
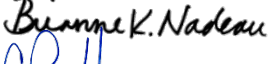



COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
1350 Pennsylvania Avenue, NW
Washington, DC 20004

MEMORANDUM

TO: Nyasha Smith, Secretary to the Council

FROM: Chairman Phil Mendelson 
Councilmember Brianne K. Nadeau 
Councilmember Christina Henderson 

DATE: April 3, 2023

RE: **Notice of intent to move an amendment in the nature of a substitute at the April 4, 2023 Legislative Meeting**

This memorandum serves as notice that I, along with Councilmembers Brianne K. Nadeau and Christina Henderson, intend to move an amendment in the nature of a substitute (ANS) for the following measure on second reading at the April 4, 2023 Legislative Meeting:

- **Bill 25-68, Street Vendor Advancement Amendment Act of 2023**

The ANS makes several substantive changes to the Committee Print approved by Council at the March 7, 2023 legislative meeting.

First, to address concerns raised by D.C. Health about changes to the cottage food law, the ANS strikes this language and instead creates a new license category, a microenterprise home kitchen business, that would enable sidewalk vendors to prepare food that they intend to sell via a cart, table, or stand in their homes. To obtain a microenterprise home kitchen business permit, an applicant must register with D.C. Health, and must submit standard operating procedures to D.C. Health that detail how the applicant will store, handle, and prepare food. In addition, D.C. Health is authorized to conduct an inspection of a microenterprise home kitchen business before the business begins operation and may conduct additional inspections, issue citations, or revoke a permit if it is determined that the operator is not complying with the law or if the business is the source of a foodborne illness outbreak. These safeguards will protect consumers while ensuring that sidewalk vendors can still utilize their home kitchens.

Second, to address concerns raised by several Councilmembers and representatives of sidewalk vendors, the ANS makes two substantive changes to the enforcement language in Section 9. First, the ANS clarifies that an enforcement officer may only request that an individual produce reasonable identification if the individual refuses to provide their legal name and current address, or if the enforcement officer has reason to believe that the individual is providing an incorrect name or address. Second, the ANS defines the term “detain” to mean “to stop and verbally order a person to remain at his or her current location or a nearby location specified by an enforcement officer” to ensure that enforcement officers do not use force when trying to identify an unlicensed vendor for purposes of issuing a civil infraction.

Third, the ANS amends Section 47-2002.01 to authorize the Chief Financial Officer to provide amnesty to street vendors with delinquent minimum sales tax (MST) payments in coordination with the Department of Licensing and Consumer Protection. This change is necessary because the language in the Committee Print was insufficient to authorize amnesty for delinquent MST payments.

cc: All Councilmembers
Council Officers

A BILL

25-68

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Department of Health Functions Clarification Act of 2001 to **create a permit for microenterprise home kitchen businesses in the District, to allow businesses otherwise eligible to be a vendor under this act to apply for a microenterprise home kitchen permit, to limit what the Department of Health can require for a microenterprise home kitchen permit** ~~revise the definition of cottage food products and amend packaging and labeling requirements for food produced by cottage food businesses~~; to amend the Vending Regulation Act of 2009 to provide for new definitions; to establish hours of operation for vendors; to prohibit criminal background checks for vendors; to establish food cart design standards and processes for approved food cart design approval by the Department of Health; to provide for locations at which food vending carts may be serviced and stored; to establish fees for a business license, site permit, and certain vending lotteries; to remove criminal penalties for a violation of the act or vending regulations and require a revised schedule of penalties; to provide civil enforcement officers the authority to request reasonable identification for individuals who vend without a license; to allow the Mayor to establish Sidewalk Vending Zones and to prescribe specific requirements for sidewalk vending zones; to establish specific requirements for sidewalk vending zone managers and to require the Mayor to issue a request for proposals for any sidewalk vending zone manager; to establish the Columbia Heights-Mount Pleasant Sidewalk Vending Zone and require the Mayor to issue a request for proposals and execute a contract within a specific period of time for a sidewalk vending zone manager within the Columbia Heights-Mount Pleasant Sidewalk Vending Zone; to establish an amnesty program for street vendors that will waive delinquent debts incurred by vendors; **and** to require the Mayor to commission a study to identify spaces, locations and improvements that can be made to better accommodate vending activity within or near the Columbia Heights-Mount Pleasant Sidewalk Vending Zone; **and to amend Section 47-2002.01 of the D.C. Code to authorize the Chief Financial Officer**

42 **to provide amnesty for street vendors liable for delinquent minimum sales tax**
43 **payments in coordination with the Department of Licensing and Consumer**
44 **Protection.**

45
46 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
47 act may be cited as the “Street Vendor Advancement Amendment Act of 2023.”.

48 Sec. 2. ~~Part C of~~ The Department of Health Functions Clarification Act of 2001,
49 effective January 25, 2014 (D.C. Law 20-63; D.C. Official Code § 7-742.01 *et seq.*), is amended
50 **by adding a new part C1 to read** as follows:

51 ~~(a) Section 4931(3) (D.C. Official Code § 7-742.01(3)) is amended to read as follows:~~

52 ~~“(3) “Cottage food product” means food that is prepared, processed, or~~
53 ~~packaged in a cottage food business and sold directly to consumers, including through~~
54 ~~direct, retail, and online sales, within the District of Columbia. For purposes of this~~
55 ~~paragraph, the term cottage food product shall not include uncooked or raw meat~~
56 ~~products, or raw dairy products.”.~~

57 ~~(b) Section 4932(e) (D.C. Official Code § 7-742.02(e)) is amended to read as follows:~~

58 ~~“(e)(1) The owner of a cottage food business may sell only cottage food products that~~
59 ~~are prepared, processed, and stored on the premises.~~

60 ~~“(2) For any pre-packaged cottage food products, a label must be affixed to~~
61 ~~the package that contains the following information:~~

62 ~~“(A) The cottage food business identification number;~~

63 ~~“(B) The name of the cottage food product;~~

64 ~~“(C) The ingredients of the cottage food product;~~

65 ~~“(D) Allergen information as specified by federal labeling~~
66 ~~requirements;~~

67 ~~“(E) If any nutritional claim is made, nutritional information as~~
68 ~~specified by federal labeling requirements; and~~

69 ~~“(F) The following statement printed in 10-point or larger type in a~~
70 ~~color that provides a clear contrast to the background of the label: “Made by a cottage food~~
71 ~~business that is not subject to the District of Columbia's food safety regulations.”~~

72 ~~“(3) For any cottage food products that are difficult to properly label or~~
73 ~~package, or for any cottage food products that will be sold through a vending cart and are~~
74 ~~not pre-packaged, the owner of the cottage food business must have a receipt, placard or~~
75 ~~signage in easily readable type at the point of sale that contains the information required~~
76 ~~for pre-packaged food items in paragraph (2) of this subsection.”.~~

77 “Part C1. Microenterprise Home Kitchens.

78 “Sec. 2. Definitions.

79 “For the purposes of this part, the terms:

80 “(a) “Department” means the Department of Health.

81 “(b) “Food establishment” shall have the same meaning as provided in § 48-
82 102(5).

83 “(c) “Microenterprise home kitchen business” means a business that:

84 “(1) Operates out of a non-commercial kitchen facility located in a
85 private home and is operated by a resident of the home where ready-to-eat food is handled,
86 stored, or prepared to be offered for sale;

87 “(2) Sells ready-to-eat food products directly to consumers in
88 accordance with Section 3 of this Part and regulations adopted by the Department of
89 Health;

90 “(3) Has obtained a home occupancy permit from the Department of
91 Licensing and Consumer Protection pursuant to section 203 of Title 11 of the District of
92 Columbia Municipal Regulations (11 DCMR Section 203);

93 “(4) Does not prepare food with processes that require a Hazard
94 Analysis and Critical Control Point (HACCP) Plan pursuant to section 4202 of Title 25 of
95 the District of Columbia Municipal Regulations (25-A DCMR Section 4202);

96 “(5) Does not include food manufacturing, and does not prepare
97 alcohol-infused food products or food products containing cannabis, CBD, KAVA, Kratom
98 or any other unapproved food additives;

99 “(6) Is not a catering business, cottage food business, bed and
100 breakfast, residence-based group home facility, or food truck;

101 “(7) Meets labeling requirements in rules issued by the Department;
102 and

103 “(8) Has applied for and is otherwise eligible for a vending site permit
104 under the Vending Regulation Act of 2009, effective October 22, 2009 (D.C. Law 18-71;
105 D.C. Official Code § 37-131.01 et seq.)

106 “(d) “Microenterprise home kitchen permit” means a permit issued by the
107 Department to the operator for the purpose of operating a microenterprise home kitchen
108 business.

109 “(e) “Operator” means an individual who resides in the private home and
110 who manages or controls the microenterprise home kitchen business.

111 “(f) “Ready-to-eat food” means:

112 “(1) Fully cooked food, including, but not limited to, meat, fish, fruit,
113 and vegetables;

114 “(2) Raw fruit and vegetables that are washed and offered for sale
115 whole or chopped;

116 “(3) Any other time or temperature control food that is cooked to the
117 temperature and time required for the specific food in accordance with regulations made
118 by the Department; or

119 “(4) A bakery item for which further cooking is not required for food safety.

120 “(g) “Time or temperature control food” means food that requires time or
121 temperature controls for safety to limit pathogenic microorganism growth or toxin
122 formation.

123 “Sec. 3. Microenterprise Home Kitchen Businesses.

124 “(a) This section shall not:

125 “(1) Apply to a food establishment that is required to have a license
126 under Department regulations; or

127 “(2) Exempt a microenterprise home kitchen business from any
128 applicable District or federal tax laws.

129 “(b) The Department shall develop a microenterprise home kitchen permit
130 and develop standards and regulations relating to the requirements of this permit.

131 “(c) A microenterprise home kitchen business shall register with the
132 Department before beginning operation.

133 “(d) The Department may perform a pre-operational inspection of the
134 microenterprise home kitchen business before that business begins operation.

135 “(e) The Department may enter the premises of a microenterprise home
136 kitchen business with a permit issued by the Department during the operating hours of the
137 microenterprise home kitchen to conduct:

138 “(1) Scheduled pre-operational and compliance inspections with
139 reasonable advance notice of the inspection; or

140 “(2) Unannounced inspections when the Department has a valid
141 reason, which could include a consumer complaint, to suspect that a microenterprise home
142 kitchen poses an imminent health hazard or is the source of an adulterated food or of an
143 outbreak of illness caused by a contaminated food; and

144 “(3) Documents the reason for any inspection after an initial
145 inspection, keeps a copy of the documentation on file with the microenterprise home
146 kitchen’s permit, and provides a copy of that documentation to the operator.

147 “(f) An operator may qualify for a microenterprise home kitchen permit if:

148 “(1) Food that is prepared at the microenterprise home kitchen is
149 handled, stored, and prepared in compliance with Department regulations;

150 “(2) The kitchen facility used to prepare food for the microenterprise
151 home kitchen meets the requirements established by the Department;

152 “(3) The operator provides written standard operating procedures to
153 the Department that include:

154 “(i) proposed procedures and methods for how all food will be
155 stored, handled, and prepared;

156 “(ii) proposed procedures and methods of food preparation
157 and handling;

158 “(iii) procedures, methods, and schedules for cleaning utensils
159 and equipment;

160 “(iv) procedures and methods for the disposal of refuse; and

161 “(v) a plan for maintaining time and temperature-controlled
162 food at the appropriate temperatures for each time or temperature controlled food.

163 “(4) The operator operates only during the hours and only prepares
164 the food items approved in the microenterprise home kitchen permit;

165 “(5) The operator provides notification to the consumer that, while a
166 permit has been issued by the Department, the kitchen does not meet all of the
167 requirements of a commercial retail food establishment; and

168 “(6) The operator successfully passes a nationally accredited Certified
169 Food Protection Manager Course approved by the Department and obtains a District-
170 issued Certified Food Protection Manager Certificate.

171 “(g) The operator can apply to amend their permit by submitting a written
172 proposal in a format determined by rules developed by the Department;

173 “(h) The Department shall not require as a condition of obtaining a
174 microenterprise home kitchen permit that an operator:

175 “(1) Rent or lease space at a commercial kitchen outside of their
176 home;

177 “(2) Rent or purchase equipment, utensils, or display containers or
178 equipment, other than what is required for safe storage, handling, and preparation of the
179 food offered for sale;

180 “(3) Have additional hand-washing facilities in their home, except to
181 require that a hand washing station supplied with warm water and soap is conveniently
182 located in food preparation, food dispensing, and warewashing areas;

183 “(4) Have additional kitchen sinks, except to require that the kitchen
184 sink has hot and cold water and is fully operational;

185 “(5) Limit the individuals permitted in food preparation areas, food
186 storage areas, and washing areas, except during food preparation;

187 “(6) Limit the presence of animals in the home, except to require that
188 all animals are kept outside of food preparation areas;

189 “(7) Use specific materials for food-contact and non-food contact
190 surfaces, provided that the food-contact surfaces are smooth, easily cleanable, and in good
191 repair; or

192 “(8) Install significant equipment or make significant renovations to
193 the home, beyond what would be required to ensure food and human safety in the food
194 preparation areas.

195 “(i) The Department has the authority to issue citations and summarily
196 suspend or revoke a permit if the operator is not complying with any provisions in this
197 section.

198 “(j) A person whose license or permit is revoked may, within 15 days after
199 the notice of revocation by the Department, appeal the decision to the Office of
200 Administrative Hearings.

201 “Sec. 4. (a) The Mayor, pursuant to Title I of the District of Columbia
202 Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official

203 Code § 2-501 et seq.), shall promulgate emergency rules to implement the provisions of this
204 subchapter no later than 45 days after the effective date of the Street Vendor Advancement
205 Amendment Act of 2023.

206 (b) The Mayor, pursuant to Title I of the District of Columbia Administrative
207 Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 et
208 seq.), shall promulgate final rules to implement the provisions of this subchapter no later
209 than 120 days after the effective date of the Street Vendor Advancement Amendment Act
210 of 2023.”.

211 Sec. 3. The Vending Regulation Act of 2009, effective October 22, 2009 (D.C. Law 18-
212 71; D.C. Official Code § 37-131.01 et seq.) is amended as follows:

213 (a) Section 2 (D.C. Official Code § 37-131.01) is amended to read as follows:

214 For purposes of this chapter, the term:

215 “(1) “Fund” means the Vending Regulation Fund established by section 8(b).

216 “(2) “Public market” means a vending operation that takes place in an area of
217 public space set aside and permitted on a regular basis for the sale of goods, merchandise, or
218 services provided onsite, including a farmers market, flea market, or antique market.

219 “(3) “Sidewalk vending zone” means a geographically defined area with 3 or
220 more vending locations at which a person may vend.

221 “(4) “Sidewalk vending zone manager” means a non-profit organization
222 headquartered in the District of Columbia that oversees sidewalk vendors operating within a
223 sidewalk vending zone.

224 “(5) “Sidewalk vendor” means a person who engages in business while occupying
225 a portion of the public right-of-way other than that reserved for vehicular travel.

226 “(6) “Vending cart” means a wheeled, non-motorized, self-contained apparatus
227 designed to be pulled by a vehicle or pushed by hand, designed to be operated from a sidewalk
228 vending location, and from which food, products, merchandise, or services are intended to be
229 vended.

230 “(7) “Vending locations” means the specific locations designated by the Mayor on
231 sidewalks, roadways, and other public space at which a person may vend.

232 “(8) “Vending site permit” means a permit or other authorization issued by the
233 Mayor for a vending location.”.

234 (b) Section 3 (D.C. Official Code § 37–131.02) is amended as follows:

235 (1) Subsection (a)(1) is amended to read as follows:

236 “(1) A basic business license;”.

237 (2) Subsection (c) is repealed.

238 (3) A new subsection (e) is added to read as follows:

239 “(e) Vendors may operate only during the following hours:

240 “(1) Sunday through Thursday, from 5:00 a.m. to 12 a.m.; and

241 “(2) Friday and Saturday from 5:00 a.m. to 1:00 a.m. the next day; provided, that

242 vendors operating in Residential Zones, as specified in the District of Columbia Zoning

243 Regulations, shall not vend past 10:00 p.m. on any night of the week.”.

244 (c) New sections 7a, 7b and 7c are added to read as follows:

245 “Sec. 7a. Vending licenses and permits and criminal background checks.

246 “No applicant for a basic business license, a vending site permit, or any other licenses or

247 permits required to vend from a sidewalk, roadway or other public place pursuant to section 3

248 shall be required to undergo a criminal background check or provide a certified copy of a
249 criminal history report to any agency prior to or after receiving said licenses or permits.

250 “Sec. 7b. Food vending cart and vehicle design standards.

251 “(a) Food vending cart and vehicle designs shall be subject to rules promulgated by the
252 Department of Licensing and Consumer Protection; provided, that, food vending carts and
253 vehicles for vendors:

254 “(1) Selling only non-potentially hazardous uncut fruits and vegetables shall not
255 be required to include freshwater tanks, wastewater tanks, or food, ware, or hand washing sinks
256 or sink compartments; or

257 “(2) Selling non-potentially hazardous uncut fruits and vegetables, and potentially
258 hazardous pre-packaged foods, including frozen desserts, sandwiches, and pre-cut fruits and
259 vegetables, shall not be required to include freshwater tanks, or food, ware, or hand washing
260 sinks or compartments.

261 “(b)(1) The Department of Licensing and Consumer Protection shall, in consultation with
262 the Department of Health, establish a process through which businesses, community-based
263 organizations, and vendors can submit food vending cart designs and specifications for approval
264 by the Department of Licensing and Consumer Protection.

265 “(2) When determining whether to approve a specific food vending cart design,
266 the Department of Licensing and Consumer Protection shall consider the following:

267 “(A) Whether the food items that will be sold by users of the food vending
268 cart:

269 “(i) Are potentially hazardous, as defined in 25-A DCMR 9901;

270 “(ii) Will be prepared off-site or at the cart;

271 “(iii) Are packaged off-site, are packaged at the cart, or are
272 sold unpackaged;

273 “(B) Whether the application of existing food cart design requirements is
274 necessary given the food items that will be offered for sale; and

275 “(C) Whether the application of existing food cart design requirements
276 would render the sale of the proposed food items unfeasible due to the size or potential cost of
277 the cart.

278 “(3) When the Department of Licensing and Consumer Protection denies a
279 proposed food vending cart design, the Department shall provide the applicant with the specific
280 reasons and justifications for a denial. The business, non-profit, community-based organization,
281 or vendor who submitted the designs and specifications that were denied may, within 30 business
282 days of receiving a denial, submit revised food vending cart design plans and specifications for
283 consideration by the Department.

284 “(c) When the Department of Licensing and Consumer Protection approves a food
285 vending cart design, the Department shall post the final design, including any design
286 specifications and equipment requirements for the cart, publicly on its website.

287 “Sec. 7c. Food vending cart service and storage requirements.

288 “(a) Food vending carts may be serviced and stored in the following locations:

289 “(1) A vending depot that meets the requirements of 24 DCMR § 574;

290 “(2) A shared kitchen or support facility;

291 “(3) An existing, brick-and-mortar food establishment with a fixed location, such
292 as a delicatessen, bakery, or restaurant;

293 “(4) A community center; or

294 “(5) A cottage food business if the vending cart belongs to the cottage food
295 business; or

296 “(6) A microenterprise home kitchen business if the vending cart belongs to
297 the microenterprise home kitchen business.

298 “(b) A shared kitchen or support facility, existing food establishment with a fixed
299 location, or a community center may be permitted to support the servicing and storage of food
300 vending carts if:

301 “(1) The food vending cart will be stored in a space and manner that protects the
302 cart from contamination;

303 “(2) There is adequate space for the proper storage of inventory, such as food,
304 supplies, and utensils, used by the vendor;

305 “(3) There is adequate space for the cleaning of any food vending carts serviced
306 and stored at the facility;

307 “(4) The vendor has access to on-site food preparation and food handling areas, if
308 needed; and

309 “(5) The facility will provide access to hot and cold water, potable water,
310 electrical outlets, and receptacles or systems for the proper disposal of trash and food waste.

311 “(c) A ~~cottage food business~~ microenterprise home kitchen business may be permitted
312 to support the service and storage of up to two food vending carts if:

313 “(1) The food vending cart will be stored in a space and manner that protects the
314 cart from contamination;

315 “(2) The storage area is designated and clearly identified upon approval. The
316 storage area shall not be relocated without approval by the Department of Health;

317 “(3) The ~~cottage food business~~ microenterprise home kitchen business is
318 capable of supporting the proper preparation and storage of the food being sold from the food
319 vending cart.

320 “(d) An alternative service and storage facility, such as a private garage, may be
321 permitted to support the service and storage of up to four food vending carts if:

322 “(1) The vendors sell only prepackaged food or non-potentially hazardous uncut
323 fruits and vegetables;

324 “(2) The facility provides the vendor with access to on-site potable water;

325 “(3) The service and storage areas are free of pests such as rats; and

326 “(4) Food items are not prepared or stored in the facility.”

327 (d) Section 8(a) (D.C. Official Code § 37–131.07(a)) is amended to read as follows:

328 “(a)(1) Fees for vending licenses and permits required pursuant to this act shall be as
329 follows:

330 “(A) The biennial fee for a basic business license for any vendor shall be
331 \$99;

332 “(B) The annual fee for a vending site permit for sidewalk vending
333 locations shall be \$75;

334 “(C) The annual fee for a mobile roadway vending site permit shall be
335 \$150;

336 “(D) The fee for a monthly Vending Site Permit in the Nationals Park
337 Vending Zone shall be \$65 per monthly lottery, as described in 24 DCMR § 529; and

338 “(E) The fee for a monthly Vending Site Permit for stationary roadway
339 vending at Vending Locations designated by 24 DCMR 530 shall be \$225 per monthly lottery.

340 “(2) The Mayor may revise fees established in this subsection through the
341 promulgation of rules pursuant to Title I of the District of Columbia Administrative Procedure
342 Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*)”.

343 (e) Section 9 of (D.C. Official Code § 37-131.08) is amended to read as follows:

344 “Sec. 9. Penalties.

345 “(a) The following violations shall be Class 1 civil infractions and subject to fines
346 pursuant to 16 DCMR § 3201:

347 “(1) Vending without an active license, site permit, or other required licenses and
348 permits pursuant to section 3(a); and

349 “(2) Knowingly altering, falsifying, or misrepresenting any license, permit, or
350 certificate required pursuant to this act, or any other applicable laws or regulations.

351 “(b) All other violations of this act and applicable street vending regulations shall be
352 categorized as Class 2, 3, 4, or 5 civil infractions.

353 “(c) Prior to issuing a notice of infraction for violations of this act and applicable
354 regulations, the Mayor may give a verbal or written warning to the violator; provided, that this
355 shall not apply to violations listed under subsection (a) of this section.

356 “(d)(1) A person who violates subsection (a)(1) of this section in the presence of an
357 enforcement officer shall identify himself or herself at the direction of the officer by giving his or
358 her ~~true~~ **legal** name and **current** address. **If the person refuses to provide his or her legal**
359 **name and current address, or if the enforcement officer has reason to believe that the**
360 **person is providing an incorrect name or address, the enforcement officer may request that**
361 **the person provide reasonable identification.** Upon request of the enforcement officer, the
362 person shall produce reasonable identification.

363 “(2) If a person refuses to produce reasonable identification pursuant to paragraph
364 (1) of this subsection, the enforcement officer **may not make an arrest but** may detain the
365 person for a period of time not longer than is reasonably necessary to identify the person for
366 purposes of issuing notice of a civil infraction pursuant to section 201 of the Department of
367 Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C.
368 Law 6-42; D.C. Official Code § 2-1802.01).

369 “(3) For purposes of this subsection, the term:

370 **“(A) “Detain” means to verbally order a person to remain at his or**
371 **her current location or a nearby location specified by the enforcement officer.**

372 “(B) “Enforcement officer” means a person authorized to enforce the
373 provisions of this act; provided, that this shall not include an officer or member of the
374 Metropolitan Police Department of the District of Columbia.

375 **“(CB) “Reasonable identification” means any form of identification that**
376 **includes a person’s ~~true~~ legal name and current address.**

377 “(e) The Mayor shall issue a revised schedule of civil penalties for violations of this act
378 and rules promulgated pursuant to this act. The proposed schedule of civil penalties shall be
379 included with rules issued pursuant to section 11.”.

380 (f) New sections 9a, 9b, 9c, and 9d are added to read as follows:

381 “Sec. 9a. Sidewalk vending zones and licensing.

382 “(a) The Mayor may establish sidewalk vending zones through rulemaking. For each
383 sidewalk vending zone, the Mayor shall:

384 “(1) Establish vending locations, pursuant to an approved vending site plan
385 submitted by a sidewalk vending zone manager; provided, that no vending cart, stand, or table
386 shall be located within:

387 “(A) 20 feet of a driveway entrance to a police or fire station;

388 “(B) 10 feet of any other driveway;

389 “(C) 10 feet of an alley;

390 “(D) 20 feet of a street-level entry to a Metrorail escalator;

391 “(E) 10 feet of a street-level door to a Metrorail elevator;

392 “(F) A marked loading zone, entrance zone, or parking space designated
393 for diplomatic parking, or other curbside location restricted for certain vehicles or uses;

394 “(G) 10 feet of a fire hydrant or in-ground fire standpipe;

395 “(H) 5 feet from a building’s marked fire control room; or

396 “(I) A Metrobus Stop Zone, a commuter bus zone, an intercity bus zone,
397 or other curbside zone specifically designated and demarcated as being for transit use;

398 “(2) Permit sidewalk vendors to alternate from one vending location to another
399 within the same sidewalk vending zone, pursuant to an approved vending site plan submitted by
400 a sidewalk vending zone manager;

401 “(3) Require all sidewalk vendors to conspicuously display a basic business
402 license and any other legally required permits or certificates; and

403 “(4) Require all sidewalk vendors to vend from a temporary table or a vending
404 cart that contains no motor or open fires, is able to be moved by hand, and is no more than 4 feet
405 in width and 4 feet in length, unless the vendor vends food from a vending cart, in which case the

406 vending cart shall not exceed 5 feet in width and 8 feet in length and 8 feet 6 inches in height
407 from the bottom of the tire.

408 “(b)(1) The following persons may submit a written request to the Mayor for the
409 establishment of a sidewalk vending zone, the establishment of vending spaces within a proposed
410 sidewalk vending zone, or the establishment of or changes to vending spaces within an existing
411 sidewalk vending zone:

412 “(A) An affected Advisory Neighborhood Commissions;

413 “(B) An organization incorporated under the laws of the District, the
414 members of which are sidewalk vendors;

415 “(C) A non-profit incorporated under the laws of the District that provides
416 services or technical assistance to sidewalk vendors;

417 “(D) A citizens association incorporated under the laws of the District
418 located within the affected area; or

419 “(E) A Business Improvement District within the affected area. For
420 purposes of this paragraph, the term “Business Improvement District” shall have the same
421 meaning as set forth in section 3(6) of the Business Improvement Districts Act of 1996, effective
422 May 29, 1996 (D.C. Law 11-134; D.C. Official Code § 2–1215.02(6)).

423 “(2) The Mayor shall solicit community input and respond in writing to a request
424 made pursuant to paragraph (1) of this subsection within 60 days of its receipt. If the request is
425 denied, the written response shall provide an explanation for the decision.

426 “(c)(1) A sidewalk vending zone shall be supervised by a sidewalk vending zone
427 manager.

428 “(2) For a sidewalk vending zone authorized by this section, and for the Columbia
429 Heights-Mount Pleasant Sidewalk Vending Zone established by section 9b, the Mayor, by and
430 through the Department of Licensing and Consumer Protection, shall contract with a non-profit
431 organization for a sidewalk vending zone manager. The organization shall meet the following
432 requirements:

433 “(A) The organization has an active business license;

434 “(B) The organization has demonstrated knowledge of and expertise in
435 vending regulations;

436 “(C) The organization has demonstrated knowledge of and expertise in
437 food safety regulations;

438 “(D) The organization provides proof of a general liability insurance
439 policy in an amount and kind as determined by the Mayor; and

440 “(E) The organization provides proof that it has the resources necessary to
441 supply translation services to sidewalk vendors, as needed.

442 “(3) The Mayor shall give preference to organizations that have a demonstrated
443 history of working with, or providing services and technical assistance to, sidewalk vendors.

444 “(d)(1) A sidewalk vending zone manager shall:

445 “(A)(i) Submit a vending site plan to the Department of Licensing and
446 Consumer Protection. The vending site plan shall contain a diagram of all sidewalk vending
447 locations within the sidewalk vending zone. The diagram shall include the full name and license
448 number of each vendor, as well as the approximate dimensions of any cart, stand or table used by
449 each vendor;

450 “(ii) The Department shall approve or request modifications to a
451 vending site plan within 7 business days of receipt. The Department shall only request
452 modifications to a vending site plan when the plan conflicts with this act or presents an
453 immediate and significant hazard to pedestrians, cyclists or vehicular traffic;

454 “(iii) A request for modifications shall be made in writing to the
455 sidewalk vending zone manager and shall include the justification for the denial or requested
456 modifications. The Department shall respond to any proposed modifications within 7 business
457 days of receipt;

458 “(iv) Any changes to a vending site plan must be approved by the
459 Department before they may be implemented;

460 “(B) Provide accurate contact information of any onsite personnel to each
461 vendor in a sidewalk vending zone;

462 “(C) Develop and maintain policies and procedures to respond to and
463 mediate disputes between sidewalk vendors in a sidewalk vending zone. The policies and
464 procedures shall be written and shall be provided to each vendor in a sidewalk vending zone in
465 his or her preferred language;

466 “(D) Maintain an accurate list of sidewalk vendors operating within a
467 sidewalk vending zone, including contact information and basic information on items being sold
468 by each sidewalk vendor. This list shall include the full name, license number, business address
469 of each sidewalk vendor, and a diagram of the vending location. Any change of information shall
470 be provided to the Department within 24 hours of that change;

471 “(E) Maintain a daily log of supervision activity, including information on
472 technical assistance provided to sidewalk vendors, mediations conducted, and corrective actions
473 taken to ensure sidewalk vendors are in compliance with the law and regulations;

474 “(F) Provide technical support to sidewalk vendors in a sidewalk vending
475 zone, as needed; ~~and~~

476 “(G) Take all necessary and reasonable actions to ensure that a sidewalk
477 vendor is compliant with all health laws and regulations; **and**

478 **“(H) Successfully pass an accredited Food Protection Manager**
479 **Certification Program.”**

480 “(2) Any documentation required pursuant to paragraph (1) of this subsection
481 shall be made available to the Mayor timely upon request.

482 “Sec. 9b. Establishment of the Columbia Heights-Mount Pleasant Sidewalk Vending
483 Zone.

484 “(a) There is established the Columbia Heights-Mount Pleasant Sidewalk Vending Zone,
485 comprised of the geographic area bounded by a line that begins on the southwest corner of the
486 intersection of 16th Street, N.W., and Fuller Avenue, N.W., then north along the west side of 16th
487 Street, N.W., until the southwest corner of 16th Street, N.W., and Harvard Street, N.W., then
488 north along the west side Harvard Street, N.W., until the northwest corner of the intersection of
489 Harvard Street, N.W., and Argonne Place, N.W., then east along the north side of Argonne Place,
490 N.W., until the northwest corner of the intersection of Argonne Place, N.W., and Mount Pleasant
491 Street, N.W., then north along the west side of Mount Pleasant Street, N.W., until the northwest
492 corner of the intersection of Irving Street, N.W., and Mount Pleasant Street, N.W., then west
493 along Irving Street, N.W. until the southwest corner of the intersection Irving Street, N.W., and

494 17th Street, N.W., then north along 17th Street, N.W., until the northwest corner of the
495 intersection of 17th Street, N.W. and Park Road, N.W., then east along Park Road, N.W., until the
496 northwest corner of the intersection of Park Road, N.W., and 14th Street, N.W., then north along
497 the west side 14th Street, N.W., until the northwest corner of 14th Street, N.W. and Ogden Street,
498 N.W., then north on the west side of Ogden Street, N.W., until the northwest corner of the
499 intersection of Ogden Street, N.W., and Oak Street, N.W., then east along the north side of Oak
500 Street, N.W., until the northwest corner of Oak Street, N.W., and 14th Street, N.W., then north
501 along the west of 14th Street, N.W., until the northwest corner of the intersection of 14th Street,
502 N.W., and Spring Road, N.W., and south along the east side of 14th Street, N.W., to the northeast
503 corner of 14th Street, N.W. and Newton Street, N.W., then east along the north side of Newton
504 Street, N.W., until the northeast corner of the intersection of Newton Street, N.W., and Holmead
505 Place, N.W., then south along the east side of Holmead Place, N.W., until the northeast corner of
506 the intersection of Holmead Place, N.W., and Park Road, N.W., then east along the north side of
507 Park Road, N.W., until the northeast corner of the intersection of Park Road, N.W., and 13th
508 Street, N.W., then south on the east side 13th Street, N.W., until the southeast corner at the
509 intersection of 13th Street, N.W., and Girard Street, N.W., then east along the south side of
510 Girard Street, N.W., until the southeast corner of the intersection of 15th Street, N.W., and Girard
511 Street, N.W., then south along the west side of 15th Street, N.W., until the southeast corner of the
512 intersection of 15th Street, N.W., and Fuller Street , N.W., then east along the south side of Fuller
513 Street, N.W., until the southwest corner of the intersection at Fuller Street, N.W., and 16th Street,
514 N.W.

515 “(b)(1) The Columbia Heights-Mount Pleasant Sidewalk Vending Zone shall contain the
516 following areas for the siting of vending locations:

517 “(A) Sidewalks surrounding Reservation 309, and public space in
518 Reservation 309;
519 “(B) Sidewalks surrounding Reservation 309G, and public space in
520 Reservation 309G over which the District has jurisdiction;
521 “(C) Sidewalks surrounding Reservation 310B, and public space in
522 Reservation 310B;
523 “(D) Eastern and western sidewalks of Mt. Pleasant Street, N.W., between
524 Harvard Street, N.W., and Park Road, N.W., including all sidewalk space on:
525 (i) The southeast corner of Mt. Pleasant Street, N.W., and Lamont
526 Street, N.W., and
527 “(ii) The southeast corner of Mt. Pleasant Street, N.W., and Park
528 Road, N.W.;;
529 “(E) Eastern and western sidewalks of 14th Street, N.W., between
530 Columbia Road, N.W., and Monroe Street, N.W.;;
531 “(F) The western sidewalk of 14th Street, N.W., between Parkwood Place,
532 N.W., and Perry Place, N.W.;;
533 “(G) Northern sidewalk of Park Road, N.W., between 14th Street, N.W.,
534 and Holmead Place, N.W.;;
535 “(H) Northern sidewalk of Monroe Street, N.W., between 14th Street
536 N.W., and the public alley located between Lots 21 and 144 of Square 2836;
537 “(I) Southern sidewalk of Monroe Street, N.W., between 14th Street,
538 N.W., and the public alley located between Lots 76 and 79 of Square 2837;

539 “(J) Northern and southern sidewalks or Irving Street, N.W., between 14th
540 Street, N.W., and Mt. Pleasant Street, N.W.;

541 “(K) Civic Plaza in Lot 834 of Square 2843, bounded by 14th Street,
542 N.W., Kenyon Street, N.W., and Park Road, N.W.;

543 “(L) Southern sidewalk of Columbia Road, N.W., between 14th Street,
544 N.W., and 15th Street, N.W.; and

545 “(M) Southern sidewalk of Lamont Street, N.W., between Mount Pleasant
546 Street, N.W., and 16th Street, N.W.

547 “(2) For each area listed under paragraph (1) of this subsection, the Mayor shall,
548 in coordination with a sidewalk vending zone manager and pursuant to an approved vending site
549 plan, establish vending locations at which sidewalk vendors may locate. Vending locations
550 within the Columbia Heights-Mount Pleasant Sidewalk Vending Zone shall not violate the
551 restrictions of section 9a(a)(1).

552 “(c) The Mayor may add additional areas within the boundaries of the Columbia Heights-
553 Mount Pleasant Sidewalk Vending Zone established pursuant to subsection (a) of this section for
554 the purpose of siting additional vendor locations; provided, that any additional areas shall be
555 established pursuant to an approved vending site plan.

556 “(d)(1) The Mayor shall issue a request for proposals (“RFP”) for a sidewalk vending
557 zone manager for the Columbia Heights-Mount Pleasant Sidewalk Vending Zone no later than
558 60 days after the effective date of the Street Vendor Advancement Amendment Act of 2023.

559 “(2) In the process of developing the RFP, the Mayor shall solicit input from
560 sidewalk vendors and community-based organizations and non-profits providing technical
561 assistance or legal services to vendors.

562 “(e)(1) The Mayor shall execute a contract with an entity selected through the RFP
563 process set forth in subsection (c) of this section no later than 120 days after the effective date of
564 the Street Vendor Advancement Amendment Act of 2023.

565 “(2) If a contract with a sidewalk vending zone manager is not executed within
566 120 days following effective date of the Street Vendor Advancement Amendment Act of 2023,
567 sidewalk vendors shall be able to locate and operate in areas of the Columbia Heights-Mount
568 Pleasant Sidewalk Vending Zone.

569 “Sec. 9c. Street vending amnesty program.

570 “(a) There is established an amnesty program for any person applying to be a street
571 vendor who is liable for delinquent:

572 “(1) Fines for violations of this chapter and rules from 2010 to the effective date
573 of the Street Vendor Advancement Amendment Act of 2023, including any accrued interest; and

574 “(2) Minimum sales tax payments owed pursuant to § 47-2002.01 from 2010 to
575 the effective date of the Street Vendor Advancement Amendment Act of 2023, including any
576 accrued interest, **pursuant to § 47-2002.01(e)**.

577 “(b) The amnesty program shall be available for 5 years following its establishment.

578 “(c) A person may participate in the amnesty program by filing an application for
579 amnesty with the Mayor that includes:

580 “(1) A basic business license application;

581 “(2) A vending site permit application for a sidewalk vending location;

582 “(3) A copy of each unpaid citation received by the applicant, and the amount
583 owed by the applicant for each citation; and

584 “(4) Documentation verifying the amount of delinquent minimum sales tax owed
585 to the Office of Tax and Revenue.

586 “(d) While the amnesty program is accepting applications, the Mayor shall publicize the
587 terms and conditions of the amnesty program.

588 “(e) For purposes this section, the term “street vendor” means a person licensed to vend
589 from a sidewalk, roadway, or other public space pursuant to section 3.

590 “Sec. 9d. Columbia Heights-Mount Pleasant public asset and vendor support study.

591 “(a) The Mayor shall commission a study to:

592 “(1) Identify potential spaces for the storage and servicing of sidewalk vending
593 carts within or near the Columbia Heights-Mount Pleasant Sidewalk Vending Zone, including
594 any cost estimates for acquiring the space and making necessary improvements;

595 “(2) Identify potential locations for the siting of public restroom facilities within
596 or near the Columbia Heights-Mount Pleasant Sidewalk Vending Zone, including cost estimates
597 of any work that would be required to construct a public restroom facility;

598 “(3) Recommendations for capital improvements at areas within the Columbia
599 Heights-Mount Pleasant Sidewalk Vending Zone to better accommodate vending activity and
600 pedestrian access; and

601 “(4) Identify potential locations for an indoor vending market within or near the
602 Columbia Heights-Mount Pleasant Sidewalk Vending Zone, including cost estimates for
603 acquiring the land if necessary.

604 “(b) The Mayor shall submit the study required pursuant to paragraph (1) no later than
605 one year after the effective date of the Street Vendor Advancement Amendment Act of 2023.”.

606 **Sec. 4. Section 47-2002.01 is amended by adding a new subsection (e) to read as**
607 **follows:**
608 **“(e) The Chief Financial Officer shall, pursuant to § 37-131.08c and in coordination**
609 **with the Department of Licensing and Consumer Protection, provide amnesty to a**
610 **taxpayer liable for delinquent MST payments from January 1, 2010 to the effective date of**
611 **the Street Vendor Advancement Amendment Act of 2023, including any accrued interest.”.**

612 Sec. **54**. Applicability.

613 (a) **This Sections 2, 3(a), 3(b), 3(c), 3(d), 3(f) and 4 of this** act shall apply upon the date
614 of inclusion of their fiscal effect in an approved budget and financial plan.

615 (b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in
616 an approved budget and financial plan, and provide notice to the Budget Director of the Council
617 of the certification.

618 (c)(1) The Budget Director shall cause the notice of the certification to be published in
619 the District of Columbia Register.

620 (2) The date of publication of the notice of the certification shall not affect the
621 applicability of this act.

622 Sec. **64**. Fiscal impact statement.

623 The Council adopts the fiscal impact statement in the committee report as the fiscal
624 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
625 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

626 Sec. **75**. Effective date.

627 This act shall take effect after approval by the Mayor (or in the event of veto by the
628 Mayor, action by the Council to override the veto), a 30-day period of congressional review as

629 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
630 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
631 Columbia Register.