



www.legalaiddc.org
1331 H Street, NW
Suite 350
Washington, DC 20005
(202) 628-1161

**Testimony of Jen Jenkins
Policy Manager, Systemic Advocacy and Law Reform
Legal Aid DC**

**Before the Committee on Public Works and Operations
Council of the District of Columbia**

**Performance Oversight Hearing Regarding the Department of Licensing and
Consumer Protection**

January 18, 2025

Legal Aid DC¹ submits the following testimony regarding the Department of Licensing and Consumer Protection issuance of Microenterprise Home Kitchen (“MHK”) Regulations under the Street Vendor Advancement Act of 2023. We urge this committee to ensure that the Department of Licensing and Consumer Protection (“DLCP”) coordinates with DC Health, correctly interprets the law, and promulgates its rules accordingly.

As a threshold matter, DLCP’s regulations are overdue.² We therefore urge the Committee to obtain a clear timeline for promulgation of the rules.

¹ Legal Aid DC is the oldest and largest general civil legal services program in the District of Columbia. The largest part of our work is comprised of individual representation in housing, domestic violence/family, public benefits, and consumer law. We also work on immigration law matters and help individuals with the collateral consequences of their involvement with the criminal legal system. From the experiences of our clients, we identify opportunities for court and law reform, public policy advocacy, and systemic litigation. For more information, visit www.LegalAidDC.org.

² Based on calendar days, DLCP’s emergency regulations should have been issued by Tuesday August 15, 2023, and the permanent regulations should have been issued by Sunday, October 29, 2023. See § 4937 of the Street Vendor’s Advancement Act of 2023.

Regulations Should Reflect the Plain Language and Intent of the Street Vendor Advancement Act in Defining Scope of Locations

DC Health in its most recently proposed rules states that “the Street Vendor Act does not authorize the sale of food from residential kitchens through ... pickup/delivery” and that the vending site permit requirement limits “direct to consumer sales of ready-to-eat food products to vending carts owned by the Microenterprise Home Kitchen Business at specific vending locations designated by the Mayor.”³

This is a misinterpretation of the law and contravenes the Council’s intent of promulgating the Street Vendors Advancement Act. The law explicitly states that MHK businesses can “sell directly to consumers,”⁴ and the Council intended for the expansion of vending zones beyond Columbia Heights.⁵ The Committee Report for the Street Vendor Advancement Amendment Act of 2023 also distinctly outlined that the Council intended to allow MHK businesses to make direct consumer sales from home.⁶ Therefore, DLCP’s regulations should demonstrate MHKs’ ability to sell directly to consumers by reflecting the plain language of the law in their MHK regulations.

MHK Regulations Should Be Enforced by Either DC Health or DLCP, Not MPD

Legal Aid is deeply concerned that DLCP may allow police officers to serve notice for violation of MHK regulations. Unnecessary police contact with vendors is contrary to the Council’s intent and could particularly be harmful to a food service community comprised

³ DC Department of Health, Notice of Second Emergency and Proposed Rulemaking (Dec. 10, 2024) at 2 (internal quotation marks omitted).

⁴ D.C. Code § 7-742.11(3)(B).

⁵ See Council of the District of Columbia, Committee of the Whole, March 7, 2023, https://lims.dccouncil.gov/downloads/LIMS/52155/Committee_Report/B25-0068-Committee_Report1.pdf?ld=159357 at 123 (Footnote 5 says “Authorized locations include a vending depot, shared kitchen or support facility, existing brick and mortar food establishment, community center, or cottage food business.”) at 124.

⁶ See Council of the District of Columbia, Committee of the Whole, March 7, 2023, https://lims.dccouncil.gov/downloads/LIMS/52155/Committee_Report/B25-0068-Committee_Report1.pdf?ld=159357 at 123 (Footnote 5 says “Authorized locations include a vending depot, shared kitchen or support facility, existing brick and mortar food establishment, community center, or cottage food business.”).

primarily of immigrants.⁷ Cottage food vendors, who are similarly situated to MHK vendors, are provided with notices of violation solely from DLCP; MHKs should not be treated differently.⁸ Therefore, DLCP should ensure that police do not provide notice of a violation in the proposed MHK regulations.

Conclusion

Legal Aid appreciates the opportunity to express our concerns and recommendations on the Microenterprise Home Kitchen Regulations. Street vendors comprise a part of our client community, as such, legally sufficient and timely MHK regulations are vital for their ability to work and live in the District.

⁷ See Council of the District of Columbia, Committee of the Whole, March 7, 2023, https://lms.dccouncil.gov/downloads/LIMS/52155/Committee_Report/B25-0068-Committee_Report1.pdf?ld=159357 at 124 (FN 13 states: “The bill allows an enforcement officer, excluding a Metropolitan Police Department officer, to temporarily detain an individual who refuses to produce reasonable identification until the individual can be properly identified for the purposes of issuing a notice of violation.”); Kinjo Kiema, The Criminalization of Unlicensed Street Vendors Fuels State-sanctioned Violence, (Jan. 26, 2022) PRISM, <https://prismreports.org/2022/01/26/the-criminalization-of-unlicensed-street-vendors-fuels-state-sanctioned-violence/>.

⁸ 25K DCMR § 108.