



Avoiding Civil Penalties for Certain NYC Health Department Violations: A Guide for Mobile Food Vending Units and Commissaries on How to “Cure” Certain Violations

Please note that translated versions of this document are available online for your reference.
To cure violations, please fill out forms in English.

Certain first-time violations issued to businesses by the New York City Department of Health and Mental Hygiene (NYC Health Department) can be “cured.” To cure a violation, a business must correct the condition for which they received a summons and submit proof to the NYC Health Department. If the NYC Health Department decides the business has corrected the condition, no civil penalties (monetary fines) will be made against the business.

Which violations may be cured?

The violations listed in the charts in this document can be cured.

What is a first-time violation?

A first-time violation is a violation that is:

- Cited on or after March 6, 2023
- Pending or has not been upheld or defaulted at the NYC Office of Administrative Trials and Hearings (OATH)

What do I need to submit to cure a violation?

Complete the affirmation form and submit proof of curing your first-time violation no later than **seven calendar days** after the inspection date (which is written on your summons). If your violation was for failing to prominently post the Workplace Smoke-Free Air Act Policy, your proof of curing must be submitted within **30 calendar days** after the inspection.

Where do I submit my affirmation form?

You can email your affirmation form or submit it in person. See the following sections of this document for details.

How will I know if the NYC Health Department accepted my proof and there will be no penalties?

The NYC Health Department will notify you in writing if your submission was accepted and the violation is cured. The NYC Health Department will also inform OATH when the violation has been cured and that there are no penalties.

If the NYC Health Department rejects your proof, you may appeal to OATH.

Will curing a violation change the inspection score or letter grade for mobile food vending units?

No, curing will not change an inspection score or a letter grade. Curing means you admit to and accept the violation. Once a violation is accepted as cured by the NYC Health Department, you can no longer challenge the violation through OATH.

What is the benefit of curing a violation if it stays on your record?

You will not have to pay a fine for a first-time violation.

Which violations are curable for mobile food vending units?

The following table shows which violations are curable for mobile food vending units:

Violation Code	Provision of Law Violated	Description
03E	24 RCNY 6-04(f)	Potable water not provided or inadequate
03E	NYCHC 81.20(a)	Cross-connection observed between potable and non-potable water
04F	NYCHC 81.20(b)	Food preparation, food storage, or other area contaminated by sewage or liquid waste
05A	NYCHC 89.25(b)	Sewage and liquid waste holding tank not provided, inadequate or unapproved
08B	NYCHC 81.24(a)	Garbage receptacles not pest or water resistant; not covered with tight-fitted lids
08B	NYCHC 81.24(c)	Garbage receptacle and cover not cleaned after emptying and prior to reuse
09C	NYCHC 81.17(d)(1)	Food contact surface improperly constructed and maintained; not easily cleanable
10B	24 RCNY 6-04(g)(1)	Potable water not protected from back-flow, back-siphonage or cross-connection
10B	NYCHC 81.20(b)	Improper disposal of sewage or liquid waste
10C	24 RCNY 6-04 (c)	Lighting insufficient; inadequate
10F	24 RCNY 6-04(b)(1)	Interior non-food contact surfaces: unacceptable material used, or not clean or sanitary
10F	NYCHC 81.17(e)(3)	Non-food contact surface (equipment, fixtures, decorative material, fans, etc.) not clean or not in working order
16-02	NYCHC 81.08(c)	Nutritional fact labels and/or ingredient label is not maintained on site
18-09	Admin. Code 17-311	Failure to display license and/or permit documentation
24-01	Admin. Code 17-315(a)	MFV Unit on sidewalk less than 12 feet, or not at curb
22-04	Admin. Code 17-311(d)	Green cart vendor failed to carry map showing authorized vending areas
24-02	Admin. Code 17-315(b)	Pushcart touching against building

Which violations are curable for mobile food vending commissaries?

The following table shows which violations are curable for mobile food vending commissaries:

Violation Code	Provision Section of Law Violated	Description
16-02	NYCHC 81.08(c)	Nutritional fact labels and/or ingredient label is not maintained on site

How should mobile food vending units and commissaries submit their affirmation form?

You can email your **affirmation form** or submit it in person. To submit your affirmation form and any photos or documents:

- Via email, send them to **infobfscs@health.nyc.gov**. Write “Proof of Cure – Summons / [Docket number]” in the subject line.
- In person, bring them to the NYC Health Department at 125 Worth St., Room 1020, New York, NY 10013

Submitting any false statements to the NYC Health Department may result in penalties for violating the NYC Health Code and other applicable laws. For interpretation or translation assistance to help understand violation codes or fill out the appropriate forms, please call 212-676-1650.