

New York City Department of Consumer and Worker Protection

Notice of Public Hearing and Opportunity to Comment on Proposed Rule

What are we proposing? The Department of Consumer and Worker Protection (“DCWP” or “Department”) is proposing to establish recordkeeping requirements to assess third-party food delivery service compliance with the fee caps imposed by Local Law 103 of 2021 and Local Law 79 of 2025 and address how refunds impact calculations of compliance with fee caps.

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 16, 2026. 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: 422 449 628#
- To participate in the public hearing via videoconference, please follow the online link: <https://tinyurl.com/yvfm6zzw>.
 - Meeting ID: 275 383 745 954 39
 - Passcode: MU2e9oA6

How do I comment on the proposed rule? Anyone can comment on the proposed rule 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 emailing Rulecomments@dcwp.nyc.gov. You can also sign up on the phone or videoconference before the hearing begins at 11:00AM on July 16, 2026. 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 16, 2026**.

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 July 9, 2026.

Can I review the comments made on the proposed rule? You can review the comments made online on the proposed rule by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, 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 Sections 20-104, 20-563.8(a)(6), and 20-563.8(b), of the New York City Administrative Code authorize the Department of Consumer and Worker Protection to make this proposed rule.

This proposed rule was included in the Department of Consumer and Worker Protection'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 (the “Department” or “DCWP”) is proposing a rule to implement Local Law 103 of 2021 and Local Law 79 of 2025 (or “fee cap laws”). These laws capped fees that third-party food delivery services may charge each food service establishment for individual online orders and for the monthly total of all online orders.

The proposed rule would require third-party food delivery services to maintain records regarding the purchase price of online orders and fees charged to each food service establishment for individual online orders and for the monthly total of all online orders, as well as any refunds issued to a food service establishment to remedy a fee cap overcharge. These requirements will help DCWP effectively investigate violations of the fee cap laws.

This rule also would clarify the purchase price to be used for calculating compliance with the fee cap laws and address how refunds to customers would affect such calculations.

Information in the required records would include, among other things:

- Purchase price
- Delivery fee
- Basic service fee
- Transaction fee, and
- Enhanced service fee.

Sections 1043 and 2203(c) of the New York City Charter and Sections 20-104, 20-563.8(a)(6), and 20-563.8(b), of the New York City Administrative Code authorize the Department of Consumer and Worker Protection to make this proposed rule.

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 2-462 of subchapter KK of chapter 2 of Title 6 of the Rules of the City of New York is amended to read as follows:

§ 2-462 Records.

(a) Required records. Third-party food delivery services must maintain the following records:

- (1) Pursuant to subdivision (a)(4) of section 20-563.8 of the Administrative Code, every third-party food delivery service must maintain records sufficient to document the full ownership of

such third-party food delivery service. Such records must be maintained in an electronic format for a period of at least 3 years.

- (2) Every third-party food delivery service must maintain records sufficient to demonstrate compliance with the requirements set forth in subdivision (b) of section 20-563.2 of the Administrative Code. Such records must be maintained in an electronic format for a period of at least 3 years.
- (3) Every third-party food delivery service must maintain records sufficient to document all customer requests not to share the customer's data with a food service establishment pursuant to subdivision (b) of section 20-563.7 of the Administrative Code. Such records must be maintained in an electronic format for a period of at least 3 years.
- (4) Every third-party food delivery service must maintain data and records sufficient to demonstrate compliance with the fee cap requirements set forth in section 20-563.3 of the Administrative Code. Such data and records must be maintained with respect to each food service establishment for a period of at least 3 years, and must include the following:
 - (i) For each online order, the following must be maintained in a disaggregated manner such that each record is separately itemized and identifiable, including:
 - (A) The date the online order was placed;
 - (B) Purchase price, expressed in dollars;
 - (C) Delivery fee, expressed in dollars and as a percentage of the purchase price, and the date imposed;
 - (D) Basic service fee, expressed in dollars and as a percentage of the purchase price, and the date imposed;
 - (E) Transaction fee, expressed in dollars and as a percentage of the purchase price, and the date imposed;
 - (F) Enhanced service fee, expressed in dollars and as a percentage of the purchase price and the date imposed, and information sufficient to describe and identify such charge and the purpose thereof;
 - (G) Any other charge, expressed in dollars and as a percentage of the purchase price and the date imposed, and information sufficient to describe and identify such charge and the purpose thereof; and
 - (H) The length of the direct path, without accounting for detours, roads, or geographic obstacles, between the customer and food service establishment.

(ii) Monthly totals for all combined online orders of the following:

- (A) Purchase prices, expressed in dollars;
- (B) Delivery fees, expressed in dollars and as a percentage of the total purchase price for such month;
- (C) Basic service fees, expressed in dollars and as a percentage of the total purchase price for such month;
- (D) Transaction fees, expressed in dollars and as a percentage of the total purchase price for such month;
- (E) Enhanced service fees, expressed in dollars and as a percentage of the total purchase price for such month; and
- (F) Other charges, expressed in dollars and as a percentage of the total purchase price for such month.

(iii) Any refund issued to a food service establishment to remedy a fee cap overcharge, including:

- (A) The amount and date of the overcharge;
- (B) The type of fee(s) overcharged by the third-party food delivery service;
- (C) The amount of the refund, expressed in dollars; and
- (D) The date the refund was issued.

(iv) Each written and electronic notice provided to the food service establishment pursuant to section 20-563.3(g) of the Administrative Code.

(v) Each monthly itemized transaction list provided to the food service establishment pursuant to section 20-563.3(h) of the Administrative Code. Such list must be disaggregated in the same manner as provided under subparagraph (i) of this paragraph.

(b) Requests for records. In addition to procedures applicable under 6 RCNY § 1-14 the Department's requests for records shall be conducted according to and the following procedures:

- (1) A request or subpoena for information or records from the Department must be served on a third-party food delivery service in writing in person, via mail, or via email. A third-party delivery service must respond to a written request or subpoena for information or records from the Department by providing to the Department true, accurate, and contemporaneously made

electronic records or information [within 30 days of the date that the request is received and] in the formats and layouts prescribed by the Department in such request or subpoena.

- (2) A deadline of more than [30] 20 days may be agreed to on consent by the Department and the third-party food delivery service.
- (3) The Department may issue a summons to a third-party food delivery service who fails to provide true and accurate electronic records or information by the deadline provided in the written request or subpoena or the deadline agreed to by the parties, provided that the monetary penalties authorized by section 20-563.10 of the Administrative Code for a violation of section 20-563.8 of the Administrative Code shall not apply while such written request or subpoena is the subject of a pending proceeding.
- (c) A third-party delivery service's failure to maintain, retain, or produce a record that is required by law or rule to be maintained that is relevant to a material fact alleged by the Department in a summons, petition, or other notice of hearing creates a reasonable inference that such fact is true.
- (d) The Department may prescribe data specifications, including field definitions, record layouts, and uniform codes, for any record required to be maintained pursuant to subdivision (a) of this section. If prescribed by the Department, a third-party food delivery service must maintain the required records in accordance with such specifications.

§ 2. Subchapter KK of chapter 2 of Title 6 of the Rules of the City of New York is amended by adding a new section 2-466 to read as follows:

§ 2-466 Refunds.

- (a) The purchase price used to calculate compliance with the fee caps requirements set forth in section 20-563.3 of the Administrative Code is the purchase price at the time the online order is placed.
- (b) Refunds to consumers, whether full or partial, will not be considered to have diminished the purchase price used to calculate compliance with the fee caps requirements set forth in section 20-563.3 of the Administrative Code.

**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 Rules Relating to Recordkeeping Requirements for Third-Party Food Delivery Services

REFERENCE NUMBER: 2026 RG 042

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: June 5, 2026

**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 Rules Relating to Recordkeeping Requirements for Third-Party Food Delivery Services

REFERENCE NUMBER: DCWP-77

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

June 8, 2026
Date