § 20-1501 Definitions.

2 As used in this chapter, the following terms have the following meanings:

3 Contracted delivery worker. The term “contracted delivery worker” means any natural
4 person or any organization composed of no more than 1 natural person, whether or not incorporated
5 or employing a trade name, who is retained by a delivery service to deliver goods in exchange for
6 compensation, including, but not limited to, a food delivery worker, provided that the term
7 “contracted delivery worker” does not include any natural person or any organization composed
8 of no more than 1 natural person, whether or not incorporated or employing a trade name, who
9 delivers goods solely using a vehicle required by federal or state law, rule or regulation to be
10 registered with the federal motor carrier safety administration.

11 Customer. The term “customer” means a person that places an order for, accepts or receives
12 goods delivered by, through or with the assistance of a delivery service.

13 Delivery service. The term “delivery service” means a person that facilitates, offers, or
14 arranges for the delivery of goods to or from a location in the city, including, but not limited to, a
15 third-party food delivery service and a third-party courier service, provided that the term “delivery
16 service” does not include any such person that facilitates, offers or arranges fewer than 50 trips
17 each week, or any person that facilitates, offers or arranges for the delivery of goods solely by
18 vehicles required by federal or state law, rule or regulation to be registered with the federal motor
19 carrier safety administration.

20 Food delivery worker. The term “food delivery worker” means any natural person or any
21 organization composed of no more than [one] 1 natural person, whether or not incorporated or
22 employing a trade name, who is [hired,] retained[, or engaged as an independent contractor] by a
23 third-party food delivery service required to be licensed pursuant to section 20-563.1 or a third-

1 party courier service to deliver [food, beverage, or other] goods from a business to a [consumer]
2 customer in exchange for compensation.

3 Food service establishment. The term “food service establishment” means a business
4 establishment located within the city where food is provided for individual portion service directly
5 to the consumer whether such food is provided free of charge or sold, and whether consumption
6 occurs on or off the premises or is provided from a pushcart, stand or vehicle.

7 Goods. The term “goods” means 1 or more items, parcels, packages, products, or articles
8 of any type, including but not limited to food, beverages, groceries, or papers.

9 Gratuity. The term “gratuity” means a sum of money (i) paid voluntarily by a customer for
10 an order of goods placed or delivered by, through or with the assistance of a delivery service, (ii)
11 that is in addition to the purchase price of the goods and any mandatory charges such as taxes and
12 fees, (iii) the amount of which the customer may choose, and (iv) that is referred to by a delivery
13 service as a gratuity, tip or other similar term that would suggest to a reasonable person that the
14 sum, or a substantial portion thereof, would be received by a contracted delivery worker in addition
15 to any compensation from the delivery service.

16 Pay period. The term “pay period” means a fixed and regularly recurring period of 168
17 hours or 7 consecutive 24-hour periods.

18 Retained. The term “retained” means hired, or retained or engaged, as an independent
19 contractor.

20 Third-party courier service. The term “third-party courier service” means a service that (i)
21 facilitates the same-day delivery or same-day pickup of food, beverages, or other goods from a
22 food service establishment on behalf of such food service establishment or a third-party food

1 delivery service; and (ii) that is owned and operated by a person other than the person who owns
2 such food service establishment[; and (iii) and is not a third-party food delivery service].

3 Third-party food delivery service. The term “third-party food delivery service” means any
4 website, mobile application, or other internet service that: (i) offers or arranges for the sale of food
5 and beverages prepared by, and the same-day delivery or same-day pickup of food and beverages
6 from, a food service establishment; and (ii) that is owned and operated by a person other than the
7 person who owns such food service establishment.

8 Toilet facility. The term “toilet facility” means a room or space on the premises of a food
9 service establishment or other business that: (i) contains a toilet or urinal and sink or similar
10 washing facility; and (ii) is a dedicated facility for its patrons, or that is a dedicated facility for its
11 employees to the extent such establishment or business does not have a dedicated facility for its
12 patrons.

13 Trip. The term “trip” means the time spent, distance travelled, and route followed by
14 a contracted delivery worker to [provide delivery services to a consumer through a third-party food
15 delivery service or third-party courier service] deliver goods, including, but not limited to, travel
16 to [a business] 1 or more pick-up locations; selecting, preparing, assembling, waiting for, and
17 picking up the [food, beverage, or other] goods for delivery [, and taking]; and travel to and
18 unloading and depositing such [delivery at a different location as requested] goods at 1 or more
19 drop-off locations, including any time spent waiting for goods to be retrieved by a customer or
20 other person, provided that the term “trip” shall not include any time spent, distance travelled or
21 route followed for the delivery of goods using a vehicle that is required by federal or state law,
22 rule or regulation to be registered with the federal motor carrier safety administration.

23 § 20-1502 Outreach and education.

1 The commissioner shall conduct outreach and education about the provisions of this
2 chapter. Such outreach and education shall be provided to [food] contracted delivery workers[,
3 third-party food] and delivery services[, and third-party courier services].

4 § 20-1503 Reporting.

5 The department shall annually report on its website the number and nature of the
6 complaints received pursuant to this chapter, the results of investigations undertaken pursuant to
7 this chapter, including the number of complaints not substantiated and the number of notices of
8 violations issued, the number and nature of adjudications held to resolve notices of violation issued
9 pursuant to this chapter, and the average time for a complaint to be resolved pursuant to this
10 chapter.

11 § 20-1504 Retaliation.

12 No person shall take any adverse action against a [food] contracted delivery worker that
13 penalizes such worker for, or is reasonably likely to deter such worker from, exercising or
14 attempting to exercise any right protected under this chapter. Adverse actions include threats,
15 intimidation, harassment, discipline, denial of work opportunities to or discrimination against
16 a [food] contracted delivery worker, reduction in hours or pay, reduction or downgrade of a
17 worker's public or internal rating, and other negative consequences imposed on a [food]
18 contracted delivery worker, including actions related to perceived immigration status or work
19 authorization. A [food] contracted delivery worker need not explicitly refer to this chapter or the
20 rights enumerated herein to be protected from retaliation.

21 § 20-1505 Notice of rights.

22 a. The commissioner shall publish and make available a notice for a [third-party
23 food] delivery service [or third-party courier service] to provide to [food] contracted delivery

workers informing them of their rights protected under this chapter. Such notice shall be made available [in a downloadable format] on the city's website and shall be updated if any changes are made to the requirements of this chapter or as otherwise deemed appropriate by the commissioner.

b. A [third-party food] delivery service [or third-party courier service] shall provide such notice electronically to [a food] each contracted delivery worker retained by such service. Such notice shall be in English and [any] the preferred language [spoken as a primary language by at least five percent] of the [food] contracted delivery [workers hired, retained, or engaged by such service] worker, provided that the commissioner has made the notice available in such language, and further provided that such contracted delivery worker has communicated their preferred language to the delivery service.

§ 20-1506 Recordkeeping.

a. A [third-party food] delivery service [or third-party courier service] shall retain records documenting its compliance with the applicable requirements of this chapter for a period of [three] 3 years and shall allow the department to access such records and other information, consistent with applicable law and in accordance with rules of the department and with appropriate notice, in furtherance of an investigation conducted pursuant to this chapter. A [third-party food] delivery service [or third-party courier service] must maintain records in their original format and provide such records to the department in their original format or a machine-readable electronic format as set forth in rules of the department. The department also may establish by rule, and require [third-party food] delivery services [and third-party courier services] to adhere to, a uniform system of records, and require submission of such records and other reports as the department may determine, in accordance with applicable law and rules and with appropriate notice.

1 b. The failure of a [third-party food] delivery service [or third-party courier service] to
2 maintain, retain, or produce a record or other information required to be maintained by this chapter
3 and requested by the department in furtherance of an investigation conducted pursuant to this
4 chapter that is relevant to a material fact alleged by the department in a notice of violation issued
5 pursuant to this subchapter creates a rebuttable presumption that such fact is true.

6 c. To implement or enforce the provisions of this chapter or to promulgate any rule
7 necessary and appropriate to the administration of this chapter, the department may issue orders
8 or subpoenas for the production of data, documents, testimony, or other information from a
9 delivery service, a food service establishment, or any person that sells or provides goods delivered
10 by, through or with the assistance of a delivery service. Such data, documents, testimony, or other
11 information may include, but is not limited to, identifying and contact information of contracted
12 delivery workers; information about the times that contracted delivery workers are available to
13 work for delivery services; work schedules of contracted delivery workers; the mode of
14 transportation contracted delivery workers use, including the makes and models of vehicles or
15 devices; information about trips or other work opportunities that are offered, assigned, or
16 performed by contracted delivery workers; contracted delivery workers' pay, gratuities, and
17 benefits; agreements with or internal policies covering contracted delivery workers; insurance
18 policies covering contracted delivery workers; charges imposed by delivery services on customers,
19 food service establishments or any person who sells or provides goods delivered by, through or
20 with the assistance of a delivery service; and any other information deemed relevant by the
21 department. In accordance with applicable law and rules and upon reasonable notice of no less
22 than 14 days, a person who receives a request or subpoena for data, documents, or other
23 information pursuant to this section shall produce such data, documents or information to the

1 department in its original format or a machine-readable electronic format as set forth in rules of
2 the department.

3 § 20-1507 Administrative enforcement.

4 a. The commissioner shall enforce the provisions of this chapter.

5 b. 1. Any person alleging a violation of this chapter may file a complaint with the
6 department within [two] 2 years of the date the person knew or should have known of the alleged
7 violation.

8 2. Upon receiving such a complaint, the department shall investigate it.

9 3. The department may open an investigation on its own initiative.

10 4. A person or entity under investigation shall, in accordance with applicable law, provide
11 the department with information or evidence that the department requests pursuant to the
12 investigation. The department may attempt to resolve an investigation concerning a violation of
13 this chapter through any action authorized by chapter 64 of the charter. Adjudicatory powers
14 pursuant to this subchapter may be exercised by the commissioner or by the office of
15 administrative trials and hearings pursuant to chapter 64 of the charter, in accordance with any
16 delegation of such adjudicatory powers by the department to such office pursuant to paragraph (1)
17 of subdivision (h) of section 2203 of the charter.

18 5. The department shall keep the identity of any complainant confidential unless disclosure
19 is necessary to resolve the investigation or is otherwise required by law. The department shall, to
20 the extent practicable, notify such complainant that the department will be disclosing the
21 complainant's identity before such disclosure.

22 c. The commissioner may promulgate rules necessary and appropriate to the administration
23 of this chapter.

§ 20-1508 Remedies for workers.

a. For violations of their rights under this chapter, a [food] contracted delivery worker shall be entitled to the following relief:

1. all compensatory damages and other relief required to make the worker or former worker whole;

2. an order directing compliance with the requirements set forth in this chapter; and

3. for each violation of:

(a) section 20-1504,

(1) \$500 for each violation not involving denial of future work opportunities;

(2) \$2,500 for each violation involving denial of future work opportunities; and

(3) any equitable relief appropriate under the circumstances, including but not limited to payment of any lost earnings resulting from such retaliation.

(b) section 20-1521, \$200;

(c) section 20-1522, including any minimum payment established by rule pursuant to section 20-1522, [three] 3 times the amount of any payment that should have been made and was not timely made;

(d) section 20-1523, \$200; [and]

(e) section 20-1524, \$200; and

(f) section 20-1527, \$200.

b. The relief authorized by this section shall be imposed on a per worker and per instance basis for each violation.

§ 20-1509 Civil penalties.

1 a. For each violation of this chapter, [a third-party food delivery service or third-party
2 courier service] any person is liable for a penalty of \$500 for the first violation and, for subsequent
3 violations that occur within [two] 2 years of any previous violation of this chapter, up to \$750 for
4 the second violation and up to \$1,000 for each succeeding violation.

5 b. The penalties imposed pursuant to this section shall be imposed on a per worker and per
6 instance basis for each violation.

7 § 20-1510 Enforcement by the corporation counsel.

8 The corporation counsel or such other persons designated by the corporation counsel on
9 behalf of the department may initiate in any court of competent jurisdiction any action or
10 proceeding that may be appropriate or necessary for correction of any violation issued pursuant to
11 sections 20-1507 through 20-1509, including actions to secure permanent injunctions, enjoining
12 any acts or practices that constitute such violation, mandating compliance with the provisions of
13 this chapter, or such other relief as may be appropriate.

14 § 20-1511 Private cause of action.

15 a. Any person alleging a violation of the following provisions of this chapter may bring a
16 civil action, in accordance with applicable law, in any court of competent jurisdiction:

17 1. section 20-1504;

18 2. section 20-1521;

19 3. section 20-1522, including any minimum payment established by rule pursuant to
20 section 20-1522;

21 4. section 20-1523; and

22 5. section 20-1524.

1 b. Such court may order compensatory, injunctive and declaratory relief, including the
2 remedies set forth in section 20-1508, and reasonable attorney's fees and costs.

3 c. A civil action under this section shall be commenced within [two] 2 years of the date the
4 person knew or should have known of the alleged violation.

5 d. 1. Any person filing a civil action shall simultaneously serve notice of such action and a
6 copy of the complaint upon the department. Failure to so serve a notice does not adversely affect
7 any person's cause of action.

8 2. A worker need not file a complaint with the department pursuant to subdivision b of
9 section 20-1507 before bringing a civil action; however, no person shall file a civil action [after
10 filing] based on the same facts as a complaint filed with the department pursuant to subdivision b
11 of section 20-1507 unless such complaint has been withdrawn or dismissed without prejudice to
12 further action.

13 3. No person shall file a complaint with the department [after filing] pursuant to subdivision
14 b of section 20-1507 based on the same facts as a civil action filed pursuant to this section unless
15 such action has been withdrawn or dismissed without prejudice to further action.

16 4. The commencement or pendency of a civil action by a worker does not preclude the
17 department from investigating a [third-party food] delivery service [or third-party courier service]
18 or commencing, prosecuting or settling a case against a [third-party food] delivery service [or
19 third-party courier service] based on some or all of the same violations.

20 § 20-1512 Civil action by corporation counsel for pattern or practice of violations.

21 a. 1. Where reasonable cause exists to believe that a [third-party food] delivery service [or
22 third-party courier service] is engaged in a pattern or practice of violations of this chapter, the

1 corporation counsel may commence a civil action on behalf of the city in a court of competent
2 jurisdiction.

3 2. The corporation counsel shall commence such action by filing a complaint setting forth
4 facts relating to such pattern or practice and requesting relief, which may include injunctive relief,
5 relief for [food] contracted delivery workers set forth in section 20-1508, civil penalties set forth
6 in section 20-1509, and any other appropriate relief.

7 3. Such action may be commenced only by the corporation counsel or such other persons
8 designated by the corporation counsel.

9 4. Nothing in this section prohibits (i) the department from exercising its authority under
10 [section] sections 20-1507 through 20-1509 or (ii) a person alleging a violation of this chapter
11 from filing a complaint pursuant to section 20-1507 or a civil action pursuant to section 20-1511
12 based on the same facts pertaining to such a pattern or practice, provided that a civil action pursuant
13 to this section shall not have previously been commenced.

14 b. Investigation. The corporation counsel may initiate any investigation to ascertain such
15 facts as may be necessary for the commencement of a civil action pursuant to subdivision a of this
16 section, and in connection therewith shall have the power to issue subpoenas to compel the
17 attendance of witnesses and the production of documents, to administer oaths and to examine such
18 persons as are deemed necessary.

19 Subchapter 2

20 [FOOD] PROTECTIONS FOR CONTRACTED DELIVERY WORKERS

21 [§ 20-1521 Delivery distance and route.

22 § 20-1522 Reserved.

23 § 20-1523 Reserved.

24 § 20-1524 Insulated food delivery bags.]

25
26 § 20-1521 Delivery [distance and route] offers or assignments.

1 a. Each third-party food delivery service, and each third-party courier service that
2 maintains a website, mobile application, or other internet service through which such service offers
3 or assigns a trip to a food delivery worker retained by such third-party courier service, shall provide
4 each food delivery worker retained by such third-party food delivery service or third-party courier
5 service with the ability to specify, in such form and manner as the department may specify by rule:

6 1. the maximum distance [per trip, from a food service establishment where such worker
7 will pick up food, beverages, or other goods], in increments of not greater than 1 mile, between (i)
8 the first pick-up location of a trip, and (ii) the drop-off location of such trip that is farthest from
9 such pick-up location, for any trip that such worker will [travel on trips] accept;

10 2. that such worker will not accept trips that require travel [over any bridge or] over
11 particular bridges chosen by such worker, provided the department shall determine by rule any
12 such bridge that a worker may so choose; and

13 3. that such worker will not accept trips that require travel [through any tunnel or] through
14 particular tunnels chosen by such worker, provided the department shall determine by rule any
15 such tunnel that a worker may so choose.

16 b. Each third-party food delivery service, and each third-party courier service that
17 maintains a website, mobile application, or other internet service through which such service offers
18 or assigns a trip to a food delivery worker retained by such third-party courier service, shall allow
19 each food delivery worker retained by such third-party food delivery service or third-party courier
20 service to change the parameters established by such worker pursuant to subdivision a at any time.

21 c. A third-party food delivery service, or a third-party courier service that maintains a
22 website, mobile application, or other internet service through which such service offers or assigns
23 a trip to a food delivery worker retained by such third-party courier service, shall not offer or

1 assign any food delivery worker any trip that is inconsistent with the parameters established by
2 such worker pursuant to subdivision a and shall not penalize a food delivery worker for selecting
3 or changing such parameters.

4 d. Each time a [third-party food] delivery service [or third-party courier service] offers or
5 assigns a trip to a [food] contracted delivery worker, before such worker accepts such trip, such
6 [third-party food] delivery service [or third-party courier service] shall disclose to such worker, in
7 such form and manner as the department may specify by rule, the following information:

8 1. [the] any address where the [food, beverage or other] goods must be picked up during
9 such trip;

10 2. the estimated time and distance [for] from the first pick-up location of the trip to the final
11 drop-off location of such trip;

12 3. the amount of any gratuity, if specified by [the consumer] any customer; [and]

13 4. the amount of compensation to be paid to the [food] contracted delivery worker,
14 excluding any gratuity; and

15 5. any other information that the department determines would aid a contracted delivery
16 worker in deciding whether to accept an offer or assignment for a trip from a delivery service, as
17 determined by the department by rule.

18 [e. The requirements of this section shall apply to trips that originate in the city, end in the
19 city or involve picking up food from a food service establishment located in the city.]

20 § 20-1522 Minimum payment.

21 a. 1. The department shall study the working conditions for food delivery workers. In
22 conducting such study, the department may coordinate with any other agency, organization, or
23 office that can assist in such study. Such study shall include, at minimum, consideration of the pay

1 food delivery workers receive and the methods by which such pay is determined, the total income
2 food delivery workers earn, the expenses of such workers, the equipment required to perform their
3 work, the hours of such workers, the average mileage of a trip, the mode of travel used by such
4 workers, the safety conditions of such workers, and such other topics as the department deems
5 appropriate. In conducting such study, the department shall not be required to consider the business
6 model or operations of any third-party food delivery service or third-party courier service, any
7 differences between or among the business models or operations of third-party food delivery
8 services and third-party courier services, or the potential impact on any third-party food delivery
9 service or third-party courier service of establishing any minimum payment requirement pursuant
10 to this section.

11 2. In furtherance of such study, the department may [request or] issue orders or subpoenas
12 for the production of data, documents, and other information from a third-party food delivery
13 service or third-party courier service relating to food delivery workers that include, but are not
14 limited to, worker identifiers, information about the times that such workers are available to work
15 for such third-party food delivery service or third-party courier service, the mode of transportation
16 such workers use, how trips are offered or assigned to food delivery workers, the data such service
17 maintains relating to the trips of such workers, the compensation such workers receive from such
18 third-party food delivery service or third-party courier service, any gratuities such workers receive,
19 information relating to both completed and cancelled trips, agreements with or policies covering
20 such workers, contact information of such workers, information relating to the setting of fees paid
21 by food service establishments and consumers, and any other information deemed relevant by the
22 department. In accordance with applicable law and rules and with appropriate notice, a third-party
23 food delivery service or third-party courier service must produce such information to the

1 department in its original format or a machine-readable electronic format as set forth in rules of
2 the department.

3 3. Based on the results of the study conducted pursuant to paragraph a of this subdivision,
4 and no later than January 1, 2023, the department shall by rule establish a method for determining
5 the minimum payments that must be made to a food delivery worker by a third-party food delivery
6 service or third-party courier service. In establishing such method, the department shall, at
7 minimum, consider the duration and distance of trips, the expenses of operation associated with
8 the typical modes of transportation such workers use, the types of trips, including the number of
9 deliveries made during a trip, the on-call and work hours of food delivery workers, the adequacy
10 of food delivery worker income considered in relation to trip-related expenses, and any other
11 relevant factors, as determined by the department. In establishing such method, the department
12 shall not be required to consider the business model or operations of any third-party food delivery
13 service or third-party courier service, any differences between or among the business models or
14 operations of third-party food delivery services and third-party courier services, or the potential
15 impact on any third-party food delivery service or third-party courier service of establishing such
16 a method. Any rules promulgated by the department pursuant to this subdivision shall not prevent
17 payments to food delivery workers from being calculated on an hourly or weekly basis, or by any
18 other method, provided that the actual payments made to such workers comply with the minimum
19 payment requirements determined by the department. The department may establish a single
20 method for determining minimum payments to food delivery workers by any third-party food
21 delivery service or third-party courier service. Nothing in this section shall be construed as
22 requiring the department to establish a method for determining minimum payments to a food
23 delivery worker retained by any third-party food delivery service or any third-party courier service

1 that is tailored to the circumstances of a particular service or is different than the method for
2 determining minimum payments to a food delivery worker retained by any other third-party food
3 delivery service or third-party courier service.

4 b. 1. Any minimum payment determined by the department pursuant to this section shall
5 not include gratuities. A [third-party food] delivery service [or third-party courier service] shall
6 not retain any portion of any gratuity or use gratuities to offset or cover any portion of minimum
7 payments required by this section.

8 2. A [third-party food] delivery service shall clearly and conspicuously disclose to [food]
9 contracted delivery workers retained by such service which payments constitute gratuities from
10 [consumers] customers and which payments constitute compensation paid by [the third-party
11 food] such delivery service.

12 3. Reserved.

13 4. Reserved.

14 5. Reserved.

15 c. Beginning February 1, 2024 and no later than February 1 of each year thereafter, the
16 department shall announce any update to [the] any minimum payment method established
17 pursuant to this section if it determines an update is warranted or necessary. Any such update shall
18 become effective the following April 1 after it has been announced. If the department determines
19 that an amendment to [the] any minimum payment standard is warranted or necessary, it is hereby
20 authorized to promulgate such amendment by rule.

21 d. The department shall, no later than September 30, 2024, and [two] 2 years thereafter,
22 submit to the council and the mayor a report on [the] any minimum payment standard, any

1 amendment to any such standard, and the effect of any such minimum payment standard on [food
2 delivery] contracted delivery workers and the [food] delivery industry.

3 e. Reserved.

4 f. No later than 18 months after the effective date of the local law that added this
5 subdivision, the department shall by rule establish 1 or more methods for determining the
6 minimum payments a delivery service shall make to a contracted delivery worker retained by such
7 service. Any minimum payment determined pursuant to any such method shall include:

8 1. A labor component, which shall be no less than the minimum wage required pursuant to
9 paragraph a of subdivision 1-a or paragraph a of subdivision 1-b of section 652 of the labor law,
10 or its successor provisions;

11 2. A benefit component, which shall be no less than an amount equal to the value of benefits
12 required to be provided by employers to employees in the city pursuant to city, state, or federal
13 law, as determined by the department;

14 3. An expense component, which shall be sufficient to cover ordinary and necessary
15 expenses of a contracted delivery worker, as determined by the department.

16 g. In establishing any method pursuant to subdivision f, the department shall consider
17 factors including, but not limited to, the minimum pay and benefits that are required to be provided
18 by employers to employees in the city pursuant to city, state, or federal law; the pay and benefits
19 received by employees or independent contractors in the city performing work similar to the work
20 performed by contracted delivery workers or working in similar industries as contracted delivery
21 workers; ordinary and necessary expenses of contracted delivery workers; and any other relevant
22 factor, as determined by the department. In establishing such method, the department may, but is
23 not required, to consider variations among the business models or operations of delivery services.

1 including potential impacts on any delivery service of establishing such a method, and variations
2 among the working conditions of contracted delivery workers, including variations in
3 compensation of contracted delivery workers, the total income different contracted delivery
4 workers earn, the expenses of such workers, the equipment used by such workers, the hours of
5 such workers, whether any such worker reports to a designated location prior to commencing work
6 for a delivery service, and such other topics as the department deems appropriate. The department
7 may establish a single method for determining minimum payments to contracted delivery workers
8 by any delivery service, or may establish 1 or more methods for determining minimum payments
9 to such workers by any such service. Any method established pursuant to subdivision f may include
10 individual criteria for determining the minimum payments a delivery service shall make to each
11 contracted delivery worker retained by such service, or aggregate criteria for determining the total
12 amount of minimum payments a delivery service shall make to all contracted delivery workers
13 retained by such delivery service, or both such individual criteria and aggregate criteria. Nothing
14 in this subdivision shall be construed as requiring the department to establish a method for
15 determining minimum payments to a contracted delivery worker retained by a delivery service that
16 is tailored to the circumstances of such service.

17 § 20-1523 Payments to workers.

18 a. A [third-party food] delivery service [or third-party courier service] shall not charge or
19 impose any fee on a [food] contracted delivery worker for the use of any form of payment selected
20 by such service to pay such worker for work performed.

21 b. A [third-party food] delivery service [or third-party courier service] shall pay a [food]
22 contracted delivery worker for work performed no less frequently than once a week.

23 § 20-1524 Insulated food delivery bags.

1 a. 1. A [third-party food] delivery service [or third-party courier service] shall provide at
2 its own expense, or ensure the availability of, an insulated food delivery bag to each
3 [food] contracted delivery worker retained by such service, provided that such worker has
4 completed at least [six] 6 deliveries of goods that are customarily transported in an insulated food
5 delivery bag for such service. Such service may not require any [food] such contracted delivery
6 worker to provide an insulated food delivery bag at such worker's expense. Such an insulated food
7 delivery bag provided to a contracted delivery worker that uses a bicycle to deliver goods must be
8 designed for use in accordance with section 1235 of the vehicle and traffic law. The department,
9 in consultation with the department of transportation, may establish requirements for an insulated
10 food delivery bag provided to a contracted delivery worker that uses a vehicle or device other than
11 a bicycle.

12 2. Nothing in this section shall be construed to require the use of insulated delivery bags
13 by [food] contracted delivery workers.

14 3. The department may promulgate rules as necessary to implement this section, including
15 defining, for purposes of this section, goods that are customarily transported in an insulated food
16 delivery bag, and establishing requirements for an insulated food delivery bag for a contracted
17 delivery worker that use a vehicle or device other than a bicycle.

18 § 20-1525 Fire safety materials.

19 a. The department, in consultation with the fire department, shall identify materials
20 developed pursuant to section 15-147, regarding the fire risks posed by powered mobility devices
21 and safety measures that mitigate such risks, for dissemination to [food] contracted delivery
22 workers. The department shall publish such materials on the city's website.

1 b. A [third-party food] delivery service [or third-party courier service] shall provide the
2 materials identified by the department pursuant to subdivision a of this section to [a food] each
3 contracted delivery worker [hired,] retained[, or engaged] by [any] such service. A [third-party
4 food] delivery service [or third-party courier service] shall provide such materials by email and as
5 a link within a text message sent to a [food] contracted delivery worker no later than [sixty] 60
6 days after the [department publishes such materials pursuant to subdivision a of this section.
7 Such materials shall be provided] first date such service retains such worker to deliver goods. A
8 delivery service shall provide such materials to a contracted delivery worker in English[, the
9 designated citywide languages as defined in section 23-1101,] and [any additional languages as
10 determined by the commissioner] the preferred language of such contracted delivery worker,
11 provided that the department has published the materials in such [additional languages] language,
12 and further provided that such contracted delivery worker has communicated the preferred
13 language of such worker to the delivery service.

14 § 20-1527 Toilet facility access.

15 a. A food service establishment or other business with a premises located in the city that
16 sells or provides goods delivered by a contracted delivery worker shall provide access to a toilet
17 facility located on such premises to a contracted delivery worker that picks up such goods from
18 such premises, including selecting, assembling, or packing such goods on such premises.

19 b. Notwithstanding subdivision a, such an establishment or business is not required to
20 provide access to a toilet facility to a contracted delivery worker where:

21 1. Accessing a toilet facility would require a contracted delivery worker to walk through a
22 kitchen, food preparation or storage area, or utensil washing area of a food service establishment:

1 2. Accessing the toilet facility would create an obvious health or safety risk to the
2 contracted delivery worker or to the food service establishment or business; or

3 3. The commissioner has promulgated by rule an applicable exception to the requirement
4 to provide access to a toilet facility as set forth in subdivision a.

5 § 2. The definitions of “contracted delivery worker,” “delivery service,” and “retained” in
6 section 20-1501 of the administrative code of the city of New York, as added by a local law for
7 the year 2025 amending the administrative code of the city of New York, relating to safe delivery
8 device access for contracted delivery workers, as proposed in introduction number 30-B, are
9 REPEALED.

10 § 3. This local law takes effect immediately, except that sections 20-1521, 20-1523, 20-
11 1524, 20-1525, and subdivision b of section 20-1522, of the administrative code of the city of New
12 York, as amended by, and section 20-1527 of such code, as added by, section one of this local law,
13 and section two of this local law, take effect on the same date that a local law for the year 2025
14 amending the administrative code of the city of New York, relating to safe delivery device access
15 for contracted delivery workers, as proposed in introduction number 30-B, takes effect, and
16 provided that subdivision a of section 20-1522, as amended by section one of this local law, shall
17 be deemed to apply to any study conducted or method established pursuant to such subdivision
18 prior to the effective date of such amendments.

LS #17449(A)
7/3/25 I hereby certify that the above bill was passed by the Council of the City of
 Monday, July 14, 2025
New York onreceiving the following votes:

Affirmative.....35
Negative.....6
Abstentions.....1


Michael M. McSweeney, City Clerk, Clerk of the Council.

DISAPPROVED

ON THE 12 DAY OF Aug 2025
MAYOR

