



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

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The New York City Department of Health and Mental Hygiene (the “Department”) is proposing to amend Chapter 6 of the Title 24 of the Rules of the City of New York (the “RCNY”) to align with Local Law 52 of 2024 (the “Local Law”) which, *inter alia*, repealed the requirement that applicants to renew a mobile food vending permit or license must submit a tax clearance certificate with the renewal application.

When and where is the hearing? The Department will hold a public hearing on the proposed rule. The public hearing will take place from 11:00 a.m. until 1:00 p.m. on Wednesday, September 4, 2024. This hearing will also be on a separate proposed rule to amend Article 89 of the New York City Health Code that is also required as a result of the Local Law.

The hearing will be conducted by video conference accessible via internet or telephone:

- **Internet.** To participate in the public hearing, enter to register at this Webex URL: <https://nycdohmh.webex.com/nycdohmh/j.php?MTID=mfcd17866ee2134973b00baba3b454050>
If prompted to provide an event number or password, please enter the following:
Event number: **2331 889 6406**, Password: **Health** (432584 from phones)
- **Phone:** For access, dial: (646) 992-2010 or (408) 418-9388; then please enter the following
Access Code: **233 188 96406**

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

- **Website.** You can submit comments online to the Department through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You may email comments to resolutioncomments@health.nyc.gov
- **Mail.** You can mail comments to:
New York City Department of Health and Mental Hygiene
Gotham Center, 42-09 28th Street, CN 31
Long Island City, NY 11101-4132
- **Fax.** You may fax comments to the Department at 347-396-6087.
- **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 calling Svetlana Burdeynik at (347) 396-6078 or (347) 396-6116. You can also sign up in the hearing room before the hearing begins on Wednesday, September 4, 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 written comments? Written comments must be received by the date of the hearing at 5:00 pm (EST).

What if I need assistance to participate in the hearing? You must tell the Office of General Counsel if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may

also tell us by telephone at 347-396-6078. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by two weeks before the hearing.

This location is wheelchair accessible.

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 hearing, a transcript of the hearing and copies of the written comments will be available for review by the public at the Department’s Office of the Secretary.

What authorizes the Department to make this amendment? Section 389(b) of the New York City Charter provides that “heads of mayoral agencies shall have the power to adopt rules to carry out the powers and duties delegated to the agency head or the agency by or pursuant to federal, state or local law.” Charter Section 1043(a) similarly provides that each “agency is empowered to adopt rules necessary to carry out the powers and duties delegated to it by or pursuant to federal, state or local law.” This amendment is further authorized by the Local Law.

Where can I find the Department rules and the Health Code? The Department’s rules and the Health Code are located in Title 24 of the Rules of the City of New York.

What laws govern the rulemaking process? The Department must satisfy the requirements of Section 1043 of the Charter when adding or amending rules. This notice is made according to the requirements of Section 1043(b) of the Charter. These changes were not included in the Department’s regulatory agenda because the Local Law was enacted after the agenda was published.

Statement of Basis and Purpose of Proposed Rule

On March 29, 2024, the Local Law was enacted to, *inter alia*, repeal section 17-310 of the NYC Administrative Code.¹ Before its repeal, section 17-310 required persons seeking to renew a mobile food vending permit or mobile food vendor license to obtain tax clearance certificates from the NYS Tax Commission and the NYC Department of Finance. These requirements are now removed.

The proposed amendments to subdivision (a) of section 6-11 of the RCNY, relating to permit renewal applications, are to align with the Local Law.

New material is underlined.

[Deleted material is in brackets.]

¹ The Local Law also amended section 17-309 of the NYC Administrative Code to repeal the requirement that applicants for a license submit a certificate of sales authority and a tax clearance certificate. Applicants for a permit are also no longer required to submit a tax clearance certificate but remain required to submit a certificate of sales authority. The Department has proposed amendments to Article 89 of the New York City Health Code to align with these changes. The amendments to Chapter 6 made necessary by the Local Law relate only to renewals of permits in Rule 6-11 as proposed in this Notice of Intent.

Section 1. Subdivision a of section 6-11 of Title 24 of the Rules of the City of New York is amended to read as follows:

- (a) *Renewal applications to be submitted timely.* An application for renewal of any permit shall not be accepted unless the applicant submits a complete renewal application[, the tax clearance certificates required by §17-310 of the Administrative Code,] and proof of payment of all fines and penalties owing for notices of violation as required by § 17-317(b) of the Administrative Code and § 6-10 of this Chapter, no later than thirty (30) days before the date of expiration of the permit. The Department may accept a late renewal application only if the applicant submits proof that may be verified by the Department that the delay in submission of the completed application and [clearances] such proof of payment resulted because of delays in issuing [the clearances] such proof of payment. In such cases, the permittee must show that [applications for tax and penalty clearances were] payment of all fines and penalties owing for notices of violation as required by § 17-317(b) of the Administrative Code and § 6-10 of this Chapter was submitted at least sixty (60) days before the date of renewal of the permit.

**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: Amendment of Commissioner Rules Relating to Renewal Applications for Mobile Food Vending Permits

REFERENCE NUMBER: 2024 RG 064

RULEMAKING AGENCY: Department of Health and Mental Hygiene

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: July 18, 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: Amendment of Commissioner Rules Relating to Renewal Applications for Mobile Food Vending Permits

REFERENCE NUMBER: DOHMH-147

RULEMAKING AGENCY: Department of Health and Mental Hygiene

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

July 19, 2024
Date