



A BRIEF HISTORY OF STREET VENDING IN DC





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INTRODUCTION: THE HISTORY OF DC STREET VENDING

DC Street Vendors won a historic victory in April 2023 with the passage of the **Street Vendor Advancement Amendment Act of 2023**. The Act decriminalizes street vending in DC and is a result of five years of organizing by **Vendedores Unidos/Vendors United (VU)**, especially vendors based in Columbia Heights and Mt. Pleasant, and **Beloved Community Incubator**.



The Act makes it easier for vendors to continue to organize to win future victories and includes the following wins:

- Street vending in DC is decriminalized! The misdemeanor offense for vending without a license is removed from DC’s criminal code and vendors are no longer subject to a criminal background check during the license application process.
- The cost of street vending licenses and associated permits is reduced from more than \$2,000 to less than \$300.
- Licensed street vendors are now permitted to sell any type of cooked food and are able to cook from their home kitchens via a microenterprise home kitchen permit, the first permit in DC history that supports small business owners to start and operate a food business from their home kitchen. Previously, vendors who cooked from their home kitchens operated in a gray area not permitted by DC regulations and licensed street vendors unable to afford a food truck were functionally restricted to selling only hot dogs and half smokes.
- An amnesty program will forgive vending-related civil fines and unpaid quarterly sales tax. Previously, vendors who owed more than \$100 to the DC government were barred from applying for a vending license due to DC’s Clean Hands Law.
- Vendors can organize to participate in self-management of a new vending zone in Columbia Heights and Mt. Pleasant, which will lift within the zone the city-wide restriction that no more than three (3) vendors can set up stands on any side of one block. The law also creates a process for vendors to petition the Mayor to create additional vending zones throughout the city.
- Vendors can petition the DC Department of Health (DC Health) to consider designs of food carts that vendors want to use to sell on the street. Previously, DC Health operated with unilateral authority and without transparency in the design of food vending cart standards.

This victory builds upon centuries of street vendor experiences and struggles in the District. **Street vending has always been a path for poor and working class residents of DC, especially Black, Latine and Indigenous residents, toward survival income, economic independence and freedom.**

For example, in the early 1800s, two Black women street vendors, Alethia Browning Tanner and Sophia Browning Bell, sold produce in downtown DC in order to purchase their own freedom and the freedom of more than twenty five enslaved family members and friends.¹ Formerly incarcerated people and, in more recent decades migrants fleeing US Wars in Central America and Global North imperialism in the Caribbean, Africa and around the world,² have turned to street vending in the District because it is an occupation that requires little formal education and, outside license and permit fees, it requires only small capital investment. Income from street vending has kept vendors and their families in their homes and has been central to the hopes of many vendors to resist displacement and remain in DC.

The District’s street vendors have always organized to fight back against criminalization, public demonization and regulatory restrictions that threaten to displace them from the city - from the DC Vendors and Craftsmen’s Association, Inc. in the 1970s to the unionization efforts with Local 82 of the Service Employees International Union in the 1980s to **Vendedores Unidos/Vendors United** (VU) today. Vendors have always been clear that the right to earn a living as a street vendor is central to larger struggles about which District residents will benefit from development, who will shape our city’s culture and who will govern and control our city and our commons, our public spaces that belong to all of us.

¹ Chris Myers Asch and George Derek Musgrove, *Chocolate City* 42-43 (2003).

² See Walter Rodney, *How Europe underdeveloped Africa* (1973). See Greg Grandin, *Empire’s Workshop: Latin America, the United States and the Rise of New Imperialism* (2016). See Manning Marable, *How Capitalism Underdeveloped Black America* (1983). See Geoff Gilbert, ““Free Trade” Is Today’s Imperialism by the 1 Percent,” *Truthout* (January 13, 2019), <https://truthout.org/articles/free-trade-is-todays-imperialism-by-the-1-percent/>.





AN HONORABLE, DIGNIFIED LIVING

Street vending is incredibly hard work, often requiring ten plus hours of manual labor each day to prepare supplies or food, sell out on the street and then return to storage or home with supplies for the next day. Street vendors in DC have historically been poor and working class Black, Latine and Indigenous workers, primarily women and femmes, and small business owners who, facing barriers to traditional employment, have sought out vending as an act of resistance to the economic opportunities available to them - primarily low-wage jobs with poor working conditions in our racialized economy. Historically, street vendors have expressed immense pride for having chosen a path of hard work and economic independence to provide for themselves and their families.

In the early 1800s, street vending was a literal path to freedom for enslaved and free African Americans who sold food in downtown DC in order to purchase their own freedom and the freedom of their families and friends. Alethia Browning Tanner ran a produce stand near today's Lafayette Square - by 1810, she had saved more than \$1,400 (\$28,000 in 21st century dollars) to buy her freedom through a white intermediary. Over the next three decades, Alethia Browning Tanner earned enough vending income to buy the freedom of twenty five more people, including her sixteen year old nephew John Cook. Alethia Brown Tanner's sister, Sophia Browning Bell, sold produce from her small garden plot in order to raise the funds to purchase the freedom of her husband, George⁴ Bell, and their two sons.

Today, street vendors describe feeling immense pride for their work and for the care they provide for the community - check out [Where the Sidewalk Ends Parts I & II](#)⁵ for stories from more than 10 street vendors active in DC today.

³ Austin, Regina, "'An Honest Living': Street Vendors, Municipal Regulation, and the Black Public Sphere" (1994). Faculty Scholarship at Penn Law. 817. https://scholarship.law.upenn.edu/faculty_scholarship/817.

⁴ Chris Myers Asch and George Derek Musgrove, *Chocolate City* 42-43 (2003). Stacy M. Brown, "Alethia Tanner Sold Vegetables to Buy Her Freedom in 19th-Century America," *The Washington Informer* (Feb. 17, 2021), <https://www.washingtoninformer.com/alethia-tanner-sold-vegetables-to-buy-her-freedom-in-19th-century-america/>.

⁵ Beloved Community Incubator and the American University Community and Economic Development Law Clinic, "Where the Sidewalk Ends Part I: Vendors United and their Efforts to Decriminalize Street Vending in Washington, DC" (February 2021), <https://www.belovedcommunityincubator.org/vending-decrim>. Beloved Community Incubator, "Where the Sidewalk Ends Part II: A Vision for Decriminalizing and Investing in DC Street Vendors" (October 2022), <https://www.belovedcommunityincubator.org/vending-decrim>.



A CARCERAL REGULATORY REGIME

Regulatory authorities in the District have historically denied support to vendors and criminalized this economic lifeline for poor and working class residents.

Violence and harassment from the police are constants for street vendors. The Metropolitan Police Department (MPD) routinely harasses vendors, issues thousands of dollars of fines, confiscates vendors' food and goods and prevents vendors from earning a living.

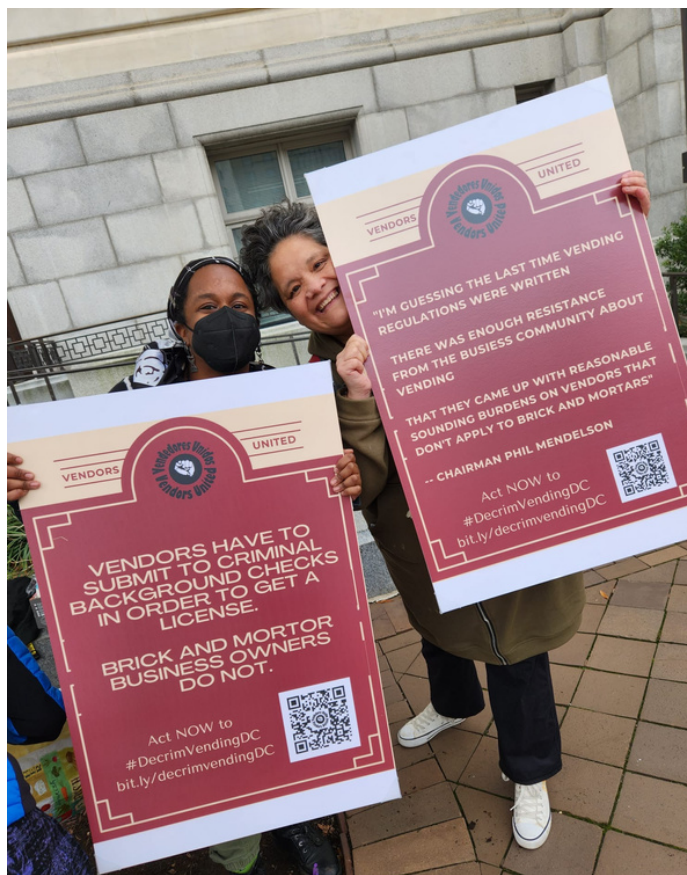
In November 2019, Metropolitan police officers attacked and harassed two children in Columbia Heights who were watching their mother's cart while she stepped away for a brief moment. This incident resulted in one of the children injuring their knee and needing emergency hospital care.⁶

Additionally, many vendors part of **Vendedores Unidos/ Vendors United (VU)** share stories of police violence in [Where the Sidewalk Ends Part I](#), a report on street vending in DC that Beloved Community Incubator published in February 2021. Reyna Sosa shares a horrific encounter in 2018 during which ten police officers threw away her food, confiscated her cart and arrested her in front of her children. Santiago G. describes living in constant fear of the police and instances when the police ordered her to leave her vending spot on Georgia Avenue without explanation and caused her to lose income for the day. Aloisa shares that one day a police officer followed her home and threatened to arrest her, and she shares constant fear of police officers while vending. Mary G. discussed an encounter while vending one day where the police threatened to separate her from her daughters - Mary's daughters continue to be scared by the sight of police.⁷

⁶ Natalie Delgadillo, "After Police Confront Teen Selling Food On The Sidewalk, Activists Demand Protections For Street Vendors," DCist (November 21, 2019), <https://dcist.com/story/19/11/21/after-police-confront-teen-selling-food-on-the-sidewalk-activist-demand-protections-for-street-vendors/>.

⁷ Beloved Community Incubator and the American University Community and Economic Development Law Clinic, "Where the Sidewalk Ends Part I: Vendors United and their Efforts to Decriminalize Street Vending in Washington, DC" (February 2021), <https://www.belovedcommunityincubator.org/vending-decrim>.

Until vendors won passage of the Street Vendor Advancement Amendment Act of 2023, street vendors were the only businesses in the city that were regulated by both a regulatory agency, the DC Department of Licensing and Consumer Protection (DLCP), and the MPD. Prior to 2023 reform, many formerly incarcerated people, who are disproportionately Black and are otherwise largely shut out of the formal economy, were unable to obtain licenses because the DLCP required that Police Criminal History Reports be included with Vending Business License Applications.⁸ Until the 2023 reform, police had the authority since the early 1960s to make recommendations on vending permit applications.⁹



⁸ DLCP website for Vending Business License Applications: <https://dcDLCP.seamlessdocs.com/f/vendingbuslicapp>.

⁹ The Washington Post, "Commissioners Decide Vendors Must Have Police Recommendation" (September 28, 1962)

The number of vendors active in the city has decreased from a peak of more than 10,000 in the 1980s, roughly seventy percent of whom were¹⁰ Black, to only a couple of hundred street vendors active in the city today. The cost of obtaining a street vending license increased exponentially - from less than \$100 per year in the 1970s to, prior to passage of the **Street Vendor Advancement Amendment Act** in April 2023 (the “2023 street vending reform”), more than \$2,000 per year and more than \$7,000 per year if a vendor sought to sell downtown. A street vending permit in the 1970s allowed a vendor to move throughout the city between high traffic areas, while today, the freedom of movement for vendors outside of the vending zones created in the 2023 street vending reform has been restricted to a limited number of permitted sites and a maximum of three (3) sites on one side of any block throughout the city.

US Congress passed the first legislation in 1887 authorizing the District to enact regulations governing street vendors. On June 15, 1887 the District Commissioners issued police regulations of street vendors - these wide-ranging regulations, which still provide the foundation of the regulations in effect today, micromanage the activities of street vendors and provide the police with broad authority¹² over vendors. Today, the Department of Licensing and Consumer Protection (DLCP)¹³ enforces vending regulations that are over eighty-three pages long that micromanage everything from the size¹⁴ of a vending cart, the materials from which vendors’ shade umbrellas¹⁵ must be made, the location under a vending cart or stand where vendors are permitted to store any surplus¹⁶ merchandise while vending to the containers for litter that must be affixed to¹⁷ the carts or stands of all vendors.

¹⁰ Shelter Housing and Respectful Change and American University public history program, “Whose Downtown?”, https://whosedowntown.wordpress.com/downtown-renaissance-development-and-homelessness/#_ftn13.

¹¹ Between 2013 and 2022, the Department of Consumer and Regulatory Affairs (DCRA) granted only 146.1 street vending licenses and 35 street vending site permits per year. During the pandemic, the DCRA granted only 79.7 licenses and 19.3 site permits per year. Data from the Department of Consumer and Regulatory Affairs obtained via a District of Columbia Freedom of Information Act (FOIA Request Nos. 2022-FOIA-8393 and 2022-FOIA-83947).

¹² Matthew B. Gilmore, “Food on the Streets: Street vending in the District of Columbia,” TheInTowner (March 2020), <https://web.archive.org/web/20200520151250/https://intowner.com/2020/03/24/food-on-the-streets-street-vending-in-the-district-of-columbia/>

¹³ The Department of Consumer and Regulatory Affairs (DCRA) was the agency primarily responsible for regulating street vendors for many years. On October 1st, 2022, the DCRA split into two agencies - the Department of Buildings and the Department of Licensing and Consumer Protection. Oversight over vending licenses shifted from DCRA to DLCP at that time. We believe the agency split is nominal in the context of street vending.

¹⁴ 24 DCMR §510.1.

¹⁵ 24 DCMR §510.3(a).

¹⁶ 24 DCMR §509.1.

¹⁷ 24 DCMR §520.2.

Downtown public space has historically been a contested site in the city that promises essential income opportunities for the District's street vendors. Over the previous two centuries, street vendors have taken to high-foot-traffic areas in downtown to sell magazines and books, original portraits, shoeshining services, flowers, produce, peanuts, ice cream, prepared food, clothing and other apparel and household ¹⁸ appliances. Historically, street vending downtown has been one of the only ways for poor and working class residents to benefit from the capital city's strong tourism industry.

In the 1800s in the District, municipal market houses were the main sites where people bought produce - municipal market houses included Union Market, Eastern Market and Center Market, the biggest market in DC of its time, which was located between 9th and 11th St NW on Constitution Avenue (then called B St NW). Street vendors made produce available for purchase at additional sites and during the municipal markets' off-hours. Union Market remained an active site for many working class vendors and small businesses until it was gentrified over the past decade.

Shut/Off From Downtown Streets, 1,400 Licensed Vendors Air Protests

SEP 3 1967

By PAUL DELANEY
Star Staff Writer

The District's 1,400 licensed vendors are bitter and frustrated over the impending strict enforcement of the city's laws regulating them.

The vendors, something of an institution in the downtown area among tourists as well as ice cream workers, have been informed by letter that the laws will be strictly and rigidly enforced beginning today.

Sparked by Conflict

The decision to strictly enforce the old laws was not an abrupt one by cold-hearted bureaucrats, nor was it without sympathy from those making the ruling. Matter of fact, the decision was brought on by conflict within the ranks of the vendors themselves.

C. T. Nottingham, District superintendent of licenses and permits, said the decision was reached after a series of meetings between his office,

"Well, Machen found no evidence of harrassment, so Johnson went to see Tobriner," Nottingham said.

The commissioner turned over the matter to the corporation counsel's office and the series of meetings and the ultimate decision came from that," Nottingham added.

Johnson acknowledged that he complained about police harrassment. He also complained that the vendors' laws are 100 years old and should be revised.

**Sidewalk Vendors
Face Police Drive
Against 'Stands'**

STAR

**Officials Receive
Complaints That Wares
Hamper Pedestrians**

NOV 9 1939

¹⁸ See The Washington Star, "Sidewalk Vendors Face Police Drive Against 'Stands'" (November 9, 1939). See Don Maclean, "Say Uncle... No, John, No, John, No, John," Washington Daily News (June 12, 1956). See The Washington Star, "Vendor Seeks Test Case Over F Street 'Office'" (November 17, 1957). See The Washington Post, "DC Peanut Seller on Job 38 Years," (July 5, 1960). See Alice Bonner, "Shoeshine Stand Off to Flying Start," The Washington Post (April 18, 1967).

¹⁹ Paul Schartzman, "In a once-gritty D.C. market, these wholesalers' world is slipping away," The Washington Post (June 18, 2021), https://www.washingtonpost.com/local/union-market-dc-gentrification/2021/06/18/b6ba7110-c492-11eb-8c18-fd53a628b992_story.html.

Since the start of DC Home Rule in the mid-1970s, the DC Government has enacted a series of street vending reforms. Each cycle of reform has failed street vendors - many street vendors resisted the reforms at the time, as this brief history describes. Each cycle of reform has maintained the now eighty three pages of regulations that micromanage vendors' workspaces;²⁰ increased costs of vending license and permit fees and restricted vendors' freedom of movement. Instead of creating programs to support vendors to comply with regulatory requirements, the DC government has relied on punishing vendors who don't comply. Throughout the cycles of reform, street vendors have been blamed for their failure.

Since the 1960s, the DC Government has enacted a series of street vending reforms that have significantly increased the cost of vending licenses and permits and restricted access to downtown and freedom of movement of vendors throughout the city. During the late 1960s, the District Superintendent of Licenses and Permits issued new regulations that barred street vending within a downtown restricted area - 6th St NW on the east; Pennsylvania Ave on the south; 19th St to the west; K St to the north. The new regulations also required that vendors outside the restricted zone continue to move and could stop only long enough to make a sale.

In the mid-1980s, new regulations limited the number of vendors and continued the process of restricting vendors' freedom of movement. At the time, DC had 5,200 licensed vendors but the new rules allowed only 2,900 downtown licenses and 1,310 licenses in residential neighborhoods, though the city also set aside 152 roadside vending licenses for 76 assigned locations. The new rules also increased nonfood vendor license fees from \$25 to \$106 per year and to \$130 for food vendors, and increased bonding fees for street vendors from \$100 to \$500 for DC residents and to \$1,500 for non-DC residents - more than a 500% increase in license-related costs. Street vendors at the time understood that restrictions on their freedom of movement would seriously harm their businesses. "The character of street vending has made us urban nomads," said Luqman El-Shabazz. "If they make us stationary, it's an extreme hardship. Let's say one day is payday at an office. Then you go there. If we are restricted to just one spot, we will be out of business very shortly."

²⁰ DCMR Title 24 Sections 500 - 599.

²¹ Paul Delaney, "Shut Off From Downtown Streets, 1,400 Licensed Vendors Air Protests," *The Washington Star* (September 3, 1967).

²² Peter Perl, "Vendors Unionize, Sue D.C: New Restrictions Called Stifling," *The Washington Post* (April 2, 1985).

²³ *Id.*

New vending regulations in the 1990s further restricted street vendors' freedom of movement and greatly reduced the number of licensed vendors and areas for vending in the city. The DC government created the Downtown Business Improvement District (the Downtown BID) in the 1990s, which was supported by the Washington Board of Trade, and was empowered to levy taxes on local landowners, the revenue from which was used for purposes meant to enhance land values in the downtown area, including paying for enhanced private security.²⁴ At one point the Downtown BID proposed that it be allowed to create a "retail district enhancement zone" that would have provided the BID with power to issue, modify and revoke many city licenses within the downtown area.²⁵ The BID and the Washington Board of Trade made campaign contributions to candidates for Mayor and the City Council and tried to remove street vendors from downtown to the greatest extent possible.²⁶

In 1991, street vendors were also removed from a high-traffic vending area in Ward 7, a one block strip on Alabama Avenue at Naylor Rd SE across from a Sears and a Safeway.²⁷

By 2000, licensed vendors were required by the Department of Consumer and Regulatory Affairs (DCRA)²⁸ to pay at least \$1,630 in annual fees, not including sales tax²⁹ - as described above, in the 1980s, annual fees were as low as \$125. The Act caused the number of licensed District food vendors to fall from 1,200 to only 200 when D.C. finally lifted the moratorium on new licenses imposed from 1998 to 2007.³⁰ The new law required for the first time that street vendors obtain permits for a specific designated vending site - though the reforms to the vending laws in the 1980s had moved in this direction by requiring that vendors obtain permits to vend within designated geographic vending areas. The vending zones that street vendors won through the Street Vendor Advancement Amendment Act of 2023 is the first expansion of street vendor freedom of movement since the DC government began to gradually impose more and more restrictions on freedom of movement in the 1960s.

²⁴ Lyndsey Layton, "Business Groups Fill The Breach; Improvement Districts Springing Up All Over." Washington Post, September 14, 2006, sec. D.C. Extra.

²⁵ Sewell Chan, "Vendors Decry Oversight Plan: DC Business Groups Would Set Standards," Washington Post (October 18, 2001).

²⁶ Shelter Housing and Respectful Change and American University public history program, "Whose Downtown?", https://whosedowntown.wordpress.com/downtown-renaissance-development-and-homelessness/#_ftn13.

²⁷ Margaret Webb, "Vendors Under Siege: Neighborhood Seeks Cure for Congestion on Southeast Strip," The Washington Post (February 14, 1991).

²⁸ The Department of Consumer and Regulatory Affairs (DCRA) was the agency primarily responsible for regulating street vendors for many years. On October 1st, 2022, the DCRA split into two agencies - the Department of Buildings and the Department of Licensing and Consumer Protection. Oversight over vending licenses shifted from DCRA to DLCP at that time. We believe the agency split is nominal in the context of street vending.

²⁹ Rebecca Charry, "But vendors have another beef with city regulators," The Washingtonian (March 29, 2000).

³⁰ Institute for Justice, Washington DC vs. Entrepreneurs: DC's Monumental Regulations Stifle Small Business (Nov. 2010), https://ij.org/wp-content/uploads/2015/03/ij-washdc_citystudy.pdf.

³¹ Jessica Gould, "City Ponders Adams Morgan Vendors' Mart," The Current July 9, 2008.

The 2009 Committee Report prepared by the Committee on Public Services and Consumer Affairs provides examples of the kind of demonization and racist innuendo that street vendors have endured over the years. The Committee on Public Services and Consumer Affairs, which drafted the most recent major change to DC street vending laws (the Vending Regulation Act of 2009) justified its recommendation that the District begin to assign specific spots to vendors by emphasizing the principle of ease of enforcement amidst a street vending scene in the District that it described as in a “state of disarray.” The committee wrote, “By [assigning sites,] the District would be better able to enforce vending regulations. No longer would vendors be able to depart before the MPD arrives; it would also eliminate the at-times, violent, de facto “might make right” system.”³² The Committee Report claimed that “vending had become a first-come, first-serve, “anything goes” industry” and justified prioritization of ease of enforcement by associating vendors as a whole with stolen and counterfeit goods.³³

With the passage of the 2023 Street Vendor Advancement Amendment Act, regulatory bodies like the Department of Licensing and Consumer Protection were tasked with implementing new vending laws that removed the previously discriminatory barriers to licensing for street vendors. However, instead of embracing the opportunity to forge a new legacy, DLCP seems to be continuing down the historical path of regulatory neglect, having missed several deadlines in the first calendar year of the new vending laws taking effect. Vendors continue to fight for fair and accessible implementation, working together to make sure they are given a chance to apply for the licenses they fought so hard to obtain.



²⁸ Council of the District of Columbia, Committee on Public Services and Consumer Affairs, Bill 18-257, the “Vending Regulation Act of 2009” (June 23, 2009), https://lims.dccouncil.us/downloads/LIMS/22412/Committee_Report/B18-0257-CommitteeReport1.pdf.

²⁹ *Id.*



STREET VENDOR SOLIDARITY AND ORGANIZING

Many street vendors have maintained for decades that street vending in the District should be decriminalized,³⁴ and street vendors have organized in different formulations since the 1960s for the right to use their fair share of public space to earn a living free of police harassment and racial discrimination.

During the 1960s, the city's more than 1,400 licensed vendors protested new regulations that barred vending within a high-traffic downtown area and required that vendors throughout the rest of the city continue to move and stop only to make sales. The requirement that vendors continue to move threatened the business model of most street vendors who would sell their goods or food from stationary tables or carts. "There's no question enforcement will hurt business. It's not right at all," said George Lucas, whose favorite vending spot was the Constitution Avenue entrance to the Archives Building. "These people (vendors) are not on welfare, relief or out stealing. We're trying to make a decent living."

In the mid-1970s, more than 500 street vendors organized the DC Vendors and Craftsmen's Association, Inc. to resist new vending regulations that would place a 4.5 foot maximum height limitation on vending stands, prohibit vending on sidewalks less than 10 feet wide, require at least 30 feet between vending stands, bar a vendor accused of violating the city's regulations from vending until the vendor's case was resolved and revoke a vendor's license for one year if a vendor were found guilty of violating the city's long and detailed vending regulations. Vendors distributed 40,000 leaflets urging people to call Mayor Walter Washington and the City Council and to tell them to oppose the regulations. The DC Vendors and Craftsmen's Association, Inc. also organized a shopper's boycott in Georgetown against merchants who the vendors described as racist and were cracking down on street vendors in the area.³⁶

³⁴ John Devault, "Vending Justice: If You're Looking to Fight D.C. Vendors, Prepare to Go Toe-to-Toe with Ted Walker," *Washington City Paper* (September 13, 1996), <https://washingtoncitypaper.com/article/286446/vending-justice/>.

³⁵ Paul Delaney, "Shut Off From Downtown Streets, 1,400 Licensed Vendors Air Protests," *The Washington Star* (September 3, 1967).

³⁶ Robert Buchanan, "City's Vendors Will Ask Shoppers to Boycott Georgetown Stores" *The Washington Star* (July 23, 1974).

In the mid-1980s, street vendors organized again to resist new regulations that imposed further restrictions. The new rules banned the sale of most clothing items, most toys, luggage and household appliances and restricted vendors to selling 'ready-to-eat' food, produce, art, objects, printed media, specified novelties, beauty products and certain types of general merchandise, including umbrellas and sunglasses. The new rules also required wooden carts for nonfood vendors, who were to be prohibited from selling outside a designated vending spot; significantly increased licensing and bonding fees; restricted the number of licenses available well below the numbers of vendors active in the city, as described above; and restricted permitted vending times to 5am-10pm Sunday through Thursday and 5am-1am on Friday and Saturday.

In response, more than 200 street vendors joined a labor union, Local 82 of the Service Employees International Union, which filed suit in US District Court to block the regulations, arguing that they were arguing an illegal restraint of trade. It was the first time that street vendors unionized in a major US city. The union estimated that the required wooden carts for non-food vendors would cost approximately \$1,300. Street vendors protested in particular the new designated vending spot requirement. "We are business people but we are also laborers," said Kwasi Abdul Jalil, a vendor who organized the union effort because he said vendors lack the political and economic clout of groups such as the Board of Trade, which sought limits on vendors. "We are the lower rungs of the social ladder... We saw we could not fight the city government or fight the Board of Trade, so we sought help from the Service Employees ³⁸ [International Union]."

Street vendors convinced Mayor Marion Barry to not commit to not enforce the vending cart requirement. Instead, regulators permitted nonfood vendors who used common card tables for selling to put 'skirts' around the table bottoms, blocking off stock supplies from view and supposedly making the trade more visually acceptable to residents, fixed location merchants and city visitors. Mayor Barry, justifying his decision not enforce the vending cart requirement, stated that the new vending regulations were working because they cut in half the number of vendors in the city - in 1984 there were ³⁹ 5,300 vendors licensed in the city and only 1,594 licenses had been issued since the new regulations went into effect.

³⁷ Peter Perl, "Vendors Unionize, Sue D.C: New Restrictions Called Stifling," The Washington Post (April 2, 1985).

³⁸ *Id.*

³⁹ *Id.*

Street vending was further restricted during the late 1990s when the US Congress, through the District of Columbia Financial Responsibility and Management Assistance Act of 1995, took financial control of the District. In 1997, the Congressionally mandated Business Regulatory Reform Commission, made up of DC business and government leaders, recommended that the city issue a moratorium on new licenses and restrict vending through a lottery system in which vendors would be assigned spaces for two years.⁴⁰



Street vendors again resisted. “This is our livelihood and they won’t let us in,” said Jan Segna, a coffee vendor at 15th and K Streets. “I have built a business for the last five years, and now I can lose my customers. They are not specific on how the new lottery will work.”

James Tiu, a burrito vendor on 15th St NW said, “All of these changes are calculated to eliminate vendors to the greatest degree possible.” “They are taking away our rights as independent businessmen,” said William Burts, who sold more than 200 types of incense and oils at the corner of K St NW and Connecticut Avenue NW. “If i have to move, I would lose all of my clientele and have to start over again.”⁴¹

In 1998, the DC Council enacted the Omnibus Regulatory Reform Act, which imposed a moratorium on new vending licenses - the number of licensed District food vendors fell from 1,200 in 1998 to only 200 in 2007 after the moratorium was lifted. The DCRA, directed by the DC Council, issued emergency vending regulations when the moratorium was lifted in 2007 and the DC Council passed new vending laws in 2009. The DCRA’s emergency regulations initially did not provide for any vending sites outside the newly constructed Nationals Park, though vendors organized to pressure the DC Council to issue permits for 40 vending sites outside the new stadium.⁴²

⁴⁰ Hamil Harris, “Street Vendors Steamed Over D.C. Proposals: Protestors Jam Hearing on Restricting Purveyors,” The Washington Post (September 30, 1997).

⁴¹ *Id.*

⁴² Elizabeth Weiner, “Council Sold on Stadium Spots for Vendors,” The Washingtonian July 9, 2008.



VENDEDORES UNIDOS/VENDORS UNITED: THE STRUGGLE CONTINUES TODAY

Street vendors in DC have come together since 2018 to form **Vendedores Unidos/Vendors United** (VU), a street vendor community-union formed to defend themselves from police assault and abuse.

Vendedores Unidos/Vendors United (VU) is made up of a diverse group of vendors who are native Black DC residents and residents who have migrated from countries including Mexico, Guatemala, El Salvador, Honduras, Venezuela, Trinidad and Tobago, Ethiopia, Eritrea and Sierra Leone. **Beloved Community Incubator** (BCI), a DC-area worker cooperative incubator that organizes workers campaigns in the District, has supported vendors part of VU to form collective economic projects and to transform the District's street vending laws.

BCI supported leaders with VU to produce a pilot Meal Subscription program for eight weeks, from February through April 2022, that sold over 210 Meal Subscriptions and generated over \$33,000 in revenue. The Meal Subscription was inspired by the Community Supported Agriculture (CSA) economic model, allowing vendors to plan ahead for the number of meals they could expect to sell each week and invest in quality ingredients and equipment. BCI is currently working with food vendors as part of its worker cooperative incubation program to build a cooperative business that includes catering for events and parties.⁴³

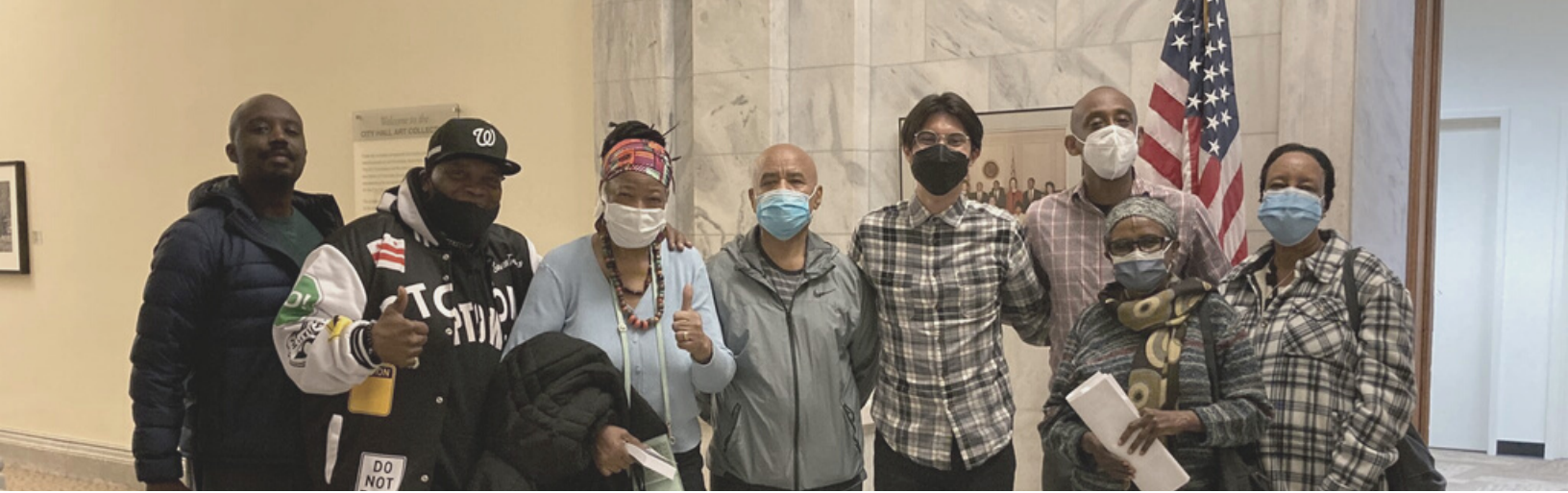
⁴³ Chelsea Cirruzzo, "D.C. street vendors unite," Axois Washington D.C. (February 17, 2022), <https://www.axois.com/local/washington-dc/2022/02/17/dc-street-vendors-catering-co-op-decriminalization-efforts>.

And of course, VU and BCI have built the successful campaign to decriminalize street vending in DC and pass the Street Vendor Advancement Amendment Act of 2023. More than seventy (70) street vendors led and participated in the campaign. Campaign partner organizations included the [Washington Lawyers' Committee for Civil Rights and Urban Affairs](#), [Tzedek DC](#), [DC Jobs with Justice](#), [DC Justice Lab](#), [ACLU of DC](#) and [Jews United for Justice](#). Street vendors, BCI and campaign partner organizations essentially lived in the Wilson Building, home of the DC Council, for long stretches of the final pushes to pass the law in late 2022 and early 2023. BCI trained more than thirty (30) vendors at two different mass lobby days, street vendors met with the offices of all thirteen (13) DC Councilmembers and BCI and street vendors collaborated to lead multiple mini-delegations into the Wilson Building to get the law over the finish line. Out of the campaign grew [impact litigation challenging the constitutionality of the DC Clean Hands Law](#), which prevents street vendors and anyone who owes more than \$100 for any reason to the DC Government from the ability to obtain relevant business licenses that they require in order to earn income.

The Street Vendor Advancement Amendment Act of 2023 is fully in effect as of October 1, 2023. However, many struggles remain ahead. The Act's provisions must be implemented in ways that are fully accessible for street vendors and license and permit cost reductions and the amnesty program must be implemented as soon as possible. The Department of Licensing and Consumer Protection (DLCP) must be pushed to improve its grievous language access failures - the DLCP received a failing grade in the latest Language Access Audit conducted by the DC Office of Human Rights (OHR) and has been out of compliance with the DC Language Access Act since it became law in 2004. DC Health must actually create the microenterprise home kitchen permit that will facilitate small food businesses to operate from home kitchens for the first time in DC history, and DC Health, which has historically enacted regulatory barriers for street vendors in lieu of creating transparent inspection requirements, must create fair inspection programs for home kitchens and for food vending carts on the street.

Further out on the horizon, DC street vendors have the opportunity to continue to build on the wins of the 2023 law. Street vendors seek reasonable public support to access license prerequisites, including Food Manager Certification and Individual Taxpayer Identification Numbers (ITINs), and access to DC government grant programs available to other small businesses. Street vendors will be able to use the 2023 law to organize to create additional vending zones throughout the city, which can create paths for increased vendor self-management of vending zones throughout the city and can continue to reverse the long trend of reducing street vendor freedom of movement throughout DC.

⁴⁴ DC Office of Human Rights, "Language Access Annual Compliance Review for Fiscal Year 2020," https://ohr.dc.gov/sites/default/files/dc/sites/ohr/publication/attachments/v4%20OHR_LanguageAccess_Report_Dec2021%20%28002%29.pdf



The vendor-led campaign to decriminalize street vending continues the long tradition of street vendors fighting for the right to thrive and to earn a living in DC.

This fight is central to larger struggles about which District residents benefit from development, who shapes our city's culture and who will govern and control our city and the public spaces that belong to all of us.

Regulatory bodies, like the Department of Licensing and Consumer Protection, have the opportunity to build a new legacy by fully implementing DC's new vending laws rather than continuing the history of neglecting and discriminating against one of the oldest forms of entrepreneurship in the District.





ACKNOWLEDGEMENTS

As with most good and meaningful things in life, this report was created from a place of deep community and with the support of many people and organizations.

Geoff Gilbert, BCI's Legal and Technical Assistance Director, is the primary author of this brief history. As much an organizer as an attorney, Geoff Gilbert has organized with M. Felix Macaraeg since the start of the pandemic. M. Felix Macaraeg began and has led the organizing with Vendedores Unidos/ Vendors United (VU) that is the genesis of this report and the campaign to decriminalize street vending, and is also responsible for most of the photography of street vendors in the report. Starting in 2018, M. Felix Macaraeg has led on the deep relational organizing with vendors, what Ella Baker called spadework, that has made possible the campaign to decriminalize street vending in DC.

We thank our core advocacy partners on the campaign to decriminalize street vending in DC: the DC Justice Lab, the ACLU of DC, the Washington Lawyers' Committee, DC Jobs with Justice, Jews United for Justice and Sanctuary DMV. Your thought partnership and general support continues to be an invaluable resource.

We also acknowledge the support of many organizations who are fighting to build the power of street vendors, excluded workers, Black, Latine and Indigenous people and communities of color in DC:

- Restaurant Opportunities Center of DC
- National Domestic Workers Alliance DMV Chapter
- Migrant Solidarity Mutual Aid
- The Peace House DC
- Defund MPD
- Throneless Tech, Brighter Days Dog Walking Collective, Dulce Hogar Cleaning Coop and all of the Cooperatives part of the BCI Network
- People for Fairness Coalition
- Seed Commons and the DC Solidarity Economy Loan Fund
- ICE Out Of D.C.! / Fuera ICE de D.C.!
- Ward 1 Mutual Aid

Last, but not least, we thank every community member who has stood with vendors to defend the dignity of their lives and labor from police violence. To those of you who have come to the sidewalks to protect vendors, as well those of you who have supported the Vendors United Food Coop, we want to say this: thank you for building the solidarity economy with us. It is truly the only sustainable way forward.