

Response to our Viewers

Our thesis hasn't changed from our first draft. The main point that we are trying to get across is that the implementation of SB946 has been ineffective and many of the same struggles that street vendors went through before legalization continue to exist. Additionally, we want to highlight the various experiences vendors have, such as interactions with police and confusion about the law. It is also really important for us to highlight the assets that street vendors bring to the community, through their bringing of healthy food and cultural value into the spaces they vend.

A lot of our suggestions were around transitions between parts, and we did our best to add in transition sentences to help the flow of that paper.

Overall, I feel like our paper is a lot more refined and flows better. I really like how the transition sentences added a sense of connection between our sections. I also think we do a much better job of really bringing everything back to our main idea of experiences being similar now and before legalization.

The most challenging thing was taking this very long paper where we talk about a lot of different things, and making it all connect back to our main point. It took a lot of reading over and revisions from other people to really see how all the components of our paper best fit together.

We would like to thank Kristen and Aloha from our CASA Pitzer class, and Barbara our professor, for reading over our papers in the last week and for making really great suggestions. We can not express enough gratitude for Lyzzeth and everyone at IC4IJ for establishing these connections with the food vendors and helping us along the way.



Legalization of Street Vending:

**Examining the Effects on
Vendors in the Inland Empire**



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CASA 105: Qualitative Research Methods

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December 13th, 2019

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Acknowledgments

This research couldn't have been done without our partnership with the Inland Coalition of Immigrant Justice (IC4IJ), where we have been interning for the past semester. All of their hard work building relationships and trust within the immigrant and street vendor community, allowed us to have deeply honest conversations. Specifically, Lyzzeth Mendoza, our boss, helped us through the entire process, from guiding us through the complicated information of the ordinances to helping us find and contact vendors. We know that without the work that came before us we would not have been able to do the meaningful and honest research we intended to. Additionally, we would like to thank our professor, Barbara Junisbai, who helped us focus our ideas and lead us through the process of writing this paper.

Introduction

In 2018, California passed a landmark bill that decriminalized street vending. In LA alone, it was estimated that there were around 50,000 food vendors, with very little understanding of the revenue that this informal economy produced. The Latinx immigrant community continues to shape the landscape of food vending, facing immense scrutiny from the public and police, but also possessing immense agency and ownership through their work. **Our research focuses on the experiences and stories of street vendors, post decriminalization, from the largely understudied Inland Empire (IE).** Sitting in the valley just east of LA, the IE is home to just about 1 million immigrants and has a large food vending community.

In our interviews with IE food vendors, we examine whether the passing of San Bernardino 946 (SB946) has truly liberated street vendors from the often harsh conditions of their work. Our research is essential, as decriminalization is new territory and the story of these individuals is largely untold. Unfortunately, ambiguity surrounding the law, the creation of individual (and highly variable) city ordinances, and high permitting fees combine to recreate many of the same barriers that food vendors faced before the law's passage. Many of the themes uncovered in our research align closely with findings from extant research conducted before SB946 became law. The main difference we found is, unfortunately, additional confusion about the new law and what is and is not permissible. In other words, though decriminalization was ostensibly intended to bring clarity and standardization to the valuable and necessary work that street vendors contribute to local economies, the end result is greater uncertainty and fear, *on top of* the continuation of prior issues. Thus far, almost one year into legalization, we see little to no change in the lived experiences of street vendors in the IE.

The themes we discovered through our conversations with street vendors surround policing, interaction with the law, and community resilience. Fear of police and police harassment continues to be a major burden for street vendors and contributes to the complex politics of public space and who is allowed to be on the sidewalk. As mentioned, interactions with the new legislation have been confusing and complicated for street vendors and city officials alike, which contribute to a new onslaught of regulations street vendors are forced to follow. However, similarly to before SB946 passed, we see street vendors possessing agency and determination in their work, driven by the immense assets that vending brings to the community and the vendors themselves. For example, an increased sense of community through shared culture and healthy food options in areas that may not have other options.

To offer our readers a larger context in which the research took place we begin our paper by sharing the positionality of our team and the setting in which the research took place. We then provide a literature review to offer a foundation of the research that already exists on food vending, followed by disclosing the methods we use to conduct our research. Finally, we share our findings, including sections on policing, interactions with the law, and community resilience. Since our research is specific to the experience of the vendors we chose to use many of the quotes captured in the focus groups and interviews to include their voices in our paper. Specifically, when we are sharing about their experiences with policing we felt it was important that they share their own stories.

Positionality

Before presenting the findings from our research, it is important to note that we, Jackie Young and Azucena Ortiz, have different life experiences and positionalities. What we bring to our work leads to complementary strengths and deeply informs our approach to social inquiry.

Jackie is a 20-year-old white woman from San Francisco, born in the U.S. She is new to the Inland Empire, having lived here for a little over a year. She has no experience with food vending, and, because she doesn't speak Spanish, some communication issues arose that could have impeded our project. These were avoided, addressed and helped by Azucena, who is bilingual and an immigrant in this country, making this work personally very meaningful to her.

We would like to end by stating that though we share very different life experiences, we both find deep meaning in communicating with street vendors and having the privilege to share their stories. We are extremely grateful to have spoken to various street vendors in the Inland Empire and feel honored that they trusted us with this information. Azucena's father sold ice cream from when she was seven years old to about 12 years old. She was required to help any time she was not in school and she is sure they would not have met the legal requirements to be street vendors and would have struggled to understand the legislation. Since then she has dedicated herself to help heal and support disadvantaged low-income communities. Although Jackie's life has not been directly affected by immigration and street vending, per se, she is really excited to be a part of a non-profit such as the Inland Coalition for Immigrant Justice (IC4IJ) and how they make change in the communities they work with. She is also looking forward to feeling more grounded in her new home, and part of a larger community and city.

Community Setting: Inland Coalition for Immigrant Justice

Mountains, desert, and strip mall after strip mall pass by, as the never-ending highways bring the bus of immigrants through the Inland Empire. The bus comes to a stop in the city of Ontario, and the immigrants, including families with young children, are ushered out onto the sidewalk. With no food, no shelter, and no place to go, the Inland Coalition for Immigrant Justice

(IC4IJ) steps up to help these people. Often times, they have to drop everything they are working on to help in emergency immigration situations. Stories like this are not uncommon, and Luis, a member of the staff at IC4IJ, described to us how they set up temporary shelters and supplied food and clothes to the immigrants until they found more permanent solutions.

The IC4IJ is a coalition made up of around 35 organizations in the IE that are working towards justice for immigrants. They do this through a variety of methods such as policy advocacy. Through working at the organization we have seen this manifest through writing letters to elected officials and lobbying for different policies such as the decriminalization of food vending or keeping Immigration and Customs Enforcement (ICE) out of police stations. Additionally, they do a lot of community work such as holding spaces for the community to meet in their building and providing educational resources about policies affecting immigrants and other relevant content.

They also provide emergency services to immigrants like rapid response to ICE, like described above. They have mentioned times where they will be working in the office and have to drop everything they are doing to rush to help with emergency situations such as deportations. Something that we find super interesting is their work of changing the narrative of immigration in the Inland Empire. Their overarching goal is to create an understanding that immigrants are essential to the culture and economy of the Inland Empire and for the entire community to recognize their value. IC4IJ also works to provide resources to their coalition partners, such as training and funding. Their work is incredibly impactful and inspirational, as they are working to protect the rights and livelihood of immigrants in our community.

As previously mentioned, the population that the IC4IJ serves is immigrants in the Inland Empire. Between 1980 and 2010, the IE experienced a huge wave of migration where the total

population grew 66% and Latinx people accounted for 80% of the growth (de Lara 2018). There are many factors that contributed to this growth including increased gentrification in Los Angeles pushing Latinx communities inland. Immigrants made up a large amount of population growth and, according to IC4IJ, out of the total population of 4.5 million people in the IE, almost 1 million are immigrants.

Additionally, as often occurs when communities of color migrate to previously primarily white spaces, there is a lot of segregation in the Inland Empire where communities like Temecula and Murrieta are primarily white, whereas cities like Ontario, Riverside, San Bernardino, and Fontana are primarily comprised of Latinx people. This community has many needs such as emergency services that IC4IJ provides. One of the main services they provide directly to the community is education about policies that affect them as well as holding space to gather as a community.

Lyzbeth Mendoza, our boss at the internship, has spent a long time building connections to food vendors in the Inland Empire. Our project has been heavily supported by Lyzzeth's knowledge of the community they are serving, and her work with us to evaluate the needs of the community. We could not have done this research without the backing of IC4IJ and their deep trust and communication established with street vendors. We were able to participate in many of their daily activities to have a larger context of the work. For instance, Azucena got the opportunity to attend IC4IJ monthly partner meetings, where there were about 15 organizations represented. They each presented on their area of focus within supporting the immigrant community. She observed the focused and fast-paced energy of the meeting: with only two hours to give updates and collaborate, each representative spoke quickly to bring up their own issues and request collaboration from the partners present. Jackie recently attended an event that was a

food vendor fundraiser where the profits were going to ensure the food vendors could renew their permits. She observed all of the assets that the community holds through their lively spirit and all the work that they put into their various food and craft stands. It was clear that IC4IJ has firm roots and investments in this community, as many of the people working there are immigrants themselves who grew up in the Inland Empire. These were only two of many other opportunities for us to connect to the staff and community.

In addition, to the knowledge we acquired from Lyzzeth, the community and staff, in order to inform our understanding on street vending, decriminalization, and the IE, we first turned to what prior researchers have found. This allowed us to situate our own work, as well as to understand and identify what has changed, if anything, post-SB946.

Literature Review

As one might expect given that the passage of SB946 was recent, the existing literature on street vending exists almost entirely before decriminalization. We thus use prior studies as our baseline for how street vending has changed since SB946 passed in 2018. We found that many articles came to similar conclusions about the experiences of the street vending community, and this will provide a solid foundation for us to see the changes that have occurred in the early stages of this new legal regime. We have identified a few key areas in the research: police surveillance, the visibility street vendors need to have in public spaces, and the resistance and agency they possess to continue and change their working conditions. The work is mainly concentrated in big cities such as New York City and Los Angeles, but we believe that, given the consistency across the research, findings are applicable to the Inland Empire.

Because of the nature of their job and immigrant status, street vendors live in fear of the police. Hugo Sariemento (2015) looked into LAPD reports which found that 795 arrests were

made 2012 and 1235 in 2013. This does not account for the many encounters with police that end not in arrest, but in a fine. Kathleen Dunn (2014) and Fazila Bhimji (2010) both discuss how police can force individuals to move out of a certain spot, and fine or persecute them even if they comply. Often times these fines can make the profits of food vending less than a minimum wage job. Constant harassment from police and city officials seems to be a consistent facet of street vending regardless of the city. On a similar note, brutality at the hands of police is a common thread throughout the research. In the case of Bhimji, she heard a story of police chasing a woman street vendor and punching her in the chest and knocking her off her feet. They then took all of her money and confiscated her materials, putting her in jail until her son could make \$100 bail.

Another street vendor whom she interviewed raised the issue of investment and loss, stating, "The main problem in this business is that when one does not have the permit to work and when the city gets you and throws all your things one loses all your invested money. Then one has to start all anew again" (481). Street vendors desperately wanted legalization, in one instance holding signs outside a police station saying "police we want to be your friends" and "We are vendors, not criminals." Lorena Muñoz (2012) took the issue of visualization to the heart of her study, focusing on the ways that street vendors navigate their existence in public space. Her work brings up an interesting point of contention between local business owners, police, and street vendors. She found that police are inconsistent in the ways that they enforce the law, and do so mostly when they get complaints from business owners and residents; "and it is these moments before and during the storm of enforcement that the space is even more dramatically transformed, as vendor's outsider status is once again confirmed by the re-imposition of their new community's standards" (Muñoz 2012, 1). The sidewalk is public space,

meaning that food vendors utilize being seen in a critical way for their economic success, but this also puts them at great risk for police surveillance.

This duality of needing both visibility and invisibility is essential to survive as a food vendor. Sarmiento (2015) highlights the arguments against street vendors: a threat to public safety through obstructing pedestrian traffic and taking the business of individuals who have to pay taxes and maintain their establishments. Dunn (2014) describes this same dilemma of commercial property owners and city officials not approving of recent immigrants intrusion on public space. This gets at the larger picture of the politicization of public space, and who is worthy of occupying the sidewalk. Sarmiento speaks through the lens of city planning, and how, “marked as a disorder at the margins of urban society, a disruption of public space and transportation flows, street vendors, have been rendered objects of control to be policed and written out of rational, urban planning” (Dunn 2014, 1). In the eyes of city officials, there is no room for street vendors in public space. Even though street vendors are constantly looking to avoid police and city officials, it is also essential for their business, that they are seen by the public. Through photography, Muñoz (2012) shows how the racialization of Latinx bodies intersected with their use of public space, are central visual processes in food vending. This visualization can also be a really positive way for recent immigrants to display their culture to the public: “the visual manifestation of these landscapes of informal vending encapsulated by those like Yadira are also spaces of cultural resistance whose goal is economic activity but whose effect is an informal, highly visual process of cultural transformation” (Muñoz 2012, 1). She describes the way recent immigrant Yadira, from Oaxaca, sells her traditional tamale recipe, dresses in a colorful apron, and joyfully converses with a fellow Oaxacan. In this way, Yadira transforms the cultural landscape of Los Angeles and carves out a place for her culture on the

sidewalk.

Even though food vendors face harsh conditions in their work, they also have agency and control over what they do. Dunn (2014) tells the story of a Latina street vendor organization called VAMOS, which works for increased street vendor rights in New York City. This organization, formed by street vendors, takes on an intersectional and social justice perspective, advocating for immigration reform, the dignity and respect of street vendors, and police accountability. Through VAMOS' work "claiming public space as a legitimate workplace, and uniting to improve their conditions, street vendors illustrate how labor organizing can and does shape the ever-shifting economic geography of capitalism" (Dunn 2014, 136). Most of the individuals in VAMOS self-identify as workers when in reality they are small business owners, displaying how becoming food vendors could be seen as a form of resistance to their exclusion in the formal economy. Additionally, working as food vendors, many of the women in VAMOS stated that because of their job they were able to work in ethnic enclaves which gave them more flexibility with childcare by being closer to their children and the ability to speak with their customers. In a study of youth street vendors, Emir Estrada (2011) found great agency in being able to contribute to their family and help their parents. Bhimji (2010) further discovered that many of the food vendors she studied developed a sense of citizenship through their work. Citizenship defined as "women's sense of collectivism, their ability to negotiate the systems, their knowledge of the cityscapes, and their relationship to the community and their client" (Bhimji 2010, 457). This kind of connection to the land gives the street vendors vital knowledge which allows them agency and control.

More broadly, prior research documents all the ways that street vendors contribute incredible benefits to the communities in which they work. Sariemento (2015) found that through

the concept of “Latino urbanism” street vending allows public spaces and private spaces to integrate, meaning that people in the community spend more time outside engaging with their surroundings. In this way, “street vendors change the social ecology of streets by drawing people to publicly engage in cultural practices creating a sense of place, identity and community through this economic activity” (Sarmiento 2015, 4). Furthermore, in South Central Los Angeles, many people in the community rely on street vendors for access to healthy food. Street vendors are an asset to their communities bringing people together over shared culture.

Research on street vending before legalization provides a valuable baseline for our study on the situation facing vendors *post-legalization*. We apply these findings as a foundation to see if the law has truly decriminalized street vending. What, if anything, has changed since the passage of SB946? Has the law made a tangible difference—and specifically in the Inland Empire? The reason we frame our study as a local issue is that we have noted a gap in the existing knowledge on food vending and food vendors: While the Inland Empire is home to almost 1 million immigrants and a sizable vending population, little to no research has looked at this region. In other words, the IE is curiously—and detrimentally—understudied. Through our research, we fill in some of that knowledge by studying this highly important geographical location, and examining the experience of street vendors after SB946 has taken effect.

Methodology

During the fall of 2018, we began supporting IC4IJ and doing research on street vending as a part of our internship and participation in the CASA Pitzer College program. Our research was guided by a staff member of IC4IJ, Lyzzeth Mendoza, who had already been working with and had developed a rapport with the street food vendors. Our research consists of focus groups, phone calls, and interviews with the street vending community, given that “all human research is

conversational, since we are linguistic creatures and language is best understood in the context of conversation” (Mulhall, 2007, Brinkmann 2013).

We began our research by making phone calls to all of IC4IJ’s street vending contacts, informing them about an upcoming workshop on street vending and asking if there was any information they would like to request to be part of the workshop. This brief interaction created a connection and established trust between us and the possible participants. Because this population of mainly immigrants can be very wary of the government and unfamiliar organizations, we were sure to talk about our connection to Lyzzeth. The questions asked were meant to help shape the workshop and establish a baseline of knowledge the participants were interested in receiving.

The outreach through phone calls and text messages brought in around 12 people and some of their children for the workshop. From this, we were able to hold two focus groups after the presentation. Focus groups “serve not just to ‘mine’, ‘uncover’, and ‘extract’ existing knowledge” (Gibson-Graham 1994); they can also contribute to the development and construction of new knowledge and understandings for both researcher and “researched” (Cameron, J. 2005). The two focus groups were composed of street vendors of different classifications, and in different legal standings within the ordinances in their respective cities. In collaboration with IC4IJ, we developed eight questions that were posed during the focus group:

1. What has been your interaction with police and what was that experience like?
2. What financial resources do you need? What is the heaviest expense?
3. How did you hear about SB946 and what did you assume it guaranteed and or involved?
4. Is it realistic to street vend within the regulations of the ordinance?
5. Where are you in the process of getting permits and how has the experience been?

6. Would you like IC4IJ to support you attempting to amend the ordinance or would you like support to getting into legal standing within the ordinance?
7. What are temporary solutions you can think of that might help you?
8. Do you feel comfortable addressing your concerns to the city council in a private or public meeting?

The questions were meant to support our research as well as brainstorm and give IC4IJ a sense of how they could continue to support the community. Due to the concerns of the community surrounding legal status in the U.S., we did not ask participants to identify themselves and we will not be naming anyone in our research.

We also conducted two interviews with street vendors identified by IC4IJ as vendors whom they have been supporting and have an established relationship with. In this interview, we asked the previously mentioned questions with one additional question: What changes have you seen since after SB946 passed? The focus groups and interviews were conducted in Spanish, recorded, and then transcribed and translated into English.

The choice to conduct research from the perspective of the community members impacted by the law SB946 was inspired by Paulo Freire's concept of "Educación Popular," which holds the belief that students are not receptacles in which knowledge needs to be deposited into but can instead contribute to the body of knowledge as active participants. In this case, the traditional dynamic of teacher/student or researcher/researched is flipped, as we learn from the street vendors whose daily lives give them a wealth of knowledge. By being in conversation with street vendors we were able to get a glimpse into their daily reality and record the experience of street vendors in the Inland Empire after legalization. Our work intentionally

centers the vendor's experience, which builds off of Freire's idea of popular education, and the vendors have greatly informed us about the experience of street vendors.

For our ethnography, we hope to be able to break away from the traditional approach to research and work more to acknowledge our own position within the community and reflect our observations in a meaningful way to help the community. The authors we admire, including Walidah Imarisha (2016) and Andrea Ritchie (2017), have taken very reflexive approaches to their research which makes it more engaging, interesting, and personal. This means that they actively put themselves and their positionality into their research, embracing subjectivity instead of the traditional academic approach of depersonalization and objectivity.

Additionally, we are determined to conduct Asset-Based Community Development research (Hicks Peterson, 2017, 37) . This means that we focus on the assets held by the street vending community, instead of viewing them from a more common deficit-based perspective where they are seen to have little agency in their lives. Doing community-engaged, qualitative research is incredibly valuable and our asset-based approach will hopefully empower the community, and serve to further the IC4IJ's mission of changing the narrative around immigration in the Inland Empire and will display all of the cultural and economic assets that immigrants bring to the community.

Research Findings

Background

The passing of Senate Bill 946 (SB946) sought to legalize and decriminalize sidewalk vending across California. Specifically, the bill was meant to establish parameters for local regulation of sidewalk vending and prohibit local authorities from imposing criminal penalties on sidewalk vendors. Our research explores how this bill's passage has impacted the understudied

communities of the Inland Empire and, specifically if street vendors' daily experiences reflect what the state law intended.

According to The California Legislative Bill Text:

“SECTION 1. (a) The Legislature finds and declares all of the following:

- (1) Sidewalk vending provides important entrepreneurship and economic development opportunities to low-income and immigrant communities.
 - (2) Sidewalk vending increases access to desired goods, such as culturally significant food and merchandise.
 - (3) Sidewalk vending contributes to a safe and dynamic public space.
 - (4) The safety and welfare of the general public is promoted by encouraging local authorities to support and properly regulate sidewalk vending.
 - (5) The safety and welfare of the general public is promoted by prohibiting criminal penalties for violations of sidewalk vending ordinances and regulations.
 - (6) This act applies to any city, county, or city and county, including a charter city. The criminalization of small business entrepreneurs, and the challenges that those entrepreneurs face as a result of a criminal record, are matters of statewide concern. Further, unnecessary barriers have been erected blocking aspiring entrepreneurs from accessing the formal economy, harming California's economy in the process, and disrupting the regulation of business, which is a matter of statewide concern. Moreover, California has an interest in the regulation of traffic, a matter of statewide concern, whether in ensuring the appropriate flow of traffic or in ensuring the safety of pedestrians on the road or the sidewalk.
- (b) It is the intent of the Legislature to promote entrepreneurship and support immigrant and low-income communities.”¹

While the text in this bill appears to be deeply in favor of sidewalk vending and the assets they bring to the community, it also allows *each city to create or edit an ordinance as long as it is substantially in accordance with the state law*. This means that individual city council or county council *are able to create statutes that take precedence over state law*. Furthermore, according to Lyzzeth Mendoza from IC4IJ and based on research that our team conducted, *ambiguity in the law leaves a lot of room for interpretation*. Major loopholes in the law mean

¹ https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB946

that city ordinances can be highly restrictive; under the guise of objective health, safety, or welfare concerns, they can undermine the law's implementation and spirit. The ordinance for Ontario, a city in the Inland Empire, outlines many restrictions for street vendors and details how fines for not complying with these extremely strict regulations can be up to \$500.²

For the purposes of this paper, we use the following terminology:

- (a) "Sidewalk/street vendor" means a person who sells food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance, or from one's person, upon a public sidewalk or other pedestrian path.
- (b) "Roaming sidewalk vendor" means a sidewalk vendor who moves from place to place and stops only to complete a transaction.
- (c) "Stationary sidewalk vendor" means a sidewalk vendor who vends from a fixed location.
- (d) "Local authority" means a chartered or general law city, county, or city and county.
- (e) "Ordinance" a piece of legislation enacted by a municipal authority.

Themes

The following key themes emerged from conversations in the focus groups and interviews with street vendors in Inland Empire communities:

1. Policing: a. fear of the police, b. police harassment, c. issues of visibility
2. Interactions with law: a. desire to follow the law, b. confusion about the law, c. lack of accessibility, d. financial burden, e. competition, f. defeat and discouragement, and
3. Community resilience: a. assets of street vending, b. resiliency, agency, and determination.

²<https://www.ontarioca.gov/sites/default/files/Ontario-Files/City-Clerk-Records-Management/Recently-adopted-ordinances/O3146%20Amending%20Chapter%2031%20of%20Title%205%20of%20the%20OMC%20Relating%20to%20Sidewalk%20Vending.pdf>

In the sections below we delve deeply into each of the three themes and elaborate on the subthemes, drawing on insights shared with us during interviews and focus groups. Note that most of the themes that we uncover echo those found in the literature on the experiences of street vending prior to the passage of SB946. We interrogate the implications of these findings throughout the remainder of the paper and extrapolate from them in more detail in the conclusion.

Policing

Fear of Police:

As demonstrated by our literature review, it is evident that the main concern for street vendors before decriminalization was their interactions with police. Therefore, one of the main purposes of passing SB946 was to decriminalize street vending and limit police interactions like arrest, fines, and general harassment. *However, from our conversations in the focus groups and interviews, it would seem that fear of authorities continues to haunt the vendors.* While much of this is due to police carrying out the regulations outlined in the ordinance, it is also heavily influenced by racism, xenophobia, and politics surrounding who gets to use public space. Many individuals opt to be street vendors because of the low barrier of entry and trouble finding work in formal sectors because of discrimination due to their immigrant status.

This fear affects the street vendors enormously. In one instance, a participant in the focus group who is not yet in legal standing shared with us how “usually carts that don't have all their permits run, they run when they see a policeman because they are afraid that they will take away or throw away their merchandise. Once, I was buying corn and they [the vendors] left me unattended because they ran for fear of having their merchandise thrown, they [police] do throw it many times” (Participant x, focus group 11/13/19). Running from the police is a very common

theme, which we believe occurs due to many systemic fears that immigrants and street vendors--understandably--have when interacting with the government.

Fear of police and authorities, including Immigration and Customs Enforcement (ICE), is not only experienced by vendors, but also by the community agencies that support street vendors. The following example highlights this dynamic: as part of this research project and our internship, we visited and did our work from the Social Justice Hub in Ontario, where the IC4IJ office is located. On one occasion we came into the office, and the tension in the air was palpable. People kept looking outside, and Lyzzeth told us that a police car had been on the corner and that ICE had driven by slowly. She was worried that they could potentially come to the Hub to scare or intimidate them. Fear of police is constant for many groups, especially black and brown individuals, and those without legal status in the United States. Within the context of anti-immigration policies and widespread xenophobia in California and the U.S. more broadly, the passage of a single law is not capable of remedying this fear.

Police Harassment:

Continuing fear is a significant finding. When SB946 passed, vendors themselves were hopeful that they would no longer face their fear of the police because, under the new regime, their activities would be legal. As one vendor puts it, "I'm going to be able to sell on the street, right, without limit of ...well there has to be limits but without fear of the police" (Participant x, focus group 11/13/19). Vendors believed the new law decriminalizing street vending would eliminate interaction with police and that they would have the freedom to vend legally. *Based on the stories all vendors in the focus group and interview shared, this optimistic expectation of not*

having interaction and conflict with the police is far from reality. The following narratives, shared by vendors, give testimony to the fundamental unfulfillment of the law:³

“One time the police arrived, and then we heard gunshots not far away. The client [the vendor was serving at the time] said [to the police] that they should be taking care of that issue, instead of harassing them. [The policeman told him] that is not my problem, I am solving this problem ... [the client said to police that] the vendors are doing good work here, and if someone wants to come buy from them then they do ...because nobody forces them.. There is something happening over there and you are here mistreating people ... he said he didn't care about the problem over there” (Participant x, focus group 11/13/19).

“There have been different cases. Very recently, it was my turn with the city and the police threw all my things, we were not allowed to move,they began questioning us, asking, And what do you do? How much do you make? Where do you come from? Where are you from? Then, they started throwing everything. The police, all in black bags, they started throwing everything and then gave us a fine” (Participant x, focus group 11/13/19).

“On one occasion the police stopped us and asked for the ID and we told him we did not have it because we did not want to give it to him. [police asked] And how did you get here? [we replied that] We got dropped off. And then the policeman opened our van and found a bag and began to open it and then a person started recording him and told him that he did not have the right to do that [open the van and go through the bag] and police stopped because he saw someone was recording it. But he was very rude and for a while he kept coming by just to mess with us or at least that is how I took it” (Participant x, focus group 11/13/19).

“Two weeks ago there were police parked on the street and told the vendors not to sell here ever again and he was just parked there. What gives him the jurisdiction to prohibit them and telling them they can not set up. He was there for a while and he finally got called and left and the vendors were able to set up. I have a picture of him just sitting there in his police car.”(Participant x, focus group 11/13/19)

“One the day the city arrived at our post and the same officer was there and [he] told the boy, who was the seller, 'I told you that I was going to be back ' and he was laughing” (Participant x, focus group 11/13/19).

³ Note that each narrative was shared by a different participant of the focus group.

“It's the same policeman always ...they treat us like criminals or worse all because we're selling and when they are talking to me, I think it's a discrimination ...It is easier to put [up] a marijuana stand than to be a food street vendor” (Participant x, focus group 11/13/19).

It has been a year since the law passed to decriminalize street food vending and yet it is clear that vendors very much feel that their profession is heavily surveyed and policed to this day. According to SB946, street vendor violations “shall not be punishable as an infraction or misdemeanor, and the person alleged to have violated any of those provisions shall not be subject to arrest except when permitted under law.” *While interactions with police may not end in arrest (to our knowledge), there continue to be threats, harassment, and fines.*

Issues of Visibility:

Police harassment and street vendor's fear of police, create an environment where vendors don't feel safe or welcome using public space such as sidewalks. As an immigrant street vendor, the juxtaposition of needing visibility and invisibility is a constant battle and stressor in their daily vendor activities. On one hand, they need to be visible to the public in order to make money and form their business, and yet due to the fear of police and ICE, they have the desire to be invisible. For one street food vendor who has a regular selling post in her community, the fear of being visited by the health department usually accompanied by police is a constant reality. She shares, “We do not have the city [permit] yet, the city has arrived in the area where I put myself but it did not touch me because I was not there. Then he gave the regulations on the things they require, but I still don't understand what the reason they give the seller's permit is if they don't let one sell” (Participant x, focus group 11/13/19). She was fortunate in that she

happened not to be there but one might wonder, if she had been there, would she have lost all of her merchandise or what would have been the consequences?

This paradox of simultaneously needing both visibility and invisibility creates additional stress and fear for vendors. A question that we might want to explore is the impact of living under unnecessary stress and fear has on their health and family life? We might also want to explore if being in this constant state of survival has an impact on unity between vendors or in this case the lack of unity.

Interactions with the Law

Desire to Follow the Law:

As most if not all of the narratives we were privy to indicate, *vendors have a deep desire to be within legal standing and follow the regulation. Unfortunately, the regulations and law specifications are beyond their means, making it impossible for many vendors to engage in their profession legally.* Ultimately, this is an accessibility issue, but it is still important to note that many vendors work hard to try and acquire all the correct permitting and follow the rules. The vendors simply desire to be protected under the law and to gain the recognition they deserve as beneficial contributors to, and members of, the community.

The vendors who participated in the focus group express how they want clear messaging about the rules they need to follow and transparency about their rights and what police are legally allowed to enforce. They implore city councils and lawmakers to revise the ordinance making it a standard for all cities and more accessible to low-income immigrant communities that this legislation targets, so they are not faced with “too many obstacles” (Interview 2, 11/26/19). The street vendors *want* to work with the city; a funnel cake vendor stated how street

food vending has become popular everywhere, even on Netflix, showing how “Everybody is doing it and everybody is showing tremendous amounts of success, why can't San Bernardino just help us be flexible like that, you know” (Interview 1, 11/05/19). Many street vendors we spoke to take a great amount of responsibility in their work. They want to stop being treated as victims, noting instead how they understand that many of the regulations--such as dealing with the safety of gas tanks or serving undercooked meat--are intended for public safety. Street vendors want to provide safe and healthy food for their communities and understand the purpose of having fair a regulations that protect the public and provide clear standards. However, this is impossible due to the financial burdens imposed by the permits and the lack of accessibility to clear information surrounding the legislation.

Confusion About the Law:

Fear due to continuing police harassment and good-faith efforts by street vendors to comply with the law, lead into the next recurring theme displayed through the focus groups, interviews, and our internship at IC4IJ. This is *general confusion about the law and the ordinance*. SB946 went into effect in January 2019, and the new state law gave each city the ability to develop their own program for implementation. However, not all cities have been able to develop an ordinance, meaning that vendors in these cities must refer to county regulations and state law. We discovered that *deciphering if a city has an ordinance or not and figuring out how to obtain that ordinance is incredibly difficult*. The IC4IJ’s Lyzzeth Mendoza, who has been engaging in policy work surrounding street vending for years, explains that “in Riverside, we have not been able to obtain a physical copy of the ordinance to read the details” (Lyzzeth Mendoza, November 2019).

Confusion is further compounded because vendors often work in multiple cities or at the intersections of cities. Vendors who live near city limits or who operate in more than one city must possess permits in each city and abide by the different regulations accordingly. Also, because the cities and counties are so close to each other in the Inland Empire, many vendors vend in multiple different places, making adhering to different city regulations very difficult.

To better illustrate this confusion and its sources, refer to the following slide (figure 1). As we highlight in figure 1, the language used in the San Bernardino city ordinance is ambiguous at best (and contradictory at worst). For example, language such as “if the operation becomes a concern,” and “if the operation unreasonably interferes,” to describe the areas where vendors are not allowed to sell, is extremely vague and unclear. This leaves considerable room for *authorities to arbitrarily decide where vendors can and can not work which creates confusion among authorities and vendors.*

Where Can Sidewalk Vendors Operate?

Anywhere EXCEPT for:

1. **Near a certified Farmers Market, Swap Meet or an area with Temporary Special Permit.**
2. **A Residential Zone, if permitted as a stationary vendor**
3. **A park or public right-of-way, if the operation becomes a concern for the Objective Health, Safety, and Welfare of others**
4. **A park, if the operation unreasonably interferes with the public's use and enjoyment and/or with the scenic and natural character of the park**
5. **A park where the operator of the park retains exclusive rights to the sale of food**

Figure 1. Diagram for where street vendors can operate *IC4IJ slideshow 11/13/19*

The state law and the ordinance's regulations appear to be contradicting in intention. In the focus group, a vendor responds to the question surrounding what they expected to change when the law passed. His answer brings light to basic confusion over the state law approving

“cultural relevant food” and the ordinance restricting some sidewalk vendors to selling only prepackaged food and whole fruits.

“What I thought was what it said on the actual bill and that was pretty much that sidewalk vendors can sell food or merchandise on the sidewalk. I mean in SB946, the legislation states sidewalk vending provides important entrepreneurship and economic development opportunities to low income and immigrant communities. Sidewalk vending increases access to desired goods such as culturally significant food and merchandise and so when they use the word ‘culturally’ you have to assume that it could be from anywhere ...the Philippines, Mexico and food that is part of that culture, it does not say prepackaged food, all it says is ‘culturally significant food or merchandise’ ...when this bill passed everyone was selling tacos, pupusas, hot dogs, ..these are all cultural foods. What is cultural about a frozen packaged food. So you have to imagine why would they go to all this trouble to pass this law SB946” (Interview 1, 11/05/19)

The following exchange between Lyzzeth and one of the vendors attending the focus group reinforces our finding. The vendor presents information about her experience paying \$500 for fingerprinting to begin the process of being certified to vend in the streets. Lyzzeth, however, indicates that fingerprinting is actually not required in San Bernardino city.

Vendor: The first step to be able to sell on the street is to get fingerprinted. You have to go to the police and it costs \$500 and if you don't have a record you can continue with the process.

Lyzzeth: The good thing is that in San Bernardino we won the removal of the background check.

Vendor: This took place in San Bernardino

Lyzzeth: Maybe it was last year?

Vendor: No it was this year

Lyzzeth: Oh, then we have to see to that because they are not supposed to ask for that. they shouldn't have asked for that ... we'll have to see. But maybe it was because they are lunch trucks....

Vendor: No we asked for it when we were regular street vendors.

This exchange gives testimony to the confusion: although the law has passed, city officials and services have not all begun implementing said law.

Several vendors in the focus group share that they have received mixed messages from the various departments with which they interact in attempts to obtain permits. One vendor who believed he obtained all of his permits and was vending legally, describes how a police officer came up to him, saying, “you can't have canopies, you can't have propane gas, you can't have lights, um you're only allowed to have two tables, you can't have a seating area” (Participant x, focus group 11/13/19). The vendor was confused because the law states the vending hours are 8:00 am to 3:00 am, and so he was confused about how he would sell at night without lights. This is only one example of many vendors provided in the focus group.

Ambiguity in the state law and the different regulations in ordinances city to city creates confusion among city departments, law enforcement, and street vendors. Unfortunately, at the end of the day, this confusion has a significant negative impact on vendors, leaving them vulnerable to harassment and fines.

Lack of Accessibility:

Even if there was greater understanding and clearer messaging surround the ordinances, the rules and regulations it puts in place make street vending incredibly inaccessible. As part of our internship, we reviewed the San Bernardino City SB946 City Ordinance and put together a powerpoint presentation on the requirements for street vendors. The city ordinances vary from city to city and all have different requirements and fees. The images below are some examples taken from our powerpoint presentation on the San Bernardino ordinance, specifically on regulations that vendors highlighted as infeasible.

Menu Limitations/Requirements

Stationary or Roaming Vendors on foot will be permitted and defined as a "Sidewalk Vendor"

- **May Sell**

- Prepackaged foods NOT requiring refrigeration
- Prepackaged frozen foods
- Whole uncut fruit or vegetables

- **May NOT Sell**

- Food prepared onsite (e.g. tacos, cut fruit)
- Food requiring refrigeration
- Unpackaged and/or opened food

Examples of Sidewalk Vendors Cont.

Non-permitted Sidewalk Vendor

- Selling unpackaged food/drinks
- Selling potentially hazardous food (requires refrigeration)
- Food from an unknown source



Figure 2, 3. Examples of regulations for street vendors, *IC4IJ slideshow 11/13/19*

Vendors share frustration over the limitations the San Bernardino ordinance creates for established vendors. In the slides above you can see how the ordinance limits the type of food that vendors can sell. The majority of vendors sell and make their living from the items the city does not allow them to sell. Below, in the left hand column, are some images of items we

typically see on the street. Row 1 is hot dog cart. In order for this vendor to legally vend they would have to buy a mobile cart approved by the city and only sell boiled hot dogs. In row 2 they have a taco stand, often set up at night, for customers who are out late. The only way that they would be able to acquire a permit based on the current ordinance would be to obtain a food truck. In row 3, you see a fruit cart on the left, customers who buy from food carts typically buy out of convenience and get multiple cut fruits in one container. In order for this vendor to be in legal standing they would only be able to only sell whole fruit as you can see on the right hand column of row 3.

	Illegal under SB ordinance	Legal under SB ordinance
1		



The San Bernardino city ordinance requires vendors to purchase specific equipment, as displayed through the pictures displayed above. Additionally, the ordinances often requires street vendors to get equipment from specific manufacturers and use storage facilities with set weekly fees. Obviously, many of these fees set by the ordinance make street vending extremely expensive and inaccessible to a person who may not have other job options. It can often work out to be less expensive for the street vendors to just assume the fines by police than to get the required permitting and equipment required.

Additionally, street vendors are unable to prepare food in their homes, with ordinances stating that food must be produced in a commercial kitchen. One vendor suggests that since “It is required not to cook at home, the county or the city should help by installing a commercial kitchen with affordable prices and making our people's dreams come true” (Participant x, focus group 11/13/19). Making things like this more accessible will allow street vendors to prosper, and allow more safe and healthy food to be sold in their communities.

Financial Burden:

In the focus groups and in the interviews vendors consistently share that the financial requirements are simply not feasible based on their current income. However, they continue to persevere vending because in many cases, this is their only source of income to support themselves and their families. One vendor shares, “I sell tacos. I would never qualify for the permit because I don't have a truck and I don't have the resource [to buy a truck] and this is my only source of income right now”(Participant x, focus group 11/13/19). Vendors are willing to take the risks of dealing with “police, the city and even being assaulted because things do not happen overnight, especially when money is required for everything when you have children to attend to you have to take the risk” (Participant x, focus group 11/13/19). Another vendor discusses how the government should “lower the prices they are charging for the permits and everything that is required if supposedly it is meant to be to help the community” (Interview 1, 11/05/19). The following slide shows a few of the different fees that are required for permits (this does not include any equipment investment required to meet standards for permit).

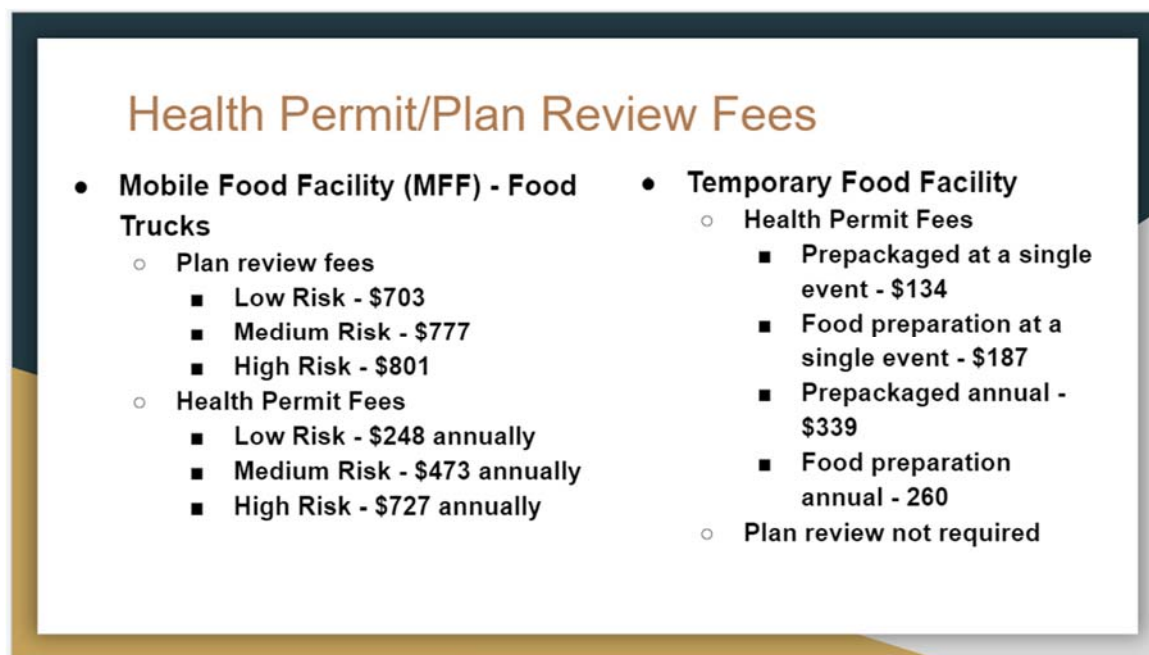


Figure 4. Examples of fees for street vendors, *IC4IJ slideshow 11/13/19*

In the case of vendors with the means to invest in equipment and permits, the financial burden of maintaining the permits can force them out of business. A vendor in the focus group shares that this is the case for her and her family, as they have the permits in order but their business is currently “paused” at the moment “because as we say sometimes, there is not much sales to pay for everything that has to be done. Um, I know it's not easy being an entrepreneur, it's a constant struggle. Sometimes we don't win even if we do our best ... we would earn more going to work in a warehouse. But we are still in the process because being an entrepreneur is not easy” (Participant x, focus group 11/13/19). Another vendor notes that “business costs are high, from every dollar that is made from what is sold, approximately what is left for our household expenses is 24%, that is to say, of every dollar, we sell 24 cents are free of business costs” (Participant x, focus group 11/13/19).

Financial barriers force vendors in a bind where they either pay the permit and equipment fees or must risk being fined by the police. *All of these aspects intersect to create a situation where vendors are not making enough money for themselves and their families, and are constantly living in fear and stress of being caught by the health department or harassed by police.*

Competition:

Because of the financial burden of acquiring permits and proper equipment, there is often competition between those who go through the process of vending legally, and those who don't have permits, as they see their work as taking away their business. This creates a competition among the vendors who have the means to acquire permits and those who do not. One participant in the focus group who invested in a food truck and acquired all the permits required shares that "for us, as a food truck owner, I feel we paid a lot and as a street vendor they sell more than us and we are paying much more. Without permits, he sells more and we go through a very strong process ... we are earning less ... we invest 4000 a month!" (Participant x, focus group 11/13/19).

Another aspect of competition is between brick and mortar businesses and street vendors. Some cities require roaming street vendors to cook in a church kitchen or in a restaurant. However, a vendor shares "it is not convenient for a restaurant to let us cook there. I asked a restaurant owner and they replied 'no I am not going to stop my own business to let some stranger cook.' Supposedly that is what they are requiring for all vendors to go cook at these sites and then we are able to take the food out, and sell it" (Participant x, focus group 11/13/19). This

dynamic, in addition to creating competition among street vendors themselves, adds the barrier of having to interact with other businesses who feel threatened by their presence.

Vendors in the focus group generally feel a lack of community and unity due to this competition and resentment. When asked how to fight the ordinance, one street vendor replies: "What am I going to do?" If I am already here, I already have my place so why would I be fighting [the ordinance] ... I am already standing here ... and nobody should take my place" (Participant x, focus group 11/13/19). *The ordinance carries out a harsh reality of competition between street vendors, and this attitude translates into a zero-sum game whereby no one attempts to change the circumstances for the better for all vendors.*

Defeat and Discouragement:

A corollary of lack of unity and shared fate, fear, harassment, and the myriad other challenges described above is defeatism. Vendors face a variety of struggles, and we saw in our research how people became discouraged by the scope of rules and regulations they face on a day-to-day basis. Receiving all of this contradictory and ambiguous information is daunting, especially for vendors who are new to the job. In the focus group we witnessed an uproar of frustration from several vendors stating:

"... better yet I don't want business anymore..."

"Before I start I ...quit having a business ... I already threw in the towel ..."

"The truth ...I still haven't started but I'm getting discouraged."

"Not the way they threw in the prepacked foods and whole foods ..there is no way that anyone is going to actually have a successful business as a roaming street vendor if they continue doing that..."

In addition to the overwhelming concern regarding the fees and investment required to legally vend, there is also no clarity or support on how to navigate these systems. One vendor

applied for a permit at the health center and felt confused by and wary of sharing her personal information to a government system, with no one there who was able to communicate with her. She states how she didn't feel comfortable using computers, and that it presents "an obstacle for people who go because you have to figure it out alone. You'll just go to the computer, sit down and start doing your paperwork. But there are things that one does not understand well. For example, they asked me for the address of my home, but I don't know what they will do with that information, maybe they will send me a fine" (Participant x, focus group 11/13/19).

Given the stark experiences of the vendors and confusion amongst departments tasked with enforcing the law, it is of no surprise to us that vendors are wary, tired, and discouraged. However, we also saw many that expressed hope for the future of their profession and passion for the joy they bring to the community through their vending. We now turn to this final and crucial theme.

Community Resilience

Assets of Street Vending:

Although street vendors face various struggles, they also possess an immense amount of agency and power in their work. Not only does vending provide them flexibility and in some cases joy, but it also brings a variety of assets into the areas they work. For example, vending creates an increased sense of community, shared culture, and healthy food options in areas that may not have other options. Many vendors highlighted how they see all different people eating their food, and one vendor even notes how "I have doctors who are going to buy tacos and funnel cakes" (Interview 1, 11/05/19). Additionally, they speak about the relationship they build with

members of their community. One vendor speaks of the desire to keep community spaces clean and their relationship with homeless youth:

“We power wash the sidewalk out of our own pockets, and we employ the homeless young men to take care of taking out the trash and keeping the parking lot and the street clean. I sell tamales and since I started I entrusted this boy and as the other vendors saw this, they also began to give him work. Now there are three homeless individuals who go to the store for us, keep it clean, and so we support them. We have seen them make so much progress, and one has already bought a bike... The most important thing is that we keep the places we vend clean and support each other” (Participant x, focus group 11/13/19).

IC4IJ held a community vending event that was centered around raising money for food vendors to renew permits, but it was also a time for community bonding and education. This lively community event truly illustrated the community bonding that their businesses facilitated. They have deep roots in these communities and have strong investments in providing healthy, safe, and delicious food for them, in addition to jobs for the people discussed in this story.

Vendors take great pride and joy in their work. One vendor outlined how vending actually helped her out of depression:

“when a depression comes in, the doctor told me to look for something that would take me out of that state. Even though as single mothers the vision of street vending is not so much money, it helped me psychologically to do this work and talk to people. Not just me, my daughter also went into postpartum depression and she is also out of it now. Recently they have found cancer in me, so it is a drastic change for me too. This work has strengthened me a little because I enjoy interacting with a lot of different people, but for whatever reason the police arrive starts to remove us” (Participant x, focus group 11/13/19).

Clearly, vending can be really powerful and important work for these individuals. Ultimately they are business owners and have great control and flexibility because they work for themselves. One vendor even suggests that we spend a day vending with him so that we can see the joy they bring to their community.

“I think it would be a great opportunity for you to join us and be a worker with us so you can see what we see through our eyes, so you can see the families with their kids be around us, and you can experience what it is like for us on a daily basis. This way you have a better idea of what it is like ...not just seeing us ... but experiencing the community” (Interview 1, 11/05/19).

Resiliency, Agency, and Determination:

Street vendors want to be understood and valued as contributing members of their communities. Ultimately, they want to have a relationship with the government, police department, and health departments to ensure the safety of their communities and have protection under the law. When asked if the vendors would feel comfortable going to the municipal council to advocate for themselves, every single member of our focus group answers in the affirmative. Many of them state that they want to have relationships with the government, so they can be properly educated about food handlers information and health codes, but not have that relationship be punitive and riddled with police harassment. They desire to be a part of the process of the laws that govern them and wish for the city to see the valuable work they do.

During the focus group, a few of the vendors brought up the idea of creating a union. One participant begins by saying “So why don't we do this, for everyone who is here. We start a union, and we all contribute a small amount of money to create things like a banner, and when other vendors want to join they also do the same thing and this way we build a little piggy bank to help us with this cause” (Participant x, focus group 11/13/19). *Vendors desire collaboration and are determined to improve the quality of their vending, through advocating for their rights and creating a stronger community by banding together and straying away from the previous competition.*

Conclusion

Before the passing of SB946, there were many issues which plagued the street vending community, namely whether it was legal or not. These issues are clearly highlighted in the literature on street vending prior to 2019. Many activists, vendors, and scholars hoped that by passing SB946, these issues would have been addressed, delivering a clear and accessible path to legalized and decriminalized street vending. *However, although SB946 has addressed some issues, through our work with street vendors and community organizations within the Inland Empire, it is clear many issues for the street vendors still persist.* The passing of the state law has directed local municipalities to take on street vending directly. At first glance, one would think this would alleviate the process, eliminate the obstacles, and bring supportive resources to the community members who wish to begin their entrepreneurship ventures through street vending. *Unfortunately, creating the rules, regulations, laws, permitting, licensing and enforcement processes has proved to only bring confusion, frustration, tension, and disillusionment.*

Street vendors possess great knowledge, hope, agency in their work, and continue to form community between themselves and the people they serve. As much as these residents are able, desire and seek these opportunities in their community, *our research has uncovered that the enactment of these local ordinances have not proven to make it as easy for them as they would have preferred. And “decriminalized,” relations with local police prove to be challenging, if not outright abusive.*

Therefore, it has become evidently clear that continued advocacy for more community-friendly and accessible paths to street vending must persist. *The means by which we support our neighbors and immigrant communities to thrive through this opportunity of street vending, is through pushing our local elected officials to create the paths toward success and not obstructive ones which inhibit upward growth and mobility.* We must unite with our community members,

neighbors and advocates to ensure we all have equal opportunity and right toward the pursuit of happiness and wellbeing.

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