



Legislation Details (With Text)

**File #:** Int 2054-2020 **Version:** A **Name:** Fees charged by third-party food delivery services while an emergency has been declared and food service establishments are prohibited from operating at the maximum indoor occupancy, and for 90 days thereafter.

**Type:** Introduction **Status:** Enacted  
**In control:** Committee on Small Business

**On agenda:** 8/27/2020

**Enactment date:** 9/14/2020 **Enactment #:** 2020/088

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to fees charged by third-party food delivery services while an emergency has been declared and food service establishments are prohibited from operating at the maximum indoor occupancy, and for 90 days thereafter

**Sponsors:** Francisco P. Moya, Mark Gjonaj, Justin L. Brannan, Ben Kallos, Helen K. Rosenthal, Diana I. Ayala

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**Attachments:** 1. Summary of Int. No. 2054-A, 2. Summary of Int. No. 2054, 3. Int. No. 2054, 4. Committee Report 8/13/20, 5. Hearing Testimony 8/13/20, 6. Hearing Testimony 8/13/20 (Con't), 7. Hearing Transcript 8/13/20, 8. Proposed Int. No. 2054-A - 9/2/20, 9. Committee Report 8/27/20, 10. Hearing Transcript 8/27/20, 11. Committee Report - Stated Meeting, 12. August 27, 2020 - Stated Meeting Agenda with Links to Files, 13. Hearing Transcript - Stated Meeting 8-27-20, 14. Minutes of the Stated Meeting - August 27, 2020, 15. Int. No. 2054-A (FINAL), 16. Fiscal Impact Statement, 17. Mayor's Letter, 18. Local Law 88

Date	Ver.	Action By	Action	Result
8/13/2020	*	Committee on Small Business	Hearing on P-C Item by Comm	
8/13/2020	*	Committee on Small Business	P-C Item Laid Over by Comm	
8/27/2020	*	Committee on Small Business	Hearing on P-C Item by Comm	
8/27/2020	*	Committee on Small Business	Amendment Proposed by Comm	
8/27/2020	*	Committee on Small Business	Amended by Committee	
8/27/2020	A	Committee on Small Business	Approved by Committee	Pass
8/27/2020	A	City Council	Referred to Comm by Council	
8/27/2020	*	City Council	Introduced by Council	
8/27/2020	A	City Council	Approved by Council	Pass
8/27/2020	A	City Council	Sent to Mayor by Council	
9/14/2020	A	Mayor	Hearing Held by Mayor	
9/14/2020	A	Mayor	Signed Into Law by Mayor	
9/14/2020	A	City Council	Recved from Mayor by Council	

Preconsidered Int. No. 2054-A

By Council Members Moya, Gjonaj, Brannan, Kallos, Rosenthal and Ayala

A Local Law to amend the administrative code of the city of New York, in relation to fees charged by third-party food delivery services while an emergency has been declared and food service establishments are prohibited from operating at the maximum indoor occupancy, and for 90 days thereafter

Be it enacted by the Council as follows:

Section 1. The definition of “declared emergency” in section 20-845 of the administrative code of the city of New York, as added by local law number 52 for the year 2020, is REPEALED and subdivisions b and c of section 20-846, as added by local law number 52 for the year 2020, are amended to read as follows:

b. It shall be unlawful for a third-party food delivery service to charge a food service establishment any fee [or fees] other than a delivery fee for the use of their service greater than 5% of the purchase price of each online order, provided that such cap shall not apply to a credit card fee that is charged to the third-party food delivery service and is charged in the same amount by the third-party food delivery service to such food service establishment. [Any fees or other charges from a third-party food delivery service to a food service establishment beyond such maximum 5% fee per order, and a delivery fee collected pursuant to subdivision a of this section, are unlawful.]

c. The requirements of this section apply only during [a declared emergency] the period in which a state disaster emergency has been declared by the governor of the state of New York or a state of emergency has been declared by the mayor, such declaration is in effect in the city, and all food service establishments in the city are prohibited from operating at the maximum indoor occupancy and for a period of 90 days [after the end of a declared emergency] thereafter.

§ 2. This local law takes effect immediately.

SJ  
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