

## Introduction

In 2018, sidewalk vending was decriminalized through California Assembly Bill SB-946 (Lara, 2018). Subsequently in 2023, sidewalk food vending was added to the California Retail Food Code through SB-972 (Gonzalez, 2022). In the wake of SB-946 and SB-972, cities across California began rolling out sidewalk vending laws to determine how and where sidewalk vendors could operate.

This paper examines the barriers faced by vendors despite now being able to operate “legally” under California law and provides recommendations for supporting sidewalk vending in our communities.



## Burdensome, Punitive Vending Regulations

After the legalization of sidewalk vending in California, public discourse around vending has largely assumed that the path to becoming a “legal vendor” is easily accessible. However, this could not be further from the truth. After the California legislature determined that sidewalk vendors may vend legally, cities and counties throughout California rushed to regulate vendors in their jurisdictions. Driven by misinformed, racist, and xenophobic views on sidewalk vendors, many localities have enacted ordinances with burdensome, overbroad, restrictive, and punitive provisions. Many of these local ordinances unlawfully exceed or conflict with California state law and continue to criminalize vendors.

In Fontana, local authorities contracted with a third-party company to impound equipment, confiscate food and belongings, and discourage vending. In Santa Clarita, street vendors, even with permits, are intimidated and harassed by code enforcement officers. In Coachella, Palm Springs, Huntington Park, Santa Barbara, Concord, Monterey, Anaheim, and Long Beach, cities have instituted similar regimes resulting in heavy enforcement and criminalization. Recently, the City of Los Angeles was the subject of active litigation due to its sidewalk vending laws and punitive enforcement procedures, which eventually resulted in the repeal of its no vending zones. Heavy enforcement is often coupled with onerous permit applications and restrictive vending rules. Throughout the state there continues to be tension and contradictions between the protections enshrined in SB-946 and SB-972, and the realities of what vendors experience when navigating local street vending programs. The barriers to entry significantly hinder street vendors from joining the formal economy and limit their economic opportunity.

The primary challenges faced by vendors in the wake of SB-946 and SB-972 include:

## ① No Vending Zones

SB-946 provides that any time, place, or manner regulation on sidewalk vending must be “directly related to objective health, safety or welfare concerns.” Cal. Gov. Code § 51038(b)(2)(B)(i). Despite this clear direction, one of the most common features of local sidewalk vending ordinances are blanket vending restrictions or “No Vending Zones” around certain areas such as entertainment venues, sports stadiums, and tourist attractions. Cities rarely provide evidence or data proving an objective reason for these restrictions, instead opting to rely on generalizations, overstatements, and assumptions.

These No Vending Zones can have a chilling effect on street vendors by discouraging vending in many of the most heavily visited areas of a city. Based on calls we receive from vendors across California, violating no vending zone provisions is the most common reason vendors are cited and fined. Sued by sidewalk vendors along the Walk of Fame in Hollywood – one of the “No Vending Zones” in Los Angeles – the City of Los Angeles repealed seven of its No Vending Zones and admitted that they had no legally sufficient justification for the zones. While vendors have worked in high-traffic areas for decades, and are a part of our history and cultural fabric, sweeping vending bans are major barriers to vendors being able to make a living.

## ② Distancing Requirements

Even if vendors understand the plain language meaning of a locality’s vending regulations, the provisions overlap in ways that make vending practically impossible. In Santa Clarita, for example, vendors must be 50 feet from another vendor, 25 feet from a street corner, controlled intersection, traffic signal, crosswalk, or city-owned parking lot or structure, 15 feet from a fire hydrant or ATM, 10 feet from a driveway or bus stop, and 18 inches from any curb (Santa Clarita Municipal Code § 11.37.060(K)). Cities require vendors to analyze and implement these distancing requirements and select an appropriate location, rather than proactively identifying areas that vendors may operate. Failure to obey a locality’s many restrictions results in tickets and fines. In Santa Clarita specifically, vendors who requested help from the City to select a location that would meet the ordinance requirements were told “No” and to keep trying through trial and error to select a site that complies with the rules. In some cities these distancing requirements create de facto no vending zones.

The regulatory schemes adopted by many cities are contrary to the intentions of SB-946. Instead of facilitating the incorporation of vendors into the formal economy, vendors often face serious repercussions for not following a jurisdiction’s impossible rules. Cities distancing requirements are also not typically justified by objective health, safety, or welfare concerns, which is required by SB-946.

### ③ Limits on Hours of Operation

Street vendors make on average only around \$15,875 per year.[1] To make a profit, vendors must try to sell for as many hours as possible. However, local authorities often restrict the hours vendors can operate due to community animus and perceived competition between street vendors and brick and mortar businesses. For example, some cities prohibit vendors from conducting business after sunset or after local businesses close. Many street vendors rely on customer traffic before or after brick and mortar businesses open and close in order to serve those heading to work early or late-night crowds.

Additionally, while SB-946 specifies that vendors must be allowed to vend at least as long as other businesses on the same street (Cal. Gov. Code § 51038(c)(1)), some cities fail to adhere to this requirement. The law also makes clear that a city's vending regulations cannot be based on economic competition, but these motivations are often the impetus for restrictive vending rules. Additionally, since vendors work in the street, they often face circumstances that make strict start and end times difficult. This includes factors such as unpredictable weather, traffic and roadway conditions, inconsistent transportation, and setup and breakdown time.

### ④ Insurance Requirements

Street vending regulations typically require proof of insurance to receive a street vending permit. Most street vendors understand the importance of having insurance and would ideally like to purchase it when financially feasible. However, vending permits in cities that require proof of \$1 to \$2 million insurance are largely inaccessible due to the cost of such insurance, especially as insurance is increasingly harder for anyone to obtain in California. Additionally, most cities requiring vendors to obtain insurance do not impose similar requirements on brick-and-mortar businesses.

### ⑤ Fingerprinting and Background Check Requirements

Many ordinances require vendors to submit to a background check or authorize law enforcement to conduct an "investigation" into the vendor's application materials in order to get a vending permit. While street vendors are lawful small business owners, the unlimited scope of these background checks can be intimidating and discourages vendors from getting permits. Starting your own business is a way for those without a work permit to earn money, provide for their families, and contribute to the economy. Vendors fear that formalizing their businesses will make them vulnerable to deportation if municipalities communicate vendor's personal information to immigration agents.

[1] [https://law.ucla.edu/sites/default/files/PDFs/Academics/Unfinished\\_Business\\_Report\\_6\\_2021.pdf](https://law.ucla.edu/sites/default/files/PDFs/Academics/Unfinished_Business_Report_6_2021.pdf), endnote 6

Additionally, sidewalk vending used to be illegal, and vendors may have convictions on their records from sidewalk vending offenses. Background checks and fingerprinting also can be costly and vendors are required to pay for them.

As of January 1, 2026, due to SB 635, cities are prohibited from requiring background check and fingerprinting in order to obtain a vending permit. These types of requirements will still pose a problem for vendors until California municipalities update their ordinances to comply with the new law.



## High Cost for Permits

People often assert that sidewalk vendors have no overhead costs since they work on the street. While vendors make less than \$16,000 per year, their startup costs may range between \$9,000-\$11,000. Vendors need just as many permits and incur comparable if not more overhead costs, given their size and income levels, than brick and mortar businesses.

Generally, California street vendors are required to pay all required fees related to: (1) a state seller's permit, (2) a local business license, (3) a local street vending permit, (4) a county public health permit (for those vending food), (5) plan check for the health permit (for those vending food), (6) multiple special event permits, and (7) a food handling certificate (for those vending food). In addition, vendors must pay for site visit fees and incur ongoing costs for commissary or commercial kitchen spaces as well as food, merchandise, and equipment.

The required permits often must be renewed on an annual basis and can fluctuate in cost. The economic burden of these permits becomes especially pronounced when a vendor conducts business in several cities or wants to vend at multiple events. No California city currently accepts or recognizes the street vending permits from another jurisdiction, nor do they allow for payment plans or consolidated permitting processes to reduce the costs or administrative burden. Without discounts or long-term subsidy programs, vendors have significant overhead costs to meet often overlapping municipal requirements that are duplicative and lack coordination. Rather than encouraging street vendors to get into compliance, these onerous and costly requirements do the complete opposite by confusing vendors and presenting additional challenges for entering the formal economy. This makes street vendors' business and licensing costs often more unpredictable than those of other businesses, as their required permits could change from one block to the next. As a result, becoming and remaining a legally permitted street vendor is not nearly as affordable nor straightforward as many assume.

## Municipal Focus on “Cost Recovery”

Municipalities that focus on “cost recovery” may be over tapping low-income entrepreneurs and stifling economic growth. Street vendors typically make just \$15,000 per year. Rhetoric regarding “cost recovery” often only incorporates the projected or estimated costs of enforcement and staffing rather than the realities experienced by local street vendors. Localities’ costs related to implementing vending permitting programs should not be placed on vendors without considering vendor’s income and financial challenges. Cities such as Los Angeles were able to adjust permit costs to reflect this reality, reducing the vending permit fee to \$27.50.



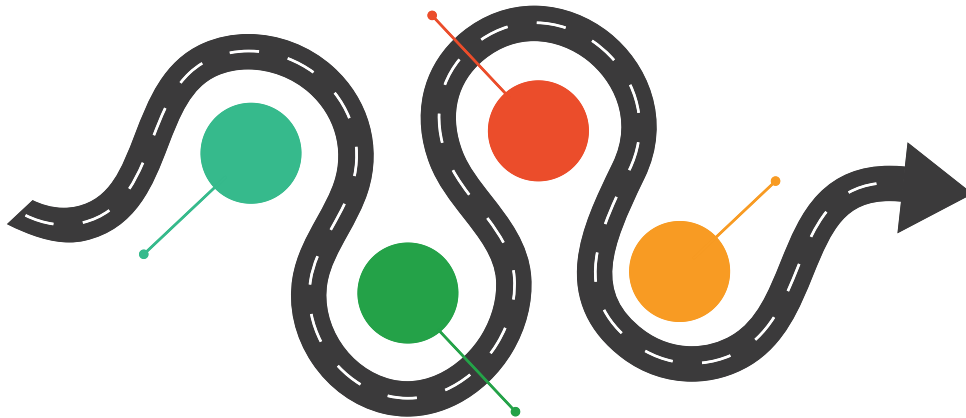
## Health Permit Requirements

To sell food that is not whole fruit or pre-packaged, sidewalk vendors need a local health permit in addition to their business permits. Local health permits often require equipment and carts that continue to be financially out of reach for vendors, and which in some cases still do not exist. Additionally, local health regulations do not currently allow for raw meat to be cooked on the sidewalk with any type of cart. This means that certain food vendors must pay to contract with a commissary or other commercial kitchen to prepare their food and then hot hold it on the street. Leasing commercial kitchen space can be very expensive and not many commercial kitchens exist across the state. Further, cooking the food for order on the street is how many of the foods are best prepared and consumed. The inability to cook raw meat outdoors and expensive commercial kitchen fees pose significant challenges for food vendors. Without a health permit, vendors often cannot get any other city permits because the city permits are dependent on first obtaining a health permit. Out of financial necessity, many food vendors continue to operate despite not having permits, which puts them at risk of heavy fines, impoundment, and harassment.



## Navigating Difficult Bureaucracy With Lack Of Language Justice

Most cities offer their sidewalk vending permit forms and applications only in English. Even Los Angeles County's Health Department accepts health permit applications only in English. When a vendor must complete multiple bureaucratic steps in a language they do not understand, it presents huge accessibility and equity issues. Language justice is extremely important, especially in sidewalk vending where the majority of vendors are immigrants from other countries and English is not their first language. Language barriers can be major challenges for vendors trying to navigate local regulations without assistance and can obstruct their ability to get permits. Additionally, city departments sometimes do not coordinate with each other, which can lead to miscommunications about things like permit fee costs or how to complete the administrative process to become a licensed sidewalk vendor.



## Lack of Ability to Pay Process

SB-946 requires citations to include notification of an ability to pay process.[2] State law guarantees that qualifying "low-income" individuals have their citations or fines for street vending reduced to twenty percent of the original amount. Given that most street vendors make less than \$16,000 per year, these fine reductions can be imperative for remaining operational or not entering a cycle of debt. State law specifically gives street vendors the opportunity to reduce fines based on their income, yet local authorities often obscure the process of doing so or do not provide any information on the process at all. This is highly problematic and violates state law.

[2] California Government Code Section. 6.2. Sidewalk Vendors 51036(f)(2).



## Constitutional Violations

### Lack of Due Process for Property Confiscation

Many cities violate vendor's due process rights. Due process entitles vendors to proper notice of any violations and an opportunity to challenge the factual basis of any citation at an administrative hearing. However, there has been an increasing pattern of local authorities not citing vendors in-person, but instead sending tickets and fines directly to a vendor's home address without communicating any ability to appeal or contest the citations and based only on information gathered from the DMV based on their license plates. We have witnessed street vendors in Los Angeles receive up to ten street vending citations in a single mailed envelope without any further information on appeal rights. More cities are also increasingly impounding unpermitted vendors' equipment without notice and process. Such enforcement mechanisms are unlawful and directly violate the principles enshrined in SB-946 and SB-972. These tactics arbitrarily criminalize and punish vendors. The lack of due process protections for street vendors severely impairs vendors' livelihoods and is unconstitutional.



## Battling False Narratives About Vending

### Stereotyping Street Vendors as Public Safety or Food Safety Risks

Due to their historic criminalization, the relatively recent legalization of sidewalk vending, and economic animus, sidewalk vendors continue to face harmful stereotypes and misconceptions. Some of the primary false narratives are that vendors pose public and health safety risks. However, these allegations are not based on evidence or data.

Even with proper food safety training and licensing, many street vendors find themselves being wrongfully accused of selling unsafe food to the public simply because they sell on the sidewalk. Recently, narratives have developed that vendors may be involved in child trafficking and are selling stolen goods. Vendors are convenient political scapegoats. These portrayals dehumanize, and unjustly slander vendors. Street vending is a legitimate career and vendors are entrepreneurs. Street vendors sell the majority of their food and goods to members of their own community and repeat customers, meaning that they care deeply about ensuring their food is safe. Vendors support community development and contribute to vibrant streets that further uplift public health and increase community safety. Street vendors have always had a strong interest in keeping the public healthy and safe as they lawfully conduct their businesses.

## ➤ Brick-and-Mortar Business Operations

Street vendors often receive the ire of brick-and-mortar businesses who view vendors as competition. Brick-and-mortar businesses blame sidewalk vendors for business closures or loss of income, alleging that due to lower startup costs vendors undercut brick-and-mortar businesses. However, the real factors that impact the success of brick and mortar small businesses are unregulated commercial rents, unsympathetic landlords, inflation, and increasing costs. Street vendors are generally not in direct competition with businesses that have a storefront given the type of experience that they both offer. Studies indicate that having more sidewalk vendors in an area actually increases the commercial viability of a neighborhood because they bring in more foot traffic and make customers feel more safe on the streets. [3] It is unfortunate that street vendors have become the unjustified target for larger socio-economic forces impacting viability of local small businesses. Instead of being pitted against one another, brick-and-mortar businesses and sidewalk vendors should work together to create thriving public spaces for customers, ultimately benefitting everyone.

### ★ Recommendations ★

Productive policy changes that align with SB-946, SB-972, and now SB-635, should aim to encourage and invite street vending, meet vendors where they are at, and emphasize education first. Localities should consider the following:

- Eliminate no vending zones
- Support creation of special vending zones to incentivize entrepreneurship
- Allow flexible hours of operation in light of vendors' needs
- Reduce operating rules which limit and discourage vending
- Lower permit costs
- Change health permit requirements
- Eliminate or greatly reduce insurance requirements
- Prioritize education over penalties
- Proactively identify and disperse funds to help vendors with permit fees and carts
- Facilitate sidewalk vending and brick and mortar business collaboration

[3] Sidewalk Stimulus: Economic and Geographic Impact of Los Angeles Street Vendors.  
<https://economicrt.org/publication/sidewalk-stimulus/>