

UNFINISHED BUSINESS:

How Food Regulations Starve Sidewalk Vendors of Opportunity and What Can Be Done to Finish the Legalization of Street Food

EXECUTIVE SUMMARY



Despite the landmark effort to legalize sidewalk vending in California, little-known and poorly designed food laws still make it functionally illegal for most vendors to sell food.

In 2018, Senate Bill 946 ended decades of economic exclusion by decriminalizing sidewalk vending and preventing local jurisdictions, including the City and County of Los Angeles, from enforcing sidewalk vending bans. But the full promise of SB 946 is not yet realized. While non-food merchandise vendors now have a relatively clear path to legal vending, most sidewalk food vendors are still denied access to the formal economy by a potent combination of inaccessible permitting procedures, exorbitant costs, incompatible equipment and design standards, and punitive enforcement measures. Together, these barriers—all products of an antiquated state Retail Food Code and county guidelines not drafted with vendors in mind—make it impossible or prohibitively expensive to obtain a permit to legally vend food. Of an estimated 10,000 sidewalk food vendors working in the City of Los Angeles, only 165 have received permits.

Sidewalk food vending is an integral part of the cultural and civic fabric of Los Angeles. Across the county, thousands of low-income entrepreneurs help our neighborhoods come alive by providing fresh fruit and paletas in the heat of summer, offering tacos and birria after late nights, and providing culturally significant food and goods not available in brick-and-mortar restaurants and retail stores. Sidewalk food vending provides

vital economic opportunities for low-income and immigrant workers, while playing a critical role promoting food access across the sprawling Los Angeles metropolis.

Sidewalk food vending provides an opportunity for entrepreneurial members of our community to start from almost nothing and build businesses to support themselves and their families. Many sidewalk food vendors view sidewalk sales as the first rung on an economic ladder, dreaming of turning their cart-based business into a truck and then eventually a brick-and-mortar restaurant. For others, vending is a way to augment low wages or respond to the problem of wage theft. Many Angelenos work as vendors to allow flexibility in their schedule to care for family members, from small children not yet in school to elderly parents or grandparents needing at-home care. For most, sidewalk food vending is an economic lifeline—a way to pay rent and medical bills, put food on the table, and otherwise survive extreme poverty.

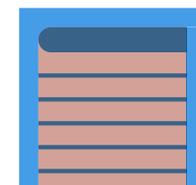
Beyond these individual benefits, sidewalk food vendors play a crucial connective role in the broader Los Angeles community and often provide access to healthy food in areas with few other options. On any given day, vendors are found selling tacos to departing nightclub-goers late at night, offering affordable lunches to custodians on their break, and serving hearty breakfasts to domestic workers at the start of their day. Many children who eat



fresh cut fruit from vendors on a summer day face difficulty obtaining an equally healthy and affordable snack from local convenience stores. Sidewalk vendors provide a way to celebrate and express culture in historically disinvested communities. In these instances and many others, sidewalk food vendors are far more than a cultural reference or a tourist's novelty in one of the nation's largest and most diverse cities: they are engines of economic productivity and pillars of their communities.

Unfortunately, despite the “legalization” of sidewalk vending under SB 946, there are still significant legal barriers that make it virtually impossible for sidewalk food vendors to formalize their businesses. For the vast majority of sidewalk food vendors who cannot overcome these barriers, the promise of legal vending remains elusive. Instead, most sidewalk food vendors remain exposed to the daily threat of ticketing, harassment, and fines, which perpetuate an unending cycle of criminalization and poverty.

This cycle is the result of outdated and inapt state and local laws governing the sale of food. The California Retail Food Code (CRFC) imposes requirements on all retail food sales, including brick-and-mortar restaurants, farmers' markets, food trucks—and sidewalk carts. Violations of these regulations can lead to criminal penalties for sidewalk vendors, even though as this report shows, they were not designed with these vendors in mind. In Los Angeles County—excluding the cities of Pasadena, Vernon, and Long Beach which have their own health departments—retail food requirements are implemented and enforced through regulations and procedures adopted by the Environmental Health Division of the Los Angeles County Department of Public Health (DPH). Any vendor who wishes to sell food must first obtain a permit from DPH. In the City of Los Angeles, the agency that regulates sidewalk vending locations – StreetsLA – will not issue a city permit to sidewalk food vendors who are unable to obtain a DPH permit. That same agency uses armed officers to enforce a prohibition on vending without a permit. For most types of food vending, the process for securing a DPH permit erects a range of insuperable barriers that are not only impossible for sidewalk food vendors to overcome but unnecessary to ensure food safety. This report groups these barriers into the following categories:



Accessibility barriers that prevent vendors from even starting the process of applying for a DPH permit, including a history of harmful interactions with enforcement agents, a lack of easily understandable educational materials, and inaccessible program regulations that are not translated into commonly spoken languages.

Permit barriers that prevent vendors from successfully navigating the DPH permit approval and inspection process, such as a lack of standardized cart design blueprints and operating procedures, and hard-to-reach offices.

Equipment barriers that make it physically impossible or prohibitively expensive to construct and operate a sidewalk vending cart, including arbitrary prohibitions on slicing fruit and hot-holding and reheating common sidewalk vending food items, unreasonably large food storage requirements, and exceedingly cumbersome sink requirements rendering carts too heavy and too big for sidewalks.

Logistical barriers that prevent low-income sidewalk food vendors from accessing spaces to safely prepare food and store and clean equipment, such as unnecessary exclusion of sidewalk vendors from programs that enable home kitchen food preparation, and a severe shortage of available commissary space.

Enforcement barriers that make it prohibitively difficult for vendors to build their businesses, such as unnecessarily aggressive enforcement practices, criminalization, harassment, and unjust property seizures.



Together, these barriers prohibit a lot of sidewalk food vending as we know it. The CRFC ban on slicing fruit or re-heating previously prepared food prohibits the core functions of two of the most iconic southern California street vending operations—the fruit cart and the taco stand. And where compliance with technical requirements is theoretically possible, a dizzying array of design requirements for integrated multiple-compartment sinks, plumbing, ventilation, refrigeration and food storage all combine to require a cart that, in many cases, would be too large for most sidewalks and too heavy to push. Any narrow path to obtaining a viable, code-compliant cart and permit will likely cost more than ten thousand dollars—an astronomical price for a subsistence earning population.

Although all of these barriers predate the COVID-19 pandemic, the events of the pandemic have exposed the depths of systemic inequality permeating our entire legal system, including the systems governing sidewalk vending. Sidewalk vendors were among the first businesses to be shut down by local governments when the pandemic struck, and often the last to be included in economic recovery efforts. Throughout the pandemic, officials promoted flexibility and created exceptions to retail food laws for brick-and-mortar restaurants, while rigidly enforcing rules and stepping up penalties against vendors. Not only have local officials not removed barriers to vendor permitting during the pandemic, in some cases they have erected new, literal barriers by erecting fences to displace

vendors from beloved community spaces like Echo Park Lake and the Avenue 26 Night Market.

The barriers to sidewalk vending detailed in this report deny tens of thousands of entrepreneurs the ability to enter the formal economy, which threatens public health by systematically excluding nearly an entire sector of the food economy from operating within a safe regulatory system. Needlessly complicating the system for sidewalk food vending, some of these barriers are imposed by DPH with no basis in state law, while others stem from requirements found in the CRFC. Accordingly, to make real the promise of legal sidewalk food vending—actually bringing vendors into the formal economy and promoting their economic security—urgent changes must be made to both DPH regulations and the CRFC.

Toward that end, this report proposes targeted reforms at the local and state levels to reduce regulatory barriers and promote safe sidewalk food vending. Reforms at *both* levels are necessary to eradicate the barriers outlined above. DPH regulations that have no basis in the CRFC can be changed directly by the county to provide immediate benefits to sidewalk food vendors, while barriers imposed by the CRFC must be changed by state lawmakers to provide necessary relief. In addition, this report proposes changes to City of Los Angeles policies to create a fully integrated regulatory framework that supports legal sidewalk food vending.

DPH Policy Reform

The following changes to DPH regulations are consistent with existing state law, can be adopted immediately by the county, and will greatly improve access to permits and affordable vending equipment.

- **Provide authentic access to information.** DPH should create new materials and curriculum summarizing application and operating requirements *specific to* sidewalk vendors, using visual diagrams and accessible language. DPH should translate and publish these new materials, along with the Mobile Food Facility Plan Check Guide, in at least the five most common languages in LA County.
- **Increase accessibility.** DPH should establish new locations for approval checks, encourage on-site visits, incorporate resources for permit prerequisites like Individual Taxpayer Identification Number (ITIN) applications and food handler's permits, and streamline permitting so the entire process can occur in a single visit.
- **Pre-approve cart design blueprints and template Standard Operating Procedures (SOPs).** DPH should work with manufacturers to pre-approve cart design blueprints for a variety of affordable cart types that meet health code standards, along with corresponding template SOPs for common sidewalk vending food items. Vendors should then be allowed to purchase carts manufactured according to these pre-approved blueprints and bypass the costly and time-consuming plan check requirements.
- **Reduce permit costs.** DPH should significantly decrease permit and plan check fees, including permit and inspection fee waivers for low-income vendors.
- **Approve neighborhood-based auxiliary sinks to service vending carts.** DPH should work with vendors to develop protocols to allow several vendors to operate in close proximity to an auxiliary sink unit (strategically placed on city- or county-owned properties in areas with a high concentration of vending), eliminating the need for large and expensive sinks to be located on the primary food cart.
- **Reduce on-site food storage requirements.** DPH should decrease the current dry and refrigerated food storage requirements to safe and appropriate levels for sidewalk food vending in order to reduce cart size and cost.
- **Clarify overhead fire suppression system requirements.** DPH Guidelines unnecessarily require unenclosed sidewalk food vending carts to include a full overhead fire suppression system, *in addition* to a separate state law requirement for a mechanical exhaust ventilation system. DPH should not require any fire suppression standards beyond what is already required by state law.
- **Increase access to food preparation, equipment cleaning, and storage space.** DPH should approve the use of underutilized kitchens in restaurants, food businesses, schools, community centers, and places of worship for sidewalk vending food preparation, equipment cleaning, and storage.
- **Commit to an equitable and just framework for compliance.** DPH should immediately end the practice of including the Sheriff's Department in DPH enforcement activities and discontinue the seizure of vending carts and equipment.



State Legislation

The following amendments to the CRFC are necessary in addition to the DPH reforms to meaningfully reduce barriers to legal sidewalk food vending and promote overall public health across California.

- **Lessen the plan check burden.** The CRFC should be amended to provide a streamlined process to inspect and approve manufactured carts without an initial plan check requirement.
- **Enhance safe on-site food preparation.** The CRFC should be amended to include reasonable standards that enable slicing of fruit and vegetables and safe reheating and hot-holding of common sidewalk vending food items.
- **Reduce onerous sink requirements.** The CRFC should be amended to remove the requirement for a three-compartment warewashing sink *and* handwashing sink, and to reduce potable water requirements for small-scale sidewalk vending operations.
- **Expand access to safe food preparation.** The CRFC should be amended to modify Microenterprise Home Kitchen Operation and Cottage Food Operation standards to be more inclusive of sidewalk vending, and to expand the use of home kitchens, along with underutilized community kitchens, as safe food preparation and equipment storage spaces.
- **Decriminalize sidewalk food vending.** Sidewalk vendors have only recently been promised the legal opportunity to enter the formal economy after decades of exclusion. To make this promise real, the CRFC should be amended to replace criminal misdemeanor penalties with non-criminal, education-based compliance strategies for addressing unpermitted vending.

City of Los Angeles Policy Reform

The following changes to City of Los Angeles rules and regulations are necessary to support and fully integrate sidewalk food vending into the small business economy.

- **Maintain a moratorium on citations for unpermitted vending until permit barriers are removed.** It is fundamentally unjust to cite a vendor for failing to acquire a permit that is impossible to obtain. Until these barriers are effectively removed and sidewalk food vendors are given a viable path to acquiring code-compliant equipment and DPH permits, the city should prohibit the issuance of a citation for vending without a permit.
- **Reorient StreetsLA enforcement practices away from punitive law enforcement and toward business facilitation.** StreetsLA should shift its role to prioritize culturally-fluent education to vendors regarding the process for obtaining relevant permits, rather than employing a punitive response. StreetsLA should also prioritize the education of brick-and-mortar business owners, the general public, and its own enforcement officers about the rights of vendors to legally operate their businesses.
- **Replace “no vending zones” with special vending districts.** The city currently encourages restaurant sidewalk dining in some of the exact same locations that sidewalk vending is banned, disproportionately harming low-income and immigrant vendors. The city should end the disparate treatment of sidewalk vending and eliminate “no-vending zones.” The city should instead implement special vending districts in areas with unique safety and accessibility concerns, giving vendors an opportunity to self-organize and work with area residents and businesses to develop specialized regulations that ensure safety and economic inclusion.
- **Enhance small business support.** The City should investigate opportunities to better support sidewalk food vendors with ongoing business operations, training and resources relating to banking, building credit, implementing cashless and other alternate payment methods, and fundamental business skills.

These recommendations strengthen the sidewalk vending economy while promoting public health during this critical time. Adjusting retail food regulations in the manner described will not diminish food safety. Rather, these recommendations are measured steps that open the door to tens of thousands of food businesses coming into a system of food safety regulations. Absent these changes, sidewalk food vendors will continue to work outside the formal economy without coordinated touch-points with public health professionals in DPH. No one benefits from this status quo: not the vendors forced to work in the shadows; not the DPH professionals whose mission is to support public health; and not the consumers who want to enjoy LA's iconic street food.

A return to the status quo is indefensible. We need equitable public health standards that promote economic and racial justice. That means prioritizing the needs of low-income entrepreneurs and finally finishing the work of legalizing sidewalk food vending. To join the movement for street vendor justice, please get in touch with the [LA Street Vendor Campaign](#) or reach out to [Public Counsel](#), [Community Power Collective](#), [Inclusive Action for the City](#), or [East LA Community Corporation](#).

This report was produced by the UCLA School of Law Community Economic Development Clinic and Public Counsel, in partnership with Inclusive Action for City, Community Power Collective, East LA Community Corporation, and the LA Street Vendor Campaign.

For the full report, go here:

