

August 30, 2017

Mayor Eric Garcetti  
Councilmembers, Los Angeles City Council  
200 N. Spring St.  
Los Angeles, CA 90012

Dear Honorable Mayor Garcetti and Members of the Los Angeles City Council:

We, the undersigned immigrants' rights and workers' rights groups, urge the immediate adoption of an ordinance that will finally *complete* the City's stated commitment to decriminalize street vending in Los Angeles.

In February, the City Council took an important first step by adopting an ordinance to remove criminal penalties for a violation of Municipal Code section 42.00, which regulates vending on sidewalks.<sup>1</sup> In adopting this ordinance, the Council recognized the escalating threats facing immigrant communities under the new administration, and determined that continuing to impose criminal misdemeanor penalties for vending would be unjust and counterproductive. In signing this first ordinance, Mayor Garcetti called decriminalization of street vending "a humane, critical first step toward protecting hard-working Angelenos who are trying to make an honest living and should not have to worry about a criminal record." The City's action followed calls by community groups to end the criminalization of street vending.<sup>2</sup>

We applaud the City for committing to better protect the thousands of immigrant street vendors and their families. However, **this work is not yet complete**. Street vendors are routinely cited under *three* distinct code sections. In addition to Section 42.00, which regulates vending on sidewalks, Section 63.44 regulates vending in parks, and Section 80.73 regulates "peddling" from vehicles or pushcarts. Street vendors continue to receive citations under these code sections. Yet, as of today, only Section 42.00 has been decriminalized.

As a result, park vendors may still be charged with a misdemeanor under Section 63.44. And sidewalk vendors charged under Section 80.73 will face infraction penalties, which can quickly escalate to misdemeanor charges. The consequences of misdemeanor prosecution for street vending are numerous and disproportionate, particularly for immigrant vendors.<sup>3</sup>

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<sup>1</sup> See Ordinance No. 184765 (February 15, 2017), *available at* [http://clkrep.lacity.org/onlinedocs/2013/13-1493\\_ORD\\_184765\\_2-21-17.pdf](http://clkrep.lacity.org/onlinedocs/2013/13-1493_ORD_184765_2-21-17.pdf)

<sup>2</sup> See Letter from NGOs to LA City Leaders (November 2, 2016), *available at* [https://www.aclusocal.org/sites/default/files/ltr\\_frm\\_ngos\\_support\\_street\\_vending\\_legalization.pdf](https://www.aclusocal.org/sites/default/files/ltr_frm_ngos_support_street_vending_legalization.pdf)

<sup>3</sup> See *id.* (discussing immigration consequences of misdemeanor prosecutions).

Moreover, it is important to recognize that undocumented vendors may be at heightened risk for deportation even if they are not ultimately charged or convicted under these sections. Under a new executive order on immigration enforcement, immigration officials are instructed to prioritize for deportation those that have merely “committed acts that constitute a chargeable criminal offense.”<sup>4</sup> The failure to remove criminal penalties for vending *throughout* the code therefore unnecessarily places immigrant Angelenos at heightened risk of deportation under the administration’s new approach to immigration enforcement.

Fortunately, there is an easy solution to this problem. We urge the City to enact a new urgency ordinance to decriminalize Sections 63.44 and 80.73. This could be modeled after Ordinance no. 184765 to state that any violation of these Sections shall only be punishable as a citation issued under the City’s Administrative Citation Enforcement Program. We believe this is a simple - but absolutely necessary - step to protect immigrant vendors and achieve internal consistency within the code.

We understand there are many issues to be considered in the eventual creation of a permitting program for legal vending on sidewalks and parks. Decriminalization of Sections 63.44 and 80.73 is a necessary step that will not impede, expedite or otherwise affect those important conversations. As permitting details are worked out, enforcement of vending rules may continue under an established non-criminal administrative process. Decriminalization of Sections 63.44 and 80.73 will however, fulfill the City’s stated “moral imperative” to better protect immigrant vendors from the egregious and unjust threats posed by this administration’s draconian immigration policy and enforcement practices.

The City must finish the work of decriminalization, and we urge immediate action.

Sincerely,

ACLU of Southern California  
Asian Americans Advancing Justice—LA  
Bet Tzedek Legal Services  
California Immigrant Policy Center  
California Immigrant Youth Justice Alliance  
CARECEN  
Clergy and Laity United for Economic Justice (CLUE)  
CLUE P ♀ WER: People Organizing for Women’s Economic Rights  
Coalition for Humane Immigrant Rights of Los Angeles

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<sup>4</sup> See “Executive Order: Enhancing Public Safety in the Interior of the United States,” <https://www.whitehouse.gov/the-press-office/2017/01/25/presidential-executive-order-enhancing-public-safety-interior-united>

Koreatown Immigrant Workers Alliance  
LA Street Vendor Campaign  
LA Voice  
National Day Labor Organizing Network  
National Domestic Workers Alliance  
National Immigration Law Center  
National Lawyers Guild—Los Angeles  
Public Counsel  
UCLA Labor Center