ENROLLED ORIGINAL

AN ACT

D.C. ACT 25-94

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 4, 2023

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 to apply for a microenterprise home kitchen permit, to limit the requirements the Department of Health can impose for a microenterprise home kitchen permit; 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 to 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. Official Code to authorize the Chief Financial Officer to provide amnesty for street vendors liable for delinquent minimum sales tax payments in coordination with the Department of Licensing and Consumer Protection.

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

Sec. 2. The Department of Health Functions Clarification Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7-731 *et seq.*), is amended by adding a new subtitle C-i to read as follows:

"Subtitle C-i. Microenterprise Home Kitchens.

"Sec. 4935. Definitions.

"For the purposes of this subtitle, the term:

"(1) "Department" means the Department of Health.

"(2) "Food establishment" shall have the same meaning as provided in section 2(5) of An Act Relating to the adulteration of foods and drugs in the District of Columbia, approved February 17, 1898 (30 Stat. 246; D.C. Official Code § 48-102(5)).

"(3) "Microenterprise home kitchen business means a business that:

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

"(B) Sells ready-to-eat food products directly to consumers in accordance with section 4936 and regulations adopted by the Department of Health;

"(C) Has obtained a home occupancy permit from the Department of Licensing and Consumer Protection pursuant to section 203 of Title 11 of the District of Columbia Municipal Regulations (11 DCMR § 203);

"(D) Does not prepare food with processes that require a Hazard Analysis and Critical Control Point (HACCP) Plan pursuant to section 4202 of Title 25-A of the District of Columbia Municipal Regulations (25-A DCMR § 4202);

"(E) Does not include food manufacturing, and does not prepare alcohol-infused food products or food products containing cannabis, CBD, Kava, Kratom or any other unapproved food additive;

"(F) Is not a catering business, cottage food business, bed and breakfast, residence-based group home facility, or food truck;

"(G) Meets labeling requirements set forth in rules issued by the Department; and

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

"(4) "Microenterprise home kitchen permit" means a permit issued by the Department to an operator for the purpose of operating a microenterprise home kitchen business.

"(5) "Operator" means an individual who resides in the private home and who manages or controls the microenterprise home kitchen business.

"(6) "Ready-to-eat food" means:

"(A) Fully cooked food, including, but not limited to, meat, fish, fruit, and vegetables;

"(B) Raw fruit and vegetables that are washed and offered for sale whole or chopped;

"(C) Any other time or temperature control food that is cooked to the temperature and time required for the specific food in accordance with regulations made by the Department; or

"(D) A bakery item for which further cooking is not required for food safety.

"(7) "Time or temperature control food" means food that requires time or temperature controls for safety to limit pathogenic microorganism growth or toxin formation.

"Sec. 4936. Microenterprise Home Kitchen Businesses.

"(a) This section shall not:

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

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

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

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

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

"(e)(1) The Department may enter the premises of a microenterprise home kitchen business with a permit issued by the Department during the operating hours of the microenterprise home kitchen to conduct:

"(A) Scheduled pre-operational and compliance inspections with reasonable advance notice of the inspection; or

"(B) Unannounced inspections when the Department has a valid reason, which could include a consumer complaint, to suspect that a microenterprise home kitchen poses an imminent health hazard or is the source of an adulterated food or of an outbreak of illness caused by a contaminated food.

"(2) The Department shall document the reason for any inspection after an initial inspection, keep a copy of the documentation on file with the microenterprise home kitchen's permit, and provide a copy of that documentation to the operator.

"(f) An operator may qualify for a microenterprise home kitchen permit; provided, that:

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

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

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

"(A) Proposed procedures and methods for how all food will be stored, handled, and prepared;

"(B) Proposed procedures and methods of food preparation and handling;

"(C) Procedures, methods, and schedules for cleaning utensils and equipment;

"(D) Procedures and methods for the disposal of refuse; and

"(E) A plan for maintaining time or temperature control food at the appropriate temperatures for each time or temperature control food.

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

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

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

"(g) An operator can apply to amend their permit by submitting a written proposal in a format determined in rules developed by the Department;

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

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

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

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

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

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

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

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

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

"(i) The Department has the authority to issue citations and summarily suspend or revoke a permit if an operator is not complying with any provisions set forth in this section.

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

"Sec. 4937. Rulemaking.

(a) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall promulgate emergency rules to implement the provisions of this subtitle no later than 45 days after the effective date of the Street Vendor Advancement Amendment Act of 2023, passed on 2nd reading on April 4, 2023 (Enrolled version of Bill 25-68).

(b) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall promulgate final rules to implement the provisions of this subtitle no later than 120 days after the effective date of the Street Vendor Advancement Amendment Act of 2023, passed on 2nd reading on April 4, 2023 (Enrolled version of Bill 25-68).".

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

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

"Sec. 2. Definitions.

"For the purposes of this act, the term:

"(1) "Fund" means the Vending Regulation Fund established by section 8(b).

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

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

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

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

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

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

"(8) "Vending site permit" means a permit or other authorization issued by the Mayor for a vending location.".

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

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

"(1) A basic business license;".

(2) Subsection (c) is repealed.

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

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

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

"(2) Friday and Saturday from 5:00 a.m. to 1:00 a.m. the next day; provided, that vendors operating in Residential Zones, as specified in the District of Columbia Zoning Regulations, shall not vend past 10:00 p.m. on any night of the week.".

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

"Sec. 7a. Vending licenses and permits and criminal background checks.

"No applicant for a basic business license, a vending site permit, or any other licenses or permits required to vend from a sidewalk, roadway, or other public place pursuant to section 3 shall be required, in connection with said application, to undergo a criminal background check or provide a certified copy of a criminal history report to any agency prior to or after receiving said licenses or permits.

"Sec. 7b. Food vending cart and vehicle design standards.

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

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

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

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

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

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

"(i) Are potentially hazardous, as defined in section 9901 of Title 25-A of the District of Columbia Municipal Regulations (25-A DCMR § 9901);

"(ii) Will be prepared off-site or at the cart; and

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

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

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

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

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

"Sec. 7c. Food vending cart service and storage requirements.

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

"(1) A vending depot that meets the requirements of section 574 of Title 24 of the District of Columbia Municipal Regulations (24 DCMR § 574);

"(2) A shared kitchen or support facility;

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

"(4) A community center;

"(5) A cottage food business if the vending cart belongs to the cottage food business; or

"(6) A microenterprise home kitchen business if the vending cart belongs to the microenterprise home kitchen business.

"(b) A shared kitchen or support facility, existing food establishment with a fixed location, or a community center may be permitted to support the servicing and storage of food vending carts; provided, that:

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

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

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

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

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

"(c) A microenterprise home kitchen business may be permitted to support the service and storage of up to two food vending carts; provided, that:

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

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

"(3) The microenterprise home kitchen business is capable of supporting the proper preparation and storage of the food being sold from the food vending cart.

"(d) An alternative service and storage facility, such as a private garage, may be permitted to support the service and storage of up to 4 food vending carts; provided, that:

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

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

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

"(4) Food items are not prepared or stored in the facility.".

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

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

"(A) The biennial fee for a basic business license for any vendor shall be $99;

"(B) The annual fee for a vending site permit for sidewalk vending locations shall be $75;

"(C) The annual fee for a mobile roadway vending site permit shall be $150;

"(D) The fee for a monthly vending site permit in the Nationals Park Vending Zone, as described in section 529 of Title 24 of the District of Columbia Municipal Regulations (24 DCMR § 529) shall be $65 per monthly lottery; and

"(E) The fee for a monthly vending site permit for stationary roadway vending at vending locations designated by section 530 of Title 24 of the District of Columbia Municipal Regulations (24 DCMR § 530) shall be $225 per monthly lottery.

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

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

"Sec. 9. Penalties.

"(a) The following violations shall be Class 1 civil infractions and subject to fines pursuant to section 3201 of Title 16 of the District of Columbia Municipal Regulations (16 DCMR § 3201):

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

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

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

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

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

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

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

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

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

"(C) "Reasonable identification" means any form of identification that includes a person's legal name and current address.

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

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

"Sec. 9a. Sidewalk vending zones and licensing.

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

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

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

"(B) 10 feet of any other driveway;

"(C) 10 feet of an alley;

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

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

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

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

"(H) 5 feet from a building's marked fire control room; or

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

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

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

"(4) Require all sidewalk vendors to vend from a temporary table or a vending cart that contains no motor or open fires, is able to be moved by hand, and is no more than 4 feet in width and 4 feet in length, unless the vendor vends food from a vending cart, in which case the vending cart shall not exceed 5 feet in width and 8 feet in length and 8 feet 6 inches in height from the bottom of the tire.

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

"(A) An affected Advisory Neighborhood Commission;

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

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

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

"(E) A Business Improvement District within the affected area. For purposes of this paragraph, the term "Business Improvement District" shall have the same meaning as set forth in section 3(7) of the Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11-134; D.C. Official Code § 2–1215.02(7)).

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

"(c)(1) A sidewalk vending zone shall be supervised by a sidewalk vending zone manager.

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

"(A) The organization has an active business license;

"(B) The organization has demonstrated knowledge of and expertise in vending regulations;

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

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

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

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

"(d)(1) A sidewalk vending zone manager shall:

"(A) Submit a vending site plan to the Department of Licensing and Consumer Protection;

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

"(C) Develop and maintain policies and procedures to respond to and mediate disputes between sidewalk vendors in a sidewalk vending zone, which shall be written and shall be provided to each vendor in a sidewalk vending zone in his or her preferred language;

"(D) Maintain an accurate list of sidewalk vendors operating within a sidewalk vending zone, including contact information and basic information on items being sold by each sidewalk vendor;

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

"(F) Provide technical support to sidewalk vendors in a sidewalk vending zone, as needed;

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

"(H) Successfully pass an accredited Food Protection Manager Certification Program.

"(2)(A) A vending site plan submitted pursuant to paragraph (1)(A) of this subsection shall contain a diagram of all sidewalk vending locations within the sidewalk vending zone. The diagram shall include the full name and license number of each vendor, as well as the approximate dimensions of any cart, stand or table used by each vendor.

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

"(C) A request for modifications shall be made in writing to the sidewalk vending zone manager and shall include the justification for the denial or requested modifications. The Department shall respond to any proposed modifications within 7 business days of receipt.

"(D) Any changes to a vending site plan must be approved by the Department before they may be implemented.

"(3)(A) The list maintained pursuant to paragraph (1)(D) of this subsection shall include the full name, license number, business address of each sidewalk vendor, and a diagram of the vending location.

"(B) Any change of information shall be provided to the Department within 24 hours of that change.

"(4) Any documentation required pursuant to paragraph (1) of this subsection shall be made available to the Mayor timely upon request.

"Sec. 9b. Establishment of the Columbia Heights-Mount Pleasant Sidewalk Vending Zone.

"(a) There is established the Columbia Heights-Mount Pleasant Sidewalk Vending Zone, comprised of the geographic area bounded by a line that begins on the southwest corner of the intersection of 16th Street, NW, and Fuller Avenue, NW, then north along the west side of 16th Street, NW, until the southwest corner of 16th Street, NW, and Harvard Street, NW, then north

along the west side Harvard Street, NW, until the northwest corner of the intersection of Harvard Street, NW, and Argonne Place, NW, then east along the north side of Argonne Place, NW, until the northwest corner of the intersection of Argonne Place, NW, and Mount Pleasant Street, NW, then north along the west side of Mount Pleasant Street, NW, until the northwest corner of the intersection of Irving Street, NW, and Mount Pleasant Street, NW, then west along Irving Street, NW until the southwest corner of the intersection of Irving Street, NW, and 17th Street, NW, then north along 17th Street, NW, until the northwest corner of the intersection of 17th Street, NW, and Park Road, NW, then east along Park Road, NW, until the northwest corner of the intersection of Park Road, NW, and 14th Street, NW, then north along the west side of 14th Street, NW, until the northwest corner of 14th Street, NW, and Ogden Street, NW, then north on the west side of Ogden Street, NW, until the northwest corner of the intersection of Ogden Street, NW, and Oak Street, NW, then east along the north side of Oak Street, NW, until the northwest corner of Oak Street, NW, and 14th Street, NW, then north along the west side of 14th Street, NW, until the northwest corner of the intersection of 14th Street, NW, and Spring Road, NW, then south along the east side of 14th Street, NW, to the northeast corner of 14th Street, NW, and Newton Street, NW, then east along the north side of Newton Street, NW, until the northeast corner of the intersection of Newton Street, NW, and Holmead Place, NW, then south along the east side of Holmead Place, NW, until the northeast corner of the intersection of Holmead Place, NW, and Park Road, NW, then east along the north side of Park Road, NW, until the northeast corner of the intersection of Park Road, NW, and 13th Street, NW, then south on the east side of 13th Street, NW, until the southeast corner of the intersection of 13th Street, NW, and Girard Street, NW, then east along the south side of Girard Street, NW, until the southeast corner of the intersection of 15th Street, NW, and Girard Street, NW, then south along the west side of 15th Street, NW, until the southeast corner of the intersection of 15th Street, NW, and Fuller Street, NW, then east along the south side of Fuller Street, NW, until the southwest corner of the intersection of Fuller Street, NW, and 16th Street, NW

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

"(A) Sidewalks surrounding Reservation 309, and public space in Reservation 309;

"(B) Sidewalks surrounding Reservation 309G, and public space in Reservation 309G over which the District has jurisdiction;

"(C) Sidewalks surrounding Reservation 310B, and public space in Reservation 310B;

"(D) Eastern and western sidewalks of Mt. Pleasant Street, NW, between Harvard Street, NW, and Park Road, NW, including all sidewalk space on:

"(i) The southeast corner of Mt. Pleasant Street, NW, and Lamont Street, NW, and

"(ii) The southeast corner of Mt. Pleasant Street, NW, and Park Road, NW;

"(E) Eastern and western sidewalks of 14th Street, NW, between Columbia Road, NW, and Monroe Street, NW;

"(F) Western sidewalk of 14th Street, NW, between Parkwood Place, NW, and Perry Place, NW;

"(G) Northern sidewalk of Park Road, NW, between 14th Street, NW, and Holmead Place, NW;

"(H) Northern sidewalk of Monroe Street, NW, between 14th Street NW, and the public alley located between Lots 21 and 144 of Square 2836;

"(I) Southern sidewalk of Monroe Street, NW, between 14th Street, NW, and the public alley located between Lots 76 and 79 of Square 2837;

"(J) Northern and southern sidewalks or Irving Street, NW, between 14th Street, NW, and Mt. Pleasant Street, NW;

"(K) Civic Plaza in Lot 834 of Square 2843, bounded by 14th Street, NW, Kenyon Street, NW, and Park Road, NW;

"(L) Southern sidewalk of Columbia Road, NW, between 14th Street, NW, and 15th Street, NW; and

"(M) Southern sidewalk of Lamont Street, NW, between Mount Pleasant Street, NW, and 16th Street, NW

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

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

"(d)(1) The Mayor shall issue a request for proposals ("RFP") for a sidewalk vending zone manager for the Columbia Heights-Mount Pleasant Sidewalk Vending Zone no later than 60 days after the effective date of the Street Vendor Advancement Amendment Act of 2023, passed on 2nd reading on April 4, 2023 (Enrolled version of Bill 25-68).

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

"(e)(1) The Mayor shall execute a contract with an entity selected through the RFP process set forth in subsection (c) of this section no later than 120 days after the effective date of

the Street Vendor Advancement Amendment Act of 2023, passed on 2nd reading on April 4, 2023 (Enrolled version of Bill 25-68).

"(2) If a contract with a sidewalk vending zone manager is not executed within 120 days following effective date of the Street Vendor Advancement Amendment Act of 2023, passed on 2nd reading on April 4, 2023 (Enrolled version of Bill 25-68), sidewalk vendors shall be able to locate and operate in areas of the Columbia Heights-Mount Pleasant Sidewalk Vending Zone.

"Sec. 9c. Street vending amnesty program.

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

"(1) Fines for violations of this act and rules from 2010 to the effective date of the Street Vendor Advancement Amendment Act of 2023, passed on 2nd reading on April 4, 2023 (Enrolled version of Bill 25-68), including any accrued interest or penalties; and

"(2) Minimum sales tax payments owed pursuant to D.C. Official Code § 47-2002.01 from 2010 to the effective date of the Street Vendor Advancement Amendment Act of 2023, passed on 2nd reading on April 4, 2023 (Enrolled version of Bill 25-68), including any accrued interest or penalties, pursuant to D.C. Official Code § 47-2002.01(e).

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

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

"(1) A basic business license application;

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

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

"(4) Documentation verifying the amount of delinquent minimum sales tax, interest, and penalties owed to the Office of Tax and Revenue.

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

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

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

"(a) The Mayor shall commission a study to:

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

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

"(3) Make recommendations for capital improvements at areas within the Columbia Heights-Mount Pleasant Sidewalk Vending Zone to better accommodate vending activity and pedestrian access; and

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

"(b) The Mayor shall submit the study required pursuant to paragraph (1) no later than one year after the applicability date of the Street Vendor Advancement Amendment Act of 2023, passed on 2nd reading on April 4, 2023 (Enrolled version of Bill 25-68).".

Sec. 4. Conforming Amendment.

Section 47-2002.01 of the D.C. Official Code is amended by adding a new subsection (e) that reads as follows:

"(e)(1) Notwithstanding §§ 47-4221 and 47-4222, the Chief Financial Officer shall abate any unpaid portion of the assessment of the minimum tax (or a liability in respect of a minimum tax) imposed by this section and certified by the Mayor as eligible for abatement pursuant to § 37-131.08c.

"(2) The Mayor shall certify to the Chief Financial Officer each taxpayer eligible for an abatement of minimum tax imposed by this section and any interest or penalties imposed under this title. The certification shall identify:

"(A) The specific taxpayer (including taxpayer identification number and District sales tax account number);

"(B) The amount of any such abatement of minimum tax, interest, and penalty to be abated;

"(C) The relevant tax periods subject to abatement; and

"(D) Such other information as the Chief Financial Officer shall require.

"(3) The tax periods eligible for abatement under this subsection are the quarter ending March 31, 2010 through the quarter ending immediately after the effective date of the Street Vendor Advancement Amendment Act of 2023, passed on 2nd reading on April 4, 2023 (Enrolled version of Bill 25-68).

"(4) All requests for abatement under this subsection must be filed by the taxpayer with the Chief Financial Officer on or before September 30, 2028, in the manner and form prescribed by the Chief Financial Officer.

"(5) Nothing in this subsection shall be construed as authorizing an abatement or refund of any minimum tax, interest, or penalties previously paid.".

Sec. 5. Applicability.

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

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

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

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

Sec. 6. Fiscal impact statement.

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

Sec. 7. Effective date.

This act shall take effect after approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
MAY 4, 2023

COUNCIL OF THE DISTRICT OF COLUMBIA

WASHINGTON, DC, 20004

Docket No. **B25-0068**

[ ] ITEM ON CONSENT CALENDAR

[X] ACTION **First Reading**

[X] VOTE DATE **March 7, 2023**

[ ] VOICE VOTE

RECORDED VOTE ON REQUEST

ABSENT

[X] ROLL CALL VOTE – Result **Approved**

Council Member	Aye	Nay	NV	AB	Rec	Council Member	Aye	Nay	NV	AB	Rec	Council Member	Aye	Nay	NV	AB	Rec
Chairman Mendelson	X					Henderson						Pinto	X				
Allen	X					Lewis George	X					R. White	X				
Bonds	X					McDuffie	X					T. White	X				
Frumin	X					Nadeau	X										
Gray	X					Parker	X										
X - Indicate Vote				**AB – Absent**					**NV - Present, Not Voting**							**Rec - Recused**	

CERTIFICATION RECORD

Secretary to the Council

4-6-23
Date

Docket No. **B25-0068**

[ ] ITEM ON CONSENT CALENDAR

[X] ACTION **Final Reading**

[X] VOTE DATE **April 4, 2023**

[ ] VOICE VOTE

RECORDED VOTE ON REQUEST

ABSENT

[X] ROLL CALL VOTE – Result **Approved**

Council Member	Aye	Nay	NV	AB	Rec	Council Member	Aye	Nay	NV	AB	Rec	Council Member	Aye	Nay	NV	AB	Rec
Chairman Mendelson	X					Henderson	X					Pinto	X				
Allen	X					Lewis George	X					R. White	X				
Bonds	X					McDuffie	X					T. White	X				
Frumin	X					Nadeau	X										
Gray	X					Parker	X										
X - Indicate Vote				**AB – Absent**					**NV - Present, Not Voting**							**Rec - Recused**	

CERTIFICATION RECORD

Secretary to the Council

4-6-23
Date