

Where the Sidewalk Ends Part II



**A Vision for
Decriminalizing
and Investing
in DC Street
Vendors**



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Land and Labor Acknowledgment

We acknowledge that the city of Washington, DC was built on stolen land and in large part by the coerced labor of African people kidnapped into slavery, whose descendants are now being aggressively gentrified out of the city they built. We acknowledge the Piscataway people as the original caretakers of this land where we live, love, work and play. We pay our respects to the Piscataway community and their elders both past and present, as well as future generations. We pay homage to the legacy of the tens of thousands of street vendors who made history before the writing of this report, who fought gentrification and demanded space on the streets as well as respect and dignity for their work. Despite the fact that DC street vendors have been pushed from so many public spaces, they continue to demand freedom. May all the ancestors lead the way.



Chris Damola, Nigerian Street Artist

General Acknowledgments

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

First, Beloved Community Incubator thanks the street vendors organizing with Vendedores Unidos/ Vendors United to decriminalize street vending, to get the police out of your workplace and to transform your working conditions. We are constantly inspired by the care you show for each other and your community, your hard work and determination and your love and joy for sharing and celebrating your cultures in public. You make DC a much richer city and a place we are proud to call home. Your struggle is our struggle - we will always stand with you.

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

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

Restaurant Opportunities Center of DC
National Domestic Workers Alliance DMV Chapter
The Migrant Solidarity Mutual Aid Network
Harriet's Wildest Dreams
The Peace House DC
Sanctuary DMV
Defund MPD
Throneless Tech
Brighter Days Dog Walking Collective
Dulce Hogar/ Sweet Home/ ወድ ቤት
People for Fairness Coalition
DC Jobs with Justice
Seed Commons and the DC Solidarity Economy Loan Fund
ICE Out Of D.C.! / Fuera ICE de D.C.!\nTzedek DC
Dreaming Out Loud
DC Democratic Socialists of America
DC Mutual Aid Network

We continue to seek inspiration from Inclusive Action for the City and street vendors organizing throughout California and in Los Angeles and from the Street Vendor Project and street vendors organizing in New York City.

Special thanks to Daniel Dominguez for designing this report.

Geoff Gilbert, BCI's Legal and Technical Assistance Director, is the primary author of this report. Paola Henriquez, BCI Organizer, M. Felix Macaraeg, BCI's Organizing Director, and Geoff Gilbert supported street vendors to share and prepare their stories for this report. M. Felix Macaraeg did most of the work with vendors to include photos of vendors in the report, and Rick Reinhard and Paola Henriquez contributed photos as well. The entire BCI team made edits and helped prepare the report for publication.

Executive Summary

Street vending in DC remains criminalized and street vendors have largely been excluded from DC pandemic relief. The city's Streateries program opened up sidewalks and curb lanes to restaurants and invested \$4 million in grants to support restaurants to outfit the spaces¹. Yet, street vendors continue to be criminalized in the same public spaces, as vending without a license is a misdemeanor offense punishable by up to 90 days in prison. The District's \$120 million Bridge Fund, a cornerstone of its pandemic Recovery Plan, includes \$35 million for the restaurants and \$15 million for retailers - these funds have yet to trickle down to vendors.

Street vendors are workers and small business owners who have been forced outside of the formal economy and are trying to provide for their families. Street vendors, the majority of whom are women and femmes, are long-time Black residents of DC and people who have been displaced by US and Global North imperialism and structural international economic inequality and have migrated to DC from West and East Africa, Asia, Mexico, Central and South America and the Caribbean. Many vendors are formerly incarcerated people and undocumented people.

Street vendors keep the community safe and build multicultural vibrancy. Vendors frequently de-escalate conflict on the street, share food with our unhoused neighbors and provide fresh, healthy food options, especially for kids after school. They often describe themselves as the parents and "Mothers" of the streets, an especially critical role for our children who sorely missed their village during the pandemic. Vendors have contributed significantly to the multicultural vibrancy of countless neighborhoods throughout the District. In turn, many of these same street vendors are being actively displaced from these neighborhoods due to rising rents, poor job opportunities and historic and ongoing patterns of disinvestment in Black, Brown and Indigenous residents of the District.

Most street vendors desire deeply to comply with the law. Doing so is simply inaccessible to most vendors under the carceral status quo that, for more than half a century, has kept vendors trapped in the informal economy and has pushed vendors away from downtown and out of the city to make way for gentrification and luxury real estate development.

The status quo is carceral. The Department of Licensing and Consumer Protection (DLCP)² vending regulations are over eighty-three pages long³ and regulate everything from the size of a vending cart⁴, the materials from which vendors' shade umbrellas must be made⁵, the location under a vending cart or stand where vendors are permitted to store any surplus merchandise while vending⁶ to the containers for trash that must be affixed to the carts or stands of all vendors⁷. This complex maze of vending regulations micromanages the workplace of street vendors and keeps vendors at constant risk of civil and criminal penalties. Many vendors face serious "collateral consequences" from civil or criminal penalties, which can impact a vendor's ability to secure employment or housing, maintain their tenuous immigration status and/or maintain eligibility for government resources.⁸

The status quo is racist. Today, an overwhelming majority of street vendors in DC are Latine, Indigenous and/or Black⁹. In 1985, over 10,000 street vendors sold in DC, about seventy percent of whom were Black¹⁰. Enforcement of DC's current street vending regime has a massive disproportionate racial impact.

The status quo is anti-public health. Street vendors have been selling food in DC for centuries - and they will continue to do so¹¹. DC's inaccessible street vending license regime is not grounded in promoting public food safety and excludes an entire sector of the food economy, in a city in which one in ten residents cannot afford enough to eat¹², from operating within a safe public health regulatory system.

The status quo is violent. 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 care¹³. The police routinely harass vendors, issue thousands of dollars of fines, confiscate vendors' food and goods and prevent vendors from earning a living. DC's carceral approach to regulating street vending keeps vendors in an unending cycle of criminalization and poverty.

The status quo is reducing the number of street vendors in DC and pushing vendors outside of the formal license process. In 1985, over 10,000 street vendors sold in DC¹⁴. Today, it's estimated that only a couple hundred vendors remain active in DC - between 2013 and 2022, the DCRA granted only 146.1 street vending licenses and 35 street vending site permits per year¹⁵. During the pandemic, the DCRA granted only 79.7 licenses and 19.3 site permits per year¹⁶. A de facto ban on new street vending licenses exists due to high license and permit costs (a minimum of \$2,000), limited availability of vending site permits throughout the city and the DCRA's failure to change its policies so that vendors are able to engage with DCRA staff in their primary languages and via technology that they are able to use - the DCRA failed its most recent language access audit in 2020.¹⁷

The DC government faces a choice - continue its historic criminalization of street vendors or support street vendors¹⁸ to remain and thrive in the District. The right for street vendors to thrive and to earn a living on our city's sidewalks is part of larger struggles about which District residents will benefit from development, about who will control our city and our commons, our public spaces that belong to all of us.¹⁹

The DC Council can pass two bills right now to support street vendors.

The **Street Vending Decriminalization Amendment Act of 2021** would remove criminal penalties for vending without a proper license. Unlicensed selling would remain a civil infraction enforced by the DLCP and all other city regulation of street vending would remain in effect. In fact, the DC government accidentally removed criminal penalties for street vending between September 2013 and August 2014²⁰ - everything was fine, and the DC government can intentionally and permanently decriminalize street vending again.

The **Sidewalk Vending Zones Amendment Act of 2021** would establish a pilot program for a simplified licensing process within new designated vending zones, including a Columbia Heights Sidewalk Vending Zone. Any vendor who receives a license under the new bill would be granted amnesty for any unpaid civil citations incurred over the previous five years.

The DC government should also make more profound changes to the regulatory regime to invest in and support vendors. The proposals put forth in this report are described in detail in the section titled, "A Framework for Continued Transformation & Investment." The proposals are informed by a fix-not-fine approach whereby city regulators provide people with training and resources to fix regulatory issues rather than simply fining people who are not in compliance, and they incorporate learnings from policy change that street vendors have won in California, New York City and Chicago and in cities around the world, including Accra, Ghana; Durban, South Africa; Ahmedabad, India; Lima, Peru; and Bogotá, Colombia. The policy proposals that this report recommends are organized into three categories - Progressive Regulatory Reform, Invest in Vendors and Drastically Improve Accessibility.

Progressive Regulatory Reform

Simplify the vending license application process. Vendors have long struggled to engage with regulators due to a variety of accessibility issues - the Department of Licensing and Consumer Protection (DLCP) should make it possible for vendors to resolve all license-related matters within the scope of a visit to the DLCP offices.

Reduce street vending fees and fines. The DC government should lower the fees and fines that vendors face - vendors must pay over \$2,000 upfront in fees to obtain a license and are subject to significant fines for first-time offenses (up to \$2,000) and repeat offenses (up to \$16,000).

Expand vending site permits. The DLCP and the District Department of Transportation (DDOT) have significantly restricted the area where vendors can sell over recent decades and operate an opaque system for allocating vending sites - DLCP and DDOT should increase transparency and increase the number of available vending site permits.

Eliminate food code barriers. The DC government should eliminate barriers in the food code for small businesses. Currently, DC Department of Health (DOH) requirements are amongst the most restrictive in the country. Street vendors and cottage food businesses, which cook out of home kitchens, should be allowed to sell any type of food, so long as they undergo food safety training, pass inspections and follow food safety best practices.

Invest in Vendors

Build public food safety and storage infrastructure.

The DC government should create public options for all of the food safety and storage infrastructure that the vending regulations require that vendors use, including storage space, public auxiliary sinks and commercial kitchens.

City grants for street vending and food truck equipment.

The DC government should create small grant programs that support licensed vendors to purchase vending tables, vending carts for merchandise, food vending carts and food trucks.

Support vendor-led conflict management infrastructure.

Historically, DC policymakers have justified punitive street vending regulations by demonizing vendors as remaining hopelessly in conflict with one another. The DC government should acknowledge the pre-existing skill of many street vendors as de-escalators and street level peacekeepers and provide support to vendors to build vendor-led infrastructure for managing conflict between vendors.

Create vending zones and markets throughout the city.

The DC government should support vendors to create vending zones in historically active vending areas throughout the city, like the Columbia Heights Vending Zone included in the Sidewalk Vending Zones Amendment Act of 2021. Many vendors have expressed an interest in an Anacostia Vending Zone, another neighborhood where vendors historically have operated vending stands. The city should also invest in building vibrant outdoor vending markets throughout the city, similar to the investments that the city has made in streateries for restaurants during the pandemic.

Drastically Improve Accessibility

Enhance DLCP language, literacy and technology accessibility. The Department of Consumer and Regulatory Affairs (DCRA)²¹ received a failing grade in the latest Language Access Audit conducted by the DC Office of Human Rights²². The DLCP must change its policies and practices so that all vendors are able to engage with DLCP staff in their primary language and via technology they are able to use.

Create free food safety courses. DC agencies should make available free food safety courses that are accessible in all commonly spoken languages in DC and to people of all reading, writing and technology literacy levels.

Expand free courses for small business owners. DC agencies should make relevant free courses available to support small business owners and courses that are accessible in all commonly spoken languages in DC and to people of all reading, writing and technology literacy levels.

Increase regulatory transparency. The DLCP and the DDOT should provide readily available information to vendors and to the public about basic street vending regulatory information, including the number of licensed vendors in the city, the sites at which vendors are permitted to sell and the number of vending license applications and site permit applications that have been approved and rejected.

Shift the burden of compliance. The DC government in general, and the DLCP in particular, need to rebuild trust with DC's street vendors. During an interim period for implementing the kinds of reforms described in this report, street vendors who express desire to comply with vending laws and regulations should be free from enforcement.

Street vendors live at the intersection of many forms of systemic oppression. Supporting street vendors means investing in anti-displacement, as street vending often provides the income that keeps families from becoming unhoused. Supporting street vendors means resisting the ongoing cultural gentrification of the city, as street vendors have helped build the multicultural vibrancy of so many communities throughout the District. Supporting street vendors means investing in the leadership of poor and working class Black, Latine, Indigenous and residents of color.

Vendor Stories





María "Colochita" Guevara

María “Colochita” Guevara

Colochita is from an island named Zacatillo off the coast of the department of La Unión, El Salvador. While working as a cook for another person’s business on that island, her wages were stolen by her ex-husband, whom she married at the age of 15. Once she had all her 4 children, she made her goal of selling enough to be able to immigrate to the United States. With just 90 colones, the equivalent of about 10 USD, she would buy enough ingredients to make different foods every day.

When she got to this country 31 years ago, she didn’t immediately become a vendor. She worked for other people’s businesses as an employee. In one woman’s food truck, she worked standing 16 hours a day, 6 days of the week with no breaks, no water, for just \$150 per week. In the early 1990’s, when D.C. experienced a heavy snowstorm, she asked her boss from the food truck if she could receive advance pay due to lack of work, and her boss responded to her: “Only thieves ask for money in advance.” Colochita then decided that it was no longer worth working for other people, and within a year became a vendor on the streets of Columbia Heights. She described this decision as simple as “agarre la carreta” or “I took to the streets with my cart.”

Colochita is one of the oldest street vendors in Columbia Heights; she recounts the many times where police would intimidate and harass her and the other vendors. She recalls how other street vendors would react when they saw police officers approaching them; she once witnessed another street vendor named Gloria faint as soon as the police started walking towards her. Colochita lost contact with Gloria years ago, but remembers her as another original vendor on the streets of Columbia Heights with her.

The police would often approach them undercover, in civilian clothes, as part of their intimidation tactics. One time, a police officer asked her for 20 pupusas and then showed his badge attempting to threaten her if they found anything “wrong” with her food, insinuating that vendors intentionally poison their customers. Another police officer once admitted in conversation with Colocha that another cop who would consistently taunt Colochita would show up to the police station with all her produce and would laugh about having taken it from her.

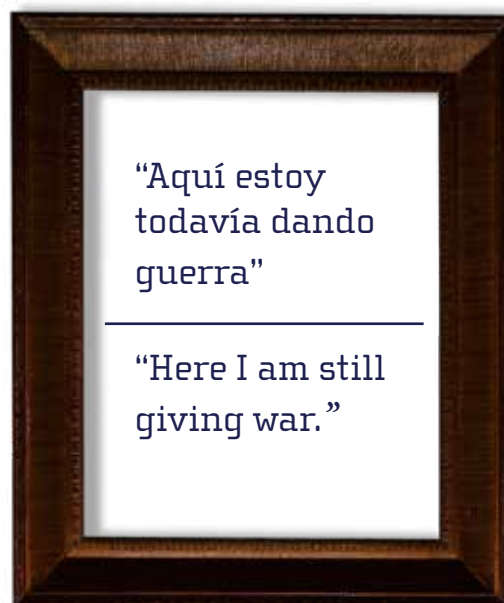
Today, Colochita sells primarily in front of the secondary school campus on Irving and 16th, serving queso, spinach, pork, pupusas and other Salvadoran foods to the kids of the neighborhood as they’re let out from school. Regularly, she can also be found in front of the Sagrado Corazon Church on Sundays,

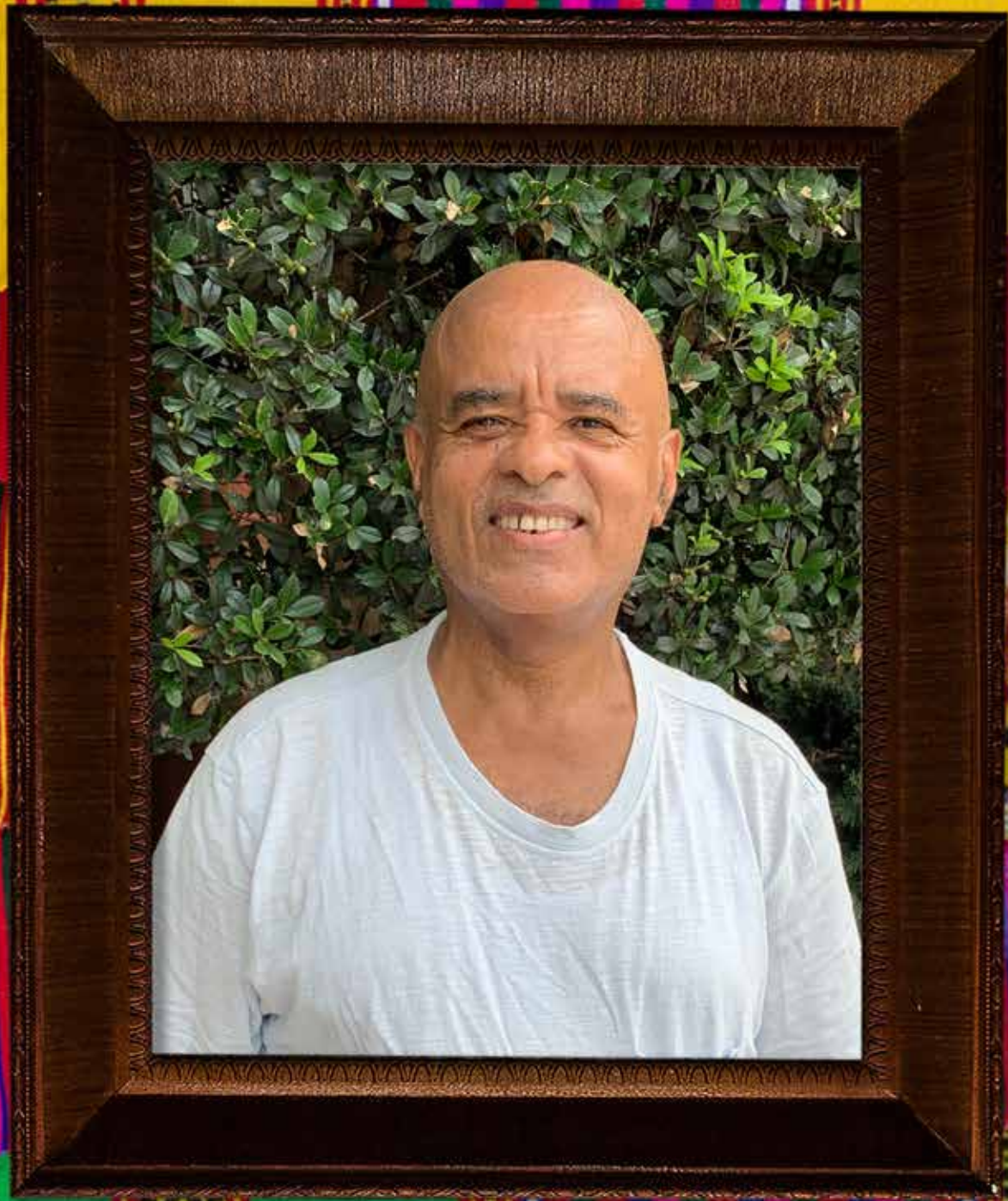
when mass takes place in the morning, and into the afternoon when foot traffic is the heaviest.

She shares that in the early 2000s, there used to be 8 vendors selling alongside her in front of the Church. She remembers their names and shares countless stories of her co-workers, even if she doesn’t know where all of them are anymore, Manuela, Karina, Chayo, Nina Santos, Carmen, Elba and Milca. Now, it’s only her and one other vendor.

Colochita is loved by her community, she’s known as the grandmother of Columbia Heights, especially to generations of Salvadoran and Dominican community members who grew up there - people who came to Colocha not only for her comfort food but for the advice she provided them in their youth during times of trouble. Ana Rondon, AfroLatina community member who grew up in Columbia Heights shares: “I was a kid without guidance and all due to the words of Colocha, who pushed me to be responsible, I became a leader in my community. Regardless of how hard a situation is, she’s always had an attitude of “yes it can be done,” that motivates a person. She saved me, she saved my daughter, and I want her to know that what she did created a chain of changes that rippled across generations in my community. Many of us that were part of Mount Pleasant Uprisings of the 90s--well, let’s just say she saved us, guided us, and protected us. Colochita always knew everything so that’s why she kept us safe.”

Despite the decades of police tormenting her and the financial struggles that come with vending, Colochita will smile and tell you:





Kahssay Ghebrebrhan

Kahssay Ghebrebrhan

Kahssay Ghebrebrhan has been vending hotdogs and half smokes in the District for more than 30 years on Indiana Avenue near the DC Superior Court. Kahssay, who was born in Ethiopia and migrated to the US from Eritrea, brought his three nieces to the US in the 90s and raised them with his wife on his vending income. “I don’t have any money saved up because I have always been working hard for them,” he said. Kahssay often works from 5:45 am until later than 7pm and prioritizes caring for the community - he often gives away extra food to unhoused neighbors and allows customers in need to buy food on credit and pay on pay day.

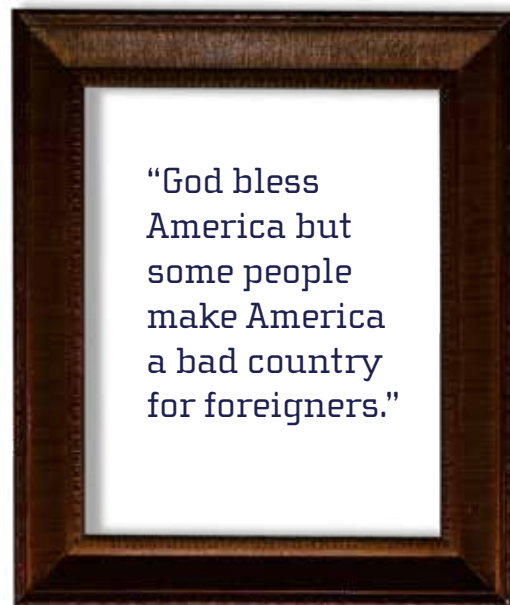
Kahssay has had many negative experiences with the police and Department of Consumer and Regulatory Affairs (DCRA) officials over the years. “They harass me,” Kahssay said as he described how, over the years, the police and DCRA officials would frequently ask to see his license, even though they knew he had a license, and would threaten him with unfounded regulatory violations. These interactions, which have no impact on public safety or wellness, would often scare customers away during lunch time rush, when Kahssay would make about three quarters of his daily sales.

During one incident in 2019, a DCRA official physically confiscated Kahssay’s license because the official said he needed to store a cooler on top of a flat dolly, which Kahssay didn’t bring that day. Kahssay was only able to regain his license because he shared this story with a regular lunch customer, an attorney who appeared regularly in the DC Superior Court across the street, who accompanied Kahssay to the DCRA and pressured the DCRA to return Kahssay’s license. “They give us a license and they still harass us,” Kahssay said. “What kind of business is this?”

Kahssay allowed his license to expire in September 2020 because he didn’t feel safe vending during the pandemic. The DCRA has penalized Kahssay for not physically turning in his expired license, even though the DCRA offices were closed at the time and now the DCRA and the Office of Tax and Revenue (OTR) are telling Kahssay that he needs to pay over \$3,000 of minimum quarterly sales tax from September 2020 through today. Currently, Kahssay is unable to even

apply to renew his license because he is unable to obtain a Certificate of Clean Hands from the OTR - to apply for any city license, an applicant must obtain a Clean Hands Certificate that states they do not owe more than \$100 of fines, fees or taxes to the DC government.

Kahssay only recently learned of the penalties when he went to the DCRA office to renew his license - he needs to start working again. The DCRA and OTR keep referring Kahssay between the agencies even as both agencies have not made accommodations for him throughout the pandemic - his primary language is Amharric and he doesn’t own a computer. Officials went so far as to laugh in his face when he explained his struggles with language barriers and access to technology, sending him away in tears. “They treat me with no respect,” Kahssay said.





“Mama Queeny”

“Mama Queeny”

“Mama Queeny” as she is fondly called by generations of street vendors and Columbia Heights residents, came to DC from Trinidad. Queeny has been vending for over 30 years. She started out vending with her family as a child in Trinidad, and was 5 years old. Queeny recalls the entire family running the vending business, with 7 children being the helpers and her parents running the business. Queeny recalls, “I learned to count on my fingers, because I had to sell the stuff, you know? I was a child.” Queeny recalls that it was a common thing in those days, in her country, to vend as an entire family. She remembers her family having a lot of business, but sometimes hiding it or feeling embarrassed. As she got older, she treasured more the early experiences that gave her the courage to continue vending. Knowing that she was a part owner with her parents gave her a deep sense of pride, even as a child. Queeny remembers beginning to sell seasoning as a teenager for someone in Trinidad, but they robbed her. “I decided then that if I could make that money for someone else, I could make it for myself.” She and her sister opened up a Trinidadian seasoning business that was quite successful. It was going well, but due to domestic violence, Queeny fled to the United States.

Queeny remembers having a very hard time finding a job and not having the necessary documents, so she turned to the thing she knew best for survival - vending. She recalls borrowing from her rent money to begin her vending business in front of the H&M downtown, but ending up in front of the Safeway on Columbia Road. “My children, they grew up under the table, because I had no babysitter, no family members here.” Her children grew up on the streets knowing everyone, and everyone who knew her also knew her children. Queeny remembers moving from Columbia Road to the Target in 2008 and being one of the first vendors there. “At that time, there were not many vendors there.” She remembers Mike, (an oil vendor from Guayana), Tity (a clothing and jewelry vendor from Sierra Leone), and Gloria (a food vendor from El Salvador also featured in this report). “We always kept working together. “I experienced a lot of hardship on the streets - it was hard.”

Even after getting her vending license, Queeny still experienced deep struggles and pain. “To obtain the money for my license, I had to borrow, beg, pawn my jewelry, borrow from my family members, and even get money from Trinidad.” Says Queeny, “imagine sending Trinidadian currency to the US, to help pay for my license.” “It’s never easy,” says Queeny, “but I did it.”

Queeny wants the people and agencies responsible for overseeing street vending licenses to change the fee structure and the process for getting a street vending license.” Look into reducing the fees and making it attainable for a family like me, whose only choice of getting an income comes from vending on the street.” Queeny reflects that prices are going up, the cost of living is getting harder, and people are spending less. At this point, Queeny can’t even make back the money she spends on her license. She wants to urge the DC Council to please consider decriminalizing street vending and lowering the fees, to make it easier for people like her to help themselves. “We’re choosing to pay the cost of the vending license, and it would make a great, great difference in our lives.”

Throughout the height of the pandemic, Mama Queeny was not able to pay the thousands of dollars in taxes and fees to keep her vending license current. Even though she was not able to vend during the height of the pandemic, taxes and fees continued to accrue. She had to turn again to friends and neighbors to pay for her vending license. Like many other Excluded Workers, Mama Queeny did not benefit from Unemployment nor a Federal Stimulus check, though she was very grateful to receive support through DC Cares and is proud of her role in making sure Excluded Workers received support from DC Government. Still, it was not enough. Queeny fell behind on her rent payments, could not catch up, and was eventually evicted from the home she had lived in for decades. She moved to Ward 7, with her son, daughter, and baby granddaughter. Now, Queeny and her daughter and granddaughter are living in a family shelter, and anxiously anticipating being re-housed in Northwest through DC’s Rapid Rehousing program. Says Queeny, “I’m so grateful for this support, because I don’t know where we would be without it, but if street vendors got the same kind of support other businesses did to recover, we wouldn’t have had to go through all this upheaval in the first place.”

Queeny tells us her street vending spot gives her as much a sense of belonging as does her residence. So she still makes the long journey from Ward 7 to get her products from storage and set up her vending stand on 14th and Irving, to be among the people who have become her second family over the last decade. “For people like me who had to flee from their country,” says Queeny, “Having a place you can call home is so important. I miss my home and my spot in Columbia Heights.”



Magnolia

Magnolia

Magnolia is from San Marcos, a city in Guatemala, 15 years ago she decided to leave two of her children behind in search of a better life here in the United States. She began working in restaurants and doing cleaning jobs. Once, working in a maintenance job in Connecticut Avenue, she got fired for being pregnant. In March of 2008, shortly after losing her job, her family lost their belongings in a fire. When they moved, the Red Cross was supporting them with rent but they still couldn't complete the rent. In 2009, her husband German was taken to court because he made too little money to afford their apartment. In times of struggle, she would often have to think about not just supporting her three children here but her two children who still lived in Guatemala.

Pregnant with her daughter Stefanie, Magnolia searched for work everywhere, but they declined her applications after learning that she didn't speak English. After seeing that Magnolia was stressed from not being able to find work, another street vendor named Maciel decided to let her borrow all her vending tools, including her large pots and coolers. In the early years of vending, Magnolia began in front of the grocery store Panam alongside Maciel, she shares that they often had to run from the police to avoid being ticketed.

Her youngest son, Stevens, would accompany her as a toddler. For this reason, having her kid with her at work, the police would torment her and insult her by calling her a bad mother stating that it was illegal to have her child with her. Magnolia emphasizes that what has hurt most in her years vending is the verbal violence the police put her through. "Since I started my personal business, my life has changed. But on the other hand, I suffer because of the cops."

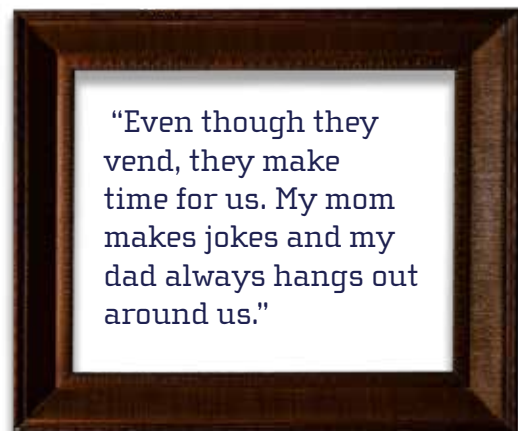
Magnolia has five kids, all of whom have accompanied her while she bends streets for years and all of whom understand what it means for their parents to dedicate so much time and effort to feed the neighborhood. For her family, vending is a family business as they have always worked together, her daughter Stefanie shares it's something that keeps the family entertained. For Stevens, it was a difficult process accepting and being proud of being part of a family that vends on the street because Magnolia would drop him off at school with her vending cart ready so that she could immediately start vending after and for this reason he was bullied at school when he was younger. Tired of being bullied, Stevens would beg his mom to stop vending. Convinced, Magnolia stopped vending for a month, but during that time Stevens reflected and apologized to his mom after recognizing that the bullying was not worth stopping his mom from working.

Stevens is now proud to be what he considers being the cashier for the family business. He finds it hard to pinpoint where else he helps in the process of vending but his mom and siblings quickly remind him that he helps by rolling the tacos and bagging them, washing the large pots, moving pots filled with hot tamale filling, and cutting the banana leaves to prepare them for their assembly line in the tamale making process that they have before the weekends when they sell.

Magnolia and Stevens were subjected to a highly traumatizing experience with the police in 2008, where Magnolia was sent to the hospital. To this day, Magnolia feels hesitancy to share the details of the event. "They kicked us out, I felt discriminated against. I don't remember the words they said, I just remember them treating us like criminals," Stevens says.

Kenia, her oldest daughter who arrived to the United States in 2017, shares that it makes her happy to support her mom here because this lifestyle is the same as her grandmas who would also sell in the local market in their homeland. Magnolia considers her family a team, saying that the more effort they put into supporting the vending business, the more they all benefit from being able to afford new shoes or clothes. Her story of vending is one of true community and of a family that has persisted through all the hardships thrown at them. On weekends, Magnolia now regularly sets up her vending post in front of Don Juan in Mount Pleasant, primarily selling tamales, all of which sell quickly. Magnolia shares with pride and with gratitude to God, that people purchase her food and compliment her cooking.

Stefanie, who is currently 11, says that she feels happy that her parents are caring and patient with them "Even though they vend, they make time for us. My mom makes jokes and my dad always hangs out around us."





"I'll continue to be the Mother Theresa of the streets, and follow in my own mama's footsteps sharing food and love across the generations from my street vending stand."

Ma Theresa G.

Ma Theresa G.

When you talk with Ma Theresa, she will proudly tell you she a street vendor, a mother, and a Ward 4 resident, who lives in the heart of Ward 4's working class community in a beautiful Senior Building on Jefferson St. Says Ma Theresa, "I have a happy and successful life and run a street vending stand with my son, Wayne. The path to where I am now is not an easy one."

Ma Theresa first started her journey as a street vendor as a baker and attributes her calling to her mother in South Carolina where her family is from. "I followed in her footsteps. I think it is something God chose for my mother to do, to be a baker. She needed to pass it along." Ma Theresa still remembers the smells of her mom baking bread and other things from their kitchen. Her mother would always cook and when she made something for the family, she always made extra. It was her way of taking care of the kids and the community. Ma Theresa recounts the loving and firm care work her mother did with neighborly parenting and food, "she'd say, 'I know y'all don't want me to have a talk with y'all. She'd say, 'Come on in here,' and would give them PB&J sandwiches or baloney sandwiches. When they were in her kitchen she'd say, 'listen to me, while you are in my kitchen, I don't need to call your mother. I am your mother right now and you need to stay out of trouble.'" Just like her mother, Ma Theresa makes a point to care for her community, "her" children on the street, and anyone who is hungry or in need of a listening ear or just some loving discipline.

When Ma Theresa's mother passed away after she had her first son at the age of 16, she describes herself as "devastated, mad, and refusing God." She recounts that things were going downhill fast and would have continued that way if her elders had not stepped in. Ma Theresa remembers them saying to her, "chile, stop runnin' stop cussin'." That's when she describes her life as taking "more than a 360, a 720."

Slowly and steadily, Ma Theresa grew in her baking skills. She began her journey in cafeterias and then had the opportunity to go to school as a baker. The whole way, Ma Theresa walked in her faith, "I always had faith that my skills would impress and touch someone, even though I had to miss some opportunities taking care of my father. God took care of me" Eventually Ma Theresa worked at the Sheraton in South Carolina with the Head Pastry Chef. She also worked as a short order cook, a line cook, and learned prep skills and kitchen management. Her experience became deep and extensive, and she always stayed at her jobs for at least 7 years to squeeze the most experience and training she could from her mentors before moving on.

Her journey wasn't without dark times or set backs. Says Ma Theresa, "Because of my unhealed early trauma, I fell back into hard times and addiction." She even sent

her beloved son, Wayne, away to live with his Aunt for a while. But she never gave up. "I know what it is to struggle and to work for something and keep moving forward through very hard times by faith. Eventually, I was able to be the mother I wanted to be for my son," she says.

By 2020, things took a turn and a struggle turned into a blessing. Ma Theresa and Wayne were back together, and Wayne proposed launching a business together. "We were desperate," recalls Ma Theresa. The pandemic was in full swing and they had to figure out something to keep their heads above the water. Says Ma Theresa, "that was when Wayne and I decided to step out on faith." They decided to open a cooking business together, with the support from friends and family. Wayne, a genius at grassroots marketing and handy with tech, got them connected to various online ordering platforms and did outreach. Ma Theresa remembers feeling excited but also anxious as well since they really didn't know if their launch would be successful. Then, on the day they started, Wayne, who never cries, went into the bathroom alone and broke down crying. Little did they know that, rather than the business launch failing, Wayne was crying because it was actually succeeding beyond their wildest dreams. "Wayne never cries like that," remembers Ma Theresa, "so I knew it had to be something big."

Wayne and Ma Theresa started by opening a vending stand in Anacostia. It was wildly popular until their equipment got hit by a car and stolen afterwards. This didn't stop Wayne and Ma Theresa! They started all over again in Columbia Heights. In the vending zone in Columbia Heights, they found supportive customers and a vibrant community. "Everyone loves our Southern, family-style home cooking and we bring a beautiful vibe to the street. We also love the multicultural vibe there and like being part of it." In fact, their vending stand is right at the spot where a Puerto Rican Vendor, Eliezer Albino, whose food was very popular used to vend. Says Ma Theresa, "we heard he died young and tragically and we are glad we can carry on his tradition in his spot."

While Wayne and Ma Theresa serve a lot of adults from many cultures who really enjoy their food, they are especially proud of their work with the neighborhood children. "We are there to provide them with healthy after school food, water, and love. We keep them out of trouble!" One day, Ma Theresa hopes to run her own program where I teach youth how to be peacekeepers in their communities and support them to recover from trauma, all in the context of nurturing them with healthy afterschool food. , Says Ma Theresa, "I really want to help girls who have been through the trauma I went through. They need a space to be loved and seen. Until that day, I'll continue to be the Mother Theresa of the streets, and follow in my own mama's footsteps sharing food and love across the generations from my street vending stand."



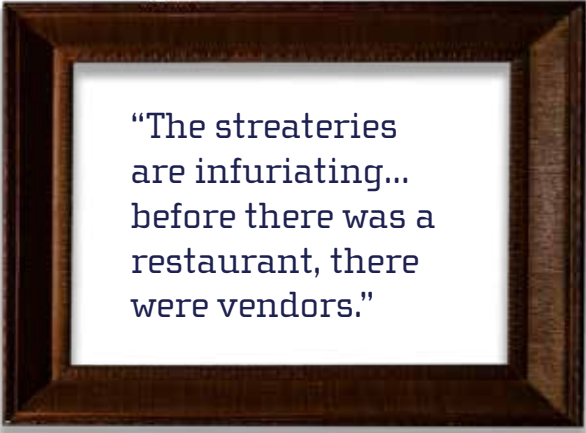
Rasul El-Amin

“It’s a gratifying feeling when you’re able to help people, especially people in need - even if you are in need yourself,” says Rasul El-Amin, a Black, Indigenous street vendor born and raised in DC and whose family has lived in DC for multiple generations.

Rasul recalls the pandemic changing him in many ways. “People don’t understand, at the high point of the pandemic, we were out there in the streets selling masks and giving people bags of food,” Rasul explains, remembering organizing with Ward 1 Mutual Aid early in the pandemic a weekly mutual aid table on 14th street to distribute food to vendors

and the community. Rasul is proud to have recently had his photo documenting his work feeding the community and supporting other vendors displayed at the Smithsonian’s Anacostia Community Museum’s recent exhibit, “Food for the People: Eating and Activism in Greater Washington.”

Initially, Rasul started vending for the independence - he wanted to manage his own time and labor. “I wanted to show my own creativity, earn money, make my own schedule - it was perfect,” Rasul explains. He also sought out street vending because of bad workplace experiences. Most recently, Rasul got injured working as a kitchen manager at MGM National Harbor. After being out on disability, MGM fired Rasul when his doctor said he was unable to return to work. “The doctor was telling them that I



“The streateries are infuriating... before there was a restaurant, there were vendors.”

needed surgery - they didn't care,” Rasul shares. “I'm doing all of this hard work for these people and they don't care if I live or die.” Rasul remains disabled and experiences significant knee pain to this day.

After street vending on and off for ten to fifteen years, Rasul shares that the pandemic inspired him to commit his dream of earning a living as a fashion designer making clothes and apparel. Recalling all of the death and suffering of the pandemic, Rasul remembers thinking, “it's now or never - I'm going to live my dreams or I'm going to wish I lived my dreams.” Rasul, who earned a graphic arts certificate in the 90s, has been diligently building his fashion brand, Sunverse Indigenous - he designed an official t-shirt for the campaign to decriminalize street vending in DC that declares, “Street Vendors Matter/ Vendedores Sí Importan.”

The Sunverse Indigenous brand name holds deep meaning for Rasul - Sunverse represents the anatomy of the sun, which gives life to the earth, and Indigenous means that we're all human beings and our life is indigenous to the earth. With his business and community work, Rasul is focusing on remaining positive and leaving a legacy for his community and his two sons.

Like many street vendors, Rasul has had many negative experiences with the police. “It's horrifying,” Rasul shares. “I've seen the police arrest vendors, harass vendors. I've been harassed before. They make it very uncomfortable. I don't want to ever witness that again. I don't want anybody to go through that - when that's your way of eating, feeding your family.”

Rasul, who is formerly incarcerated, appreciates the economic lifeline that street vending can provide for people returning to society. “It's almost like a miracle for people,” Rasul explains. “Opportunity to earn money legally and the opportunity to be creative in what you're doing and be themselves. It's a beautiful thing to have that avenue open for people who are just coming home. I've seen it turn people's lives around.”

Rasul's experiences inform his fear of the police who currently have legal authority in the District to arrest vendors for the ‘crime’ of vending without a license, a misdemeanor offense in DC punishable up to 90 days in prison and fines as large as \$16,000 for repeat citations. “I've been afraid, all vendors have been afraid,” he says. “You never know if you are going to get locked up or worse.”

Rasul faces extra risk from interactions with the police due to an unstable housing situation, as Rasul is currently living in a shelter in Northeast DC while waiting to receive a housing voucher. Previously, Rasul lived at the Catholic Charities shelter, McKenna House, in Columbia Heights, but the building burned down last year while Rasul and many other residents were inside. He feels like he is doing all of the right things, submitting to a 7pm-9am curfew while living in the shelter and patiently waiting to receive a voucher. If Rasul were to be cited for vending without a license, his status at the shelter and pursuit of long-term housing support through DC's public housing voucher program could be at risk. “It's not right,” Rasul says. “I'm not selling drugs, not carjacking, not robbing anybody. I'm making an honest living and I'm not taking from nobody.”

Rasul just wants the city to support vendors, instead of criminalizing them, so that he can live his dreams of fashion design and supporting the community. “The streateries are infuriating,” says Rasul, speaking of the city program that supported restaurants with grants to build outdoor dining space on the same curbs and sidewalks where vendors remain criminalized. After walking by a restaurant's streaterie recently, Rasul shares, “It hit me and I'm saying to myself, why are they treating vendors like we don't exist? Before there was a restaurant, a store, there were vendors. You can't just act like vendors don't matter because vendors do matter.”

Rasul knows all too well about DC's unjust and unequal recovery from the pandemic - he is also an excluded worker, meaning that he received far less public pandemic support than the average individual. If he had access to the same type of \$6,000 grants that restaurants part of the streateries program were able to access, Rasul shares that he'd invest it all back into the community - “I could give the public some things for free and we could even put money towards getting food to the community,” he says.

Rasul implores the DC Council to act to support street vendors to access storage space and outdoor vending market spaces similar to streateries. “We don't want it, we need it,” he says. “Let DC be the model for the whole US. Put your name in the history books with us.”



Gloria Gómez

Gloria Gómez

Gloria is a Salvadoran immigrant from the city of San Miguel. She comes from a large family of 14 children, being one of the eldest daughters she felt the responsibility of taking care of her siblings. She shares that she did not have a chance to enjoy her childhood as it consisted of beginning her journey as a vendor at the age of 8 years old. Without any shoes, she would go to the market to sell firewood, from those sales she usually collected 2.50 colones, the equivalent of about 0.29 US Dollars.

Gloria migrated to this country thinking her life was going to get easier. Instead, she shares her path of working low wage jobs, including being a dishwasher for \$6 an hour for two years and being a construction site painter for \$300 a week with very physically demanding tasks for 10 more years. One day she decided to leave the painting job and as she was walking on the street, she saw women vending in Columbia Heights. She attempted to sell clothes alongside them, but when that didn't work out, she decided to sell food.

During her first 8 years of vending, Gloria was frequently harassed by the police. They would strategically park their vehicles blocks away and would approach them walking while simultaneously yelling at them. When they finally reached them, they would yank their carts claiming to be inspecting them, and would threaten arrest. Gloria would plead to the police in those moments to let her go, that they could take her cart and products but to let her be free. Between those 8 years, Gloria was ticketed with more than 4 fines; one of them was \$1,000 and the others were around \$300. She says that the cops have never given them peace. She remembers being chased for blocks and running away while bystanders laughed. During those years, her granddaughter who is now 12 years old, would try to convince her to stop selling in fear that her grandmother would be taken away by police. Gloria's granddaughter is one of multiple street vendor children whose harrowing encounters with police have left them with significant trauma.

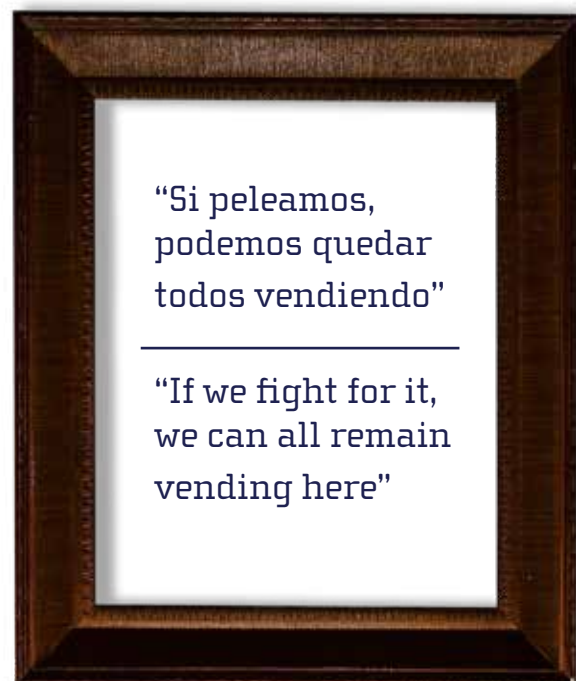
Selling on the corner of 14th has not been easy for Gloria, is it a highly visible spot and thus an easy target for police harassment but also Gloria often witnesses street violence such as shootouts and drive bys. The activity and food traffic is what keeps Gloria selling on the corner. She emphasizes that it takes a lot of bravery to stay at her current vending post and that without the friendship of Reyna Sosa, who is another vendor on the corner, she would not have the strength

to continue vending. Despite being connected with other vendors and community members that have helped reduce police harassment through advocacy, Gloria still has persistent anxiety about engaging with police.

Gloria has love and gratitude for all her clients. She shares that people enjoy her variety of products, including her traditional fresh juices like horchata, fresco de chan, and ensalada. She's proud to represent Salvadoran culture on the street selling yuca with pork rinds, taquitos, enredos and other Salvadoran traditional foods and snacks.

Despite her suffering and struggles, Gloria, remembering her mothers' teachings of respecting others and being hard working, continues to vend on 14th Street to support her family. Gloria hopes to leave a legacy of two women, herself and Reyna, who fought for 14th street to be available for all vendors to use and sell at. "When it's my time," she says, "I'd like my daughters to pass by my spot on 14th and Irving and say, "Here my mom sold, here my mom fought for her little piece of land."

Gloria sees a vision of 14th street belonging to street vendors without the fear of being ticketed, arrested, or harassed. "If they give us that block, it will be for all the people. If we fight for it, we can all remain vending there."





Eloisa D.

Eloisa has been street vending for 4 years. “I bring coconuts, lychees, seasonal fruits - it’s better than what Giant or Safeway sells,” says Eloisa, a Black Venezuelan vendor who also sells empanadas, atol de piña and atol de elote. Eloisa has been giving away soup and different drinks almost every week at a Ward 1 Mutual Aid table on Saturdays in Columbia Heights since early on in the pandemic. She is called to vending to care for the community. “My faith is to

help people,” Eloisa explains. “Love and faith. It’s not just about being a vendor - I enjoy to see that I can help somebody else.”

Eloisa used to vend on Georgia Avenue and on Taylor street in Petworth and has found community on 14th street in Columbia Heights. “They call me Mama,” Eloisa says of the unhoused people who congregate at Civic Plaza near Eloisa’s vending spot. “We’re

united,” Eloisa shares. “I need a place to sleep, you need a place to sleep. I don’t put away someone in need. Just because someone has fallen, we shouldn’t make it worse.” Eloisa often sells customers food on credit, allowing people in need of food to pay when they can. Her customers usually return and pay - “If I treat people well, they will treat me well,” she says.

Eloisa migrated from Venezuela to the US in the late 1980s. She recounts migrating in hopes of earning money and returning home. “I thought I could stay one year and go back home and get a little house,” she says. “Nothing has worked the way I thought it was supposed to.”

Eloisa worked in housekeeping for many years after migrating to the US - primarily in people’s houses and for a short stint in a hotel. A couple years ago, Eloisa decided to turn to vending to earn income because the cleaning work was taking a physical toll. “It damaged my joints,” Eloisa explains. “I stopped because I cannot kill myself doing this all of my life.”

Street vending is hard work. Eloisa often works from 7am until later than 7pm and travels to Jessup, Maryland in order to buy wholesale food at affordable prices. She lives in a very small apartment off Georgia Avenue in Petworth and doesn’t always have space to store her vending equipment. She is only able to keep a small vending cart due to the lack of storage space, and must travel between her apartment and her vending spot on 14th street multiple times during the day in order to get more inventory to sell. Eloisa spends a significant percentage of the money that she earns for space at local storage facilities - often more than \$200 per month. “Having storage space right there where we vend would be good,” Eloisa says. “It’d be perfect because I could close at any time and put everything right there. It’d be very convenient.”

Negative interactions with the police and inspectors from the Department of Consumer and Regulatory Affairs (DCRA) have been another challenge Eloisa has faced as a street vendor. Currently, street vending in DC is a misdemeanor offense punishable up to 90 days in prison and street vendors can be fined up to \$16,000 for repeat citations for vending without a license.

Eloisa remembers one day when an inspector came up to her on Taylor street and threatened to fine her \$2,000 - far more than Eloisa earns in a month - for vending without a license. She recalls another day vending in front of the building where she lives when the police came running out of their car. They told

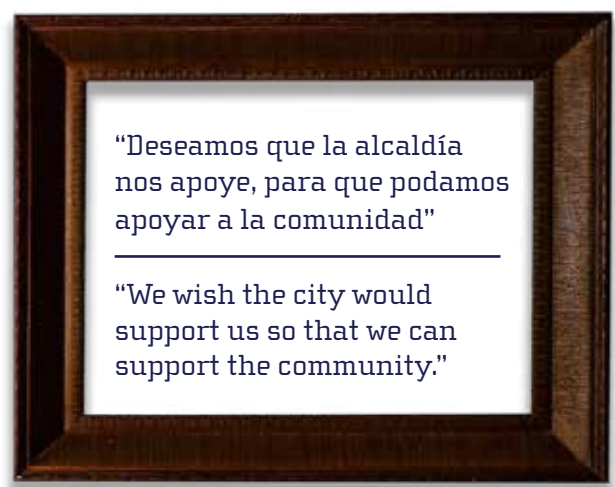
Eloisa that she shouldn’t be selling because she doesn’t have a license and they wrote her a ticket. A couple of months later, the same policeman came back and chased Eloisa all the way into her building. “I was so nervous,” Eloisa says, remembering this instance and many humiliating experiences when the police threatened to take Eloisa’s food and supplies. “It’s crazy,” she says. “We’re trying to find a way to make it. They commit more crimes than we do because they kill our soul, they kill us emotionally. It’s not fair that they do this just because they are wearing a uniform.”

Eloisa wants a vending license but doesn’t know how she can afford one. “It would be good to get the license but it isn’t a help if it’s so expensive,” Eloisa explains. It costs more than \$2,000 to obtain a street vending license and street vending site permit in DC. City regulators don’t offer payment plans for vendors seeking to obtain licenses, so vendors need to find the money to pay up front or face the constant threats of significant fines for vending without a license that Eloisa describes. Typically, vendors receive \$300 fines for vending without a license and then are unable to apply for a license before paying off significant fines because DC’s Clean Hands Law prevents anyone from applying for any license or permit if they owe more than \$100 to the city.

“If we don’t make enough money to live, how can I pay big money for a license?” Eloisa asks. “It’s not fair.”

Eloisa dreams of having protection from the rain and wind in a covered area to vend, with affordable storage space nearby. She’s noticed that people seem to like the outdoor dining areas that restaurants have built on sidewalks during the pandemic as part of the city’s streateries program - and she thinks streateries are a good thing.

“It’s unfair but they have a license,” Eloisa says of the streateries that restaurants received city grants to build on the same sidewalks where Eloisa is criminalized for vending without a license.



The Beginning

Two Bills the DC Council
Can Pass Now



In February 2021, Ward 1 Councilmember Brianne Nadeau introduced the two bills to the DC Council, the Street Vending Decriminalization Amendment Act of 2021 and the Sidewalk Vending Zones Amendment Act of 2021. DC Council Chairman Phil Mendelson assigned both bills to the Committee of the Whole, which the Chairman controls. Chairman Mendelson scheduled a hearing of the Committee of the Whole on November 16, 2022 to hear public testimony related to the two bills.

Street Vending Decriminalization Amendment Act of 2021

The Street Vending Decriminalization Amendment Act of 2021 would remove criminal penalties for vending without a proper license. Unlicensed selling would remain a civil infraction enforced by the city's Department of Licensing and Consumer Protection, and all other city regulation of street vending would remain in effect.²³

Precedent exists, in other jurisdictions and in DC, for decriminalizing street vending. From September 2013 to August 2014, the DC government accidentally removed criminal penalties for street vending between²⁴. Everything was fine, and the DC government can intentionally and permanently decriminalize street vending again. In 2018, the state of California decriminalized street vending by the same means proposed in the Street Vending Decriminalization Act of 2021 - the California law states that violations of a local authority's sidewalk vending program can be punished only by administrative fines.²⁵

Criminal reform advocates are also in support of decriminalizing street vending. The DC Police Reform Commission, in their Full Report published in April 2021, recommended that the Council decriminalize low-level offenses including illegal street vending and panhandling. The Reform Commission wrote, "too often, the District police, arrests, and jails low-income residents for engaging in 'crimes of survival,' behaviors that are the result of failures of the social

safety net and that have no impact on public safety."²⁶ On the advice of the DC Criminal Code Reform Commission, the DC Council's Committee on the Judiciary and Public Safety is currently considering decriminalizing street vending as part of the Revised Criminal Code Act of 2021, which the Committee hopes to pass before the end of 2022.²⁷

At the time of publication on November 1, 2022, decriminalization of street vending without a license is included in the committee print version of the Revised Criminal Code Act of 2021, which was voted out of the Committee on the Judiciary and Public Safety during the week of October 24, 2022. However, the revisions to the criminal code contained in the Act, including decriminalization of street vending without a license, are not planned to go into effect until the end of 2024 - a two year waiting period. The DC Council is in the process of scheduling its final votes on the Revised Criminal Code Act of 2021 during November or December 2022, and Vendedores Unidos/ Vendors United is fighting to amend the Act in order to immediately implement the decriminalization of street vending without a license.

Police enforcement of illegal street vending laws, as with enforcement of other low-level offenses, increases the risk of escalation between community members, mainly Black and brown working-class Washingtonians, and police. As a city, we can't afford to continue taking this risk. The DC government should decriminalize street vending.

Sidewalk Vending Zones Amendment Act of 2021

The Sidewalk Vending Zones Amendment Act of 2021 would amend the city’s Vending Regulations Act of 2009 to establish designated zones for sidewalk selling, and allow vendors to apply to the Mayor’s office to establish new zones. Included in the bill is a proposal for a Columbia Heights Sidewalk Vending Zone, which would encompass six vending areas and include up to 57 total vendors. Any vendor who receives a license under the new bill would be granted amnesty, retroactively for up to five years, for any unpaid civil citations.

The legislation would also create two special licenses — one that can be held by an individual vendor, and another that can be obtained by nonprofits and cooperatives that manage sidewalk sellers (the “sidewalk manager license”). Once registered, licensed sellers could operate and move within vending zones, and individually licensed vendors would pay annual fees of no less than \$70. The sidewalk manager license, which can be obtained by a nonprofit or vendor cooperative to manage the Columbia Heights Sidewalk Vending Zone, would allow the zone to function like Farmers Markets where a market manager is required to obtain a Class C Vending license. The sidewalk manager license holder would obtain general liability insurance that can cover all of the individual vendors who vend within the zone and will be responsible for ensuring that each individual vendor is compliant with all public health and safety laws and regulations.²⁸

The sidewalk manager license, which can be held by a nonprofit responsive to vendors or by a cooperative of vendors, opens up important paths for vendor self-regulation of vending zones and for the city to support individual vendors and vending zones with access to vital vending infrastructure. With city support, vendors, by working with sidewalk manager license holders, can self-regulate vending zones and build vendor-run systems for engaging conflict, allocating vending spaces among vendors and building thriving and beautiful sidewalk vending zones that improve community safety and public welfare.

Additional city investments and reforms described throughout this report will be essential to ensuring that the Columbia Heights Sidewalk Vending Zone described in the Act - and any future Vending Zone created under the Act - has a chance to succeed. As described in the “Invest in Vendors” section of this

report, the city must expand existing grant programs for small business owners to support all vendors to access street vending infrastructure, including vending carts and tables, food safety equipment and insurance. Vendors also need support to access affordable storage space, commercial kitchen space and collective food safety equipment, like public auxiliary sinks. And street vendors will struggle to access any benefits from the creation of Vending Zones so long as the District’s food code maintains its unnecessarily narrow restrictions on the types of food that street vendors, food trucks and cottage food businesses are able to sell - these restrictions are not grounded in any public health rationale.

The DC Government should look to DC USA Mall, located in the heart of Columbia Heights, along with nearby vacant retail space and city-owned properties to support the long-term sustainability of a potential Columbia Heights Sidewalk Vending Zone.

To develop DC USA Mall in the early 2000s, the District provided significant subsidies to New York-based Grid Properties and Gotham Organization, Inc., including tax breaks²⁹ and other direct financial support like continued city ownership of the facility’s parking garage, which was essential to the initial financing for the project.³⁰ The DC Government should seek to build public or highly subsidized storage space in the parking garage and commercial kitchen space inside USA Mall and should seek for DC USA Mall to provide significantly below market rate rent for the space. On the DC USA Mall website, Grid Properties claims to make available 15,000 square feet of retail space (11 percent of the total retail space in the mall) at a discount to local and minority-owned businesses³¹ - DC USA Mall did not respond to an email inquiry about the current local and minority-owned tenants and, given the list of current tenants, it seems unlikely that Grid Properties is currently supporting local and minority-owned small businesses in this way.³²

The DC USA Mall parking garage, the construction of which was financed by a \$46.9 million tax increment finance bond issued by the DC government³³, has been severely underutilized since it was completed in 2008. In 2008, the DC government entered into a covenant regarding the use of the parking garage whereby the DC Department of General Services (DGS) is responsible for contracting for day-to-day management of the garage. However, the covenant

restricts use of the garage to only parking spaces that serve the retail tenants in DC USA Mall and the covenant can only be changed by a unanimous decision of DGS; Grid Properties, the owner of DC USA Mall; and Target, the anchor tenant of DC USA Mall. Ward 1 Councilmember Nadeau, the Councilmember for the Ward in which DC USA Mall is located, and At-Large Councilmember Robert White, the Chairperson of the Committee on Government Operations and Facilities, have corresponded consistently with DGS since early 2020 about the underutilization of the parking garage and their desire to transition use of portions of the garage toward uses that can benefit the surrounding community. DGS believes that it does not possess the

authority to unilaterally change the parking covenant - even though the covenant clearly acts against the intended full utilization of the city-owned space - though DGS is supportive of the community engaging Grid Properties and Target to change the covenant and to create a new agreement to utilize part of the garage for community benefit.

Without the kinds of additional city investments and reforms described above, the creation of new Vending Zones pursuant to the Sidewalk Vending Zones Amendment Act of 2021 will leave vendors largely excluded from existing city support for small business owners and without the opportunity to succeed over the long-term.

Around the World

Vendors in cities around the world have successfully self-regulated activities including allocation of vending spaces amongst vendors, monitoring vending spaces for crime and pooling together money to invest in sanitation and other services that vendors aren't able to receive from the government.³⁴

One example is the Warwick Junction Markets, a precinct in the inner city of Durban, South Africa, where an estimated 460,000 people and 38,000 vehicles pass through each day. Three markets operate in the area—the Meat, Early Morning, and Victoria Street markets—where as many as 8,000 vendors sell each day a wide variety of food and goods, including traditional African herbs and medicine, artisanal goods, fresh produce and a large selection of Indian curry powders, spices and incense. Local regulators have consulted significantly with local organizations of street vendors, which has resulted in a high level of vendor self-regulation and a strong sense of ownership of the area by the street vendors. The South African government threatened to destroy parts of the markets by building a shopping

mall on the land in the run-up to the World Cup in 2009, but street vendors and their allies were able to block the efforts using a variety of tactics, including litigations.³⁵

Another example is in India, where the national parliament passed a 2014 law empowering towns and cities to create Town Vending Committees. Vendors are required to hold at least forty percent of the representation and voting power within local Town Vending Committees, and at least one-third of the vendors' elected representatives are required to be women. Once a city's Town Vending Committee is constituted under the national law, it is responsible for creating the rules for street vending to function in the city, including the creation of local vending licensing systems and local vending zones, allocation of vending spaces within vending zones and building infrastructure for vending zones. Town Vending Committees have only begun to be built and established throughout India, though they present a promising model for building infrastructure to support vendor-led governance of vending rules and spaces.³⁶

A Framework for Continued Transformation And Investment



The pandemic has only exacerbated decades-long trends in the District of rising prosperity that has not been widely shared and gentrification and displacement of tens of thousands of poor and working class Black and Latine residents from the city.³⁷

In DC, street vending has always been a path to freedom and economic independence and a chance to resist displacement and gentrification for Black, Latine and Indigenous people who are often excluded from our society's popular imagination of small business owners. In the early 1800s, Alethia Browning Tanner turned sales from her produce cart at "President's Square" (today's Lafayette Plaza) into freedom for herself and twenty-five other family members³⁸. Poor and working class people in the District, especially migrants displaced by US and Global North imperialism and structural international economic inequality coming to the US seeking economic opportunity,³⁹ will continue to turn to street vending because it is an occupation that requires little formal education and, outside license and permit fees, it requires only small capital investment. Yet, the District continues its shameful history of criminalizing street vendors' use of the commons, public space on sidewalks and the street, to try and earn an honest living.

DC street vendors continue today their historic practices of solidarity and of resisting their criminalization by the District's policy makers.⁴⁰ In the mid-1970s, more than 500 street vendors organized the DC Vendors and Craftsmen's Association, Inc. to resist new restrictive vending regulations.⁴¹ In the 1980s, more than 200 street vendors unionized for the first time in a major US city and filed suit in US District Court to block new regulations that restricted the movement of licensed vendors for the first time to designated vending areas in the city and increased the licensing costs for vendors living in DC from \$125 to \$606 for vendors selling merchandise and to \$630 for vendors selling food.⁴² In the 1990s vendors opposed the attempts of the Downtown Business Improvement District to remove them from downtown in the name of progress and increased property values⁴³, and in the 2000s vendors organized against a vending license moratorium that denied access to licenses from 1998 to 2007 and resisted increases in annual fees to a minimum of \$1,630 by the Department of Consumer and Regulatory Affairs (DCRA) after the moratorium was lifted.⁴⁴

DC street vending laws and regulations have continually had the impact of reducing the number of street vendors in the city. In 1985, over 10,000 street

vendors sold in DC, about seventy percent of whom were Black.⁴⁵ Today, it's estimated that only a couple hundred vendors remain active in DC - between 2013 and 2022, the DCRA granted only 146.1 street vending licenses and 35 street vending site permits per year.⁴⁶ A de facto ban on new street vending licenses exists due to high license and permit costs (a minimum of \$2,000), limited availability of vending site permits throughout the city and the DCRA's failure to change its policies so that vendors are able to engage with DCRA staff in their primary languages and via technology that they are able to use - the DCRA failed its most recent language access audit in 2020.⁴⁷

Making matters even worse, street vendors have been excluded from the city's pandemic relief programs. The Streateries program opened up sidewalks and curb lanes to restaurants and invested \$4 million in grants for restaurants to outfit their spaces for outdoor dining⁴⁸ - yet street vendors continue to be criminalized for vending on these same public spaces. The DC Department of Transportation (DDOT) permit application for streateries permits was significantly less expensive and less complicated than the process that that street vendors must pursue - DDOT issued 256 streateries permits during 2020, the first year of the pandemic;⁴⁹ permits were made available to restaurants at no cost;⁵⁰ the application process began via an easy-to-use Google form;⁵¹ and DDOT publicly shared the expectation with restaurants that they would respond to applications for streateries permits within two to seven days of receiving an application.⁵² For comparison, the DCRA issued only 20 street vending site permits in 2020.⁵³ In addition, the District's \$120 million Bridge Fund, a cornerstone of its pandemic Recovery Plan, includes \$35 million for the restaurant industry and \$15 million for retailers that has not yet found its way to vendors.

The DC Government has the opportunity to reverse its historic criminalization of street vendors' use of the commons and to support street vendors and all small business owners to remain and thrive in the District. The District can invest in street vendors by supporting them to comply with important food safety and public health and safety regulations and by building the needed infrastructure for thriving vending zones throughout the city, which will both enhance the multicultural vibrancy of the neighborhoods in which they are located and support local brick-and-mortar businesses.⁵⁴

This section of the report describes city investments and regulatory changes that can support vendors - in addition to the changes that passage of the Street

Vending Decriminalization Amendment Act of 2021 and the Sidewalk Vending Zones Amendment Act of 2021 will bring. The city investments and regulatory changes described here are grounded in the principle of *fix-not-fine*, a principle that commits city regulators to provide people with training and resources to fix regulatory issues rather than simply fining people who are not in compliance.

The proposals described here draw upon learnings from US states and cities and cities around the world. California, which criminalized street vending in 2018;⁵⁵ New York City, which adopted a fix-not-fine regulatory approach in 2020;⁵⁶ and Chicago, which lifted its decades-old ban on food carts in 2015.⁵⁷ The proposals also draw inspiration from street vendors throughout the world, including in Durban, South Africa, where street vendors built a world-renowned market at Warwick Junction,⁵⁸ and throughout India, where street vendors have earned recognition of their right to earn income in the nation's Supreme Court and where vendors fought for national legislation creating Town Vending Committees through which vendors have governance rights in towns throughout the country to shape local regulation of street vending.⁵⁹

Without serious city investment and further regulatory changes, the DC government will continue its historic practice of keeping street vendors trapped within a cycle of criminalization and poverty.





Progressive Regulatory Reform

The Progressive Regulatory Reform described in this section include simplifying the vending licenses application process, reducing street vending fines and fees, expanding vending site permits and eliminating food code barriers for small businesses, including street vendors and food trucks.

Simplify Vending License Application Process

At least five DC agencies possess regulatory authority over street vendors,⁶⁰ and street vendors have long faced challenges engaging with the Department of Licensing and Consumer Protection (DLCP), the primary regulator for street vendors that reviews all applications for Vending Business Licenses. The Vending Regulation Act of 2009 made the DCRA the coordinating agency for vending regulation - authority transitioned to the Department of Licensing and Consumer Protection (DLCP) when the DCRA was disbanded on October 1, 2022. Vendors are often referred by one agency to the other and are unable to easily determine which regulatory agency to engage for different issues.

To obtain a license and site permit, street vendors must engage significant bureaucracy - and pay a minimum of around \$2,000 of up-front fees.

First, street vendors must obtain a basic business license (the whole process costs in excess of \$500) - a vendor must incorporate a legal entity with the DLCP, register with Internal Revenue Service and the DC Office of Tax and Revenue, apply for a permit from the DC Office of Zoning and then apply for a basic business license from the DLCP.⁶¹ Vendors, who have largely been excluded from the formal economy, need to adopt Bylaws or Operating Agreements and keep records for their legal entity's tax returns.

Then, vendors must obtain a vending license from the DLCP - a Class A License for food vendors and food trucks (a fee of \$476.30 for two years) or a Class B License for merchandise vendors (a fee of \$408.10 for two years).⁶² Next, vendors must complete a private course, which often does not offer wide language accessibility or accessibility for all levels of reading and writing literacy, to obtain a Food Protection Manager Certificate (\$35 fee for three years), and obtain from the Department of Health a Health Inspection Certificate (\$100 every six months) and a propane permit, if the vendor uses propane, from the Fire and Emergency Medical Services Department. Last, vendors must apply for and receive approval from the DLCP for a vending permit for a specific site - site permits cost a minimum of \$600 per year and are discussed in further detail in the next two subsections.

People with criminal records and people who have been incarcerated face extra difficulty in the license

application process. The DLCP requires that Police Criminal History Reports must be included with Vending Business License Applications and must be dated within thirty (30) days of the vendor's submission of the application.⁶³ Police have had the authority since the early 1960s to make recommendations on vending permit applications.⁶⁴ The DC government should remove this criminal background check requirement from the license application process, as street vending is often one of the few paths to earn income available for formerly incarcerated people, especially people who have recently been incarcerated.

By empowering managers for its pilot sidewalk vending zones, the Sidewalk Vending Zone Amendment of 2021 will begin to simplify and make more accessible the license and permit application process. The Act creates a specific license for managers of its pilot sidewalk vending zones that are responsible for ensuring that vendors comply with the various aspects of the street vending laws and regulations. If the DC government provides licensed sidewalk vending zone managers with sufficient resources, then managers can help bridge the many accessibility gaps that currently exist between vendors and the DLCP.

Any changes to the license application process should arise from a deep process of engaging street vendors who will be impacted by the changes - street vendors themselves are the best source of knowledge about whether they will be able to access different aspects of the regulatory process. Countless international examples - including in Durban, South Africa; Lima, Peru; and throughout India - have shown that engaging street vendors in the policy-making process creates far more responsive policy and significantly increases compliance.⁶⁵

The Sidewalk Vending Zone Amendment of 2021, by empowering managers for its pilot sidewalk vending zones, would begin to simplify and make more accessible the license and permit application process. The Act creates a specific license for managers of its pilot sidewalk vending zones that are responsible for ensuring that vendors comply with the various aspects of the street vending laws and regulations. If the DC government provides licensed sidewalk vending zone managers with sufficient resources, then managers can help bridge the many accessibility gaps that currently exist between vendors and the DLCP.⁶⁶

Big picture, the DC Council should direct the DLCP to create a streamlined application process whereby street vendors have the option to receive support in their primary language to complete an application

for a Vending Business License during one visit to the DLCP offices. Easy mechanisms must exist for vendors to check on both the status of their license and permit applications and, once granted, the status of their licenses and permits. The DLCP should also make all of its resources available to street vendors in all of the common languages spoken in the District and in formats that emphasize videos and graphics, rather than written text, in order to accommodate vendors of all reading and writing literacy levels. The DLCP should also make all of its services available both at its offices and via telephone and online in order to accommodate vendors of all technology literacy levels.



Exorbitant license and permit fees and fines for violations of the vending regulations are huge barriers for street vendors to obtain and maintain licenses. A de facto ban on new street vending licenses exists due in part to costs in excess of \$2,000 to obtain a street vending license and site permit.

As described above, street vendors must pay a minimum of around \$2,000 in permits, fees and related costs before they can operate as a licensed vendor in the District.⁶⁷ The DLCP doesn't offer payment plans to vendors for permits, fees and associated costs, so the money must be paid up front before a vendor can obtain a license and be free from the threat of criminal and civil citations for vending without a license. As described earlier in the report, both criminal and civil citations can carry serious collateral consequences for many vendors.⁶⁸

These up-front costs do not include a minimum of \$1,500 in sales tax each year for a licensed vendor, paid in quarterly installments.⁶⁹ Nor do the up-front costs include the costs of obtaining vending carts, which can cost a couple thousand dollars for merchandise vendors and more than ten thousand dollars for food vendors, whose carts are subject to strict regulation and must be inspected by the Department of Health before a vendor can obtain a license.⁷⁰ The up-front costs also don't include the cost of storing food vending carts in a DLCP-approved depot, which costs vendors at least \$100 per month.

Vendors applying for licenses must also submit a Certificate of Clean Hands to the DC Office of Tax



People drive for miles from across the DMV to purchase Cristobal's and Edilma's famous tamales. Yet they have been harassed and fined repeatedly by MPD for selling these healthy and delicious snacks to DC residents.

and Revenue, which means signing an affidavit stating you do not owe more than \$100 to the Government of the District of Columbia.⁷¹ If an applying vendor has outstanding fines for vending without a license in excess of \$100, they must pay the fines before they can apply for a license. Fines often quickly add up for vendors, prohibiting them from applying for licenses, which counterintuitively keeps vendors locked out of the licensing system and vulnerable to additional infractions and fines. This is just one aspect of the District's fine inequities - the District collects an average of \$261 in fines every year per resident, more than double that of the next highest city, New York City.⁷² The DC Council is seeking to reform the Clean Hands requirement so that it doesn't prevent residents from obtaining driver's licenses, a requirement that has had a significant disproportionate racial impact⁷³ - the DC Council should similarly amend the Clean Hands requirement so that it doesn't prevent street vendors seeking to comply with vending laws and regulations from obtaining a license.

The first problem with respect to exorbitant fines for violations of the vending regulations is that the vending regulations are far too extensive, which provides the police and the DLCP with far too much discretion. The DLCP vending regulations are over eighty-three pages long⁷⁴ - they regulate everything from the size of a vending cart,⁷⁵ the materials from which vendors' shade umbrellas must be made,⁷⁶ the location under a vending cart or stand where vendors are permitted to store any surplus merchandise while vending⁷⁷ to the containers for litter that must be affixed to the carts or stands of all vendors.⁷⁸ The DLCP has the discretion to suspend, revoke and seize a vendor's license for just one violation of the vending regulations,⁷⁹ and, in the past, the DLCP has denied the license applications of vendors who have previously been cited for vending without a license, which is completely counterintuitive to the goal of supporting vendors to comply with vending regulations.

The vending regulations need to be vastly simplified, should not regulate any activity that isn't directly related to public health and safety and should respect the lived reality that vendors and the wider community are constantly working out community safety practices every day on the street. The maze of vending regulations are a key reason for why the number of street vendors has reduced from more than 10,000 in the 1980s to only a couple hundred today,⁸⁰ and they have made DC the second-worst city for food trucks in a survey of twenty US cities with the highest density of food trucks.⁸¹ From 2013 - 2022, the DCRA issued only 146 vending licenses, 35 street vending site permits, and 96.3 food truck site permits each year.⁸²

Additionally, the fines for violations of the vending regulations are also far too high. Vendors face fines up to \$2,000 for first-time offenses and fines up to \$16,000 for repeat offenses.⁸³ The DC government should significantly reduce the amount of possible fines. In California in 2018, the state legislature capped civil street vending fines at \$100 for a first violation and at \$200 and \$500 for second and third fines for the same infraction committed within a year of the first infraction.⁸⁴ The ideal fix is for the DC government to set fine rates based on the capacity of vendors to pay. In California, the state legislature allows vendors subject to fines for infractions to request an ability-to-pay adjudication to reduce fines based on their capacity to pay.⁸⁵ License and permit fees for small businesses, including street vendors, should be very small or nonexistent. Licensed street vendors contribute revenue to the city by paying sales tax and income tax. License and permit fees should not be the barrier that keeps vendors trapped in the informal economy.

Last, all criminal and civil fines related to violations of the vending regulations incurred during the pandemic should be forgiven. The pandemic been a time of extreme economic emergency for many people and most street vendors, and all of the inaccessibility challenges vendors face for engaging with the DLCP have been exacerbated during the pandemic, since the DLCP offices were closed for long periods of time and online services remain inaccessible to most street vendors.⁸⁶

Creating an accessible licensing system is deeply essential to creating any kind of fair street vending regulatory system. If vendors aren't able to obtain licenses, they aren't able access technical assistance or grant programs from the city that are available to small businesses.



Expand Vending Site Permits

Prior to the 1980s, a street vending license allowed a vendor to sell anywhere in the District.⁸⁷ In 2009, new vending laws further restricted the sites where licensed vendors could sell by requiring that vendors obtain permits for a specific designated vending site.⁸⁸ The Department of Licensing and Consumer Protection (DLCP) and Department of Transportation (DDOT) should expand the number of available designated vending sites so that vendors are free to move between vending locations in ways that reflect



"In her early years, Alethia Browning Tanner sold vegetables in a produce stall near President's Square – now known as Lafayette Square – in Northwest.

According to the D.C. Genealogy Research, Resources, and Records, Tanner bought her freedom in 1810 and later purchased several relatives' release.

She was the first woman on the Roll of Members of the Union Bethel AME Church (now Metropolitan AME Church on M Street), and Turner owned land and a store at 14th and H Streets, which she left to her nephews – one of whom later sold the property for \$100,000.

Named in her honor, the Alethia Tanner Park is located at 227 Harry Thomas Way in Northeast.

The park sits near the corner of Harry Thomas Way and Q Street and is accessible by foot or bike via the Metropolitan Branch Trail, just north of the Florida Avenue entrances."

by Stacy M. Brown, Washington Informer
February 17, 2021

Alethia Tanner Sold Vegetables to Buy Her Freedom in 19th-Century America

In the early 1800s, street vending was a literal path to freedom for enslaved and free African Americans who sold food in downtown DC in order to purchase their own freedom and the freedom of their families and friends. Alethia Browning Tanner ran a produce stand near today's Lafayette Square - by 1810, she had saved more than \$1,400 (\$28,000 in 21st century dollars) to buy her freedom through

a white intermediary. Over the next three decades, Alethia Browning Tanner earned enough vending income to buy the freedom of twenty five more people, including her sixteen year old nephew John Cook. Alethia Brown Tanner's sister, Sophia Browning Bell, sold produce from her small garden plot in order to raise the funds to purchase the freedom of her husband, George Bell, and their two sons.

the historic practices of DC street vendors. In general, the site permitting system should allow vendors free movement between high foot traffic areas in ways that do not negatively impact public health or safety.

Historically, vendors in DC have concentrated in high-foot traffic areas, especially downtown.⁸⁹ Street vending downtown, especially on or near the National Mall, has historically provided one of the few ways that poor and working class residents of the District have been able to benefit directly from DC's tourism industry. Vending laws and regulations, beginning in the 1980s, have made it very difficult for vendors to take advantage of high foot-traffic areas, especially high-foot traffic areas downtown. For example, current vending regulations allow no more than three designated vending sites (Sidewalk Vending Locations) on any side of any city block⁹⁰ - this makes it effectively impossible for vendors to create thriving vending zones in high foot traffic areas. And difficulties related to accessing site permits via the monthly lottery system for "Mobile Roadway Vehicles" are also a key factor for why DC was rated second to last in terms of ease of accessing permits in a survey of the twenty US cities with the highest density of food trucks.⁹¹

In the late 1990s many vendors unequivocally opposed the beginnings of the current system of restricting the sites and movement between sites where vendors can sell. James Tiu, a vendor on 15th St NW said, "All of these changes are calculated to eliminate vendors to the greatest degree possible. They are taking away our rights as independent businessmen." William Burts, who used to sell more than 200 types of incense and oils at the corner of K St NW and Connecticut Avenue NW said, "If i have to move, I would lose all of my clientele and have to start over again."⁹²

The DLCP's vending site lottery system - created by the Vending Regulation Act of 2009, the most recent significant reform of DC's street vending laws - restricts vendors' access to site permits in most of downtown and in the most popular tourist areas and highest foot traffic areas in the city. The site permit lottery system controls access to vending site permits on the National Mall,⁹³ near Nationals Park⁹⁴ and in popular tourist areas and high foot traffic areas including Georgetown and space adjacent to many downtown Metro stops including Farragut Square, Franklin Square, L'Enfant Plaza, Metro Center, Waterfront, Navy Yard, Union Station and more.⁹⁵

The fees for vending site permits also make vending inaccessible, especially downtown and in many high

foot traffic areas and popular tourist areas throughout the city. Mobile Site Permits, for food trucks, cost \$600 for a two-year period, and Sidewalk Site Permits, for street vendors who sell from a cart or a table on the sidewalk, cost \$1,200 for a two-year period - however, as described above, Mobile Site Permits and Sidewalk Site Permits are not available in most of downtown and in the highest foot traffic areas in the city.⁹⁶ Site permits on the National Mall, for food vendors and for food trucks, cost \$450 per month (\$5,400 per year), and site permits at Nationals Stadium cost \$125 per month (\$1,500 per year).⁹⁷

Currently, DLCP and DDOT do not provide for easy public access to any information related to the total number of vending sites available in the city, the number of vending site permits that vendors have applied for or the number of vending permit sites that have been issued.⁹⁸ As far as can be determined from publicly available information, there are only 192 vending sites available in the downtown areas subject to the vending site lottery system - 72 sites on the National Mall⁹⁹ and 119 site permits in the popular tourist areas and high foot traffic areas referenced above.¹⁰⁰ From 2013-2022, the DCRA issued an average of 96.3 site permits subject to the lottery system - 77.3 Mobile Roadway site permits and 19 Stationary Roadway permits. During the pandemic, the number of permits subject to the lottery system issued per year has fallen to 32.7 Mobile Roadway site permits and 25 Stationary Roadway site permits each year. From 2013-2022, the DCRA issued an average of 35 stationary sidewalk site permits to street vendors each year - 16.6 Vending Cart site permits and 18.4 Vending Stand site permits. During the pandemic, the number of site permits the DCRA has issued to street vendors has fallen to 11 Vending Cart site permits and 8.3 Vending Stand site permits each year.¹⁰¹

Both food trucks and street vendors are required to obtain site permits in addition to vending licenses. It is clear that the limited number and high cost of vending site permits has had a significant impact on the reduction of street vendors active in the city from a peak of more than 10,000 in the 1980s to only a couple hundred today.

The 2009 Committee Report prepared by the Committee on Public Services and Consumer Affairs, the committee that drafted the most recent major change to DC street vending laws, the Vending Regulation Act of 2009, emphasized that ease of enforcement was a major reason for why the committee recommended that the District begin to assign specific spots to vendors. The committee wrote,



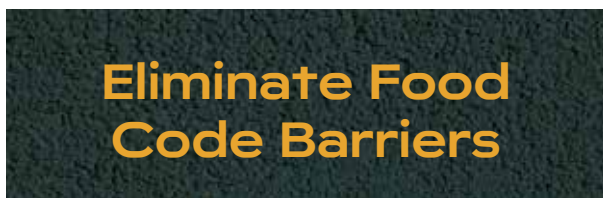
Vendors like Arely have received extended training in food safety. Arely now has a food manager certification and went through dozens of training hours in workshops hosted by the Beloved Community Incubator, Carlos Rosario, and the Restaurant Opportunity Center. Despite Arely's best efforts, the current licensing regime makes it impossible for her to become a fully licensed food vendor.¹⁷³

“By [assigning sites,] the District would be better able to enforce vending regulations. No longer would vendors be able to depart before the MPD arrives; it would also eliminate the at-times, violent, de facto ‘might make right’ system.”¹⁰² Ease of enforcement is not a public policy principle that should inform the site permitting system, which has a huge impact on street vendors’ ability to earn income in the District.

The District should create a new system for providing vending site permits that prioritizes the right for vendors to earn a living.¹⁰³ The system should not restrict the movement of street vendors except for reasons expressly related to objective public health, safety and welfare concerns.¹⁰⁴

The Sidewalk Vending Zones Amendment Act of 2021 provides a promising path for beginning to build a new system for regulating vending sites in the District.¹⁰⁵ The Act creates a pilot vending zone in Columbia Heights (the Columbia Heights Sidewalk Vending Zone); allows members of the public to request that the Mayor create additional vending zones; and creates a new type of license, a sidewalk vending zone manager license, that can be obtained by a cooperative of vendors or a nonprofit accountable to vendors. Individual vendors need only register with the sidewalk vending zone manager in order to vend in the zone, and individual vendors can move freely between vending zones and between different vending spaces within vending zones. With additional support from the DC government, sidewalk vending zone managers could support vendors to comply with vending regulations and coordinate outreach to vendors about city educational resources and grant opportunities available to vendors.

The DLCP Director also currently possesses authority to create new Vending Development Zones.¹⁰⁶ This could be another promising path for creating new vending zones and beginning to build a vendor site permit system that prioritizes the right of vendors to earn a living.



In California, street vending is decriminalized yet until very recently the food code still criminalized vendors - for example, as of 2021, only 165 of an estimated 10,000 food street vendors in Los Angeles have been

able to obtain the required food permits.¹⁰⁷ Food safety laws in DC are similarly restrictive, which denies economic development opportunities to immigrant communities and poor and working class residents of the District¹⁰⁸ and restricts food access in a city in which 1 in 10 residents cannot afford enough to eat.¹⁰⁹ The DC government should make far less restrictive the Department of Health’s regulation of food street vendors and the District’s Cottage Food Law, which provides the only legal path for selling food prepared in a home kitchen.

Functionally, street vendors are very limited in terms of where they are allowed to prepare food and the types of food they are permitted to sell. Street vendors are not allowed to prepare or store food in their homes and are required to store their food and food carts in a licensed food depot, commissary or storage facility.¹¹⁰ Local depots and storage facilities charge vendors in excess of \$150 per month, and commissaries and commercial kitchens are not even close to accessible to vendors due to high rent costs. Food vendors are also required to submit a menu to the Department of Health (DOH) and receive approval for the menu before they are permitted to sell the food on the menu.¹¹¹

Another potential path for food vendors, and any small food business, is to cook from their home kitchen. Small food businesses in DC can sell food prepared in a home kitchen by obtaining a Cottage Food Business Registration Certificate.¹¹² However, DC has some of the most restrictive cottage food laws in the country¹¹³ - as of 2018, the law was so restrictive that there were only three registered cottage food businesses in the District.¹¹⁴ DC’s cottage food law restricts cottage food businesses from selling food to restaurants or grocery stores and restricts cottage food businesses to selling only baked goods, fruit pies, jams and other preservatives, vinegars and dry goods, including cereals and trail mix, coffee beans and dried pasta.¹¹⁵

Other States throughout the US have far more expansive cottage food laws. Wyoming’s 2015 Food Freedom Act allows cottage food businesses to sell effectively any food directly to consumers, without any type of inspections or food safety course requirements, so long as the business discloses to consumers that the food was prepared without any public health inspection or certification.¹¹⁶ In New Hampshire, cottage food businesses can sell food by any means - directly to consumers, over the internet, wholesale, to restaurants and grocery stores - so long as the business obtains a license.¹¹⁷ Ohio allows cottage

food businesses to sell food to both grocery stores and restaurants without requiring any additional license, but states that such food products are subject to food sampling conducted by the state.¹¹⁸ Twenty eight US states place some restrictions on cottage food businesses but do not require that they obtain a license from a local regulator.¹¹⁹

It's not as if food street vendors and small food businesses in the District are not committed to food safety. Their businesses often rely on word-of-mouth marketing and would fail if their food made customers sick. In addition, food street vendors and owners and employees of cottage food businesses are already required to complete food safety courses and to obtain Food Handler Certificates and Food Manager Certificates.¹²⁰

The DC government should permit vendors and cottage food businesses to sell any food product by any means so long as the vendor or cottage food business has completed a Food Manager Certification course, has obtained relevant insurance, and labels the food with common allergens and a brief statement on where the food was prepared. If the DC government wants to take further measures to ensure food safety, then it should retain the right to sample food in order to assess its safety from vendors and cottage food businesses.

Additionally, the DLCP and DOH licensing systems for street vendors and for cottage food businesses don't engage with one another, which makes both licensing systems less responsive to the needs of food street vendors and small food businesses. For example, the DLCP does not currently allow cottage food businesses, who are fully licensed to cook from their home kitchen, to sell food on the street, even if the business follows all of the food safety best practices taught in courses like ServSafe food manager certification course. And the DLCP does not allow street vendors, who are fully licensed to sell food on the street, to prepare food in their home kitchens. Food street vendors are often caught in between licensing systems that aren't responsive to their needs.

The DC government should follow the lead of the State of California, which recently reformed its Retail Food Code in September 2022 to put the state's cottage food business and street vendor licensing and regulatory systems in conversation with one another. California authorized street vendors to use cottage food licensed home kitchens as a site to prepare food for their street vending businesses, expanded the type of food that cottage food businesses and street vendors

can sell to include any nonhazardous food prepared in accordance with reasonable food safety best practices, and expanded the type of carts from which vendors can sell food to effectively include all types of vending carts, stands and tables currently in common use by the state's street vendors, so long as the vendor is selling food close an auxiliary sink approved by the local health department.¹²¹



The Invest in Vendor proposals in this section include building public food safety and storage infrastructure, creating city grants for street vending and food truck equipment, supporting vendor-led conflict management infrastructure and creating vending zones and markets throughout the city.

Build Public Food Safety and Storage Infrastructure

Another key aspect of a *fix-not-fine* regulatory approach is to ensure that street vendors are able to access vital food safety infrastructure, including sinks, food and food cart storage space and commercial kitchen space to prepare food. In recent years, vendors have received many fines for not complying with food safety regulations - vendors have reported that they are unable to afford the required food safety equipment and receive no support from the DLCP or the DC government more generally to access the required equipment.

Street vendors who sell food are required to use vending carts with capacity for at least five gallons of water and a three compartment sink.¹²² Obtaining food vending carts with this kind of capacity costs in excess of \$10,000 and is not attainable for most vendors. Additionally, these onerous sink requirements exceed the those imposed by by other jurisdictions with serious street food cultures, including New York City,¹²³ which only requires a one-compartment sink for carts preparing potentially hazardous foods, and Portland, Oregon, which does not require warewashing facilities on the unit for many types of vending, if adequate facilities exist at the commissary.¹²⁴ Vendors in Los Angeles, California face similar difficulties and are exploring working with the local regulator, the Environmental Health Division of the Los Angeles County Department of Public Health (LA DPH), to



Street vendors are a critical part of the local food security ecosystem. Vendors like Angela Salazar provided neighbors with fresh and healthy food throughout the pandemic, and continue to do so.

build publicly-owned neighborhood-based auxiliary sinks that are strategically placed on city-owned land and in close proximity to high-activity vending areas.¹²⁵ The District should pursue similar approaches by removing sink requirements for individual vending carts and by building public neighborhood-based sinks that vendors can access.

Street vendors in DC also face significant challenges gaining access to storage for food and food safety equipment. The Department of Health (DOH) requires that food vendors store their carts when they are not in use in an approved depot.¹²⁶ Food vendors in the District struggle to access storage space in depots close to where they vend and often end up paying as much as \$30 per day for someone to pull their cart to and from the storage facility each day. Vendors are also highly exploitable by depots, which often base their monthly storage costs on whether or not a vendor agrees to buy all of the food they sell from the depot at prices that significantly exceed wholesale prices that vendors could obtain elsewhere. Vendors in Los Angeles, California face similar issues and are exploring with the LA DPH possibilities to increase access to safe and affordable storage space, for vendors who sell food and other merchandise, by approving underutilized kitchens in restaurants, food businesses, schools, community centers, and places of worship as spaces where vendors can store food and equipment and clean their equipment.¹²⁷ The District should pursue a similar approach by expanding the types of kitchen and food-business spaces where vendors are permitted to store their food and equipment or by building city-run facilities that vendors can access at affordable rates. The DC government should also explore creative ways to build storage infrastructure on existing public spaces that vendors are able to access at affordable rates.

Vendors in DC also face significant challenges accessing licensed cooking space. Food street vendors are not permitted to cook food in their homes and are required to pass DOH inspections of their carts or the commissary or commercial kitchen space where they prepare food.¹²⁸ Vendors have shared with us repeatedly a strong desire to access commercial kitchen spaces and the high-quality equipment that they provide, however, as is the case with access to depots and food storage spaces, it's very difficult for vendors in DC to access commissary and commercial kitchen spaces due to high costs.¹²⁹ To address similar issues, vendors in Los Angeles, California are exploring with the LA DPH possibilities to permit vendors to prepare food in underutilized kitchens in restaurants, food businesses, schools, community centers, and places of worship¹³⁰ The District should pursue a similar approach.

The District should also support vendors to engage with private developers who have committed to community benefits associated with the development projects and with publicly-owned facilities to explore the possibilities of building commercial kitchen space close to popular vending areas. Two opportunities are DC USA Mall, right at the center of the highest activity vending area in Columbia Heights, and the Northern Bus Garage that the Washington Metropolitan Area Transit Authority (WMATA) owns a couple of blocks north on 14th St NW.

The District provided tax breaks¹³¹ and other direct financial support¹³² to New York-based Grid Properties and Gotham Organization, Inc. to develop DC USA Mall in the early 2000s. In exchange for the DC government subsidies to create USA Mall, local activists and civil rights leaders with the Development Corporation of Columbia Heights¹³³ and Think Local First DC¹³⁴ pressured Grid Properties to commit to make available 15,000 square feet of retail space (11 percent of the total retail space in the mall) at below market rates to local and minority-owned businesses.¹³⁵ It seems unlikely that Grid Properties is currently renting 15,000 feet of space to local and minority-owned small businesses,¹³⁶ and Grid Properties did not respond to an email inquiry regarding current local and minority-owned tenants. However, DC USA Mall would be an ideal space for food vendors in Columbia Heights for the location of affordable commercial kitchen space and food and equipment storage space.

Another possible location for affordable commercial kitchen and/ or food and equipment storage space is the WMATA-owned Northern Bus Garage on 14th St NW between Decatur and Buchanan Streets. The northern garage is currently not in use and is in the process of being redeveloped, with plans to add 55,000 square foot of commercial space, including 700 feet of retail frontage along 14th St NW.¹³⁷

To promote food safety - and to make it more possible that food street vendors, a key sector of the local food economy, are able to operate under oversight of District's food safety regulation - the DC Government should invest in public food safety infrastructure that vendors can share and use, including public auxiliary sinks, storage space for food carts and commercial kitchen spaces that are relatively close to historically active vending areas. If the District is not able to directly build and operate such facilities, the District should expand the types of kitchen and food-business spaces where vendors are permitted to store food and equipment, clean equipment and prepare food.

City Grants for Street Vending and Food Truck Equipment

Another key element of a fix-not-fine regulatory approach can be to include street vendors in existing city grant programs and to create new city grant programs for street vendors. City grants can support all vendors to obtain insurance, merchandise vendors to obtain vending carts and tables and food vendors to purchase essential food safety equipment, including vending carts, and small food truck business to purchase food trucks.

As discussed above, food vendors are required to utilize carts outfitted with significant food safety capacity, including at least five gallons of water storage, a three compartment sink, and a generator-powered refrigerator.¹³⁸ Even if the District continues to identify individual vending carts as the cite to promote food safety practices, instead of building public sinks and cites where vendors can clean equipment, food vending carts will still remain exorbitantly expensive, often in excess of \$10,000. City grant programs should support food vendors to buy food carts and small food truck businesses to buy food trucks - access to this vital infrastructure often prohibits poor and working class vendors from engaging in the license process and makes it far more difficult for vendors and food trucks to start and grow their small businesses. The DOH should also work with manufacturers to pre-approve cart design blueprints for a variety of affordable cart types that meet health code standards, as vendors and local regulators are exploring in Los Angeles, California.¹³⁹

The DC Government should also create grant programs to support small food businesses, including street vendors, to purchase insurance. The District can either facilitate affordable group insurance policies that local small food businesses can purchase or provide grant money for small food businesses to purchase private insurance policies. By doing so, the District can promote both food safety for food consumers and ease food safety concerns related to expanding current Department of Health regulations to permit street vendors, food trucks and cottage food businesses to sell any type of food that people are able to buy at a restaurant or store.

The District can create entirely new grant programs toward these ends or expand existing programs to accommodate street vendors, food trucks and local

small food businesses. Relevant existing city grant programs include the Department of Small and Local Business Development's Main Streets Program¹⁴⁰ and the Office of the Deputy Mayor for Planning and Economic Development's Great Streets Program,¹⁴¹ Food Access Fund¹⁴² and Small Medium Business Growth Fund.¹⁴³ The District can also include and prioritize vendors within the new and emerging Streets for the People Grant Program, which will "provide funding for creative and innovative public space activations within downtown" and through which the DC Office of Planning provided five grants to Business Improvement Districts and Community Improvement Districts by January 31, 2022 totalling \$2.8 million¹⁴⁴ - for reasons unknown, the Adams Morgan Business Improvement District, which received \$525,000 of the \$2.8 million grant pool, decided to explicitly exclude street vendors from their "Streets for the People" zone in 2022.¹⁴⁵

The DC Government has plenty of money at its disposal to invest in street vendors, as is demonstrated by the various small business and community infrastructure development grants described above. The District demonstrated again recently that it's able to find money for projects that it supports when Mayor Bowser announced a new \$20,000 hiring bonus and \$6,000 of rent assistance for new MPD officers.¹⁴⁶ It's time for the DC Government to stop criminalizing street vendors and to choose to invest in supporting street vendors.

Support Vendor-Led Conflict Management Infrastructure

The DC government should provide support to vendors to build vendor-led infrastructure for managing conflict between vendors.

Historically, the public narrative in the District has demonized street vendors as hopelessly remaining in conflict with one another and has used this narrative to justify imposing paternalistic regulations. A recent example is the reference in the Committee on Public Services and Consumer Affairs' report in 2009 to a "de facto" "might make right" system" that vendors resort to in order to allocate vending space amongst one another.¹⁴⁷ The Committee Report identified these types of narratives as a main reason for recommending that the DC Council prioritize ease of enforcement and create the site permit requirements for vendors, the most recent instance of the long-term trend toward restricting vendors' freedom of movement

throughout the city between high foot-traffic areas. As described above, this long-term trend of restricting vendors' freedom of movement has created serious barriers for street vendors to earn a living and has had a significant impact on the reduction in street vendors in the District from a peak of 10,000 in the 1980s to only a couple hundred today.

Instead of demonizing vendors, the DC government should invest resources in conflict engagement support and tools for vendors. The most promising path for supporting vendor-led conflict management is to support vendors to build their own organizations, like the vendor-led cooperatives and nonprofit organizations that the Sidewalk Vending Zones Amendment Act of 2021 would allow to apply for a new type of license, a sidewalk manager license. City support for this type of vendor-led organization opens up an important path for vendor self-regulation of vending zones, including conflict management, and makes it more possible for city grants to be directed toward groups of vendors and toward vending zones. In order to reverse the District's historic criminalization of street vendors, the DC government will need to support vendors to apply for licenses, comply with vending regulations and get access to essential infrastructure, including food vending carts that promote food safety, storage space for vending equipment and goods, and commercial kitchen space and kitchen equipment that promotes food safety.

City investments in infrastructure for vendor-led conflict management can also include grants for vendors to access existing government and nonprofit infrastructure meant to support community members to engage and resolve conflict peacefully with one another independent of the police. The city can provide grants to vendors to attend conflict engagement courses, like those offered by organizations including Community Mediation DC,¹⁴⁸ and to receive training from and to engage more deeply with community safety organizations like DC Peace Team.¹⁴⁹ The city can also increase its investment in public safety programs like the Office of the Attorney General's "Cure the Streets" program¹⁵⁰ and the DC Office of Neighborhood Safety and Engagement,¹⁵¹ so that these types of programs have expanded capacity to be able to engage more directly with vendors.

Create Vending Zones & Markets Throughout the City

Street vendors deserve public investment to build the infrastructure needed for thriving marketplaces

accessible to working class street vendors and small business owners in historically high-traffic street vending areas throughout the city. Street vending has always been an economic lifeline for poor and working class residents in the District¹⁵² and street vendors have always contributed significantly to the culture of Washington, DC. The DC government supports and invests in thriving outdoor dining and marketplaces including streateries where restaurants have built dining space in parking spaces and on sidewalks during the pandemic¹⁵³ and the many Farmers Markets throughout the city. The city should make similar investments in market spaces for street vendors.

Repurposing parking spaces and sidewalks for dining and marketplaces generates revenue for the city and benefits everyone. A recent study of Toronto during the pandemic shows that customers spent \$181 million in parking spaces repurposed as outdoor dining areas during the summer of 2021 compared to the estimated \$3.7 million of parking revenue those spaces were projected to generate during the same time period.¹⁵⁴ Clearly, repurposing streets for commercial and community use can provide significant benefits to the District's local economy - the District has already begun to repurpose such spaces through programs like DDOT's Streateries Program¹⁵⁵ and the Office of Planning's Streets for the People Grant Program.¹⁵⁶ The DC government needs to ensure that the repurposing of the city's streets does not become another public project that excludes and contributes to the displacement of street vendors.

Creating Vending Zones, like those authorized by the Sidewalk Vending Zones Amendment Act of 2021, and street vending markets will create hubs of street vendors throughout the city where vendors can access resources and where the city can target all of the types of investment described in this "Invest in Vendors Section." The DC government can target grant programs to street vendors present in Vending Zones and markets to support vendors to access vital individual infrastructure, including vending carts and tables, food safety equipment and insurance. The DC government can also focus on the areas immediately surrounding Vending Zones and markets to build programs for vendors to access affordable storage space, commercial kitchen space and collective food safety equipment, like public auxiliary sinks.

The creation of Vending Zones and vending markets can also provide a clear path for the city to support street vendor-led conflict management infrastructure. The DC government can direct resources to the



Excluded Workers Demand Inclusion

“Due to a long history of structural racism, discrimination, and economic exploitation, the vast majority of DC’s excluded workers are Black and brown people who earn or have earned low wages and are more likely to work in sectors hit hardest by this recession. DC’s hardest hit industry during the pandemic has been leisure and hospitality, where employment is still down by 48 percent or nearly 40,000 jobs, and occupational segregation within that industry has exposed Black and brown workers, and women of color, to the worst job losses. Research has shown that Black and brown workers face longer rates of unemployment both during the peak of recessions and throughout economic recovery. In DC, Black workers still had not fully recovered from the Great Recession in 2018, ten years after its peak. It is highly likely, therefore, that Black and brown workers, including those excluded from unemployment and other forms of assistance, will continue to face economic hardship long after the city begins to recover from the pandemic because of ongoing labor market discrimination. If DC policymakers fail to provide this much needed lifeline, excluded workers and their families will fall even further behind.”

From “Excluded Workers Demand Inclusion: \$200 Million Ask is Less than Half of Need,” Policy Brief, DC Fiscal Policy Institute, June 24, 2021, Doni Crawford, Author

holders of sidewalk manager licenses created by the Sidewalk Vending Zones amendment Act of 2021 active in Vending Zones and vending markets. City grants for vendors to access existing government and nonprofit infrastructure meant to support community members to engage and resolve conflict peacefully with one another and city grants to vendors to attend existing conflict engagement courses. These types of city investments will go a long way toward beginning to build vendor-led conflict management infrastructure in the city and reversing the District's shameful history of demonizing street vendors as hopelessly remaining in conflict with one another, a narrative which the DC government has used repeatedly to justify imposing paternalistic street vending regulations.¹⁵⁷

It is also important to remember that street vendors throughout the city will struggle to access any benefits from the creation of Vending Zones or markets so long as the District's food code maintains unnecessarily narrow restrictions, which aren't grounded in public health rationale, on the types of food that street vendors, food trucks and cottage food businesses are able to sell.

Drastically Improve Accessibility

The policy proposals to Drastically Improve Accessibility include engaging the Department of Licensing and Consumer Protection's (DLCP) language, literacy and technology accessibility; creating free food safety courses; expanding existing free courses for small business owners; increasing regulatory transparency; and shifting the burden of compliance.

Enhance DLCP Language, Literacy and Technology Accessibility

Language and technology access is another huge challenge that many street vendors face as part of the license application and renewal process. The Department of Consumer and Regulatory Affairs (DCRA) received a failing grade in the latest Language Access Audit conducted by the DC Office of Human Rights (OHR) and has been out of compliance with the DC Language Access Act since it became law in 2004.¹⁵⁸ The Department of Licensing and Consumer Protection (DLCP) took over as the primary

regulatory agency for street vendors on October 1, 2022 when the DCRA was disbanded.

The OHR's most recent audit found that "DCRA met zero compliance requirements for Fiscal Year 2020." DCRA offered zero language access trainings for staff and doesn't even have data tracking in place for in-person interpretation and bilingual staff encounters with the people that the agency regulates, including street vendors. The OHR found that "the agency did not translate any documents and continues to lack an accessible language support section on its website, as it does not include any of the translated documents like permit applications, affidavits, and notices on its current site."¹⁵⁹ The OHR recommended that the DCRA "take immediate steps to close compliance gaps by: (1) collecting and reporting comprehensive data, (2) training its staff on language access compliance requirements, (3) certifying its funded entities for compliance with the Act, (4) identifying and translating vital documents, (5) improving its website to provide equitable access to vital information for the Limited English Proficient Population (LEP) and Non-English Proficient Population (NEP), and (6) engaging the LEP and NEP community through outreach efforts."¹⁶⁰

The OHR's most recent language access audit aligns with what Beloved Community Incubator has heard from street vendors in DC. Countless vendors have shared with us great difficulty interacting with DCRA officials in their primary language during enforcement actions on the street, at DCRA offices and via telephone and online services. Beloved Community Incubator staff have witnessed multiple times DCRA enforcement staff without any language capacity other than English attempting to engage with vendors on the street using flyers with information written only in English.

Vendors also struggle to engage with the DLCP due to accessibility issues related to reading and writing literacy. During the pandemic, vendors with lower levels of technology literacy have struggled to engage with the DLCP as most or all services have moved online during different parts of the pandemic.

DLCP should ensure that vendors at all levels of reading and writing literacy levels and all technology literacy levels can engage with the DLCP. The DLCP should comply with the DC Language Access Act, take immediate action to implement the compliance steps that the OHR recommended in its 2020 language access audit and, more generally, ensure that vendors can engage with the agency for any regulatory-

related issue in their primary language at the DLCP's offices and via DLCP telephone and online services. Languages in which street vendors are able to engage with the DLCP must include, at a minimum, English, Spanish, Amharic, French, Chinese, Vietnamese, Korean, Tigrinya and Mandarin. The DLCP should create language-accessible videos that provide information about the services that DLCP offers and about the process for complying with street vending laws and regulations. The DLCP should also create language-accessible paper resources on similar topics that are graphic-based. All of these resources should be available at the DLCP offices and when DLCP staff interact with vendors on the street.

Create Free Food Safety Courses

The District should create free food safety courses that are fully accessible for people who speak commonly spoken languages in the District and for people at all levels of reading and writing literacy and technology literacy. Food safety courses should be made available both online and in-person and should contain resources that include video and graphic materials in addition to written text materials.

Food street vendors¹⁶¹ and people who prepare food for cottage food business are already required to obtain a Food Handlers Certificate and a Food Manager's Certificate¹⁶². The DC Department of Health's website directs license applicants in need of Food Handler and Manager's Certificates to private course providers¹⁶³ whose courses are not always language accessible and do not accommodate people with little formal education and lower literacy levels and technology literacy levels.

Beloved Community Incubator (BCI) offered free, fully accessible Food Handlers Certification courses and Food Manager's Certification courses two times during 2021 and 2022, which supported over 20 DC food vendors to obtain certificates, many of whom would not otherwise be able to access any of the private courses currently offered locally. BCI is available to share best practices with the DC government to support the creation of a public program.

Food safety is of the utmost importance, and the DC government needs to invest in the resources that can support street vendors and all poor and working class Black, Brown and Indigenous small food business owners to practice food safety and to obtain the relevant certifications. Doing so will support residents of the District by making affordable, local, healthy

food more available - 1 in 10 residents of the District are food insecure, most of whom live in Wards 7 and 8, low-income and economic opportunity areas in the city where over ninety percent of the residents are Black people.¹⁶⁴ It will also enhance the economic development opportunities available to street vendors and small business owners by providing vital resources that will support them to access the growing locally-produced food sector of the economy, which has grown to an expected \$20 billion industry nationally, up from \$5 billion in 2005 and \$14 billion in 2014.¹⁶⁵

Expand Free Courses for Small Business Owners

The District should make free, fully accessible courses a cornerstone of a fix-not-fine approach to support regulatory compliance whereby regulators provide training and resources rather than punitive fines. The fix-not-fine approach has been adopted in New York City¹⁶⁶ and Portland, Oregon.¹⁶⁷ All courses should be fully accessible for people who speak commonly spoken languages in the District and fully accessible for people at all levels of reading and writing literacy and technology literacy, which will mean developing resources that include video and graphic materials and a combination of in-person and online options.

One area for creating free and more fully accessible courses is small business support - these courses can build upon offerings already made available by the DC Department of Small and Local Business Development.¹⁶⁸ The District should offer free courses that support small business owners with the various licensing-related aspects of starting a business in DC. To start a business in DC, you need to incorporate a legal entity with the Department of Licensing and Consumer Protection (DLCP), obtain an Employer Identification Number and/or an Individual Taxpayer Identification Number from the Internal Revenue Service, register with the DC Office of Tax and Revenue, obtain a site permit from the DC Office of Zoning and apply for a business license from the DLCP. First time business owners must also learn to keep their books and prepare to file business tax returns.

Navigating this process is difficult for anyone, especially first time business owners and business owners with little formal education. Free public courses will increase compliance and enhance economic development opportunities for low-income, low-wealth and immigrant communities in DC.



Increase Public Information & Regulatory Transparency

The DLCP and the DDOT should provide readily available information to vendors and to the public about basic street vending regulatory information, including the number of licensed vendors in the city, the number of vending site permits available in the city and the sites at which vendors are permitted to sell. DDOT recently created this type of interactive map demonstrating the location of street vendor permit holders.¹⁶⁹

There is no up-to-date mechanism for vendors or the public to determine whether vendors are licensed or to identify the sites at which vendors are permitted to sell, and there is no accountability mechanism to ensure that there are enough site permits available for vendors throughout the city. Currently, Open Data DC hosts a dataset and map that displays information

about licensed vendors and street vending locations throughout the city, though the data is not close to complete and seems to not have been significantly updated since 2015.¹⁷⁰ The DLCP should provide readily accessible information online including the number of street vendors licensed in the city, the number of people who have applied for street vending licenses, the number of street vending application licenses that are approved and denied, the number of different types of vending site permits available throughout the city, and the number of vending site permits applications that have been approved and denied. DDOT should create a readily accessible online map of where street vendors are permitted to sell throughout the city, similar to the interactive online map that DDOT has created to visualize street vendor permit holders throughout the city.¹⁷¹

Additionally, street vendors should be able to readily access - by phone or online and in all of the common languages spoken in the District - information related

to the status of their license application, the continued good standing of their licenses and deadlines for when they must renew their licenses.

Miscommunications about who is licensed to vend and the site at which vendors are licensed to vend are often sources of conflict between vendors themselves and between vendors and the wider community. Increased transparency will support vendors to ensure that their rights are upheld and can help reduce conflict between vendors and local communities over use of sidewalk space.

Shift the Burden of Compliance

The DC government in general, and the Department of Licensing and Consumer Protection (DLCP) in particular, need to rebuild trust with the District's street vendors. Historically, the Department of Consumer and Regulatory Affairs, the agency that had been primarily responsible for regulating street vendors before authority was transitioned to the DLCP on October 1, 2022, has been very difficult for vendors to engage with due to accessibility issues related to language, literacy levels and technology literacy levels. The city has criminalized street vendors for selling without a license while also placing moratoriums on issuing street vending licenses. The District enforced

a moratorium on vending licenses from 1998 - 2007, which caused the number of food vendors in DC to fall from 1,200 to only 200 when it was lifted, and the DCRA imposed another moratorium as recently as 2019.

The DC Government should create simple and transparent processes for vendors to express clear interest in complying with vending laws and regulations and to ask for support. For example, the DC Government can create a phone number that a vendor can call and leave a message in any language to express interest in complying and to ask for support to comply. Once a vendor expresses such interest in this manner for the first time, the vendor should be free from any regulatory enforcement action for up to a year and the burden for compliance should shift to the various agencies that regulate street vendors to support that vendor to comply with the various rules and regulations.

This kind of burden shifting measure can be especially helpful during an interim period as the DC Government transitions to implement the regulatory changes and investments outlined in this report. Street vendors in Los Angeles, California are pursuing a similar moratorium on citations for unpermitted vending until local barriers for vendors to actually be able to receive permits are removed.¹⁷²

In the previous page: Colochita can always be seen vending with a traditional Salvadora delantal, or apron, which is decorated with colorful lace and pockets.

Conclusion

The DC government faces a choice - continue its historic criminalization of street vendors or support street vendors to remain and thrive in the District.

The DC Council can pass two bills right now to support street vendors and begin to reverse its historic criminalization of street vendors. The Street Vending Decriminalization Amendment Act of 2021 will eliminate the misdemeanor criminal penalty for vending without a license, which will deny the police a criminal pretext for harassing street vendors and lessen the impact of collateral consequences that street vendors face from interactions with the police. The Sidewalk Vending Zones Amendment Act of 2021 will begin the process of reforming the street vending regulatory regime to reflect the lived experiences of street vendors by establishing a pilot program for a simplified licensing process within new designated vending zones and by granting amnesty to street vendors who obtain licenses in the new zones for any unpaid civil citations incurred over the previous five years.

More broadly, the DC Government has the opportunity to reverse its historic criminalization of street vendors' use of the commons and to support street vendors and all small business owners to remain and thrive in the District. The

District can invest in street vendors by supporting vendors to comply with important food safety and public health and safety regulations, including vendors in existing small business grant programs and building the necessary public infrastructure for thriving vending zones throughout the city. The city investments and regulatory changes that this report describes are grounded in the principle of fix-not-fine, whereby city regulators provide people with training and resources to fix regulatory issues rather than simply fining people who are not in compliance.

The right for street vendors to thrive and to earn a living on our city's sidewalks is central to larger struggles about which District residents will benefit from development, who will shape our city's culture and who will govern and control our city and our commons, our public spaces that belong to all of us.¹⁷⁴ Street vendors live at the intersection of many forms of oppression. Almost all street vendors are Black, Latine, Indigenous or people of color. Many street vendors are women and femme small business owners supporting their families. Street vendors are formerly incarcerated people and undocumented people. Supporting street vendors means investing in anti-displacement and investing in a city led by poor and working class Black, Latine and Indigenous residents and entrepreneurs.



About Beloved Community Incubator

Beloved Community Incubator (BCI) is a worker self-directed non-profit. We operate as a cooperative - this means that our full time staff also sits on our Board of Directors, influencing the programs in which we work, the conditions of our workplace, and the direction of our organization as a whole. Our vision is to model worker self-direction as an alternative to the mainstream non-profit infrastructure in DC. We believe in building power with the most harshly system impacted Black, Brown and Indigenous DC residents, and we believe that a multilayered methodology and strategy is necessary in order to build worker power - campaigns and policy wins are often only temporary.

We engage in direct action and strategic organizing campaigns with broad impact. BCI is one of the lead base-building organizations in the DC Excluded Worker Campaign, which has won a total of \$61M for Excluded Workers over the last 3 years, and impacted over 15,000 DC residents. This report is part of our campaign to decriminalize street vending, create equitable access to vending licenses in the District and create precedent for overhauling the District's licensing regime generally.

We provide deep support to a network of over a dozen cooperatives in the region

to build assets and economic power in Black and Brown communities, and we are currently incubating three cooperatives - la Cooperativa de Comida de Vendedores Unidos/ the Vendors United Food Cooperative and Dulce Hogar/ Sweet Home/ **ወደ ቤት**, a growing trilingual network of two cleaning cooperatives.

We provide access to capital for cooperatives who would not otherwise be able to build credit and assets. BCI is starting a "community bank," a local chapter of the Seed Commons called the DC Solidarity Economy Loan Fund (DC SELF). DC SELF will provide non-extractive loans, or loans where risk accrues to the lender and are only paid back from unencumbered profit.

We also practice mutual aid within our own ecosystem of worker-owners and throughout the region. BCI organizers are core mutual aid organizers in the DC Mutual Aid Network and anchored the Northwest DC Diaper collaborative. Most recently both our organizers and worker-owners, as part of the Migrant Solidarity Mutual Aid Network, have assisted almost 3,500 migrants bused from Texas to DC to find food, clothing, shelter, culturally competent medical care, and purchased tickets to their final destinations.

Endnotes

Endnotes

1 Office of the Deputy Mayor for Planning & Economic Development, “Streatery Winter Ready Grant Recipient List,” https://coronavirus.dc.gov/sites/default/files/dc/sites/coronavirus/page_content/attachments/Streatery%20Winter%20Ready%20Grant%20Program%20Recipient%20List%2011.12.20.pdf. As of November 12, 2020, the Mayor’s Office of Nightlife and Culture (MONC) had awarded \$3,252,000 to 542 restaurants (up to \$6,000 for each restaurant).

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

- 3 DCMR Title 24 Sections 500 - 599.
- 4 24 DCMR §510.1.
- 5 24 DCMR §510.3(a).
- 6 24 DCMR §509.1.
- 7 24 DCMR §520.2.

8 “Collateral consequences” are penalties or restrictions triggered by criminal or civil citations or convictions. The DC Department of Licensing and Consumer Protection 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, especially access to housing vouchers and other government housing assistance. For many immigrant street vendors, a criminal penalty from street vending can render them and their families vulnerable to Immigration and Customs Enforcement proceedings.

9 Beloved Community Incubator has organized with hundreds of street vendors in DC for more than four years. During this time, we have met one person vending on the street who is white.

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

11 Chris Myers Asch and George Derek Musgrove, *Chocolate City 42-43* (2003). In the early 1800s, street vending was a literal path to freedom for enslaved and free African Americans who sold food in downtown DC

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

12 DC Hunger Solutions, Still Minding the Grocery Gap in DC: 10th Anniversary Grocery Store Report (2020), <https://www.dchunger.org/wp-content/uploads/2021/01/StillMindingGroceryGap.pdf>.

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

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

15 Data from the Department of Consumer and Regulatory Affairs obtained via a District of Columbia Freedom of Information Act (FOIA Request Nos. 2022-FOIA-8393 and 2022-FOIA-83947).

16 Id.

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

18 See “A Brief History of Street Vending in DC,” Beloved Community Incubator (October 2022), link.

19 For analysis of collective governance of the commons as a key power building strategy for poor and working class Black, Brown and Indigenous people, see Monica M. White, *Freedom Farmers* (2018) 8, 97-98 and Amanda Huron, *Carving out the Commons* (2018) 30-31.

20 The Vending Regulation Act of 2009 authorized the Mayor to regulate vending in the District and required any proposed rules to be submitted to the Council for review and approval. March 8, 2013, the Mayor proposed the Vending Business License Regulation Resolution

of 2013, which the DC Council adopted in part with the enactment of the Vending Regulation Emergency Amendment Act of 2013, effective June 19, 2013 (D.C. Act 20-84; 60 DCR 9534), and with the enactment of the Vending Regulation Second Emergency Amendment Act of 2013, effective June 20, 2013 (D.C. Act 20-90; 60 DCR 9551). On September 20, 2013, the Office of the City Administrator had final rules published in the District of Columbia Register. The rules inadvertently removed provisions establishing criminal penalties for violations of the vending regulations. The Council enacted the Vending Regulations Temporary Amendment Act of 2014, effective August 8, 2014 (D.C. Law 20-131; 61 DCR 9138), which reinstated criminal penalties for vending violations until March 21, 2015. On March 3, 2015, the Vending Regulations Emergency Amendment Act of 2015 was adopted after a single reading and extended the reinstatement of criminal penalties.

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

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

23 Council of the District of Columbia, B24-0049 - Street Vending Decriminalization Amendment Act of 2021, <https://lims.dccouncil.us/Legislation/B24-0049>.

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30 David Alpert, "Now there's really too much parking at DC USA," Greater Greater Washington (April 27, 2009), <https://ggwash.org/view/1644/now-theres-really-too-much-parking-at-dc-usa> (A major sticking point in the negotiation of the financing of the development of DC USA Mall was the parking garage. The DC government agreed to take ownership of the parking garage, which, for years, cost the city in excess of \$2 million each year. The costs have been financed by the Neighborhood Investment Fund, which is supposed to pay for affordable housing, mixed-use, and community facilities.)

31 Website for DC USA Mall: <http://www.shopdcusa.com/about-dcusa.html>.

32 Grid Properties has not yet responded to emails from Beloved Community Incubator inquiring into the amount of retail space currently rented at discount rates to local and minority-owned small businesses. On the DC USA Mall website, the following tenants are listed: Bed Bath & Beyond; Target; Marshalls; Best Buy; Old Navy; Washington Sports Club; Petco; Chase Bank; Bank of America; Mattress Firm; Perfumania; DSW; Five Below; Lidl; Pediatrics Urgent Care; Chik-Fil-A; Krispy Kreme; Taco Bell; Panda Express; I-Hop; and Letena: <http://shopdcusa.com/tenants-dcusa.html>.

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35 See Martha Chen, "Managing the Urban Commons: What Space for Informal Livelihoods? What Role for Organizations of Informal Workers?" Digital Library of the Commons 12-15 (2016). See Project for Public Spaces, "Case Studies: Warwick Junction," (March 13, 2015), <https://www.pps.org/places/warwick-junction>.

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41 Peter Perl, "Vendors Unionize, Sue D.C.: New Restrictions Called Stifling," *The Washington Post* (April 2, 1985). The DC Vendors and Craftsmen's Association, Inc. resisted new vending regulations that would place a 4.5 foot maximum height limitation on vending stands, prohibit vending on sidewalks less than 10 feet wide, require at least 30 feet between vending stands, bar a vendor accused of violating a statute from vending until the vendor's case was resolved and that would revoke the vendor's license for one year if a vendor were found guilty of violating the city's long and detailed vending regulations. Vendors distributed 40,000 leaflets urging people to call Mayor Walter Washington and the City Council and to tell them to oppose the regulations. The DC Vendors and Craftsmen's Association, Inc. also organized a shopper's

boycott in Georgetown against merchants who the vendors described as racist and were cracking down on street vendors in the area.

42 Peter Perl, "Vendors Unionize, Sue D.C.: New Restrictions Called Stifling," *The Washington Post* (April 2, 1985). More than 200 street vendors joined a labor union, Local 82 of the Service Employees International Union, which filed suit in US District Court to block the regulations, arguing that they were arguing an illegal restraint of trade. It was the first time that street vendors unionized in a major US city. The new rules banned the sale of most clothing items, most toys, luggage and household appliances and restricted vendors to selling 'ready-to-eat' food, produce, art, objects, printed media, specified novelties, beauty products and certain types of general merchandise, including umbrellas and sunglasses. The new rules also required wooden carts for nonfood vendors, who were to be prohibited from selling outside a designated vending spot, and limited the number of vendors - at the time, DC had 5,200 licensed vendors but the new rules allowed only 2,900 licenses in downtown and 1,310 in residential neighborhoods, though the city also set aside 152 roadside vending licenses for 76 assigned locations. The new rules also increased nonfood vendor license fees from \$25 to \$106 per year and to \$130 for food vendors, and increased bonding fees for street vendors from \$100 to \$500 for DC residents and to \$1,500 for non-DC residents. Last, the new rules restricted permitted vending times to 5am-10pm Sunday through Thursday and 5am-1am on Friday and Saturday. The union estimated that the required wooden carts for non-food vendors would cost approximately \$1,300. Street vendors protested in particular the new designated vending spot requirement.

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

48 Office of the Deputy Mayor for Planning & Economic Development, “Streatery Winter Ready Grant Recipient List,” https://coronavirus.dc.gov/sites/default/files/dc/sites/coronavirus/page_content/attachments/Streatery%20Winter%20Ready%20Grant%20Program%20Recipient%20List%2011.12.20.pdf. As of November 12, 2020, the Mayor’s Office of Nightlife and Culture (MONC) had awarded \$3,252,000 to 542 restaurants (up to \$6,000 for each restaurant).

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brick-and mortar businesses, partly due to the lost foot traffic).

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

62 “Vending Unit,” D.C. Department of Licenses and Consumer Protection, <https://dlcp.dc.gov/service/vending-services>

63 See Website for DCRA Vending Business License Applications: <https://dcdkra.seamlessdocs.com/f/vendingbuslicapp>. See Website for the Metropolitan Police Department, “Police Clearances - Arrest and Criminal History Section,”

64 The Washington Post, “Commissioners Decide Vendors Must Have Police Recommendation” (September 28, 1962)

- 65 See Sally Roever, “Informal Trade Meets Informal Governance: Street Vendors and Legal Reform in India, South Africa and Peru,” US Department of Housing and Urban Development (2016).
- 66 Council of the District of Columbia, B24-0050 - Sidewalk Vending Zones Amendment Act of 2021, <https://lims.dccouncil.us/Legislation/B24-0050>.
- 67 First, street vendors must obtain a basic business license - the whole process costs in excess of \$500. Next, vendors must obtain a vending license from the DLCP - a Class A License for food vendors and food trucks (a fee of \$476.30 for two years) or a Class B License for merchandise vendors (a fee of \$408.10 for two years). Food vendors need to pay \$600 for an initial inspection by the Department of Health (and \$100 every 6 months thereafter). Last, vendors must apply for and receive approval from the DLCP for a vending permit for a specific site - site permits cost a minimum of \$600 per year and as much as \$5,400 per year for vendors who seek a site on or near the National Mall.
- 68 “Collateral consequences” are penalties or restrictions triggered by criminal or civil citations or convictions. The DC Department of Licensing and Consumer Protection 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, especially access to housing vouchers and other government housing assistance. For many immigrant street vendors, a criminal penalty from street vending can render them and their families vulnerable to Immigration and Customs Enforcement proceedings.
- 69 See DC Code §47-2002.01. See “Street Vendors,” Office of Tax and Revenue, [https://otr.cfo.dc.gov/book/other-topics-faqs/street-vendors#:~:text=What%20is%20the%20street%20vendor,three%20\(3\)%20preceding%20months](https://otr.cfo.dc.gov/book/other-topics-faqs/street-vendors#:~:text=What%20is%20the%20street%20vendor,three%20(3)%20preceding%20months).
- 70 See 24 D.C.MR §545.1(a). See Gov’t Dep’t of Consumer & Reg. Aff, Vending Handbook, 12-14 (2013), <https://dlcp.dc.gov/sites/default/files/dc/sites/DLCP/publication/attachments/Vending%20Handbook.pdf>.
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- 73 Jeremy Conrad, “Lawsuit Takes Aim at District’s Clean Hands Law,” DC Bar (July 29, 2022), <https://www.dccbar.org/news-events/publications/d-c-bar-blog/lawsuit-takes-aim-at-district%E2%80%99s-clean-hands-law>.
- 74 DCMR Title 24 Sections 500 - 599.
- 75 24 DCMR §510.1.
- 76 24 DCMR §510.3(a).
- 77 24 DCMR §509.1.
- 78 24 DCMR §520.2.
- 79 24 D.C.M.R. §507.
- 80 Shelter Housing and Respectful Change and American University public history program, “Whose Downtown?,” https://whosedowntown.wordpress.com/downtown-renaissance-development-and-homelessness/#_ftn13.
- 81 “Food Truck Nation,” U.S. Chamber of Commerce Foundation (2018), <https://www.foodtrucknation.us/wp-content/themes/food-truck-nation/Food-Truck-Nation-Full-Report.pdf>. The report finds that would-be food truck operators in DC have to go through 28 procedures that require 23 trips to regulatory agencies at a cost of \$2,720 - only three of the other 20 cities have higher start-up costs - and that DC has 22 restrictions on food trucks related to things such as proximity and number of required check-ins with regulators, tying the city with Minneapolis as the most restrictive.
- 82 Data from the Department of Consumer and Regulatory Affairs obtained via a District of Columbia Freedom of Information Act (FOIA Request Nos. 2022-FOIA-8393 and 2022-FOIA-83947).
- 83 See Gov’t Dep’t of Consumer & Reg. Aff, Vending Handbook, 17-19 (2013), <https://dlcp.dc.gov/sites/default/files/dc/sites/DLCP/publication/attachments/Vending%20Handbook.pdf>.
- 84 See CA Senate Bill No. 946 §50139(a).
- 85 See CA Senate Bill No. 946 §50139(f).
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- 87 Peter Perl, “Vendors Unionize, Sue D.C: New Restrictions Called Stifling,” The Washington Post (April 2, 1985).
- 88 Jessica Gould, “City Ponders Adams Morgan Vendors’ Mart,” The Current July 9, 2008.
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Downtown?”, https://whosedowntown.wordpress.com/downtown-renaissance-development-and-homelessness/#_ftn13.

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Urban Development 9-13 (2016) (The Supreme Court of India, in multiple decisions, and the Parliament of India, in the Street Vendors Act of 2104, have asserted the right of street vendors to earn a living in the interest of poverty alleviation and economic development).

104 See CA Senate Bill No. 946 §50138 (Stating in various provisions that local vending authorities in California should not impose restrictions on the public space on which vendors can operate except for those related to objective health, safety or welfare concerns, and stating that perceived community animus or economic competition do not constitute an objective health, safety or welfare concern).

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- 124 Oregon Food Sanitation Rule 4-301.12(G). See also, Lenore Lauri Newman and Katherine Burnett, Street Food and Vibrant Urban Spaces: Lessons from Portland, Oregon, 18 *Loc. Env’t* 233, 235 (2013).
- 125 UCLA School of Law Community Economic Development Clinic and Public Counsel, “Unfinished Business: How Food Regulations Starve Sidewalk Vendors of Opportunity and What Can Be Done to Finish the Legalization of Street Food,” 7 (2021), <https://publiccounsel.org/wp-content/uploads/2021/12/Unfinished-Business.pdf>.
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- 129 Research by Beloved Community Incubator shows that commercial kitchen providers in the DC-area often require a security deposit in excess of \$1,000 and charge rates in excess of \$40 per hour for commercial kitchen space, with minimum monthly hour requirements. Vendors who sell food as their primary source of income require in excess of a minimum of 20 hours per week in a kitchen space, which quickly becomes too expensive to afford.
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