

New York City Department of Consumer and Worker Protection

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Department of Consumer and Worker Protection (“DCWP” or “Department”) is proposing to amend its rules to repeal the temporary general vendor license for street fair vendors.

When and where is the hearing? DCWP will hold a public hearing on the proposed rule. The public hearing will take place at 11:00AM on July 3, 2024. The public hearing will be accessible by phone and videoconference.

- To participate in the public hearing via phone, please dial +1 646-893-7101.
 - Phone conference ID: 647 239 303#
- To participate in the public hearing via videoconference, please follow the online link:
 - <https://tinyurl.com/3rmcssth>
 - Meeting ID: 268 177 144 413
 - Passcode: CKS9VJ

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to DCWP through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to Rulecomments@dcwp.nyc.gov.
- **By speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by email at Rulecomments@dcwp.nyc.gov. You can also sign up on the phone or videoconference before the hearing begins at 11:00AM on July 3, 2024. You can speak for up to three minutes. Please note that the hearing is for accepting oral testimony only and is not held in a “Question and Answer” format.

Is there a deadline to submit comments? Yes. You must submit any comments to the proposed rule on or before July 3, 2024.

What if I need assistance to participate in the hearing? You must tell DCWP’s External Affairs division if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You may tell us by email at Rulecomments@dcwp.nyc.gov. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by June 26, 2024

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the comment deadline, all comments received by DCWP on the proposed rule will be made available to the public online at <http://www1.nyc.gov/site/dca/about/public-hearings-comments.page>.

What authorizes DCWP to make this rule? Sections 1043 and 2203(c) of the New York City Charter and section 20-104(b) of the New York City Administrative Code authorize the Department of Consumer and Worker Protection to make these proposed rules. This proposed rule was not included in the Department's regulatory agenda for this Fiscal Year.

Where can I find DCWP's rules? The Department's rules are in title 6 of the Rules of the City of New York.

What laws govern the rulemaking process? DCWP must meet the requirements of section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of section 1043 of the City Charter.

Statement of Basis and Purpose of Proposed Rule

The Department of Consumer and Worker Protection (“DCWP” or “Department”) is proposing to amend its rules to repeal section 2-313 of subchapter AA of chapter 2 of Title 6 of the Rules of the City of New York, which requires that vendors at street fairs obtain a temporary general vending license. Oversight and coordination of vendors at street fairs are handled by the Mayor’s Office of Citywide Event Coordination and Management’s Street Activity Permit Office (“SAPO”). SAPO coordinates applications for street fair permits from the sponsoring organization and manages street fair requirements across various City agencies and entities.

The Department’s temporary vending license represents an unnecessary step for street fair vendors because it does not add any new requirements for vendors at street fairs that are already overseen by SAPO. Additionally, this license can create confusion for vendors who otherwise require a regular general vendor license to vend in public outside of the street fair context. Repeal of the Department’s temporary general vendor license requirement will streamline the street fair application process and remove an extra administrative step.

The Department is also proposing to amend section 2-305, which includes exemptions from both the general vendor license requirement and certain siting restrictions for qualifying vendors. The proposed rule specifies that all vendors at street fairs held by a non-profit association are now exempt from the general vendor license requirement. The proposed rule also removes the requirement that the non-profit association sponsoring the street fair certify that certain persons vending at the fair are exempt from siting requirements and provides, instead, that the association must submit a list of all persons authorized to vend at the fair to SAPO.

Sections 1043 and 2203(c) of the New York City Charter and 20-104(b) of the New York City Administrative Code authorize the Department of Consumer and Worker Protection to make these proposed rules.

New material is underlined.

[Deleted material is in brackets.]

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Proposed Rule Amendments

Section 1. Section 2-305 of subchapter AA of chapter 2 of Title 6 of the Rules of the City of New York is amended to read as follows:

§ 2-305 Street Fairs; Street Fair and Non-Profit Association Exception.

(a) Definitions.

Bona fide affiliation. A "bona fide" affiliation shall be deemed to mean:

- (i) residence on the block on which the fair is taking place, in the case of a fair sponsored by a block association; or
- (ii) membership in the association, where the association does not have as its sole function the sponsorship of street fairs.

Non-profit associations. For purposes of this section, a "non-profit association" shall be deemed to be:

(i) any governmental agency;
(ii) any charitable, educational, religious or political organization, or any association incorporated in accordance with or subject to the provisions of the New York Not-For-Profit Corporation Law; or

(iii) any other organization or association which does not exist for purposes of pecuniary profit or financial gain and no part of the assets, income or profit of which is distributable to its members, directors, or officers.

Street fair, block party, or festival (hereafter, "street fair"). For purposes of this regulation, a "street fair" [is any event in a public space for which all permits required by law in order for the event to be held have been obtained from the appropriate New York City agencies] has the same meaning as set forth in section 1-01 of chapter 1 of Title 50 of the Rules of the City of New York.

(b) License and Siting Exemptions.

(1) Any non-profit association holding a street fair and any person who operates as a general vendor at such street fair, is exempted from the provisions of § 20-465(g) of the Administrative Code.

(2) At any street fair sponsored by a non-profit association, a person who sells or offers to sell goods or services (other than food) is not required to comply with the provisions of §§ [20-453, 20-454, 20-461 and] 20-465(a), (b), (d), (e), (g), (k), (i) of the [New York City] Administrative Code provided [the non-profit association sponsoring the street fair has certified to the Department that it believes] the person meets the following requirements:

(i) The person has a bona fide affiliation with the sponsor of the street fair, does not act as a general vendor other than at street fairs, and is making a contribution to the sponsoring association through participation in the street fair; or

(ii) The person who sells or offers to sell goods or services has a location during the fair on the street or sidewalk in front of a store normally maintained by that person.

(3) [The sponsoring association must submit to the Department the certification, which shall include the name and address of each person qualifying for the exemption

(i) prior to the opening of the street fair; or

(ii) within four days of the close of the fair, provided the Department has been notified that the list of names and addresses will be made available to any police officer or other authorized City officers for inspection at the fair.]

In addition to information required by subdivision (e) of section 1-05 of chapter 1 of Title 50 of the Rules of the City of New York, the non-profit association holding a street fair must provide the Mayor's Office of Citywide Event Coordination and Management's Street Activity Permit Office ("SAPO") with a list of the names and addresses of all persons that are authorized to operate as vendors at the fair, including all persons covered by paragraphs (1) and (2) of this subdivision. SAPO shall designate the required content and form of such list. Such list must be provided to any police officer or other authorized City officer for inspection at the fair.

(4) All persons that meet the requirements of paragraphs (1) and (2) of this subdivision and are included on the list required by paragraph (3) of this subdivision are exempt from the requirement of § 20-453 of the Administrative Code to obtain a general vendor license for the purposes of vending at such street fair.

§ 2. Section 2-313 of subchapter AA of chapter 2 of Title 6 of the Rules of the City of New York, relating to guidelines for temporary general vendors licenses in connection with street fairs, is REPEALED.

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Repeal of Temporary General Vending License Requirement for Street Fair Vendors

REFERENCE NUMBER: 2024 RG 049

RULEMAKING AGENCY: Department of Consumer and Worker Protection

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Senior Counsel

Date: May 20, 2024

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Repeal of Temporary General Vending License Requirement for Street Fair Vendors

REFERENCE NUMBER: DCWP-49

RULEMAKING AGENCY: Department of Consumer and Worker Protection

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro
Mayor's Office of Operations

May 20, 2024
Date