



# OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

## Help Center

### **OATH Information for Mobile Food Vending Carts/Trucks**

**Can I Operate My Cart/Truck Anywhere?** You are not allowed to operate your mobile food vending cart/truck anywhere you want in New York City. To view where you are NOT allowed to operate your cart/truck, please follow this link:

[https://www1.nyc.gov/assets/doh/downloads/pdf/permit/mfv\\_restricted\\_streets.pdf](https://www1.nyc.gov/assets/doh/downloads/pdf/permit/mfv_restricted_streets.pdf)

**When Will My Mobile Vending Food Cart/Truck Be Inspected?** Every mobile food vending cart/truck is inspected at least once a year.

**Note:** A guide on operating a mobile food vending cart/truck in NYC is available at:

<https://www1.nyc.gov/assets/doh/downloads/pdf/rii/regulations-for-mobile-food-vendors.pdf>

**Note:** Additional information and guidance for mobile food vending carts/trucks is available at:

<https://www1.nyc.gov/site/doh/business/food-operators/mobile-and-temporary-food-vendors.page>

**What Does A Health Department Inspector Look For During An Inspection?** Please use this Self Inspection Checklist as a guide:

<https://www1.nyc.gov/assets/doh/downloads/pdf/rii/mfv-self-inspection-worksheet.pdf>

**Letter Grading for Mobile Food Vending:** Letter grades for mobile food vending units are based on the total violation points found during sanitary inspections. Before a unit can receive a grade, it will need a new permit decal and a location-sharing device, which will be attached to the unit at its next pre-permit inspection. Once assigned a letter grade, each food truck and cart will have its letter grade posted on the unit's permit decal. You can read more about letter grading for Mobile Food Vending Units here:

<https://www1.nyc.gov/assets/doh/downloads/pdf/rii/mfv-what-vendors-need-to-know.pdf>

**How Is My Letter Grade Determined?** Every violation of the NYC Health Code, or other NYC laws, rules or regulations observed during an inspection is connected to a certain amount of "points." The greater the violation's danger is to the public, the more points it is assigned. At the end of the inspection, the points are added together for an inspection score. Lower inspection scores mean better letter grades and smaller penalties. The letter grade range is as follows: total score of 0-13 points =an "A" grade; 14-27 points =a "B" grade; and 28 or more points =a "C" grade.

**Note:** If after your OATH hearing, your score is reduced, you will receive an updated grade card from the Health Department.

**Note:** If, after an initial inspection, your score is 14 or more points **but is then lowered** to 13 or less points after an OATH hearing, you can file for a **waiver of all fines assessed** by the Health Department during your inspection. Please submit this form to the Health Department to obtain a fee waiver: <https://www1.nyc.gov/assets/doh/downloads/pdf/rii/mobile-food-vendor-fine-waiver.pdf>.

Violations can be "critical" or "general" depending on the risk to the public's health. Critical violations are assigned more points than general violations. Violations can also be of different "condition" levels. For example, if your cart/truck is observed during an inspection with 3 fruit flies that could be a lower "condition" then if your cart/truck is observed with 20 fruit flies. Higher "conditions" mean higher points and higher penalties. If you think that the "condition" described by the inspector is incorrect, you may present that during your hearing.

**How Is My Potential Penalty Calculated And How High Can It Be? The Potential Penalty Depends On The Number Of Violations Alleged, Whether They Are "Critical" Or "General," And The Nature Of The "Condition" Alleged.** Each individual violation observed can result in a penalty. Penalties are set by law and can range from \$200 to \$2000. Penalties can be higher if you are treated as a "repeat" offender. **Note: A violation of the law is determined at the time of inspection. Actions you take after the inspection to correct the condition is *\*NOT\** a defense to the charge.**

**Is There Anyone Who Can Help Me Prepare For My OATH Hearing?** If you do not have a lawyer or a paid, professional, registered representative, you may speak with an OATH Help Center Procedural Justice Coordinator for **FREE**. The Procedural Justice Coordinator may provide you with legal information and resources to help you prepare for your hearing. These individuals can provide you with information about the hearing process, the options available to you, and answer questions that you may have. To set up an appointment with a Help Center Procedural Justice Coordinator, please contact the OATH Help Center in person at any OATH location, Monday to Friday, from 8:00am-5:00pm, by telephone at (212) 436-0845, or by email at [Smallbizhelp@oath.nyc.gov](mailto:Smallbizhelp@oath.nyc.gov).

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