



NEW YORK CITY DEPARTMENT OF  
HEALTH AND MENTAL HYGIENE  
Thomas Farley, MD, MPH  
Commissioner

## **NEW MOBILE FOOD VENDOR PERMIT CHECKLIST (DECAL/INSPECTION STICKER)**

**NEW YORK CITY LICENSING CENTER**  
42 Broadway, 5th Floor; New York, New York 10004  
Phone: 311 for all licensing information  
[WWW.NYC.GOV/HEALTH](http://WWW.NYC.GOV/HEALTH)

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### **The Application Process**

1. Read "General Mobile Food Vending Information" on the next page to understand what a mobile food vending permit is, the types of mobile food vending permits there are, the limitations of applying for one, waiting lists, and what your options are.
2. Determine the documentation required to submit an application (see requirements checklist). (It is at this time when you should apply for a New York State Certificate of Sales Tax Authority if you do not already have one.) You can use the paper application form enclosed or go to their website <http://www.nys-opal.com> and complete it on-line. (See more detail in checklist inside.)
3. Anyone who wishes to apply for a mobile food vending permit must already have a current Mobile Food Vending License issued by the NYC Department of Health and Mental Hygiene (or at least submit an application for a license at the same time an application for a permit is submitted). Please see the Application for Mobile Food Vending License if you need to apply for one.
4. Complete the Application for Mobile Food Vending Permit. If you intend to manufacture or sell frozen desserts, a separate [Application for Permit form](#) must also be completed. This permit is NOT for the pushcart or truck; it is for the frozen dessert machine. The annual fee for the "frozen dessert permit" is \$25.00.
5. Please bring the completed forms and the required documentation to the Licensing Center between 9:00 AM and 5:00 PM. Applications must be submitted in person; none will be accepted by mail.
6. Once your application for the Mobile Food Vending Permit is reviewed and approved, you must pay for the permit. Your payment, by check or money order only, must be made payable to the New York City Department of Health & Mental Hygiene. There is no fee for a permit if you are an honorably discharged veteran of the United States Armed Services and present a New York State Peddler's Certificate or are the surviving spouse or domestic partner of a veteran with this certificate. Eligible individuals are entitled to only one fee-exempt permit.
7. The Licensing Center will give you a receipt. You may NOT operate with the receipt and must wait one week to contact the Bureau of Food Safety and Community Sanitation at (212) 676-1650 or (212) 442-8284 to schedule an appointment to have your mobile food vending unit inspected. **New York City Administrative Code Section 17-307(b.2.d) requires that all mobile food vending units (pushcarts, trucks) pass an inspection by the NYC Department of Health and Mental Hygiene within six (6) months of the date an application is submitted and a receipt is issued to you. Failure to fulfill this requirement will result in the termination and permanent loss of your permit. There is no waiver of this requirement, even if you assign someone else to have the food vending unit inspected for you!!!**
8. **PLEASE REMEMBER THAT YOU MAY NOT SELL FOOD FROM A PUSHCART OR TRUCK WHICH DOES NOT HAVE A VALID DOHMH PERMIT OR INSPECTION STICKER, EVEN IF YOU HAVE A RECEIPT AND A LICENSE (PHOTO ID BADGE).**

## The Mobile Food Vending Process

As background, the New York City Department of Health & Mental Hygiene (DOHMH) issues both a mobile food vending operator's license, which is similar to the concept of a Department of Motor Vehicles drivers license, and a mobile food unit permit, which is similar to a motor vehicle registration. One is for the person and the other is for the cart or truck. **Both** of these items are needed for a person to legally operate a food vending business.

However, although anyone can apply for an operator's license at any time, the Department of Health & Mental Hygiene is limited by law in the total number of street vending permits which may be issued. As permit vacancies become available -- when current permittees do not renew timely or meet their inspection requirement -- the department sends notification letters to those individuals on existing waiting lists that they may now apply. There are different lists: lists for veterans and non-veterans; others for those operating citywide or in a specific borough; others for those operating in the warmer season or those operating all year, and still others for those who wish to sell only fresh fruits and vegetables in designated areas of the city. No one may apply for one of these permits unless they have been contacted from these lists.

Creation of a new list is dependent upon the turnover rate of the existing lists. For this reason, it is impossible to predict exactly when the next time the department will be creating new lists and some lists are finished faster than others. Please call '311' or check [Mobile Food Vending Permit Waiting Lists \(http://www.nyc.gov/html/doh/html/permit/permit.shtml\)](http://www.nyc.gov/html/doh/html/permit/permit.shtml) for information about when they may re-open.

Unless you have been contacted to submit an application for a permit from the established waiting lists, you do have three other options you may wish to pursue now. One is to apply for an operator's license and work someone else's permitted cart or truck. Another option is to apply for both a license and one of a different class of vending permits issued by the Department of Health & Mental Hygiene; a "restricted area" mobile food vending permit, which **does not** require a waiting list. These permits are exempt from the statutory limits which apply to street vending and, as such, **do not** authorize street vending. They do, however, authorize vending on private property in a commercially-zoned area or on property under the jurisdiction of the New York City Department of Parks & Recreation. More detailed information about the "restricted area" permit is provided in its "requirements/checklist".

The third option is to apply for multiple individual permits to operate a [Temporary Food Service Establishment \(http://www.nyc.gov/html/doh/html/inspect/ispecial.shtml\)](http://www.nyc.gov/html/doh/html/inspect/ispecial.shtml) at city street fairs. These are even more restrictive than the "restricted area" permits mentioned above since they limit you to the specific location assigned to you by the sponsors of the individual street fairs on the specific day and time of the event. Please note that a mobile food vending license is not needed in conjunction with this type of permit, but you will have to take and pass the [Food Protection Course](#).

Please call '311' for further information.



## **NEW MOBILE FOOD VENDOR PERMIT CHECKLIST (DECAL/INSPECTION STICKER)**

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### **For all applications:**

- An application must be filed in person at the New York City Licensing Center, 42 Broadway, 5th floor New York, New York between 9:00 AM and 5:00 PM. Applications will not be accepted by mail.
- All required documentation must be submitted when filing your application. We will not accept partial applications.
- Unless indicated otherwise, all must be original documentation, not a photocopy.
- The name of the applicant must be spelled the same on all supporting documentation.
- If you are a woman with your maiden name on some documents but your married name on others, you will need to also bring your marriage certificate or divorce papers to establish a link between the two names. Anyone with a legal name change must provide proof of this.
- If the applicant is not applying in person, the person applying on their behalf must present a Power of Attorney (Authority to Act form) on either a standard legal form or an affidavit provided by the Licensing Center.
- The Power of Attorney form or affidavit will be accepted by the department for a period of 180 days from the date it is signed.
- The information provided on the Power of Attorney form or affidavit must be neatly written or typed and the person applying on behalf of the applicant must present one acceptable form of his/her photo identification as detailed below (in addition to a copy of the applicants photo identification).
- Any form or document with alterations, corrections, white-out, etc., will not be accepted.
- You must be at least 18 years old to apply for this permit.

[ ] **Permit Application** - Complete the application form and sign where indicated.

[ ] **Proof of Address – Original items only.** The following can be used as proof of address:

- valid driver's license or non-driver's photo identification
- recent bank statement, credit card statement or utility bill (dated within 90 days of the application date)
- valid lease.

**Note:** If you do not have any of the above documentation with your name on it, you can submit the attached affidavit letter with a recent utility bill or valid lease from the person with whom you reside. If the permit is to be issued to a corporation, partnership, or a limited liability company (LLC), the proof of address must reflect the corporate, partnership or LLC name.

[ ] **Social Security Number (SSN) or Individual Tax Identification Number (ITIN)** - Original social security card or ITIN card or letter from the IRS. (Laminated or altered cards, stubs, computer printouts or applications for a social security card or ITIN will not be accepted.) If necessary, you may obtain a replacement card at your local Social Security office (call 1-800-772-1213 for further information). **Note:** If the permit is to be issued to a corporation, partnership or a limited liability company (LLC), the proof of SSN or ITIN must be that of an officer, partner, director or member.

**Note:** The IRS estimates that it takes about six (6) weeks to receive a SSN or ITIN.  
For information or help in applying for a SSN, please call 1-800-772-1213.  
For information or help in applying for an ITIN, please call 1-800-829-1040.

- [ ] **Photo ID - Original items only.** The following can be used as photo identification:
- valid driver's license or non-driver's photo identification,
  - current alien registration card or naturalization certificate with photo identification,
  - current U.S. or foreign passport with photo identification, or
  - current U.S. government agency issued photo identification, including a U.S.-issued Refugee Travel Document with photo identification.

**Note:** If the permit is to be issued to a corporation, partnership or a limited liability company (LLC), the photo identification must be that of an officer, partner, director or member.

- [ ] **New York State Certificate of Sales Tax Authority** - Please complete Form DTF-17 (attached) (see instructions and NAICS codes) and mail it to: New York State Tax Department, Sales Tax Registration Unit, W A Harriman Campus, Albany, New York 12227, at least 20 days (but not more than 90 days) before you begin doing business in New York State. In about three weeks, you will receive a Sales Tax card from them; this card is what you need to bring when you apply for your permit. (You must bring the original card: no photocopies accepted.) For faster service, you can go to their website at <http://www.nys-opal.com> and complete it on-line. You may also present an original **Certificate of Sales Tax Clearance Letter** dated within six (6) months instead of the Sales Tax Card. **Note:** If the permit is to be issued to a corporation, partnership or a limited liability company (LLC), the certificate presented must reflect the entity's name.

- [ ] **New York City Environmental Control Board Clearance** - The Department will check ECB records for you. As long as there are no outstanding fines, the Department will accept your application provided all other requirements are met. If you know you have been issued violations/fines that are still outstanding **and you want a hearing**, go directly to the Environmental Control Board at 66 John Street, 10<sup>th</sup> floor, New York, New York 10038; telephone # (212) 361-1400. Otherwise, you may come to the Citywide Licensing Center to settle the fines and obtain a clearance letter before you file your application. **Payment for fines must be by money order or check, and separate from the payment for the license application.** Clearance certificates issued by the ECB must be dated within 90 days of submitting a license application. **Note:** If the permit is to be issued to a corporation, partnership or a limited liability company (LLC), the clearance certificate must reflect the entity's name.

- [ ] **Operator List Requirement** – Section 17-309(b)(1) of the New York City Administrative Code requires that you provide a signed, notarized, affidavit form (enclosed) listing all operator(s) of your mobile food vending unit, including their full name, home address, DOHMH license (ID badge) number and their legal relationship to you (for example, employee, worker, etc.). If you are the only worker of your food unit, just list your name.

- [ ] **Eligibility Affidavit Requirement** – Section 17-309(b)(5) of the New York City Administrative Code requires that you provide a signed, notarized, affidavit form (enclosed) stating that **no other "public place" permit** issued by the Department of Health & Mental Hygiene is possessed by you, any of your unemancipated children, any of your partners, officers, shareholders, etc. **The Department will verify your sworn affidavit. Pursuant to section 17-317 of the Administrative Code, any false, misleading or untrue statement may constitute grounds for suspension or revocation of any permit listed.** (This is not required for the application of "Restricted Area" permits.)

- [ ] **License (ID badge)** – (Photocopy is acceptable). A current mobile food vending license issued by the NYC Department of Health and Mental Hygiene needs to be held by either the individual whose name is on the permit or by a corporate officer, partner, director or member if the permit is to be issued to a corporation, partnership or limited liability company. If you do not have a current license, you must apply for a new one (if you never had one) or renew a previously expired license.

- [ ] **For Sole Proprietorships** (a business owned by an individual) - Submit a notarized copy of your Business Certificate. The County Clerk must certify this, and the address on the Business Certificate must be the same as the proof-of-address document you are submitting. (If you are a sole proprietor doing business under your own name and not a "trade name" or "doing-business-as name", you do not need a Business Certificate).

**For Partnerships** - Submit a copy of your notarized copy of your Partnership Certificate. The County Clerk must certify this, and the address on the Partnership Certificate must be the same as the proof-of-address document you are submitting. In addition, proof of address, social security number (or ITIN), and photo ID must be presented for each partner. A photocopy of this required documentation is acceptable.

**For Corporations** (or Limited Liability Companies) –

- (1) Submit a copy of your Certificate of Incorporation (stamped to indicate it was filed with the [New York State Department of State](#)) OR the corporate filing receipt issued by the New York Secretary of State. If applicable, your corporation's "Assumed Name" should be stated on your Certificate of Incorporation or filing receipt. (If you are a corporation located outside of New York State, you must obtain a "Certificate of Doing Business in Good Standing" from your home state's Secretary of State and file it with an application for an "Authority to Conduct Business in New York State" with the New York State Department of State.) You must present this "Authority" issued by the New York State Secretary of State when you apply for this permit). For more information, please contact the [New York State Department of State's Division of Corporations](#) at (518) 473-2492.
- (2) You must also submit a listing of the current officers of the corporation, dated within one year of the date of application. A copy of the original document is acceptable. A typed or neatly handwritten listing is acceptable. Notarization of this listing is not required.

- [ ] **Restricted Area Permit** - The Department also issues a category of "restricted area permits" that does not authorize food vending on city streets but allows other types of food vending. These permits are exempt from the limits imposed on "street vending" and you may apply for this type of permit. There is, however, the limitation that you operate in the restricted area so designated. Examples of "restricted area permits" are those approved to operate on Parks Department property or those approved to operate outdoors on private property in a commercially zoned area. Please contact the Parks Department at (212) 360-8111 for further information about permits on their property. Examples of situations which qualify as "outdoors on private property" are: a private parking lot, a shopping mall, a vacant fenced-in lot area, the area within a gasoline station. The sidewalk in front of someone's store does not qualify; the sidewalk and street (curb) in front of someone's store is considered public space, not private property. You must be within the property line to be considered operating on private property.

If applicable, you must bring valid contract or lease (original only) with the NYC Department of Parks and Recreation or the owner/building manager of the private property or building where the unit will operate. It must specify (1) the restricted location, (2) number of food units allowed, (3) type of food sold, (4) the terms of agreement (start and end dates), and (5) the floors of operation (for indoor operation use only) or proof the property is zoned for commercial use (for outdoor operation on private property only). Examples of such zoning proof include the certificate of occupancy for this property or an official document from the Department of Buildings. The Certificate of Occupancy or other documentation from the Department of Buildings must be date-stamped within two (2) years of the date of application submission and specifically indicate that this property is in an area zoned for commercial use.

**Note:** Please be advised that you will be required to pay for a two-year period (see fee below) for any "Restricted Area Permit". However, the permit you receive may be less than two years if the expiration date of your contract or lease is less than two years from your application date. If this is the case, you may request a re-inspection (at no charge) for the remainder of the unused portion of the two-year period you paid for if you obtain and present to the Licensing Center an approved extension to your current contract or lease.

- [ ] **Proof of Qualification** – If you have been called from the Department’s waiting lists for a permit if you are a disabled veteran, a disabled person (who is not a veteran) or a veteran (who is not disabled) please see the attached notice for an additional requirement. Your application will not be accepted unless you provide evidence that you meet this additional requirement.
  
- [ ] **Power of Attorney form (Authority to Act form)** – required if the applicant is not submitting an application in person and is having someone else represent him/her for this purpose. As mentioned above, the Power of Attorney (Authority to Act) form: must be typed or neatly handwritten; and will be accepted by the Department for a period of 180 days from the date it is signed. The person applying on behalf of the applicant must present one acceptable form of his/her photo identification in addition to a copy of the applicant’s photo identification.
  
- [ ] **Permit Fee** - The Department accepts payment by money order or check only. Please make your check/money order payable to the NYC Department of Health & Mental Hygiene. **Note:** There is no fee for a permit if you are an honorable discharged veteran of the United States Armed Services and present a New York State Peddler’s Certificate or are the surviving spouse or domestic partner of a veteran with this certificate. Eligible individuals are entitled to only one fee-exempt permit.

Full-term (2 year) Permit - Processing:	\$200	(H06)
Full-term (2 year) Permit - Nonprocessing:	\$75	(H06)
Seasonal (April 1 - October 31) Permit - Processing:	\$35	(H03)
Seasonal (April 1 - October 31) Permit - Nonprocessing:	\$15	(H03)

**PLEASE NOTE:** NEW APPLICATIONS WILL NOT BE ACCEPTED BY MAIL. IF YOU ARE SUBMITTING THIS APPLICATION AFTER BEING CONTACTED FROM AN ESTABLISHED MOBILE FOOD VENDING WAITING LIST, YOUR APPLICATION MUST BE FILED TIMELY IN PERSON OR BY A DULY AUTHORIZED REPRESENTATIVE. **FAILURE TO FILE AN APPLICATION WITHIN THE DEADLINE DATE SPECIFIED IN YOUR INSTRUCTIONS WILL RESULT IN YOUR INELIGIBILITY TO APPLY FOR THIS PERMIT AND THE LOSS OF YOUR WAITING LIST POSITION, EVEN IF YOU AUTHORIZE SOMEONE ELSE TO DO THIS FOR YOU.**

**INSPECTION REQUIREMENT:** After submitting your application and getting a receipt, please wait one week before contacting the Bureau of Food Safety and Community Sanitation at (212) 676-1650 or (212) 442-8284 to schedule an appointment to have your mobile food vending unit inspected. New York City Administrative Code Section 17-307(b.2.d) requires that all mobile food vending units (pushcarts, trucks) pass an inspection by the NYC Department of Health and Mental Hygiene **within six (6) months** of the date an application is submitted and a receipt is issued. **Failure to fulfill this requirement will result in the termination and permanent loss of your permit.** There is no waiver of this requirement, even if you assign someone else to have the food vending unit inspected for you.