

Where the Sidewalk Ends

*Vendors United and their Efforts to
Decriminalize Street Vending
in Washington, DC*

EXECUTIVE SUMMARY

D.C. Law Criminalizes Street Vending

Currently, street vending without a license or in violation of a license is a misdemeanor offense punishable by up to 90 days in prison. In addition to criminal penalties, D.C. has enacted a slew of regulations governing street and sidewalk vending and creating significant barriers to entry for D.C. vendors. These vending rules and regulations are at least eighty-three pages long, a complex maze of laws that vendors must follow in order to not face civil or criminal penalty

Police Enforce Street Vending Laws

Police enforce street vending laws against D.C. street vendors through arrests, citations, and frequent harassment. A D.C. unlicensed street vendor is subject to criminal penalties, and police have the discretion to either arrest a vendor or initiate the post-and-forfeit procedure. Post-and-forfeit gives a vendor fifteen days to report to a police station and pay a fine. The vendor may choose to pay the fine and close the case or present before a judge. Post-and-forfeit can cost hundreds of dollars and place vendors in financial ruin; the alternative is a trial and possible conviction.

Street vendors recall their interactions with police officers as involving harassment and violence. 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. Other vendors experience repeated targeting from police officers. Vendors recount their encounter with law enforcement as a negative and traumatizing experience. There are instances where law enforcement has thrown out a vendor's food supply

for the day or verbally attacked a vendor because the vendor does not have a street vending license. Experiencing those interactions or witnessing them has placed a heightened level of fear in many vendors. All of this is done under the guise of enforcing street vending laws and public safety.

Street vendors also face collateral consequences arising from the criminalization of street vending. “Collateral consequences” are penalties or restrictions triggered by criminal convictions or citations. These consequences have wide-ranging effects on an individual’s ability to secure employment, maintain their tenuous immigration status, and eligibility for government resources. Most notably, D.C. will deny a vendor’s initial application or a renewal application for a Vending Business License if the vendor has a conviction for vending without a license. This consequence completely cuts off individuals from obtaining a license despite paying fines and attempting to become a street vendor through the “proper” channels. A criminal citation for illegal street vending can also limit a vendor’s access to employment and housing. For many immigrant street vendors, a criminal penalty from street vending can render them and their families vulnerable to Immigration and Customs Enforcement proceedings.

Criminalization of street vending also places significant burdens on D.C.’s Black street vending community. Black vendors are disproportionately vulnerable to discriminatory enforcement and harassment - despite appearing to be race-neutral, criminal laws are selectively enforced against Black residents and allow officers to have significant discretion.

Why We Need Reform

The current street vending license regime denies street vendors deserve the opportunity to earn an honest, safe, and dignified living. Many turn to street vending because it is an occupation that requires little formal education and, outside the application process for licenses and permits, requires a small capital investment. Street vending is a deep calling to vendors to share their culture, identity, and contribute to a vibrant public sphere. Street vending is also an ideal fit for D.C. residents who face barriers to traditional employment, particularly those who commonly face employment discrimination. The COVID-19 pandemic has demonstrated the vulnerability of D.C. street vendors. When D.C. issued lockdowns, many vendors experienced a drastic decrease in sales and an increase in competition as others lost stable jobs and turned to street vending as an option to make ends meet. Compounding this difficulty, Federal and D.C. workers’ stimulus programs excluded street vendors because of their informal working status and immigration status. The Black Lives Matter movement further highlighted the harms inherent in interactions between police officers and vulnerable community members.

What Reform Looks Like

The experience of other cities demonstrates that successful street vending reform first decriminalizes street vending and then creates or changes regulatory structures to allow for fair

vending practices. Some of the strategies these cities deploy include: fix-not-fine; fees based on ability to pay; use of dispute resolution to resolve conflicts; removal of all police authority over vendors; and discussions on alternatives to protect public health. All of these options give considerably more autonomy to street vendors and promote both economic and community growth.

Fees for microenterprises like street vending should be low or nonexistent and fines should only be issued as a last resort. First, all licensing fees should be on the fee-payer's ability to pay the fee. Fix-not-fine is an approach by which government authorities identify an issue and, instead of fining the violator, give the violator time, training, and resources to fix the issue. Instead of a fixed fine amount, any penalties assessed under this new regulation should also be based on the individual's ability to pay.

D.C. should empower vendors to implement vendor-led conflict resolution, mediation, and negotiation practices. Vendor-led systems should be given a chance to succeed before escalating to citations or other penalties. Such a system will empower vendors and shift focus away from police-run carceral regime.

D.C. should also explore alternatives to criminalization and byzantine regulations to protect public health and safety. D.C. could identify and provide commercial kitchen space in which vendors can safely prepare food. D.C. can also amend its cottage food law to allow foods made in private homes to be safely sold to the public by requiring vendors to disclose the manner in which food is prepared.

REFORM STRATEGIES

- Decriminalization
- Fix-not-Fine
- Fees and fines based on ability to pay
- Vendor-led Dispute Resolution
- Alternative Methods to Protect Public Health

Mutual Aid and Movement Building

Through mutual aid organizing and movement building, vendors have made critical contributions as key pieces of creating food sovereignty and a solidarity economy. Solidarity economies center poor and working class Black, Indigenous, and people of color and create frameworks for democratic ownership and community control of the systems that produce and distribute all of the goods and services that humans require in order to live with dignity. Street vendors can and do play a crucial role in these efforts, but this work is unnecessarily inhibited by D.C.'s existing regulatory regime.

About the Contributors

This report was prepared by Beloved Community Incubator in partnership with student attorneys in the American University Washington College of Law Community and Economic Development Law Clinic. The information and recommendations in this report are based on information obtained through research and consultation with street vendors and other stakeholders in Washington, D.C. and around the country.

Beloved Community Incubator

Beloved Community Incubator supports and organizes resources for community-based cooperatives and social enterprises in Washington, D.C. that have a vision for racial and economic equity and unlikely relationships. They provide leadership development, technical support, and subsidized administrative services for cooperatives that focus on creating living wage work in traditionally low-wage sectors. Megan Macaraeg, Geoff Gilbert, and Bianca Vasquez all made important contributions to this report.

Community And Economic Development Law Clinic

The Community and Economic Development Law Clinic is one of twelve clinics at the American University Washington College of Law. The clinic's student attorneys assist small businesses, workers' cooperatives, housing cooperatives, and nonprofit organizations in the District of Columbia and Maryland. They apply extensive knowledge in corporate, commercial, and transactional law to assist clients that may otherwise lack the resources to acquire legal assistance in order to assist our clients in promoting equitable economic development. Student attorneys Liriam Quintanilla Figuereo and Eric Ettorre drafted large sections of this report under the supervision of Joseph Pileri. Students Carlos Micames, Huda Yaacoubi, Mariana Teran also contributed to this work.

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Introduction

In November 2019, Metropolitan Police Department (MPD) officers harassed and then attacked two children in Columbia Heights. Fifteen-year-old Genesis Lemus and her ten-year-old brother were selling atole de elote and plantain chips from her family's street cart while Ana Lemus, her mother, ran an errand down the street. MPD officers approached Genesis, asking the girl where her mother was. When Genesis refused to answer MPD's questions about her mother, MPD threatened to report her and her ten-year-old brother to the D.C. Department of Child and Family Services. Things escalated. The officers grabbed Genesis' brother by the arm and Genesis tried to intervene. The officers pushed Genesis to the floor and surrounded her while she cried out in pain after saying officers hurt her knee. Genesis was taken to the hospital, where doctors treated her injured knee. While Ana waited for Genesis to be discharged, she was questioned by the officers, who followed them to the hospital and persisted in their threats of reporting the children to Family Services. After hours of arguing with MPD in the ER, for doing nothing more than selling plantain chips and atol de elote in their own neighborhood, the family was allowed to go home in peace.

Unfortunately, what occurred to Genesis is common to street vendors throughout D.C. For decades, street vendors have experienced continuous harassment from MPD officers who assault them, humiliate them, chase them, ticket them, and damage their property for vending without a license. The majority of D.C. vendors are Black and Indigenous People of Color (BIPOC), all the more at risk from escalated interactions with MPD.

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In response to egregious incidents of police harassment, street vendors in primarily Wards 1, 2, 4 and 5 had already formed a new organization, Vendors United // Vendedores Unidos. In the Spring of 2019, the vendors identified two clear goals: equitable access to vending licenses and an end to police enforcement of street vending. MPD's assault of a 15-year-old child galvanized them to even bolder action to confront police terror and the licensing regime. After months of pressure, DCRA quietly lifted its moratorium on street vending licenses. Vendors met dozens of times with D.C. Councilmembers on the need to reform D.C.'s licensing regime, and became more and more bold in their confrontations with District 3 and District 4 MPD Commanders and officers, demanding real safety and dignified working conditions free from harassment and assault. Their efforts caught the attention of movement organizations, mutual aid groups,

academics, journalists, and elected officials. By sheer determination and courage, Vendors United // Vendedores Unidos pushed back police enforcement of vending without a license and moved D.C. Councilmember Brianne Nadeau to introduce two bills intended to decriminalize street vending and reform the licensing regime. The proposed legislation is discussed in the final sections of this report. Despite the progress made, much is yet to be done.

The ongoing COVID-19 pandemic has devastated street vendors' livelihoods, disrupting their ability to work and earn enough to care for their families. Many vendors are left wondering how they will survive the pandemic. With the March 2020 stay at home orders, vendors have fewer customers to sell food and other merchandise to. Moreover, the few customers they do have are not buying as much as they normally would. Furthermore, with the increase in job losses because of the pandemic, more people are turning to street vending as a form of making ends meet. With an increase in competition and decrease in customers, vendors are feeling the pressures of the pandemic and are looking for solutions from D.C.. To make matters worse, many Black vendors who historically make thousands of dollars with inauguration celebrations were robbed of their ability to earn their livelihood. While the nation expressed its horror of the events of January 6th and the subsequent militarization of D.C., the fact is that the white supremacist coup attempt had real and devastating impacts on D.C. natives. For some street vendors, this meant a net loss, with debt owed to friends and family for unsold merchandise. Others like Nigerian Artist Chris D. report losing almost 18% of their annual earnings. Vendors are subjected to the vagaries of an uncertain market in deeply violent and uncertain times, while D.C.'s licensing regime and criminal code push them further to the margins of survival.

In D.C., street vending without a license is punishable by fine or imprisonment. Licenses are available but many vendors struggle to meet the Department of Consumer and Regulatory Affairs and Department of Health's vending requirements. Applying for and complying with a license and all appropriate vending requirements is cumbersome and expensive. Vendors have to navigate a maze of various government agencies and pay hundreds if not thousands of dollars before knowing if they can open up for business. Individuals turn to street vending because it is an occupation that requires little formal education and outside the application process for licenses and permits, it requires a small capital investment. Street vending is an ideal fit for D.C. residents who face barriers to traditional employment, particularly those who commonly face employment discrimination and are shut out of the formal economy, overwhelmingly Black and Indigenous People of Color.

D.C.'s vending laws and regulations continue the failed command-and-control techniques D.C. has used in the past instead of addressing any actual health and safety concerns. The eighty-pages plus of regulations focus on the size of vending carts, how close a cart is to an elevator, what is displayed on the cart, and other micromanaging rules rather than common-sense rules that protect vendors and the public. In recent years, enforcement by MPD officers included fining vendors, arresting vendors, verbally attacking vendors, throwing away a vendor's product, up to the recent physical assault of a child.

This report provides an insight into the battle street vendors face when trying to make a living while navigating the complex and often unreasonable D.C. street vending laws and regulations. To examine how street vending laws and regulations impact vendors, this report relies on vendors' personal experiences, analyzes D.C.'s current laws and regulations, the enforcement of these laws, the collateral effects from enforcement, and possible solutions. Furthermore, this report will introduce what street vending reform can look like by discussing how New York City and California have reformed their street vending laws and the results.

Table of Contents

I. Stories	6
Reyna Sosa	6
Artemis Whyte Neptune	7
Santiaga G.	8
Rasul El Amin	9
Maria V.	10
Qiana Cooper	11
Aloisa D.	13
Mary G.	14
Chris D.	15
II. D.C. Street Vending Laws	18
License Costs	19
Vending Location and Vessel	20
Vending Cart Design Standards	21
Operational Standards	21
Fines	22
Health and Welfare	23
III. Interaction with Law Enforcement	24
Collateral Consequences	28
IV. Why We Need Reform	31
V. Models for Reform	34
Decriminalization	34
License Reform	34
Developments in D.C.	38

VI. Solidarity Economies, Food Sovereignty, and Mutual Aid	40
Saturday Vendor Mutual Aid Table	41
Vendor & Tenant Association Mutual Aid Networks	42
Vendor Cooperative & Website for Online Sales	42
Ward 1 Mutual Aid Food Buying Clubs	43
Building a Grocery Cooperative	44

I. STORIES

Reyna Sosa

Despite facing obstacles and setbacks over the past ten years working as a street vendor, Reyna Sosa is still dedicated to waking up every day before sunrise to prepare mangos, watermelon, chicken tacos, plantains, yucca con chicharron, and crazy corn for her cart. Reyna can be found on Fourteenth Street vending from her cart until late at night no matter the weather conditions.

Street vending is the only income source for Reyna and her six children and elderly parents. Before the COVID-19 pandemic, the profits from street vending were enough for Reyna to pay for groceries and essentials. However, with D.C. lockdowns and growing competition, Reyna is making less and less each day because more people are losing their jobs and are turning to street vending. She fears whether she can provide for her family for the remainder of the pandemic.

While the pandemic impacts are new and unpredictable, this is not the first time Reyna has had difficulty as a street vendor. Reyna has experienced repeated harassment from police officers for not having a street vending license and refusing to stop vending. Not only have police officers thrown away the food Reyna sells, but they have also cited her multiple times, adding up to over \$1,200 in citations. Reyna recalls one horrific encounter from three years ago, where more than ten police officers approached her and arrested her in front of her children. While officers were arresting Reyna they threw away her food and confiscated her cart. While attempting to explain to officers she is trying to get a license, her children stood there terrified, not knowing what to do. Reyna remembers seeing her twin children's legs trembling with fear. She felt humiliated from the arrest but, most notably, feared how the arrest would affect her children. Reyna never got her cart back.

Artemis Whyte Neptune

Artemis Whyte Neptune is committed to bringing a piece of her country, Trinidad and Tobago, to the United States through her business, Trini Love. Artemis likes vending because it gives her independence. “I don’t have to sit and wait for anyone, to work for anyone, to get a dollar and feed my family,” Artemis shared.

Artemis started vending when she came to the United States in 1995. At first, Artemis would vend at the D.C. Carnival on Georgia Avenue and at other festivals where she had access to a large number of customers and experienced less police harassment. Over the years, Artemis has sold watermelon, drinks, currycuc and barbecue, art, crafts, and African jewelry and oils. Additionally, Artemis sold on 14th street. Back then it was easier to make a dollar, Artemis says, “there were not a whole lot of vendors - they were more separated, everybody was hustling.”

Over time, Artemis shares, vending became more controlled. D.C. started creating vending zones and making it difficult for vendors to receive vending zone permits, pushed a lot of vendors out of their usual vending areas. Creating vending zones and limiting vendor access to them made Artemis and other vendors feel like D.C.’s plan is to force vendors into the same location or off the street. With bigger festivals happening downtown, D.C. created more rules. Moreover, police started harassing vendors more, even if they had a license, because licenses are tied to a specific location and range of time for when a vendor can vend with that license. Artemis describes days where she and other vendors could make a profit at a location where the police did not harass them - but notes business is usually slower in the safer locations. However people will take chances and go to the busier places, Artemis explains, and look out for the police because the police will take a vendor’s goods and charge the vendor despite having a license.

The coronavirus pandemic has majorly impacted business and life. Artemis explains that it is hard to make an earning because people are not coming out, working, and not spending like before. Moreover, Artemis saw the opportunity to focus on building her own business, Trini Love. Instead of focusing on vending, Artemis is focusing on getting her business registered, which she sees as a path to more independence. Artemis plans to build into her business all the things that she used to do and wants to do now - making food, crafts and candles and creating a group home. Additionally, Artemis will continue to get all natural seasonings from Trinidad and Tobago, to support the people producing them there and to make available to people in the United States - seasonings like bay leaf, thyme, rosemary, meringue, certain bushes that are medicinal. Above all, Trini Love will be about creating togetherness, unity, understanding, and places of worship and gathering. To teach each other faith is what Trini Love is about. Trini Love will not be vending, but Artemis hopes that some vendors will sell Trini Love merchandise.

Artemis acknowledges that it is a challenge for the vendors to be fair to each other - everybody is hustling and there is not enough room. “We are fighting against a system that controls us,” Artemis explains that we need to work with both the Spanish speaking and English speaking

vendors so that we can all understand that we are fighting for everybody to have justice and peace. Artemis wants to fight for all vendors, whether they speak Spanish or English or have a license or not. Artemis also dreams of D.C. creating grants and other forms of support so that vendors can expand their businesses.

Santiago G.

Born in Guatemala, Santiago lived a hard life in her home country, trying to raise her five children, working multiple jobs and she was still finding it impossible to make ends meet. In 2008, Santiago decided to immigrate to the United States to build a better life and made the even more challenging decision to leave her children in Guatemala for two years until she was able to reunite with her children in D.C. and begin their new lives.

Like many individuals across D.C, COVID-19 has gravely impacted Santiago's life and left her in a state of uncertainty. Before the pandemic hit D.C., Santiago worked a full-time job that provided her financial security and allowed her to spend time with her children. That all changed in March of 2020 when Santiago lost her job and spent months unemployed, not knowing how she would pay her bills and feed her children. After four months of looking and stretching every cent, Santiago took it upon herself to become a street vendor and sell tamales, atole de elote, and other Guatemalan plates. Being the sole provider in her household, street vending allows Santiago to have a source of income and the flexibility to care for her children, who are home indefinitely doing online learning. For Santiago, street vending is her only option to financially survive the ongoing pandemic because none of the jobs for which she has applied to in recent months have responded to her.

As a street vendor, Santiago wakes up at 2:30 in the morning every day to prepare the food she will sell and safely package every item. While vending on Georgia Avenue, Santiago has experienced a mix of interactions with local police officers. At the beginning of her street vending venture, an officer approached her and instructed her to close the door on her cart as required by D.C. vending regulations. This officer did not give her a citation or antagonize her with the threat of arrest. Santiago closed the door without any hesitation and made a mental note to keep her door closed. This interaction gave Santiago a sense of security - officers were not out to harass her and understood she was merely trying to make a living. Santiago's second encounter with officers ended that sense of comfort. During her second encounter, a different police officer instructed Santiago to leave her post and throw away the food she was selling. Santiago explained she did not want to cause any harm or trouble, she simply wanted to sell some food so she could make a couple bucks to take home for her family. The officer ignored Santiago's pleas and ordered her to leave immediately. This encounter occurred in the morning, and Santiago only made twenty dollars for the entire day, an amount not sufficient to pay any of her bills or buy supplies to make up for her loss. After the incident, Santiago's sense of comfort immediately turned into fear and anger. Santiago fears she will have another encounter with

officers that will be more severe and traumatizing than the last, so now she delivers food plates to those she knows. However, Santiago still battles with understanding why officers make enforcing street vending a priority when vendors are not bothering anyone and are just trying to make an honest, dignified living.

Rasul El Amin

Rasul, an indigenous D.C. native, is a street vendor on 14th street who advocates for D.C. street vendors, bringing attention to the mistreatment vendors face. Before street vending, Rasul worked a full-time job until he suffered a work-related injury that resulted in a disability. Rasul was let go from that job and unsuccessfully applied for worker's compensation. As a result, Rasul could not afford the needed medical assistance independently. Realizing his bills were piling up and that finding a new job was becoming impossible, Rasul decided to become an entrepreneur through street vending. A certified graphic artist, Rasul used his skills to design t-shirts to sell and, after the onset of the COVID-19 pandemic, he began selling masks.

As a street vendor, Rasul has had multiple negative interactions with local police officers. Rasul is often stopped and questioned about his street vending license and told to leave the area or face arrest. Other times, officers have stared at Rasul without saying anything, hoping to provoke a negative reaction from him or other street vendors around him. Instead, Rasul packs up his merchandise for the day. With the current tension between police officers and minority communities, Rasul works in fear when street vending because he does not believe officers will spare his freedom or life over a street vending violation or other minor infractions. Additionally, after witnessing officers harass other street vendors, Rasul's fears and discomfort with police officers are continuously supported. He recalls seeing officers yell at vendors for not having a street vending license and other officers becoming so frustrated with vendors that they escalate the situation by throwing the vendor's food or becoming physical with the vendor. Nevertheless, Rasul overcomes his fears and discomfort every day because street vending is his only income source.

Like many street vendors in D.C., Rasul cannot afford an arrest or a criminal fine. For Rasul, getting arrested or cited for a street vending violation not only sets him back financially, but it may also cause him to lose his housing situation. Currently, Rasul living in public housing and under D.C. law, a housing provider can evict a tenant for their involvement in criminal activity regardless of whether the person is convicted at the end of the day. To lessen the possibility of being arrested, Rasul sticks to a strict 9 AM – 3 PM vending schedule when he perceives there to be a lower police presence on 14th street. Recently, Rasul has given up vending altogether, however continues to check in daily on his community and vendor "family."

Tired of the constant harassment he and other vendors have experienced, Rasul thought to himself, "what can I do to make this better?" and became an advocate for street vendors and

street vending reform. He goes around D.C. and asks vendors if they noticed an increase in police presence or police interactions. When vendors tell Rasul there is an increase of police presence or interactions, Rasul will visit the area and check with vendors that may have been affected to check-in to see how they are doing after the incident, and also to offer guidance on how to deescalate future police interactions. Additionally, Rasul works to maintain peace among vendors.

Like everyone across D.C., the pandemic has disrupted Rasul's life and financial stability. For Rasul and other vendors, the financial impact is severe because working as street vendors they fall in the excluded worker category making them ineligible for unemployment benefits and COVID-19 stimulus checks. Because Rasul falls in the

high-risk category for COVID-19, he has cut back on the number of days he vends and does advocacy work. Reducing the number of days Rasul vends has landed him in financial jeopardy. With the end of the pandemic nowhere in sight, he is looking for ways to return to his regular vending schedule while not putting himself and others at high risk. However, Rasul has used the pandemic as motivation to strengthen the street vending community by handing out cleaning supplies and masks to vendors and teaching them how to use contactless payment methods for their customers. Moreover, Rasul hopes this pandemic will change D.C.'s attitude towards street vending so that they can see street vendors are not causing any harm and should have a fair chance at earning a living.

When vendors tell Rasul there is an increase of police presence or interactions, Rasul will visit the area and check with vendors that may have been affected to check-in to see how they are doing after the incident, and also to offer guidance on how to deescalate future police interactions.

Maria V.

Like many immigrants in the United States, Maria had a well-established life in her home country of El Salvador; she even owned a convenience store and sold pupusas and tamales for some years. Maria lived a simple and happy life until gang violence rampantly took over her town. After gangs targeted Maria because she was a business owner, she packed her bags and moved to the United States with her five children, searching for a better and safer life. While establishing her new life in Mount Pleasant, Maria became a street vendor because it was second nature to her since she sold food in her home country. Street vending was the ideal job for Maria. As a single mother, despite working a part-time job she still needed additional income and the flexibility to watch over her children once they were out of school.

Based in Mount Pleasant, Maria sells plates varying from pupusas and tamales to her new Italian-based pasta and lasagna menu. Additionally, she previously sold clothing articles,

lotions, soaps, and other everyday things. In her thirteen years of vending, Maria is one of the few vendors who has not had a negative interaction with police officers. Maria believes this is because she takes cautionary measures to avoid drawing attention to herself from officers when she is out vending. One measure Maria takes when she goes out to sell her food is to not sell as much as possible, which means she only spends a few hours outside vending.

Additionally, since witnessing an increase of police interactions with street vendors, Maria began taking orders over the phone from people she knows and delivers them to their homes. Although not attempting to maximize her profits and making deliveries creates a financial hindrance, it does lower her chances of facing thousand-dollar post-and-forfeits and potential criminal charges that would jeopardize her status in the United States. One of Maria's biggest fears is that having a citation or arrest for vending without a license will expose her to Immigration and Customs Enforcement (ICE). Being exposed to ICE could lead to Maria and

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her family's deportation. Even worse, ICE could detain or deport Maria alone, separating her from her children. Maria fears that if she does not take the cautionary steps, she will be subjected to the same or higher level of harassment from officers that other vendors have experienced, and fears the negative impact those incidents will have on her family.

As a street vendor, Maria fell in the excluded worker category during the COVID-19 pandemic, which meant she would not have access to government resources, such as the COVID-19 relief stimulus check. Like many Americans, Maria desperately needed the extra assistance since the pandemic put her in financial uncertainty. However, Maria's need was especially dire because she and her entire family were infected with COVID-19 earlier this year. With Maria as the provider, the family felt the absence of her income, and recovering from the horrible illness made the absence worse.

Qiana Cooper

Qiana Cooper is a third generation D.C. resident, who grew up on 9th St SE. Qiana's grandparents moved to D.C. from Raleigh and lived on Yuma St SE - her grandmother was an entrepreneur and street vendor and her grandfather was in the army. Qiana's mother recently retired from working as a secretary, assistant, and manager at the National Gallery of Art for several years. Qiana likes to sell a wide range of things - food, hair products, oils, incense, face

masks, big bags of candies, like peppermint and gum. She vends in different places - sometimes on 14th St, sometimes on Alabama Avenue SE near the safeway. Qiana prefers Alabama Ave because the laundromat sometimes lets her and other vendors in to sell, and it can get hectic on 14th St with so many vendors. One day, Qiana wants to have her own store.

Qiana has great memories of going with her grandmother to vend. Qiana shared that when she was young and her grandmother was out vending and everybody knew her, it was the best thing. Qiana got into vending because of her grandmother, who sold candy and was known as the “Candy Lady,” - her grandmother also sold hot dogs, chili cheese fries and other foods. Qiana’s grandmother vended in different parts of D.C., but primarily vended in the South Capitol area, near South Capitol St SE and Livingston Road, where there was a little commercial strip. Qiana shares the area where her grandmother used to sell is different because of newly built apartments and the overwhelming corporate feeling surrounding the South Capitol area. Unfortunately, Qiana’s grandmother wanted to own her own store but did not have the means.

Qiana started vending after her grandmother got sick and needed more care from Qiana. Before becoming a street vendor, Qiana went to school for nursing and worked as a receptionist.

Unfortunately, it became too much and Qiana stopped going to school. Qiana’s grandmother advised her to get a vending license despite the

difficulty in obtaining one, because it would allow Qiana the opportunity to sell somewhere safely. Fortunately, Qiana has had a license for four years, and recalls facing the difficult process to obtain her license such as having to drop out of nursing school because she was already working part time and needed to care for her grandmother, the bureaucracy and financial cost of obtaining the license, and needing to continue to update the license as she changed addresses. Qiana has thought about stopping her vending career at various points, however, her grandmother, family and friends have continued to encourage her. She is inspired by the support that her grandma gave to her community. Qiana shares that she would help out with Catholic Charities. Qiana’s grandmother told her that it takes a village and that she should try to help out others as much as she can.

In conclusion, vending has helped Qiana stay afloat during this pandemic. It has been hard, but Qiana is making it and is now in the process of trying to get a website and even a store in the future.

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Aloisa D.

After immigrating from Venezuela over thirty years ago, Aloisa is a passionate D.C. community member who turned to street vending in recent years. Aloisa worked various jobs after arriving in the United States, ranging from working as a caregiver to a factory lineman. However, Aloisa fell victim to labor exploitation in her last job at a factory. This is a common-issue many immigrant workers face in the United States. Because of their tenuous immigration status, many workers fear speaking out. However, three years ago, Aloisa decided enough is enough. She could no longer tolerate the abysmal working conditions or continue to have her wages stolen from her.

When explaining why she became a street vendor, Aloisa noted she saw a growing interest in Latin food and felt confident she could meet the demand. Additionally, street vending offered Aloisa the opportunity to feel dignified and independent while making a living, something she never imagined would be possible for her. Furthermore, street vending gave her access to help those in need in her 14th Street community. Aloisa frequently gives free food to homeless people she comes across when vending or lowers her merchandise price when customers do not have enough. Aloisa believes that it is our duty as a community to take care of one another as when presented with the opportunity.

Aloisa frequently gives free food to homeless people she comes across when vending or lowers her merchandise price when customers do not have enough. [. . .] Aloisa continually sees the same officers approaching her to threaten her with citations, arrest, or to throw her produce away.

Like other vendors on 14th Street, Aloisa has experienced negative interactions with local police officers. Aloisa recalls these moments as abusive and humiliating. One day, an officer approached her to ask about her street vending license. When Aloisa informed the officer that she did not have one, the officer

asked about her immigration status. This event sent chills down Aloisa's spine because, although receiving a citation and a threat of arrest was not ideal, it is much more bearable than the possibility of facing deportation. Another day, when Aloisa was packing up for the day, an officer followed her home and threatened to arrest her for street vending. Aloisa continually sees the same officers approaching her to threaten her with citations, arrest, or to throw her produce away. All of these events would scare off the average person from ever street vending again, but not Aloisa. Though the police encounters make Aloisa cautious about her surroundings, she refuses to let the officers' intimidation tactics stop her from making a living. In her eyes, her only wrongdoing is not having a license. Even without a license, Aloisa follows the same safety procedures a licensed vendor is expected to follow because Aloisa acknowledges the importance

of food safety and protecting her customers. Every day, Aloisa makes sure to safely prepare and transport her food, maintain a clean work station, and keep cleaning supplies for her customers, so they are also safe when eating.

Mary G.

Before making D.C. her home, Mary was a proud business owner in Oaxaca, Mexico. She loved what she did and loved the fact that she was her own boss. Unfortunately, with Mary being the sole provider for her elder mother and four young sisters, her business was not making enough to make ends meet. Mary decided to immigrate to the United States to earn more and to adequately support her family. Mary hit the ground running when she moved to D.C. She quickly landed a full-time job and was able to send money back home. However, this changed when Mary became a mother. One day after picking up her two infant daughters from daycare, she noticed one showed signs of physical abuse. Fearing her daughters would be subjected to further abuse, Mary immediately quit her job to care for them and became a street vendor.

At the start of her street vending venture, Mary sold in front of her daughters' school. She sold taquitos, fruit salad, elotes locos, tamales, and other Mexican dishes. This allowed Mary to be close to her daughters, and gave her access to loyal returning customers until the local international store owner gave her permission to sell in front of the store. After relocating, Mary began to have repeated encounters with police officers. Some interactions involved threats to throw away Mary's produce with added threats about reporting her to ICE if she continued to vend. Other encounters involve officers just yelling and talking down to Mary to leave the area, which made her feel less than human because the officers refused to have a civil conversation with her. Mary has witnessed other vendors experience the same level of verbal attacks and even one encounter where an officer became physical towards a vendor, pushing the vendor to the ground.

One encounter that stood out the most to Mary and continues to haunt her was when Mary was vending with her daughters, an officer approached them and threatened to arrest Mary and separate her from her daughters. Now, Mary lives in fear whenever she leaves her home, and even when she is not street vending. She fears the threatening officer will see her and carry out his threat. Additionally, Mary's daughters are scared from the day the officer threatened to separate them; they now tense up and cry when they see an officer even if the officer is across the street. Some days the kids ask Mary not to leave the house because they are scared of the real possibility of family separation.

With the ongoing pandemic, Mary feels the pressure more than ever to go out and vend enough to make a living. Along with making sure she does not come across officers, Mary fears the possibility of contracting COVID-19 every time she leaves the house and then passing it to her

daughters, who both suffer from asthma. Additionally, Mary noticed a decrease in sales because fewer people are out buying food and do not have enough to buy as frequently as they did—the decrease in sales places Mary in financial uncertainty like many others in D.C. Additionally, working as a street vendor makes Mary an excluded worker, meaning she is ineligible to receive unemployment benefits and COVID-19 relief. As of now, street vending is Mary’s only option to have a source of income, and she is hopeful that this pandemic will create change in the way street vending is enforced, and she can make her living without living in constant fear.

Chris D.

Born in Lagos, Nigeria, Chris D. always had a passion for learning and art, since he was a young child. Education and faith always came first in his family. Chris always works to stay humble and help others and to love and respect everyone, no matter what. Even though Chris has shown his art in shows and galleries, he likes to give people affordable art and have conversations on the street. Most of the images in his artwork, the concepts, the style, the love for his people came from Badagry in the rural areas surrounding Lagos. Chris mentors a lot of younger folks, college students, and others that stop by and talk with him. When people see his art here on the sidewalk, it inspires them and offers a vision of what it would be like to contribute their efforts to the world. For Chris, it’s not always about selling a painting. Along the way, you do other things that help people from all walks of life.

Given all the life experience, culture and beauty he and others bring to the streets, Chris thinks it is really unfortunate that vendors are so harassed by the police and not valued by our city. Chris recalls his experiences at the USA Mall in Columbia Heights, MPD, and the impact of the January 6, 2021 coup attempt by white supremacists, with the subsequent militarization of D.C. follows:

“Many times the police are called. USA Mall (in Columbia Heights) has an issue with us being there. We do not have it on record, but management sends security over to harass us and take pictures and when we do not leave, we know it is them calling the cops. They have issues with other people fighting, stealing from the stores, yet they come out to harass and surveil us.”

Some of the police officers become aggressive and harass the vendors. When the USA Mall calls them and says people are outside vending without a license, the police quickly come to write the vendors a ticket. USA Mall uses the fact that the law says you cannot vend without a license, to call the police on us. Then, police officers who have a tendency to get aggressive will show up. It is a domino effect.

Why is street vending is a crime? These vendors are not doing anything wrong. They work hard every day just to make a little money. Some days vendors go home with nothing. What is it they

are doing wrong, that they are scapegoated by the police. Nothing! Why bother these when they are working so hard to feed their families, and work for up to fifteen hours and sometimes make nothing?!

In fact, it is the vendors more often than not keeping the peace, not the police. The public tells us, “we are glad you guys are here.” Our neighbors want us here. As far as Columbia Heights is concerned, we are a landmark. People come from all over the DMV and come out there not just to support us, but to socialize with us and be a part of the street life we create. It is a lively environment and people love that.

“Our neighbors want us here. As far as Columbia Heights is concerned, we are a landmark. People come from all over the DMV and come out there not just to support us, but to socialize with us and be part of the street life we create.”

Chris D., Street Vendor and Artist

Customers tell us, “Oh man, you make this place so inviting and so lively.” What is wrong with that?! People come out of their homes, especially right now, and they get smiles on their faces to participate in public life in a safe way. In fact, we were some of the first people who were giving out hand sanitizers and masks for free. We were promoting and modeling COVID safety and social distancing. I always make sure to remind people to wear their masks. They respect the fact that we are practicing social distancing. The city should realize we are part of the system and doing our best to survive. We are not in any way doing anything negative. We should actually be supported to do what we do. When people come out so sincerely and humbly every day and work very hard to

survive, rain or shine, sun or snow. It gets so cold outside when you sit outside for six to seven hours. And folks would rather do this than something harmful in their community to make money. They come from blocks away. Most people do not have vehicles and just push their carts to their vending spot to make an honest living. How can the city not support that?

“We were some of the first people who were giving out hand sanitizers and masks for free. We were promoting and modeling COVID safety and social distancing. I always make sure to remind people to wear their masks. They respect the fact that we are practicing social distancing. The city should realize we are part of the system and doing our best to survive.”

We were hit hard by the catastrophe of when Trump supporters and fascists created an unsafe city, it hurt us economically. All the buttons, t-shirts, art, everything, that we invested to try to make money from the inauguration, it all went down the drain. Inauguration can be up to 18% of Chris' income. We knew things would be hard because of COVID, but we were hoping there would be some opportunity to celebrate Black culture and make some money. These Proud Boys came and ruined everything up for us. Through conversations, the street vending community believes it is going to take months to recover from this loss. Many of us borrowed from friends and family members to create or buy our merchandise. We then pay back what we borrowed, and then need to try to survive on what we have left.

We need to hear from the government, “we applaud you, we respect you, we admire your efforts,” and then give us small business loans and grants like the small business owners we are.

People have so many urgent needs and crises right now, and it is a very important thing that there is a group like Ward 1 Mutual Aid. A lot of people on 14th street and Columbia Heights are thankful that there is this sort of organization that goes out of its way to support my work and our work. Ward 1 raised enough money to stop the auction of my art and my entire life's work. My art is my most central relationship and if it had been seized and auctioned, I would have been devastated. I can't even imagine what it would have been like to lose everything I had worked for. I was hoping and praying that would not happen. I had called everyone I knew but everyone is so desperate right now. My community and W1 Mutual Aid came through, and helped me keep my paintings and all my art supplies.”

“These are terrible, tough times, especially for vendors. Everything is shut down and our work is defined by the street. Downtown is a ghost town. All the more reason our sidewalks in Columbia Heights and across the city should be protected and supported.”

Chris D., Street Vendor and Artist

II. D.C. STREET VENDING LAWS

In Washington, D.C., street vending without a license or in violation of a license is a misdemeanor punishable by up to 90 days in prison.¹ D.C. misdemeanor crimes are offenses such as disorderly conduct and aggressive panhandling.² The D.C. government explains that although the criminal behavior in misdemeanors is not violent, it has a significant negative impact on the D.C. community and its residents' quality of life.³ In order to obtain a license to vend, D.C. street vendors must pay substantial, often unaffordable fees and comply with a complicated maze of regulations. The following section lays out just a few of the regulations with which street vendors must comply, the violation of any one can lead to criminal sanctions.

Five D.C. government agencies have jurisdiction over enforcing laws and regulations for all street and sidewalk vending. The Department of Consumer and Regulatory Affairs (DCRA) coordinates all vending activities in D.C..⁴ The D.C. Department of Transportation is responsible for approving locations on public spaces to vend and assisting with its enforcement.⁵ The Metropolitan Police Department enforces the laws and regulations prohibiting unlicensed vending activities and enforces any criminal laws.⁶ The Department of Health designates the categories of food that may be vended and reviews the approval of food vendors.⁷ The Fire and Emergency Medical Services Department is responsible for reviewing and issuing permits for the use of open flame and propane gas.⁸

¹ See D.C. Code § 37-131.08.

² *D.C. Misdemeanors*, D.C. Courts,

<https://www.dccourts.gov/services/criminal-matters/dc-misdemeanors#:~:text=D.C.%20misdemeanor%20crimes%20include%20offenses,Misdemeanor%20and%20Traffic%20Community%20Courts> (understanding that although the criminal behavior in misdemeanors is not violent, the D.C. Government believes it has a significant negative impact on the D.C. community and its residents' quality of life).

³ *Id.*

⁴ 24 D.C. MR § 501.1 (a)-(h).

⁵ 24 D.C. MR § 501.2 (a)-(c).

⁶ 24 D.C. MR § 501.3 (a)-(c).

⁷ 24 D.C. MR § 501.4 (a)-(d).

⁸ 24 D.C. MR § 501.5 (a)-(b).

License Costs

All D.C. street vendors must obtain a basic business license. There are four basic steps to obtaining a business license.⁹ The first step is to register your corporation if operating under a corporation, limited liability company, or partnership. The second step is to register with the Internal Revenue Service and D.C. Office of Tax and Revenue to apply for an Employer Identification Number. The third step is to register with the Office of Zoning Administrator if conducting business from an office or out of a home. The last step to obtain a basic business license is to submit the application with the supporting documents and payment. In addition to the basic business license, vendors are required to have and display upon request a vending site permit, health inspection certificate, food protection manager certificate, and a propane or open flame permit. Vendors also are required to apply for licensing based on what they wish to vend. A Class A license is for food vending, Class B is for vending merchandise, Class C is for agricultural and other farm products, and Class D is for the sale of tickets.¹⁰ In addition to a basic business license and various certificates, a DCRA vending site permit may be necessary for a vendor seeking a particular vending location in the city.¹¹

The fees required by the DCRA to obtain a license are vast. A Class A license costs \$476 for a two-year term. In addition, a Sidewalk Vending Site Permit costs \$600 for a year term. More fees apply depending on where the vendor wants to vend. For example, if the vendor chooses to vend on the National Mall, the D.C. government imposes a \$450 per month fee.

Under the current D.C. government vending regime, vendors must obtain approval to operate from the Department of Health (DOH).¹² To receive approval, vendors must obtain a Health Inspection Certificate (\$100 for a 6-month term), Food Protection Manager certificate (\$35 for a 3-year term), and a propane permit if the vendor uses one (\$150).¹³ All these requirements will cost a vendor a minimum of \$2,000 before they can begin to operate as a street vendor.

In total, a new food vendor located on the National Mall would have to pay \$6,861¹⁴ just to start a vending venture. Renewal costs would be over \$800 per year.

⁹ *Steps to Obtaining a Basic Business License*, D.C. Department of Consumer and Regulatory Affairs, <https://dcra.dc.gov/node/1428666>.

¹⁰ See generally 24 D.C.MR § 502.

¹¹ See 24 D.C.MR § 524.1-524.4.

¹² See 24 D.C.MR § 517.1 (vending without a health inspection certificate issued by the Department of Health)

¹³ 24 D.C.MR § 502.2 (c)(1)-(2), (d), (e).

¹⁴ This is taking into account the starting costs of vending, including a \$476 two-year license, \$600 Sidewalk Vending Site Permit, \$450 per month National Mall surcharge, and additional minimum payments to obtain Health and Safety permits.

Vending Location and Vessel

The DCRA has particular street vending location requirements depending on what type of vehicle or cart and stand the vendor chooses to operate. For example, mobile roadway vehicle vendors may park at legal parking spaces and pay meter fees in accordance with their Mobile Site Permits, or they may vend from designated MRV locations that are assigned each month by lottery.¹⁵ Most pertinent to this report and its constituency is the vendor cart and stand. These carts are to only operate from approved locations by vending site permits.¹⁶

There may not be more than three sidewalk vending locations designated to any side of any city block. Within the Central Zone¹⁷, vendors must maintain ten feet of clear passageway.¹⁸ Outside of the Central Vending Zone, vendors must maintain seven feet of clear passageway.¹⁹ Additionally, there are a plethora of sidewalk vending restrictions; some of the most key are that no sidewalk vending locations shall be on the length of a Metrobus Stop Zone, commuter bus zone, and intercity bus zone.²⁰ Another rule is that no sidewalk vending location shall be designated within twenty feet of the driveway entrance to a police or fire station, within ten feet of any other driveway, within ten feet of an alley, within ten feet of another sidewalk vending location, and within twenty feet of the street-level entry to a metro escalator.²¹ These are just a few of the most pertinent regulations regarding the location of vending that the DCRA mandates.²²

Vending Cart Design Standards

In addition to the locational vending regulations, the DCRA delineates vending vessel design standards. A vending cart must be four feet six inches in width, unless the vendor vends food from the vending cart, in which the vending cart shall not exceed five feet in width.²³ It must be

¹⁵ 24 D.C.MR § 514.

¹⁶ 24 D.C.MR §§ 525, 532, 533, and 535.

¹⁷ The Central Zone's northern border is Massachusetts Avenue. Its western border is Rock Creek Parkway. Its eastern border is 3rd St. NE. Its southern border is M St. SW.

¹⁸ 24 D.C.MR § 525.1(d).

¹⁹ 24 D.C.MR § 525.1(e).

²⁰ 24 D.C.MR § 525.1(c).

²¹ 24 D.C.MR § 525.1(f)(5).

²² More vending location regulations and restrictions are included in the Appendix.

²³ 24 D.C.MR § 545.1 (a).

seven feet in length, unless the vendor vends foods from the vending cart, in which case the cart should not be more than eight feet in length.²⁴ The height must be eight feet six inches, measured from the bottom of the tire.²⁵ The vending carts shall have an umbrella which shall not exceed nine feet in diameter or extend more than four and a half feet in any direction of the cart.²⁶ The vending carts must be parallel to the curb, with the long side of the vending cart parallel to the curb and located two feet from the curb. Moreover, vending stands shall not exceed a maximum horizontal surface area of seven feet by four feet six inches.²⁷ For a vending stand, the stand shall have a canopy that shall not exceed seven feet nine inches by five feet three inches.²⁸ The uppermost point on the canopy shall not exceed more than nine feet in height, and the lowest point on the canopy shall not be less than seven feet in height.²⁹ The canopy shall be clean and in good repair.³⁰ No free-standing racks or other free-standing forms of display shall be allowed around the stand.³¹ The vending stands shall be parallel to the curb.³²

Operational Standards

Vending hours of operation are Sunday through Thursday, during which vending can transpire between 5am and 10pm.³³ On Friday and Saturday, vending may occur between 5am to 1am.³⁴ The Vending Site Permit for each vending location in a Vending Development Zone shall establish the operation hours for that vending location.³⁵ No vendor shall operate a loudspeaker or sound amplifier.³⁶ No vendor shall drive a vehicle onto or over a curb to drop off or pick up a vendor cart for towing.³⁷ Vendors shall keep no merchandise, food, equipment, and other items related to the operation of a vending vehicle, vending stand, or vending cart in or under the vending vehicle/stand.³⁸

Continuing with more regulatory standards for vending carts, all Class A vendor shall have a fresh water tank with at least a five-gallon capacity or more for food vending carts; a freshwater tank with at least thirty-eight- gallon capacity or more for food vending vehicles; a wastewater tank with a capacity fifteen percent or larger than the required freshwater tank; a

²⁴ 24 D.C.MR § 545.1 (b).

²⁵ 24 D.C.MR § 545.1 (c).

²⁶ 24 D.C.MR § 545.2 (a).

²⁷ 24 D.C.MR § 547.1 (b)-(c).

²⁸ 24 D.C.MR § 547.1 (d).

²⁹ *Id.*

³⁰ *Id.*

³¹ 24 D.C.MR § 547.1 (f).

³² There are more design standards for mobile roadway vendors included in the Appendix.

³³ 24 D.C.MR § 552.1 (a).

³⁴ 24 D.C.MR § 552.1 (b).

³⁵ 24 D.C.MR § 552.2.

³⁶ 24 D.C.MR § 557.1.

³⁷ 24 D.C.MR § 553.4.

³⁸ 24 D.C.MR § 553.5.

three-compartment sink with hot and cold running water; a separate hand washing sink with mixing faucet; walls, ceiling, and floors that are smooth and easily cleanable; natural or electrical lighting to provide a minimum of fifty candles of light on work surfaces; a generator-powered refrigerator that will maintain stored foods at forty-one degrees Fahrenheit or below and that has sufficient holding capacity for one day of operation; a freezer that will hold stored food at zero degrees Fahrenheit; and adequate ventilation.³⁹

Fines

The D.C. Department of Consumer and Regulatory Affairs sets up an infrastructure for vending infractions and fines organized in different classes. Each class incorporates different associated offenses. A Class 1 violation includes a failure to have and maintain general license requirements.⁴⁰ Additionally, Class 1 contains fines for vending after the expiration of a vending business license and any alteration or illegal display of a license.⁴¹ Vending at an unauthorized vending location, vending without a health inspection certificate, and vending in an unassigned area are all ways vendors may earn a Class 2 fine.⁴² Class 3 infractions involve a failure to comply with a law or rule requiring periodic renewal of licenses or permits, or infractions that are serious and have an immediate, substantial impact on the health, safety, or welfare of persons within the District of Columbia. Class 4 infractions involve a failure to post required licenses or permits, or infractions that are minor, but have the potential to be hazardous to the health, safety, or welfare of persons within the District of Columbia. Vending items not authorized under the vending business license class, vending at unauthorized vending locations, failure to adhere to cart design standards, and failure to adhere to advertising design standards are just a few of the pertinent Class 5 violations.⁴³ While fines can cost up to \$2,000, vendors like Reyna, Rasul, Santiago, Mary, Aloisa, and Maria cannot afford licenses and receive criminal citations for violating D.C.'s vending regulations. Additionally, the rules and regulations are complicated, cumbersome, and confusing, especially for non-native English speakers.

Health and Welfare

The current regulations from DOH reflect the District's continued impulse to prescribe every aspect of a vendor's business. To receive approval from the DOH, a vendor must submit a menu, plans of operation, and preparation and holding procedures for the food.⁴⁴ The DOH will make

³⁹ 24 D.C.MR § 548.3 (a)-(j).

⁴⁰ See 24 D.C.MR § 502.1.

⁴¹ See 24 D.C.MR § 551.2, 24 D.C.MR § 562.3.

⁴² See 24 D.C.MR § 508.4, 24 D.C.MR § 517.1, 24 D.C.MR § 538.1.

⁴³ See 24 D.C.MR § 503.2, 24 D.C.MR § 525.1(f), 24 D.C.MR § 545, 24 D.C.MR § 549.

⁴⁴ See *Mobile Food Vending*, D.C. Health, <https://dchealth.dc.gov/node/1157376>.

its determination based on its standards, but the regulations focus more on ways to micromanage vendors than health and safety concerns.⁴⁵ To obtain a Food Protection Manager certificate, vendors must go through eighteen training courses that will run the vendor a few hundred dollars and then must take an exam.⁴⁶ The certification is valid for five years and must be placed on vendors cart at all times or else they will be subjected to a fine and possible license suspension.⁴⁷

⁴⁵ *See id.*

⁴⁶ 24 D.C.MR § 502.2 (b).

⁴⁷ *See id.*

III. INTERACTION WITH LAW ENFORCEMENT

Several agencies have the authority to enforce street vending regulations, such as the DCRA, DOH, District Department of Transportation, District of Columbia Fire and Emergency Medical Services Department, and MPD.⁴⁸ Agencies penalize vendors who violate vending regulations by issuing civil citations.⁴⁹ Moreover, the D.C. Code creates criminal penalties for unlicensed street vending, which MPD has the authority to enforce.⁵⁰ Criminal penalties are either immediate arrests or a fine structured as a post-and-forfeit.

When MPD approaches an unlicensed vendor, they have the complete discretion to conduct an immediate arrest or give the street vendor a Field Arrest Citation (Form 61-D).⁵¹ Form 61-D is a form of an incomplete arrest, which means an officer had probable cause to believe an individual committed one or more misdemeanor offenses that are eligible for a non-custodial arrest.⁵² When a vendor is issued Form 61-D, they have fifteen days to report to an MPD police station to complete the arrest.⁵³ Once the vendor appears at the police station, they are given an arrest number and presented with two options, post-and-forfeit or citation release. The post-and-forfeit option allows the vendor to end their case immediately.⁵⁴ During this process, the vendor will post-and-forfeit their collateral, listed on Form 61-D, and their case is closed with no formal charges filed with the D.C. Superior Court. In the citation release option, the vendor receives a new citation in exchange for the vendor's promise to appear in the D.C. Superior Court later.⁵⁵ Following this process, a prosecutor will determine whether to prosecute the vendor on criminal charges or dismiss the case. If a vendor does not appear in a police station within those fifteen days, a warrant is issued, and criminal charges are more than

⁴⁸ *Vending Regulation Act of 2009*, D.C. Code Ann. § 37-131.08; 24 D.C.MR § 501.

⁴⁹ *Id.*

⁵⁰ D.C. Code Ann. § 37-131.08.

⁵¹ D.C. Code. § 23-584.

⁵² Metro. Police, *PD Form 61D (Violation Citation)*, 1, (2005).

⁵³ *Id.* at 4.

⁵⁴ Metro. Police Dep't., *Resolving a Field Arrest Citation*,

[https://mpdc.dc.gov/61D#:~:text=Resolving%20a%20Field%20Arrest%20Citation%20\(61D\),for%20a%20non%20custodial%20arrest.&text=Bring%20this%20citation%20with%20you](https://mpdc.dc.gov/61D#:~:text=Resolving%20a%20Field%20Arrest%20Citation%20(61D),for%20a%20non%20custodial%20arrest.&text=Bring%20this%20citation%20with%20you). (last visited Nov. 16, 2020).

⁵⁵ *Id.*

likely.⁵⁶ Unlicensed street vendors commonly choose the post-and-forfeit option because not only is it a quicker process, it is the one with the lowest risk for them.

Since 2010, MPD has issued over 1000 post-and-forfeits and over 450 cases were brought before a D.C. Superior Court Judge for vending without a license. Unfortunately, the high numbers in post-and-forfeits and cases are not because vendors do not take advantage of a generous licensing system. Research shows that less than 400 street vending licenses were granted each year since 2010. By August 2019, the DCRA only granted seventeen street vending licenses, the lowest quantity since 2013 where the DCRA 322 granted licenses. With the DCRA's low permit approval, vendors are left with the option to wait an indefinite amount of time to receive a street vending license or vend without a license and risk criminal penalties. Moreover, given the high level of discretion MPD has when enforcing street vending laws, officers have used street vending penalties to arrest individuals caught selling loose cigarettes and selling marijuana. Both items uncommonly sold by D.C. street vendors. By using street vending penalties to police unrelated street vending incidents MPD's power is dangerously expanded.

When the DCRA or other government agencies determine a vendor has violated one or more of the vending regulations, the agencies will issue a civil citation according to the Class the vending infraction falls under.⁵⁷ Under DCRA's vending infractions and fine schedule, a citation can cost a vendor a minimum of \$2,000 and a maximum of \$16,000, which can wipe out a vendor's weeks' worth of hard work and place them in financial uncertainty.⁵⁸ Moreover, both agencies have the discretion to suspend, revoke, and seize a vendor's Vending Business License for a single or multiple vending infraction.⁵⁹ Furthermore, the DCRA can deny an application for a Vending Business License renewal based on previous infractions, even if a significant amount of time has passed since a vendor settled the fines and disputes.⁶⁰ For example, an individual who owes D.C. more than \$100 in fees, fines, or penalties, is denied government goods or services.⁶¹ If a vendor cannot settle a fine from either the DCRA or MPD, their ability to obtain or renew their vending license is indefinitely jeopardized.

⁵⁶ *Id.*

⁵⁷ [1] Gov't Dep't of Consumer & Reg. Aff., Vending Handbook, 17-19 (2013),

<https://eservices.dhra.dc.gov/DocumentManagementSystem/Home/retrieve?id=Vending%20Handbook.pdf>

⁵⁸ *Id.* at 17.

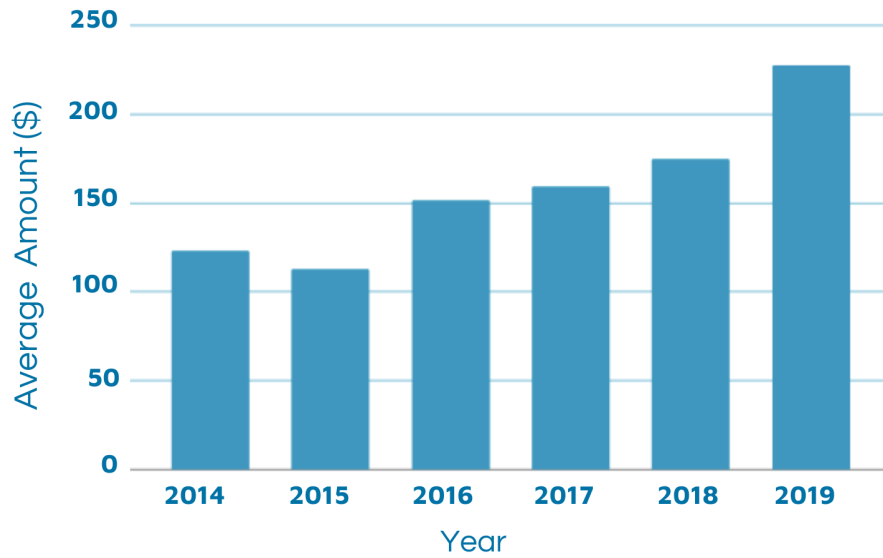
⁵⁹ D.C. Mun. Regs. tit. 24, § 507 (2013).

⁶⁰ D.C. Mun. Regs. tit. 24, § § 504.3(a), 507.6 (2013).

⁶¹ D.C. Code § 47-2862.

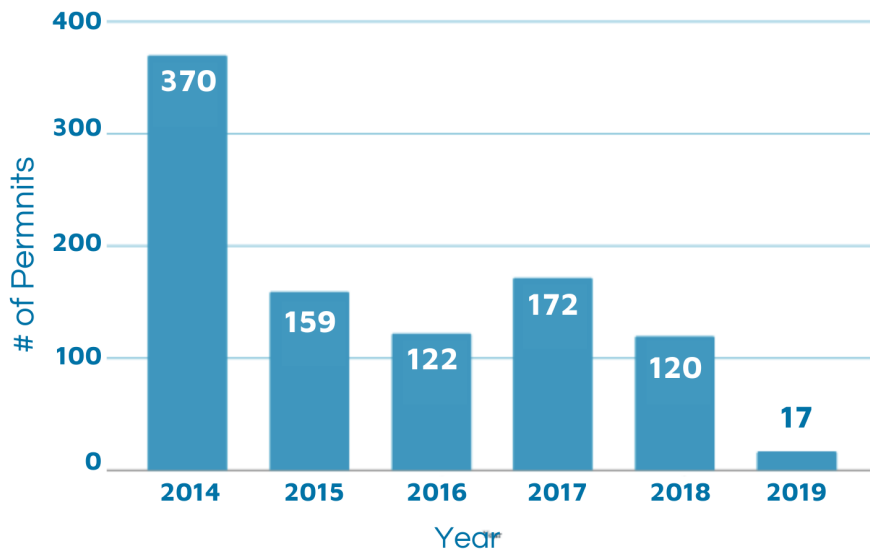
AVERAGE \$ AMOUNT PAID IN POST & FORFEIT

Data from D.C. Superior Court
(January 2013 to March 30, 2019)



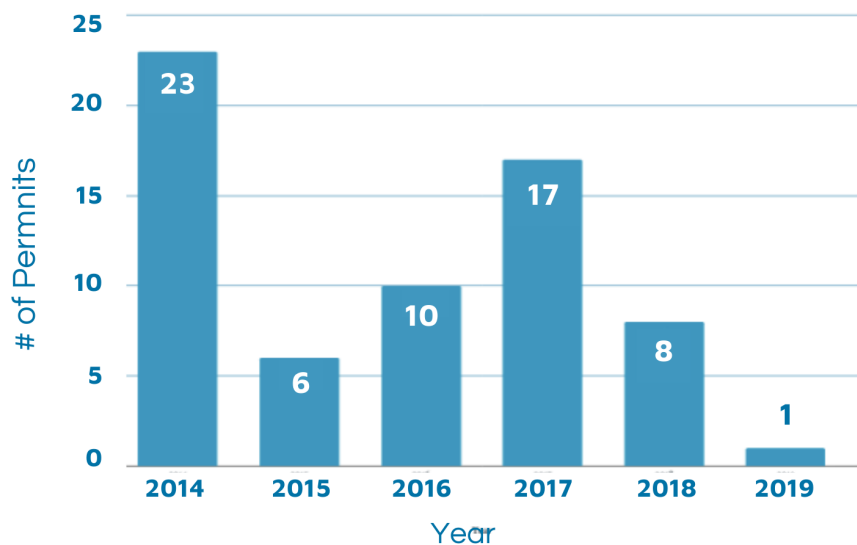
PERMITS GRANTED PER YEAR

Data from D.C. Department of Consumer & Regulatory Affairs
(January 2013 to March 30, 2019)



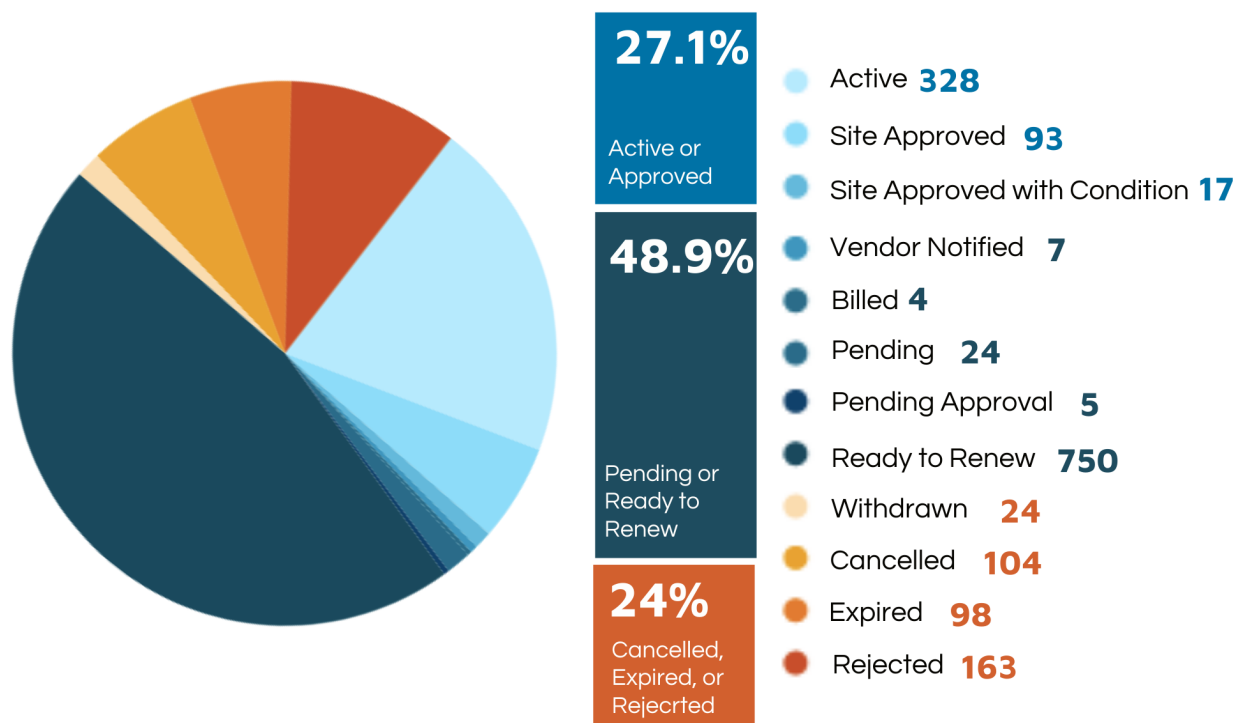
PERMITS REVOKED PER YEAR

Data from D.C. Department of Consumer & Regulatory Affairs
(January 2013 to March 30, 2019)



VENDING SITE PERMIT APPLICATIONS

Data from D.C. Department of Consumer & Regulatory Affairs
(2010 to March 2019)



Collateral Consequences

Vendors will also face different collateral consequences from the criminal citations they may receive from street vending. “Collateral consequences” are the informal punishments imposed on individuals triggered by criminal convictions or violations of statutes, codes, regulations, and other policies.⁶² Collateral consequences have wide-ranging effects on an individual’s life, such as securing employment, accessing government resources, and exposing vulnerable immigration status.⁶³ Despite paying fines and attempting to become a street vendor through the proper channels, having a criminal record because of unlicensed street vending can completely cut off individuals from entering the D.C. street vending regime. Thus, vendors face more barriers to earn an income.

Outside of the street vending realm, collateral consequences from unlicensed street vending can limit a vendor’s access to employment and housing. Although employers are prohibited from asking about criminal backgrounds on job applications or during the interview process, employers can ask or conduct a background check after extending a conditional offer.⁶⁴ Thus, adding to an individual’s inability to access stable employment and making it more likely they will continue to vend without a license out of necessity. Furthermore, in D.C., having a criminal history can affect an individual’s eligibility for public housing. Similar to employers, housing providers cannot ask about an applicant’s criminal background on the application until a conditional offer is made.⁶⁵ However, housing providers can disclose in the eligibility criteria that a person with a criminal history should not apply.⁶⁶ Many housing providers prefer to withhold offering public housing to individuals with a criminal history, or providers will make their housing contingent that the individual does not receive a criminal penalty while living in public housing. Therefore, an individual’s criminal history from their attempt to make a living can create additional barriers to employment and make it more likely for the individual to need government assistance, which will also contain barriers because of the criminal history.

Black D.C. residents who participate in public activities like street vending are more vulnerable than others to be targets of discriminatory enforcement and harassment. While street vending laws and regulations are race-neutral, they are selectively enforced and allow officers to have

⁶² See Amy P. Meek, *Street Vendors, Taxicabs, and Exclusion Zones: The Impact of Collateral Consequences of Criminal Convictions at the Local Level*, 75 Ohio St. L.J. 1, 3-4 (2014).

⁶³ *Id.* at 18; D.C. Mun. Regs. tit. 24, § 504.3(c)(1).

⁶⁴ D.C. Code. § 32-1342.

⁶⁵ D.C. Code. § 42-3541.02(a)-(b)(1),(d).

⁶⁶ D.C. Code. § 42-3541.02(c)(1)(A).

significant discretion. This high discretion disproportionately affects Black vendors because Black D.C. residents have higher arrest and conviction rates than other minority groups.⁶⁷ Consequently, Black D.C. residents who are cited or arrested for vending without a license are also disproportionately impacted by collateral consequences. Aside from being excluded from accessing employment, government services, and public housing, being excluded from participating in the public sphere is another collateral consequence Black vendors may face. For Black vendors, street vending offers the opportunity to “build a more viable Black public sphere.”⁶⁸ However, because vending laws are more likely to be enforced against Black vendors, their chances to hold entrepreneur roles and community engagement roles are limited. Thus, furthering the systematic racism against Black D.C. residents in all aspects of social life.

Moreover, for immigrant street vendors who have a tenuous status in the United States, an arrest or criminal penalty makes them vulnerable to U.S. Immigration and Customs Enforcement (ICE) and exposes vendors to the possibility of deportation. Generally, any criminal issue, whether it is a citation, arrest, or conviction, can affect an individual’s ability to obtain immigration benefits, such as getting permanent status and avoiding removal.⁶⁹ Currently, D.C. purports to be a Sanctuary City that limits the city’s cooperation with ICE agents to protect low-priority immigrants from deportation.⁷⁰ However, many immigrant vendors fear that an encounter with an MPD officer, because they are vending without a license, will turn into an ICE encounter. This fear is supported by reports of law enforcement agencies like MPD and D.C. Department of Corrections, working with ICE to share undocumented individuals’ information.⁷¹

Consequences from unlicensed street vending are not limited to vendors; they can also extend to their family members. In addition to fearing ICE detention and deportation, undocumented vendors fear separation from their children. Many vendors do not have family members in the United States that could care for their children. Thus, if a vendor is detained or deported, their children are placed in foster care without reliable means of contacting their parents. Children of vendors also share the fear of separation and experience short term and long term effects because of the fear.⁷² Experiencing their parents’ arrest, detention, and deportation can

⁶⁷ Washington Lawyers’ Committee for Civil Rights & Urban Affairs, *The Collateral Consequences of Arrests and Convictions under D.C., Maryland, and Virginia Law*, (Oct. 22, 2014) http://www.washlaw.org/pdf/wlc_collateral_consequences_report.pdf.

⁶⁸ Regina Austin, “An Honest Living”: *Street Vendors, Municipal Regulation, and the Black Public Sphere*, 103 YALE L.J. 2119, 2123 (1994).

⁶⁹ See INA § 212(a), INA § 237(a).

⁷⁰ Julie Mao, et al., *Three Ways D.C. Can Improve Its “Sanctuary City” Policies to #AbolishICE from the City*, (Oct. 2018) https://www.nationalimmigrationproject.org/PDFs/community/2018_01Nov_dc-improve-policies.pdf.

⁷¹ See Marissa J. Lang, *D.C. shares information about immigrant arrests with ICE. One D.C. lawmaker wants to change that*, Wash. Post., Oct. 4, 2019.

⁷² See generally, Roche, K. M., et al., *Worry, Behavior Change, and Daily Adversity: How US Latino/a Parents Experience Contemporary Immigration Actions and News*, 41 J. of Family Issues 1546, (2020) (discussing children with detained or deported family member are at high risk of suicidal thoughts, early alcohol use and risky behaviors that can lead to school failure and chronic health problems).

complicate a children's pre-existing stress and detrimentally impact their mental health.⁷³ Studies show that children whose parents were deported or in the process of deportation were significantly more likely to show signs of depression, anxiety, aggression and conduct problems.⁷⁴ Moreover, in terms of long-term effects, children whose parents are arrested or face immigration proceedings are likely to experience poor school performance, adjustment difficulties, substance use, delinquency, and externalizing and internalizing problems.⁷⁵ The collateral consequences from vending without a license can have pervasive effects on the street vending community and their families. Yet, every day they make the difficult decision to put themselves at risk to make a living and survive.

⁷³ See generally, Luis H. Zayas and Laurie Cook Heffron, *Disrupting young lives: How detention and deportation affect US-born children of immigrants*, CYF News (2016).

⁷⁴ *Id.*

⁷⁵ Gaston, Shytierra, *The long-term effects of parental incarceration: does parental incarceration in childhood or adolescence predict depressive symptoms in adulthood?*, 43 *Criminal Justice and Behavior* 1056, 1057 (2016).

IV. WHY WE NEED REFORM

Street vendors need opportunities to earn honest, dignified livings. When opportunities arise to generate a better life for these vendors' families, they take them. As stated in the testimonies above, many vendors struggle to pay their rent, struggle to pay for their food, and struggle to make necessary car payments.

The COVID-19 pandemic has exacerbated many of the collateral immigration issues that many documented and undocumented individuals experience. The pandemic has left many vendors in an extremely vulnerable place because they were excluded from Federal and D.C. workers' stimulus programs. Many street vendors fell between the cracks in the legislation and were excluded because of their immigrant status and because they conduct most of their business by cash. The collateral consequences of being left out of the bill are incredibly harmful to the community hurt so profoundly by COVID-19. The effects of COVID-19 radiated throughout Wards 1, 4, 5, 7, and 8, where many vendors live in predominately Latinx and Black communities. For example, Maria and her entire family were all infected by COVID-19. Thankfully, no one passed away, but the virus spread quickly through the family. Many in the family were left without jobs and needed to rely on government assistance to pay bills. COVID-19's violent attack on Maria and her family are no anomaly, rather it is a commonality in many Latinx and Black communities. Maria wanted to turn to vending to help ensure her family's financial security. Still, she was too afraid to vend because getting caught would put the family in an even graver position.

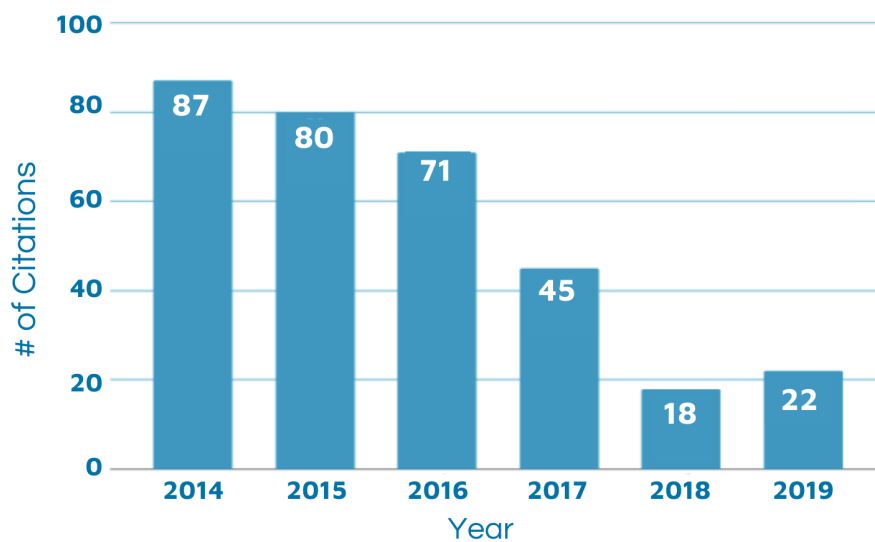
Similarly, consider Santiago's story. Santiago, an immigrant in the United States, worked long hours at restaurants to support her family. Because of the COVID-19 pandemic, Santiago lost both of her jobs. She struggles to support her family here in the United States, and additionally, she does not have money to send back to her children in Guatemala. Santiago has worked hard to provide for her family and can hardly pay her apartment's rent. She was trying to make ends meet by street vending but had a contentious interaction with the police. In an effort to make sure her family is safe in this country, she decided she should cease vending.

There have been increasing numbers of interactions with armed police officers. Unfortunately, because most street vendors are Black and Latinx, the police interactions are much closer to those of racial exclusion than public protection. For example, in November 2019, a fifteen-year-old girl, Genesis, was injured by a Columbia Heights police officer. During the confrontation, the officer stopped the girl and her brother from selling plantain chips. While the mother was running errands, the 8th-grade girl was operating the cart when a police officer confronted her and told her to pack up her food for the day. The officer said that she could not

vend because she was a minor. The officer then asked where her mother was. The officer said if she did not provide identification details, he would call child protective services. When her brother first heard that his sister was in trouble, he ran to the vending location to protect his sister; the officer grabbed him. Genesis intervened and injured her knee during a struggle, part of which was captured on video. The eighth-grader testified that she is now terrified of situations like this and experiences PTSD. She continues to have difficulty walking without pain more than a year later.

POST & FORFEITS ISSUED FOR VENDING WITHOUT A LICENSE

Data from D.C. Superior Court
(January 2013 to March 30, 2019)



Black vendors are often stopped and questioned about whether they have street vending licenses. These vendors are told to leave the area immediately or face arrest. Rasul and other Black vendors have expressed experiences during which police actively seek to intimidate vendors without saying a word, causing them to pack up their merchandise for the day. Given the current tensions between police enforcement and Black community members, Rasul and other Black vendors worry that a minor infraction could cost them their lives and livelihood. Reform would not only end situations like those that the Latinx and Black vendors experience, but it would allow the police to focus on public protection rather than employing tactics that racially exclude hard-working wage earners.

V. MODELS FOR REFORM

Decriminalization

Decriminalization is the primary and most critical first step in reform. After decriminalization of street vending, different regulatory structures can form to allow for more fair vending practices. The cities most successful are ones that first decriminalize all street vending and then create a regulatory system. California created a statewide street vending regime in 2018 by passing Senate Bill No. 946. The bill enacts a few key concepts. It decriminalized street vending at the state level and then sought adequate reforms to the vending regime.⁷⁶

License Reform

The California bill allows local jurisdictions to create their own infrastructure for street vending but indicates that the local regulatory regime must fit within the bill's set parameters.⁷⁷ For example, a local authority may not require a sidewalk vendor first to obtain the consent of any nongovernmental entity or individual before he or she can sell food or merchandise. Additionally, a local authority may not restrict the overall number of sidewalk vendors permitted to operate within the jurisdiction.⁷⁸ The local jurisdiction can, however, require high sanitary conditions and may require licenses and permits for every vendor.⁷⁹

The bill provides parameters for fines and penalties.⁸⁰ An administrative fine may not exceed one hundred dollars for a first violation.⁸¹ A second violation within one year of the first

⁷⁶ See CA Senate Bill No. 946 § 51036.

⁷⁷ See CA Senate Bill No. 946 § 51037.

⁷⁸ See CA Senate Bill No. 946 § 51038.

⁷⁹ See *id.*

⁸⁰ See CA Senate Bill No. 946 § 51039 (A)-(C).

⁸¹ See CA Senate Bill No. 946 § 51039 (A).

violation may not exceed two hundred dollars⁸² and a five hundred dollars or less fine for a third violation within one year of the first violation.⁸³

California enacted these changes to the system to provide significant entrepreneurial and economic development opportunities for low-income and immigrant communities and bring desired culturally significant goes to the community in public spaces.⁸⁴ Additionally, the California senate emphasized that sidewalk vending's decriminalization promotes safety and welfare to the general public because it prevents escalated interactions with government enforcement officials.⁸⁵

Other cities have developed different regulatory structures to allow for more fair vending practices. These cities first decriminalized street vending and then recreated their vending infrastructure. Some of the strategies these cities deploy include fix-not-fine; fees based on ability to pay; use of dispute resolution to resolve conflicts; and removal of police authority over vendors. All of these options give considerably more autonomy to street vendors and promote both economic and community growth.

Fix-not-fine is when government authorities find an issue, and instead of fining the violator, the authority gives the violator time to fix the issue.⁸⁶ The strategy suggests that the D.C. Department of Health and D.C. Department of Consumer and Regulatory Affairs would take an education-first approach to regulate street vendors. This means that agencies provide training and resources to bring vendors into compliance rather than just citing them for the infringement.⁸⁷ New York City enacted a similar approach for small businesses.⁸⁸ The New York fix-not-fine amendment provides continuous relief for first-time fines and expands violations subject to cure periods.⁸⁹ An example of the New York first-time fines that are part of the fix-not-fine program is a failure to clean 18 inches from the curb into the street. Another is excessive noise created by an air compressor.⁹⁰ Therefore, under the fix-not-fine program, store owners would have to clean 18 inches from the curb into the street and fix the noisy air compressor. The owner would fix the issue and avoid a fine. If the fix did not occur, the owner would be fined. New York City's attempt to help small businesses is solidifying results and emboldening small business owners, the city council, and city regulators.⁹¹

⁸² See CA Senate Bill No. 946 § 51039 (B).

⁸³ See CA Senate Bill No. 946 § 51039 (C).

⁸⁴ See CA Senate Bill No. 946.

⁸⁵ See CA Senate Bill No. 946.

⁸⁶ Fix It, Don't Fine It: City Expands Relief for Small Businesses, City of New York, (Feb 20, 2020)

<https://www1.nyc.gov/office-of-the-mayor/news/090-20/fix-it-don-t-fine-it-city-expands-relief-small-businesses#/0>.

⁸⁷ See *id.*

⁸⁸ See *id.*

⁸⁹ See *id.*

⁹⁰ *Id.*

⁹¹ See *id.*

Similarly, in Portland, Oregon, the city chose not to rely on policing or enforcement to regulate informal vending. Instead, county officials try to generate adequate ways to teach vendors how to formally vend by encouraging them to become licensed.⁹² This system has allowed the government to engage the community and help members navigate the perplexing world of regulations.⁹³ Portland's Economic Development Planner, Alma Flores reaches out to food vendors and in an interview emphasized "educate, not regulate," enacting a city government-wide fix-not-fine enforcement regime.⁹⁴ This system would ultimately remove police from the forefront of enforcement and possibly stop high risk situations.⁹⁵

Another possible reform to street vending could be in the form of a fee system that fluctuates based on the fee-payers' ability to pay the fine. The fluctuation could be income-driven. Instead of a fixed fine amount, any penalties assessed under this new regulation would be based on the individual's ability to pay. California did this in their recent statewide vending law.⁹⁶ This portion of the vending law states that a person may request an ability-to-pay determination at adjudication or while the judgment remains unpaid, including when a case is delinquent or has been referred to a collections program.⁹⁷ Enacting a law like this in D.C. would help promote economic growth because, for those that need it most, the fines would be comparable to a vendor's weekly or daily income. It would leave a financial burden on the vendor but would not prevent the vendors from paying rent and maintaining a roof over their heads.⁹⁸

Like in California, the D.C. government should encourage lowering barriers to entrepreneurship. High costs on licenses of up to \$2,000 and extensive costs to maintain a license require payments of several hundreds of dollars a year. With a regime in D.C. that quickly penalizes vendors for vending without a license, the costs ultimately outweigh the benefit for many vendors. They alternatively have no choice other than to stop vending because applying for licenses is cumbersome and expensive. California's regulatory infrastructure prevents any first fine from exceeding \$100.⁹⁹

During this reform process, it is critical to evaluate the government's role in all affairs. Agencies should work with vendors to develop regulations that elevate and support existing informal systems instead of abruptly replacing existing arrangements with incompatible rules and penalty structures. Thus, D.C. should empower local vendor leaders or vendor leadership committees to implement vendor-led conflict resolution, mediation, and negotiation practices. The government should give vendor-led systems a chance to succeed before escalating to citations or other penalties. As the government officials did in California, choosing a vendor-led program would both empower the vendors and shift focus away from police-run, carceral

⁹² Ginny Browne, et al., *Keep Your Wheels On: Mediating Informality in the Food Cart Industry* 253 (2014).

⁹³ *See id.* at 255

⁹⁴ *See id.* at 255.

⁹⁵ *See id.*

⁹⁶ *See* CA Senate Bill No. 946 § 51039(f)(1).

⁹⁷ *See id.*

⁹⁸ *See id.*

⁹⁹ *See id.*

enforcement of vending laws and regulations. For many reasons, but namely, for public trust and community building, the police should not have to be involved in street vending enforcement.

Reform to vending laws does not signal a change or decline to public health and safety. Alternatively, when the government reforms vending laws, it should also improve the enforcement of public health rules and regulations. Government provided and sponsored commercial kitchens are a safe and healthy alternative for vendors to prepare food in conditions that D.C. public health authorities find fit. Additionally, cottage kitchens are a profoundly helpful way to ensure public health. For example, vendors could disclose and display a sign stating that the food they are serving is not prepared in a commercial kitchen or a licensed cottage food kitchen. A Harvard Law Food Law and Policy Clinic discusses what a statement would look like, for example: “Made in a home kitchen that has not been inspected by the [state] department of health (or department of agriculture).”¹⁰⁰ This helps to shield the vendors from particular food and drug liabilities. The Food Law and Policy Clinic article provides a broad spectrum of how different states handle cottage food businesses. Per the report, neither Virginia nor Maryland contains registration, permit, license, or food safety course requirements for cottage kitchens.¹⁰¹ Even so, Ona Balkus, who co-authored the work, is now the D.C. Food Policy Director. Another alternative to safe food vending would be to enforce insurance use for all vendors. If the government requires insurance, the insurance will shield all legal vendors from certain food and drug laws. One idea is for the government to purchase a policy and individual vendors to buy into the policy at a reduced rate. Undoubtedly, the government benefits from this because it does not have to exert a consistent effort to enforce. This frees up resources for the government to use to help promote economic development. Additionally, the vendors themselves can take conditions into their own hands, and signs, like the one mentioned above, could be on all street carts and vending locations.

The D.C. government can help facilitate and protect themselves from healthcare issues by facilitating low-cost general insurance plans. The government could require vendors to purchase the insurance at a lower rate in case someone gets sick from eating the vendors’ food. This is an opportunity for both the city and the vendor to limit their liability.

Another opportunity for extended entrepreneurial protection is to enact a provision similar to the California law that expunged existing fines and fees to the government. With decriminalization of street vending in D.C., all previously criminalized offenses are expunged.¹⁰² This is why decriminalization is critical. Many street vendors have been cited either civilly or criminally for street vending without a license. In an effort to help low-income and immigrant communities enter into a regulatory regime, it is in D.C.’s best interest to allow vendors to start license applications with “clean hands.”

¹⁰⁰ Christina Rice et al., *Cottage Food Laws in the United States*, Harvard Law School Food Law and Policy Clinic 15 (Aug. 2018)

¹⁰¹ *See id.*

¹⁰² D.C. Code § 16–803.02.

Developments in D.C.

Increasing police interactions and the response from Vendors United // Vendedores Unidos, their clients, and the community to push back and organize grabbed the attention of the Councilmember Brianna Nadeau, who has since authored amendments to the vending regime. The Street Vending Decriminalization Amendment Act of 2021 (B24-0049) removes criminal penalties for a violation of the Vending Regulation Act of 2009 or any subsequent vending regulation. The Sidewalk Vending Zones Amendment Act of 2021 (B24-0050) reforms the antiquated vending rules and regulations and sets up a framework to revise vending licensing. Namely, the amendment will allow the Mayor to establish sidewalk vending zones for sidewalk vendors to operate legally, to establish the Columbia Heights Sidewalk Vending zone, and to waive unpaid licensing-related civil citations for sidewalk vendors who obtain a sidewalk vending zone individual license or registers with a sidewalk vending zone manager. By no means is this unfettered free access to the streets to vend. The legislation addresses structure, leadership, food and health, and amnesty. Critical portions of the bill are delineated below:

Creating a structure is first and most key. The “Sidewalk” Amendment Act says that the Mayor “may establish sidewalk vending zones with at least three designated vending spaces within each zone.” These vending zones shall “limit the number of sidewalk vendors allowed in each vending space, permit sidewalk vendors to move from one vending space to another within the same sidewalk vending stop, deny entry to additional sidewalk vendors if the sidewalk vending zone reached maximum capacity, require all sidewalk vendors to display their sidewalk vending zone license conspicuously, sidewalk vending zone manager license or proof of registration with a sidewalk vending zone manager; and, require all sidewalk vendors to vend from a temporary table or a cart that contains no motor or open fires.”

The Amendment requires that a person only vend when they have a sidewalk vending license or a sidewalk vending zone manager license or register with a vending zone manager. The sidewalk vending zone manager is a non-profit entity that is familiar with the vendors’ needs or a vendor-organized cooperative; holds a basic business license; holds public liability insurances; assumes liability for any penalty incurred by a registered sidewalk vendor.

Alternatively, the street vendors can act as their own street vending manager. They must hold a basic business license, hold public liability insurance, and comply with all health laws and regulations. Single vendors will have to pay the same fee as vending managers because, essentially, you are your own vending manager.

Councilmember Nadeau’s Amendment proposal changes key regulations in an antiquated regulatory framework. It is undoubtedly a step in the correct direction; however, it does not rectify fines and outright decriminalization of street vending. Even more urgently, the city must move away from carceral enforcement of vending and embrace an entrepreneurial attitude.

Vendors are jailed for merely selling a stray cigarette. D.C. Council must urgently respond to “Decriminalization” Amendment Act and provide a hearing date for this critical bill that expunges records and removes police involvement from street vending.

VI. SOLIDARITY ECONOMIES, FOOD SOVEREIGNTY, AND MUTUAL AID

This section of the report explores how vendors and community organizers, primarily grounded in Ward 1 of Washington, D.C., are building three interrelated practices of solidarity economy, food sovereignty, and mutual aid in order to help meet community survival needs. In addition, we focus on broadening a base of organizing from which we can demand and build a city where everyone has access to everything we need in order to live with dignity and joy. The organizing described in this section is just one piece of wider networks of similar organizing happening in Ward 1 and throughout D.C..

Solidarity economies are practices of social and economic democracy that both center poor and working class Black, Indigenous, and people of color and create frameworks for democratic ownership and community control of the systems that produce and distribute all of the goods and services that humans require in order to live with dignity.¹⁰³ Food sovereignty is a vision for a solidarity economy food system in which the people who produce, distribute, and consume food also own and control the mechanisms and policies of food production and distribution.¹⁰⁴ Mutual aid is a practice of neighbors collaborating to help meet each other's survival needs. People offer and receive different types of support according to need and capacity to offer, ultimately fostering shared understanding and collective inquiry into why and how the current capitalist political economy does not meet the needs of this community.¹⁰⁵

¹⁰³ For an exploration of solidarity economy practices, see: [The Black Social Economy in the Americas](#), edited by Caroline Shenaz Hossein (2018).

¹⁰⁴ See the definition of food sovereignty from La Via Campesina: <https://viacampesina.org/en/food-sovereignty/>.

¹⁰⁵ See the definition of mutual aid from the Big Door Brigade: <https://bigdoorbrigade.com/what-is-mutual-aid/>.

The practices of solidarity economy, food sovereignty, and mutual aid that we are building include networks of food distribution through neighborhood-based mutual aid pods, which are rooted in tenant associations and buying clubs. Through mutual aid pods, we can intentionally focus community buying power toward supporting vendor business and cooperatives that are part of an emerging local solidarity economy. We are also deepening relationships with food sovereignty efforts throughout the city and building toward creating a grocery cooperative that can act as a mutual aid hub and that can be used to expand and support solidarity economies and food sovereignty networks that exist throughout the city.

Saturday Vendor Mutual Aid Table

Around September 2020, two vendor leaders, Reyna Sosa and Rasul El-Amin, along with a group of Ward 1 Mutual Aid community organizers, started to organize a weekly mutual aid table on Friday or Saturday afternoons at the corner of 14th St & Kenyon St NW. The mutual aid tabling had three goals: first, to create a regular presence of community organizers to help discourage the police from harassing and disrupting vendors in their work areas; second, to facilitate weekly food distribution that supports vendors and the wider community; third, to create a regular physical space where we could advertise mutual aid and talk with community members to continue building a base.

Local farmers markets, Dreaming Out Loud, and food buying clubs within Ward 1 Mutual Aid are providing food for distribution. Dreaming Out Loud (DOL) is building a just integrated food system in the DMV area.¹⁰⁶ DOL buys food from Black farmers and Farmers of Color in the DMV area, helps train and support Black food makers, and helps make high quality food produce available in disinvested communities in D.C. particularly Wards 7 & 8, where about 150,000 people, over 90% of whom are Black, live and only three grocery stores are located.¹⁰⁷ Since the start of the pandemic, Ward 1 Mutual Aid has bought produce from DOL, some of which is distributed from the weekly mutual aid table to people in need of food. Three Part Harmony, a Black-women-owned and small-scale agroecological farm in Brookland (Ward 5),¹⁰⁸ has also donated food to Ward 1 Mutual Aid.

The weekly mutual aid table has developed into a broad gathering space and hub for organizing where vendors, mutual aid organizers, and the local buying clubs and tenant associations gather. The space offers a weekly meeting time for everyone to connect outside in a socially distant way and for plans to emerge for deepening the organizing.

¹⁰⁶ Dreaming Out Loud website: <https://dreamingoutloud.org/learn-more/>.

¹⁰⁷ Christina Sturdivant, *Dcist*, "Report: Ward 7 and 8 Have Three Grocery Stores for 149,750 people": <https://dcist.com/story/17/06/06/report-wards-7-and-8/>.

¹⁰⁸ Three Part Harmony website: <http://threepartharmonyfarm.org>.

Vendor & Tenant Association Mutual Aid Networks

Tenant associations in Ward 1 are building food sovereignty through mutual aid networks of food distribution in their buildings.

Tenants at the Woodner have been acquiring food from local nonprofits - and from Dreaming Out Loud - and have organized weekly distributions to feed people living in the building and in the surrounding neighborhood. Food distribution has been one part of the Woodner Tenants Union's fight for better conditions and to cancel rent in their building and throughout the city

A group of over 100 tenants at Oaklawn Apartments, primarily Spanish speaking Latinx residents, created their own collective food buying club and distribute food within the building because tenants have had significantly reduced income during the pandemic, making it hard for people to afford groceries.

The mutual aid table discussed above has also been a hub for distributing produce from Dreaming Out Loud and food from mutual aid buying clubs to tenants organizing at additional buildings in Ward 1, including Richman Towers Apartments, Sarbin Towers Apartments, Kelly Miller Residences and Holmead Place Apartments.

Vendor Cooperative & Website for Online Sales

Vendors are also beginning to build a cooperative, starting with a website that will act as a common resource through which vendors - and other small businesses owned by Black, Indigenous and people of color (BIPOC) - will market their business and make online sales. Vendors choosing to participate in the cooperative include sellers of food and other goods, like oils, masks, tapestries and clothing.

Mutual aid organizers will also help with marketing by getting the word out and mutual aid food buying clubs will also act as early customers supporting the cooperative with their intentional and collective buying power. A local tech cooperative, Throneless,¹⁰⁹ is working on building the website. Beloved Community Incubator,¹¹⁰ a nonprofit supporting DMV solidarity economies that center working class people and Black, Indigenous and People of Color, is helping to build the cooperative and connect the vendors, mutual aid organizers and Throneless.

Ward 1 Mutual Aid Food Buying Clubs

¹⁰⁹ Link to Throneless website: <https://throneless.tech>.

¹¹⁰ Link to Beloved Community Incubator website: <https://www.belovedcommunityincubator.org>.

Tenants at Oaklawn Apartment and a mutual aid pod located around Columbia Heights Civic Plaza have created wholesale food buying clubs. The pods are focusing on buying bulk grocery staples, including rice, beans, maseca and canola oil. People participating in the buying club contribute money according to capacity, with a minimum buy in of \$1 per week and people with class privilege are asked to pay an amount that is at least equivalent to the price they would have paid for the food they receive had they bought it at a grocery store.

Buying food through a food buying club is one way that mutual aid groups can intentionally mobilize buying power. Intentionally mobilizing buying power is a vehicle for redistributing resources within the community by providing sliding-scale participation along with the ask that people with access to surplus income or intergenerational wealth pay full retail price or more. Intentionally mobilizing buying power can also be a vehicle to build common resources and solidarity economies in the community and DMV area. Ward 1 Mutual Aid can help facilitate intentionally mobilized buying power and support solidarity economies in many ways, by building hyper-local community public wireless internet zones and by purchasing hot meals and other goods from street vendors and local BIPOC producers. Buying clubs can also help to mobilize a reliable customer base for DMV cooperatives that provide goods and services like child care, dog walking and indie beauty products made by BIPOC makers. Great possibility exists.

Building a Grocery Cooperative

By building food buying clubs, local mutual aid organizing is building a customer base for a grocery cooperative in Ward 1. Organizers can then identify city-owned or controlled land to pressure the city to make available to a grocery cooperative at no cost or at rent well below market-rate. A grocery cooperative in Ward 1 can provide living wage jobs and high quality food to the community at lower prices.

Building a grocery cooperative will also increase the visibility and reach of mutual aid organizing within the community. Buying food at a greater scale will better position mutual aid groups to more deeply support Dreaming Out Loud, Three Part Harmony, and other institutions that are part of the Black food sovereignty network in the DMV area and Mid-Atlantic region.

Building a grocery cooperative will also facilitate additional pathways for mutual aid organizing to support ongoing efforts to create grocery cooperatives in Wards 7 & 8. For example, the Community Grocery Co-op is currently organizing the first grocery cooperative in Ward 7 or 8.¹¹¹ Moreover, food cooperatives throughout the city can collaborate to build common infrastructure for buying, transporting, storing, packing and processing food. Operating at scale within the food industry makes financial sustainability much more possible; thus, any efforts to build a grocery cooperative in Ward 1 can be used to share resources and increase the possibility of

¹¹¹ Link to Community Grocery Co-op website: <https://communitygrocerycooperative.wordpress.com>.

financial sustainability of grocery cooperative efforts in other areas of the city with less access to financial resources, including Wards 7 & 8.