



**NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE
BOARD OF HEALTH**

Notice of Adoption of Amendments to Article 89 of the New York City Health Code

In compliance with section 1043(b) of the New York City Charter (the “Charter”) and pursuant to the authority granted to the New York City Board of Health (“Board of Health”) by section 558 of the Charter, a notice of a public hearing and opportunity to comment on a proposed amendment to Article 89 of the New York City Health Code (the “Health Code”) was published in the City Record on July 30, 2024, and a public hearing was held on September 4, 2024. No testimony was provided at the hearing, and two written comments were submitted. At its meeting on September 30, 2024, the Board of Health adopted the following resolution.

Statement of Basis and Purpose of Rule

On March 29, 2024, local law 52 of 2024 (the “Local Law”) was enacted to, among other things, amend paragraph 4 of subdivision b of section 17-309, and repeal section 17-310, of the New York City Administrative Code (the “Administrative Code”).

Prior to enactment of the Local Law, section 17-309 of the Administrative Code required persons applying for a mobile food vending permit or license to submit with their application a certificate of authority to collect sales taxes and a tax clearance certificate from the NYS Tax Commission. As a result of the Local Law, applicants for a mobile food vendor license are no longer required to submit such certificates. Applicants for a mobile food vending permit are also no longer required to submit a tax clearance certificate, but continue to be required to submit a certificate of authority to collect sales tax.

Additionally, prior to enactment of the Local Law, section 17-310 of the Administrative Code required persons seeking renewal of a mobile food vending license or permit to submit tax clearance certificates from the NYS Tax Commission and the NYC Department of Finance. These requirements are removed as a result of the Local Law.

The purpose of the amendments is to align section 89.11 of the Health Code with applicable provisions of the Administrative Code, as amended by the Local Law. When implemented, the amendments will ease the documentation burden to apply for a mobile food vendor license or permit.

New material is underlined. [Material to be removed is bracketed.]

RESOLVED, that subdivisions b and c of section 89.11 of Article 89 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, are amended to read as follows:

(b) *Applications*. All applications shall be submitted in a form and contain all information and documentation required by the Department, and shall include, but not be limited to, the following

information:

- (1) The name, home and business address of the applicant;
- (2) The name, home address and license number of every food vendor who will be authorized by the permittee to operate the mobile food vending unit;
- (3) A description of the food to be vended and a description of the type of mobile food vending unit to be operated pursuant to the permit;
- (4) At least one piece of current valid photo identification issued by a government agency of any jurisdiction;
- (5) [Proof] If the application is for a mobile food vending permit, proof that the applicant has obtained a certificate of authority to collect sales taxes pursuant to § 1134 of the Tax Law[, and has a tax clearance certificate] from the [State Tax Commission] New York State Department of Taxation and Finance;
- (6) If the applicant is a partnership, limited liability company or other business entity, the name, and address of each partner, member, officer or manager, as may be applicable, of such entity; if a corporation, the names and addresses of the corporation, the names, home and business addresses of the principal stockholders, officers, directors and shareholders;
- (7) Proof that the applicant has obtained clearance from the Environmental Control Board showing the payment of all penalties and fines pursuant to 24 RCNY Chapter 6; and
- (8) An application for a permit for a mobile food vending unit to operate in a private or restricted space shall include a copy of a written agreement with the owner of the private or restricted space indicating that the applicant has the right to operate in such space.

(c) *Renewals.* An application for renewal of a license or permit shall be received by the Department, with the fee required by 24 RCNY Health Code Article 5 or the Administrative Code, at least thirty days prior to the expiration date of the existing license or permit. Such application shall be accompanied by [tax clearance certificates issued by the State Tax Commission and New York City Department of Finance, and] proof that all penalties and fines for sustained or defaulted notices of violation issued to the mobile food vendor licensee or permittee for violations of Title 17 of the Administrative Code, the Health Code, the Sanitary Code, and 24 RCNY Chapter 6 have been paid in full in accordance with such chapter.