

RESOLUTION RULES, ELECTIONS, INTERGOVERNMENTAL RELATIONS

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, the City of Los Angeles decriminalized sidewalk vending in 2017 and began a process in 2018 to create a formal program for regulating vending, including through the establishment of a permitting system and the creation of rules and regulations to govern the practice of vending in public spaces (C.F. 13-1493); and

WHEREAS, despite these laudable goals, the City continues to face barriers to formalizing its street vending economy—especially with regard to food vending—such that only 165 out of the estimated 10,000 food vendors in the City of Los Angeles have been issued permits; and

WHEREAS, under these conditions, the vast majority of food vendors in Los Angeles are still operating informally, which not only means that vendors face the threat of citations, fines, and the confiscation of their carts and wares, but also that local government agencies in Los Angeles have limited means for ensuring food safety and other elements of public safety in the context of food vending; and

WHEREAS, it is to the detriment of vendors, the City, and the general public that Los Angeles has not been more successful in formalizing sidewalk vending; and

WHEREAS, the greatest obstacle to vendors securing necessary permits to vend legally is the regime of food safety regulation established by the California Retail Food Code (CRFC) and Los Angeles County's Department of Public Health (DPH); and

WHEREAS, many provisions established by CRFC and DPH are misaligned with the practical realities of sidewalk vending, are nearly impossible to include in the design of a food vending cart intended for sidewalk use, and/or make a code-compliant cart prohibitively expensive for low-income entrepreneurs; and

WHEREAS, the current system for regulating food vending thus makes it nearly impossible for food vendors to secure a health permit from DPH, without which they cannot secure a vending permit from the City of Los Angeles; and

WHEREAS, research from the UCLA School of Law Community Economic Development Clinic and non-profit organizations such as Inclusive Action and Public Counsel has shown that there are several changes that both the State and County can implement that would make health compliance significantly more feasible for vendors while having no negative impact on food safety; and

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WHEREAS, other cities such as New York City and Portland, Oregon, have put in place more realistic food safety regulations in order to ensure sidewalk vendors can comply and have not witnessed any negative impacts on public health; and

WHEREAS, creating a more inclusive, practical system for regulating food safety—one in which vendors can actually engage—would result in significant benefits to public health by ensuring that vendors can operate in full view of public health authorities; and

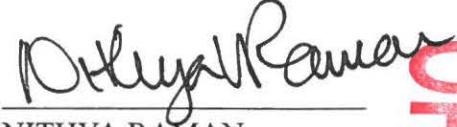
WHEREAS, the Department of Public Health of the County of Los Angeles is currently studying the feasibility of several changes to its own food safety regulations, which in some cases impose additional burdens on food vendors beyond those created by State regulation; and

WHEREAS, if the City of Los Angeles is to make any significant progress in formalizing its food vending sector, we require urgent action from the State Legislature to amend elements of the CRFC that make compliance infeasible for vendors;

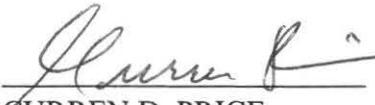
NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2021-2022 State Legislative Program support for or sponsorship of legislation or administrative action to enact changes to the California Retail Food Code that will make it more sensitive to the context of sidewalk vending while ensuring food safety, including but not limited to:

- Streamlining approvals for code-compliant carts, including by giving more discretion to local health authorities;
- 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 requirements; and
- Expanding the definition of safe locations for food preparation, in part by making the Cottage Food and Microenterprise Home Kitchen program more inclusive of sidewalk vendors.

PRESENTED BY:


NITHYA RAMAN
Councilmember, 4th District

SECONDED BY:


CURREN D. PRICE
Councilmember, 9th District

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