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November 16, 2021

**Support Legislation to Modernize the California Retail Food Code to Create Opportunities for Sidewalk Food Vendors**

Sidewalk food vendors are essential to the economy, culture, and health of Los Angeles County (County). Tens of thousands of low-income entrepreneurs work as sidewalk vendors across the County, selling goods not available in mainstream retail, offering healthy options in food-insecure communities, creating jobs in disinvested neighborhoods, and contributing to the innovative entrepreneurial spirit that drives our economy. Sidewalk food vending provides immigrants and low-income workers with an opportunity to start from almost nothing and build businesses to support themselves and their families. Many people work as food vendors to allow flexibility in their schedule to care for family members. For most, sidewalk food vending is an economic lifeline—a way to pay rent and medical bills and put food on the table. A 2015 study from the Economic Roundtable estimated that vending in the City of Los Angeles generates over \$500 million in local economic stimulus, most of which stays in the local economy, and sustains thousands of local jobs.

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For many years, sidewalk vending was banned in local jurisdictions across California, including in Los Angeles County, resulting in decades of deeply harmful criminalization and economic exclusion. Beginning in 2019, Senate Bill 946 (Lara) decriminalized sidewalk vending in California and established guidelines for local regulations to legalize and support the sidewalk vending economy. Since that time, the County has taken important steps to support sidewalk vendors and create economic opportunities. The Sidewalk Vending Pilot Program, led by the County's Department of Consumer and Business Affairs (DCBA), is currently convening County departments and key stakeholders to develop a strategy to increase the effectiveness of a sidewalk regulatory program and enhance economic development outcomes for sidewalk vending, including facilitating the design of a low-cost, code-compliant vending cart. It is anticipated that an ordinance establishing a County regulatory program for sidewalk vending will be presented to the Board in early 2022.

However, over the course of the Pilot Program, it has become apparent that certain outdated provisions in state law are impeding the County from achieving the goal of fully integrating sidewalk food vendors into the economy. Specifically, the California Retail Food Code (CRFC) impose restrictions and requirements that are not in alignment with the Board's intent to support small-scale sidewalk vending, creating barriers for sidewalk food vendors to obtain a permit from Public Health.

A recent report from Public Counsel and the UCLA School of Law Community Economic Development Clinic titled *Unfinished Business* describes these challenges in detail.<sup>1</sup> The report finds that CRFC requirements for mobile food facility equipment are

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<sup>1</sup> <http://www.publiccounsel.org/tools/assets/files/1647.pdf>

generally tailored to larger hitch trailers and food trucks, effectively requiring sidewalk food vendors to procure carts that are too big for the sidewalk, too heavy to push, and too expensive for low-income micro entrepreneurs. Other provisions of the CRFC create a de facto ban on iconic fruit carts and taco carts by prohibiting the slicing of fruit and limiting the hot holding of foods to hot dogs, corn on the cob and tamales on a sidewalk vending cart. The report contends that neither the CRFC nor the Public Health Guidelines are explained in language that is accessible to sidewalk vendor applicants. The report also details how low-income vendors must pay expensive fees to prepare food at commissaries that are designed for food trucks, while underutilized kitchens in community spaces like schools, restaurants, and places of worship sit empty.

The current CRFC mobile food vending regulations make it very difficult for sidewalk food vendors to obtain compliant mobile food service equipment at a cost that provides them with a reasonable opportunity to secure a health permit from Public Health. Without a Public Health permit, food vendors cannot legally vend or secure any other vending permits—separate from the health permit—which may be required by the County or any other local jurisdiction. This has the effect of undermining the County's efforts to create a sidewalk vending program, excluding vendors from the economy, delegitimizing their business model in ways that make them vulnerable to harassment and violent attacks, increasing risk of criminal citations and the attendant collateral consequences, and separating tens of thousands of food workers from the resources and support that come with a Public Health permit.

The status quo is unfairly excluding vendors from opportunity, and harming our economy. But with commonsense changes, the law can be updated to align important

food safety protections with the scale of smaller mobile food facilities. Research and analysis from Public Counsel and the UCLA School of Law offer a myriad of ways that the CRFC could be modernized to align public health and economic inclusion through a more practical system for regulating food safety.<sup>2</sup> Changing these rules to include workable standards for facilities designed to be operated on the sidewalk will result in significant benefits to public health by bringing food workers into a system of food safety guidance and regulation.

**I, THEREFORE, MOVE,** that the Board of Supervisors:

1. Direct Public Health to report back in 120 days with strategies the Department can implement to improve sidewalk vendor access to permits, including but not limited to:

- Creating new materials summarizing application requirements that are specific to sidewalk vending, using popular education and accessible language;
- In consultation with County Counsel and with the identification of additional revenues by the CEO, assess the legality and cost implication of waiving or reducing permit fees for low-income applicants;
- Streamlining the permit application process, including coordinating permit prerequisites and establishing one-stop permit centers in neighborhoods with high levels of sidewalk vending;

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<sup>2</sup> <http://www.publiccounsel.org/tools/assets/files/1647.pdf>

- Making food storage requirements feasible for small sidewalk vending operations within the parameters set by state law;
- Evaluate and provide recommendation on how Cottage Food and Microenterprise Home Kitchen programs can be more inclusive of food vendors;
- In consultation with other relevant departments, develop a plan for identifying and activating underutilized kitchen spaces within the County that meet Public Health guidelines and can act as immediate alternatives for vendors;
- Exploring options for a pilot program, including an analysis of any necessary changes to state law, to allow several sidewalk vendors to operate in close proximity to an auxiliary sink unit, strategically placed on a county-owned parking lot in an area with a high concentration of vending, without requiring sinks on the primary unit;
- In consultation with other relevant departments and community based organizations, recommendations to clarify plan check procedures and fee structure to catalyze the approval of new model cart design blueprints that will enable manufacturing of code-compliant affordable carts at a greater scale, allowing sidewalk vendors to purchase a cart that has already secured plan check approval and proceed directly to final inspection;
- Creating a process for ensuring the safety of environmental health inspectors while addressing non-compliance, including options that do

not involve the Sheriff's Department or other law enforcement, and do not involve the seizure of vending carts and equipment.

2. Direct the County's CEO legislative advocates in Sacramento, in collaboration with Public Health, DCBA, WDACS, and other relevant departments, to support legislation to enact changes to the California Retail Food Code that will make it more sensitive to the context of sidewalk food vending while ensuring food safety, that can include but not limited to:

- Streamlining approvals for code-compliant carts, including by giving more discretion to local health authorities to approve innovative design and encouraging the pre-approval of cart design blueprints to catalyze manufacturing of affordable sidewalk carts at a scale that meets the need;
- Revising regulations around the slicing of fruits and vegetables and the hot-holding of prepared foods to establish clear and easy-to-follow safety protocols that account for the types of foods commonly sold by sidewalk vendors;
- Simplifying onerous sink, power, water, fire safety and other equipment requirements;
- Creating a process for addressing non-compliance without criminal penalties.

3. Direct Public Health to work in collaboration with the Chief Executive Officer to identify resources and funding to necessary to carry out the above directives.

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