



Comments Received by the Department of
Consumer and Worker Protection on
Opportunity to Comment on the City's Fee Caps

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From: [Yemen Cafe](#)
To: [rulecomments \(DCWP\)](#)
Subject: [EXTERNAL] Feedback on NYC Delivery App Fee Caps – Restaurant Owner
Date: Thursday, April 9, 2026 2:47:11 PM

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Dear Department of Consumer and Worker Protection,

I am the owner of Yemen Cafe & Restaurant, a small business operating in New York City with locations in Brooklyn and Staten Island. We currently use multiple third-party delivery platforms, including Uber Eats, DoorDash, and Grubhub, to remain competitive and reach customers.

The total fees we pay per order typically range between 25% and 30%, and in addition to these fees, we also pay credit card processing fees. After accounting for food costs, labor, rent, utilities, and delivery-related expenses, we barely make a profit from delivery orders.

In our experience, the current fee caps are still too high for restaurants, especially for small and family-owned businesses like ours. Additionally, customers are paying significantly higher prices due to delivery fees, service charges, and other added costs. These extra charges discourage customers from placing orders, which negatively impacts our sales and growth.

While delivery platforms are necessary to compete in today's market, the financial burden placed on both restaurants and customers is substantial. We strongly believe that the current fee caps should be lowered further to support small businesses and make delivery more affordable for customers.

Thank you for giving restaurant owners the opportunity to share feedback

and for considering the challenges faced by small businesses in New York City.

Sincerely,

Ali Al

Owner, Yemen Cafe & Restaurant

Brooklyn & Staten Island, NY

From: [Jill G](#)
To: [rulecomments \(DCWP\)](#)
Subject: [EXTERNAL] Delivery app fee feedback - consumer
Date: Friday, April 10, 2026 3:04:02 PM

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Hi there,

I regularly use apps to order from NYC restaurants. I always try to order direct first, by visiting the restaurant's website. If I am using an app, I will compare fees between Grubhub, Uber Eats, and Caviar before placing an order.

At the checkout screen on every app, there is information about fees and fee caps. However, the info is sometimes difficult to understand and/or I don't really care about the caps/reasoning. Plus, the apps are always advertising discounted rates (I tend to think they inflate the rates to make it look like you're getting a deal).

The app fees do not impact how much I tip the delivery worker, however they do impact how often I order and/or just pick up orders myself, which indirectly impacts the delivery workers' tips.

Overall - I think the apps are greedy, and I hope that whatever changes are made positively impact the restaurants and delivery workers. It frankly makes me very mad that these big companies can lobby politicians and take advantage of restaurants and delivery workers to boost their profits.

Thank you for taking the time to read my feedback.

Jill Gray

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Jill Gray
[REDACTED]

From: [Wilder Kingsley](#)
To: [rulecomments \(DCWP\)](#)
Subject: [EXTERNAL] Consumer responses
Date: Saturday, April 25, 2026 5:25:53 PM

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Consumer?

If you use a third-party app to order food and beverages from an NYC restaurant for delivery, we want to know:

- Have you seen any information about fee caps when using an app?
- No
- Do app fees affect how much you tip the delivery worker?
- Mostly not because I know the fee is not going to the delivery worker
- Do app fees affect if you order online or call a restaurant directly?
- Absolutely. If I can call and have them send one of their own "in-house" delivery workers, that that much more of my money goes into the worker or the restaurants hand
- Are the fee caps too high, too low, or about right?
- Way too low. It's \$33 with tip to get a burger fries and shake from McDonald's with ubereats including a \$5 tip

Sent from my iPhone

From: [Pat M](#)
To: [rulecomments \(DCWP\)](#)
Subject: [EXTERNAL] Food Delivery Fees
Date: Tuesday, April 28, 2026 10:11:13 PM

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As a consumer, an elderly person with a disability, I find it necessary to have food and groceries delivered. I believe the fees are too high because they get passed down to the consumer. In addition, the recipient (me) feels necessary to tip the delivery person as well.

Also, there are often people who I assume are delivery drivers who sit in their cars on my street and elsewhere with the motor running waiting to get a delivery job so they can bolt out. Meanwhile they pollute the environment and take parking spaces that might be better utilized by residents or repair service people.

Thank you.

Pat M.

From: [JR Starrett](#)
To: [rulecomments \(DCWP\)](#)
Cc: [Joshua Bocian](#)
Subject: [EXTERNAL] Request for Comment Submission - Third-party Delivery Platform Fees (Fee Caps) - Grubhub
Date: Wednesday, May 6, 2026 10:14:42 AM
Attachments: [DCWP Fee Cap Study Request - GH Submission.pdf](#)

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Hello,

Please find attached the written comments submitted in response to the department's request for comment.

Please let [@Joshua Bocian](#) know if there are any specific questions or if you would like to schedule a follow up conversation.

Thank you,

JR

--



JR Starrett
Senior Director of Government Affairs



GRUBHUB

May 6, 2026

The City of New York
Department of Consumer and Worker Protection
42 Broadway #5
New York, NY 10004
Via Email: RuleComments@dcwp.nyc.gov

To Whom It May Concern:

Grubhub submits this comment in response to the Department of Consumer and Worker Protection's (DCWP) request for feedback on New York City's Fair Competition for Restaurants Act, which amended the caps on fees that third-party delivery apps can charge restaurants. As a significant participant in New York's City's food ordering and delivery marketplace, we appreciate the opportunity to comment.

While Grubhub maintains that platforms and restaurants should be free to negotiate contracts and economic terms independently, the revised fee cap represents a significant improvement over pandemic-era restrictions. The revised fee cap has provided small, independent restaurants with more options to use Grubhub's marketing services to promote their businesses. To empower our partners, we offer transparent, flexible pricing packages – detailed clearly on [our website](#) – so merchants can select the specific services that align with their business goals. While the current fee cap necessitates slightly modified marketing enhancements in New York City to ensure operational sustainability (available [here](#)), Grubhub remains committed to providing a robust marketing toolkit with transparent pricing that helps our restaurant partners thrive.

When the fee cap was modified, Grubhub executed a comprehensive restaurant outreach strategy centered on transparency and trust. The initiative engaged over 24,000 restaurants through a combination of email communications and direct outreach, educating them on the changes to the fee cap, outlining opportunities to unlock new value, and confirming pricing transitions. Grubhub worked closely with restaurant owners, restaurant associations, and the New York City Hospitality Alliance (NYCHA) leading up to this initiative to ensure communications were clear, transparent, and consistent, and solicited feedback on these communications from DCWP and City Council staff. This collaborative approach reinforced Grubhub's value proposition and commitment to supporting local restaurants.

New York City restaurants have shown they are eager for more marketing opportunities. Following our outreach campaign, a majority of small and medium business (SMB) merchants¹ that had existing Grubhub accounts returned to their pre-fee cap contracted rates, and 15% opted into an enhanced marketing package to receive additional products and features. Two-thirds of SMBs that joined the platform since the cap was modified have selected enhanced marketing services. Restaurants have the ability to change their pricing packages at any time, as many times as they wish, to meet their business' needs.

In addition to providing flexible options for New York's restaurants, Grubhub also aims to deliver the best value to consumers. Earlier this year Grubhub introduced an innovative "No Fees on Orders Over \$50" value proposition, saving consumers an average of \$13 per order over \$50. Customers who order at least one \$50 order per week will save around \$675 a year in delivery and service fees. Restaurants also appreciate this benefit as many of their customers have taken these savings and applied them to ordering more items, ordering more often.

Grubhub believes the revised fee cap has improved its ability to serve restaurants' needs and looks forward to continuing to work with DCWP to make New York City's food and delivery community even stronger. Thank you for the opportunity to share our thoughts.

¹ Small and medium businesses are merchants with nine locations or fewer in New York City.

From: [Ivan Garcia](#)
To: [rulecomments \(DCWP\)](#)
Subject: [EXTERNAL] DoorDash comment - Commission fee cap
Date: Wednesday, May 6, 2026 3:53:40 PM
Attachments: [DoorDash DCWP Fee Cap Comment \(1\).pdf](#)

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Please find attached DoorDash's comments regarding the NYC commission fee cap.

We appreciate the opportunity to provide feedback on this issue and look forward to continuing the conversation.

--

Ivan Garcia
Senior Manager, Public Engagement
[REDACTED]

DoorDash.com



May 6, 2026

Department of Consumer and Worker Protection
City of New York
42 Broadway
New York, NY 10004

Re: New York City Fee Caps

Dear Commissioner Levine:

DoorDash appreciates the opportunity to respond to the Department of Consumer and Worker Protection's request for comment regarding the effects of the commission fee cap framework. Helping restaurants thrive is essential to achieving DoorDash's mission. We have built DoorDash to serve as a catalyst for growth for local restaurants of all kinds, especially independent restaurants. Restaurants partner with DoorDash not only to power online ordering, pickup, and delivery, but to attract new customers, generate additional sales, and increase profitability. Restaurants are able to compete, expand, and grow by partnering with DoorDash.

DoorDash maintains that commission caps generally constrain our ability to offer restaurants the full suite of services. The prior framework rigidly capped commissions that delivery platforms could collect, and undermined the ability of platforms to enter into agreements that reflected different restaurants' needs.

The City's new law ushers in welcome changes. The new law maintains the basic-tier cap structure, but allows platforms to charge additional fees for enhanced service. The accommodation of an enhanced service tier provides meaningful choices for restaurants, and allows platforms and restaurants to partner in ways that meet specific restaurants' needs. Restaurants that want access to enhanced services can now access them at a rate that allows DoorDash to offer those services on a sustainable basis. Restaurants that prefer basic services at a lower commission rate can continue to access them.

While the Department is assessing whether the existing levels are functioning appropriately, it remains too early in the implementation of the City's law on commission



caps for any meaningful changes to be considered.

DoorDash appreciates the Department's engagement and its willingness to gather input from platforms as it implements the commission cap regulation. Thank you for the opportunity to respond.

Sincerely,

Ivan Garcia
Head of New York City Public Policy, DoorDash

From: [Nick Davoli](#)
To: [rulecomments \(DCWP\)](#)
Subject: [EXTERNAL] Comments of Uber Eats regarding the City's Fee Caps
Date: Wednesday, May 6, 2026 3:45:19 PM
Attachments: [NYC DCWP Comment re Merchant Fee Caps 2026.05.06.pdf](#)

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Good afternoon,

Attached are Uber Eats' comments in response to the Department's request.

Regards,

Nick



Nick Davoli (he/him)
Senior Counsel - US Regulatory
[REDACTED]

**BEFORE THE NEW YORK CITY DEPARTMENT OF CONSUMER AND WORKER
PROTECTION**

Request for comment: Merchant Fee Caps

Comment Submission: May 6, 2026

COMMENTS OF

PORTIER, LLC AND ITS AFFILIATES

Nicholas Davoli
3 World Trade Center
175 Greenwich St., Fl. 47
New York, NY 10007
Email: ndavoli@uber.com

Attorney for Portier, LLC

Portier, LLC¹ (referred to herein as “Uber Eats”) submits these comments to the Department of Consumer and Worker Protection (the “Department”) in connection with the Department’s request for public input on the current Merchant Fee Caps and the state of New York City’s online food delivery marketplace. The New York City fee caps originated as an emergency response to the unprecedented economic pressures of the COVID-19 pandemic. Initially established through Local Law 52 of 2020, these caps were intended to provide temporary relief to restaurants during periods of restricted indoor dining. However, subsequent legislation, including Local Law 103 of 2021, sought to make these merchant fee caps permanent.

This transition to permanency led to multi-year litigation challenging the legality of the permanent caps. After years of proceedings, the parties (including Uber Eats, DoorDash, and Grubhub) entered into a comprehensive Settlement and Release Agreement in 2025. This settlement resulted in a stipulated dismissal of the action and the advancement of the "New Fee Cap Bill," which established the current tiered fee structure.

Publicly available data shows that the online food delivery market has matured significantly since the pandemic, with merchants facilitating order volumes that have recovered well above pre-COVID levels. While these volumes remain strong, the industry faces new pressures from rising delivery worker pay requirements.

Uber Eats believes there are significant risks associated with any reduction in the currently

¹ Portier, LLC is a wholly-owned subsidiary of Uber Technologies, Inc. and operates under the brand name “Uber Eats.”

allowable merchant fees.

- **Consumer Fee Inflation:** Reducing merchant fee caps often necessitates passing costs to consumers to ensure delivery remains viable.
- **Reduction in Orders:** Increased consumer fees can lead to a significant reduction in order frequency, ultimately harming the very restaurants the caps are intended to protect.
- **Workforce Constraints:** Higher costs and lower order volumes can disrupt delivery worker wages and utilization.

Uber Eats maintains a rigorous process to ensure ongoing compliance with the City's fee mandates. Our systems consistently review the fees charged to each merchant to ensure they do not exceed the legal thresholds. In accordance with the law, if a merchant is inadvertently charged a fee that exceeds the cap, Uber Eats utilizes a proactive refund mechanism. Any portion of a fee exceeding the cap is returned to the food service establishment within 30 calendar days of the final day of the month in which the charge occurred. Uber Eats also provides merchants with itemized monthly lists of each transaction to ensure full transparency. As of this submission, Uber Eats has needed to refund 35 individual merchants a total of \$30.44.

While merchants may choose to pay an enhanced service fee to access additional marketing tools or promotions, Uber Eats maintains the integrity of its search and discovery functions. Uber Eats does not hide or omit restaurants from the feed simply because they choose the basic 5% service tier.

In fact, the law requires that restaurants paying the basic service fee be displayed by name and included in relevant search results. Feed placement on Uber Eats is also influenced by factors that improve the consumer experience, such as:

- Restaurant ratings and reliability.
- The quality of menu photos and descriptions.
- Individual eater preferences and search criteria like cuisine type and location.

As a third-party service provider, Uber Eats offers the following responses to the questions outlined by the Department to inform its upcoming report:

- **Impact on Business and Revenue:** The fee caps have shifted Uber Eats' revenue models by placing a hard ceiling on merchant-derived income. While these caps were integrated into our long-term strategy, they necessitate high operational efficiency to maintain a sustainable platform.
- **Worker Pay and Conditions:** The merchant fee caps do not exist in a vacuum; they interact directly with NYC's minimum pay requirements for delivery workers, which reached \$22.13/hour as of April 1, 2026. Because platform revenue is capped on the

merchant side, the rising costs of worker compensation must be balanced through other avenues, such as consumer fees or platform-wide efficiency improvements, to ensure workers continue to receive the mandated pay rates.

- **Impact on Merchant Services:** The tiered cap structure dictates the level of service we can offer. While all merchants receive essential listing and searchability functions under the basic fee, the law allows for "enhanced" services, including sophisticated marketing tools and broader delivery reach, which many restaurants opt for to drive additional order volume.
- **Fee Structure and Methodology:** Uber Eats utilizes a standardized fee structure based on the merchant's chosen service tier, ensuring transparency across our restaurant partners. We charge restaurants per order based on a percentage of the purchase price, adhering strictly to the 15%, 5%, 20%, and 3% caps established by law.
- **Service Availability:** Uber Eats is committed to providing a reliable platform for all NYC restaurants. However, if fee caps were lowered further while operating costs (including worker pay) continue to rise, platforms across the industry would face difficult choices regarding the economic viability of serving certain low-volume areas or high-cost fulfillment routes.
- **Assessment of Current Caps:** Uber Eats believes the current fee caps, as codified in the 2025 settlement and subsequent legislation represent a reasonable compromise that provides restaurants with cost certainty while allowing platforms to maintain the infrastructure necessary to support NYC's complex delivery ecosystem. Still, Uber Eats cautions that in the face of New York's affordability crisis, additional changes may be necessary to ensure the viability of long term operations.
- **Pay Standard:** Any change to the pay standard not tied to inflation must correspond with a change to the fee cap.

Uber Eats appreciates the opportunity to submit this comment and is happy to continue to engage with and respond to questions posed by the Department as it drafts its report.

From: [Caroline Engel](#)
To: [rulecomments \(DCWP\)](#)
Subject: [EXTERNAL] Third-Party Delivery Fee Comments from NYS Latino Restaurant Bar & Lounge Association
Date: Thursday, May 7, 2026 10:21:16 AM
Attachments: [NYSLRBLA Comments - May 2026 - Third Party Caps.pdf](#)

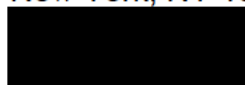
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Good morning,

On behalf of the New York State Latino Restaurant Bar & Lounge Association, please accept the attached comments regarding the Third-Party Delivery Fee laws.

Thank you!

Caroline Engel
Director, Legislative and Regulatory Affairs
CMW Strategies
233 Broadway, Suite 2310
New York, NY 10279





May 6, 2026

Comments of Sandra Jaquez

President

New York State Latino Restaurant Bar & Lounge Association (NYSLRBLA)

Before the

Department of Consumer and Worker Protection

Regarding

NYC's Third-Party Food Delivery Service Laws

On behalf of the New York State Latino Restaurant Bar & Lounge Association, thank you for the opportunity to provide comments regarding New York City's Third-Party Food Delivery Service fee caps. The Association is a non-profit organization that supports over 350 Hispanic and minority-owned restaurants and nightlife venues in New York City and New York State, advocating for policy that uplifts our members and allows them to flourish and provide for our local communities.

Our restaurants rely on delivery platforms to reach customers, maintain visibility, and compete in an increasingly digital marketplace, and our members understand why the City first moved to regulate third-party delivery fees. During the pandemic, restaurants were facing extraordinary pressure, and delivery platforms had become both a lifeline and a significant cost of doing business. At that time, the fee cap provided immediate relief to our small businesses. As conditions evolved, our Association also understood the rationale for revisiting and ultimately lifting the cap. Now, with time and experience under the current structure, restaurants have had the opportunity to evaluate how the system is working in practice, and the Association believes it would benefit from thoughtful adjustments.

Restaurants need access to third-party delivery apps because customers increasingly expect to order food online and through mobile platforms. At the same time, many of our member restaurants cannot afford fee structures that significantly reduce already-thin margins in our industry. The current framework has helped create boundaries around what apps may charge,

but experience has shown that more clarity and flexibility may be needed to ensure restaurants are actually receiving the value they were promised.

Under the current structure, restaurants may be charged for basic services, including being listed and searchable on an app's platform. However, some restaurants remain concerned that being technically "listed" or "searchable" does not always mean they are meaningfully visible to nearby customers. For neighborhood restaurants, discoverability is essential. If a customer is close by and searches by restaurant name, cuisine type, or location, a restaurant participating at the basic level should have a fair opportunity to appear in those results.

At the other end of the structure, the enhanced service fee raises a different concern. While marketing and promotional tools can be valuable, an additional fee of up to 20% for enhanced services can be too expensive for many small businesses, particularly when combined with delivery, basic service, and payment processing fees. For some restaurants, the concern is that enhanced services may begin to feel less like an optional marketing tool and more like a practical necessity to remain visible and competitive on the platform.

Our members appreciate that delivery apps have communicated with restaurants about changes to fee structures and service options. That communication is important. However, there remains an opportunity to improve transparency and ensure restaurants clearly understand what they are paying for, what services they are receiving, and how those services affect their visibility, order volume, and overall profitability.

We think it would be helpful for DCWP to consider adjustments that preserve the intent of the fee-cap law while making the structure work better for small restaurants. In particular, restaurants need a clearer understanding of what is included at each service level, stronger assurance that basic participation provides meaningful visibility, and a more balanced approach to enhanced service fees so that small businesses are not forced to sacrifice too much of their margins in order to compete.

The New York State Latino Restaurant Bar & Lounge Association supports a fair and workable framework that recognizes the value delivery platforms provide while also protecting restaurants from excessive costs and unclear service structures. Delivery apps are an important part of today's restaurant economy, but the system must give restaurants a real opportunity to succeed. A fee structure that is transparent, balanced, and responsive to the realities of small business operations will better serve restaurants, consumers, workers, and the broader hospitality industry.

We appreciate DCWP's attention to this issue and encourage the Department to use this review process to refine the existing structure in a way that supports both access to delivery platforms and the long-term viability of New York City's small and independent restaurants.