
THIRD READING

Bill No: SB 635
Author: Durazo (D), et al.
Amended: 5/29/25
Vote: 21

SENATE LOCAL GOVERNMENT COMMITTEE: 5-2, 4/2/25
AYES: Durazo, Arreguín, Cabaldon, Laird, Wiener
NOES: Choi, Seyarto

SENATE PUBLIC SAFETY COMMITTEE: 5-1, 4/29/25
AYES: Arreguín, Caballero, Gonzalez, Pérez, Wiener
NOES: Seyarto

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SUBJECT: Food vendors and facilities: enforcement activities

SOURCE: California Street Vendor Campaign

DIGEST: This bill prohibits an agency or department of a local authority that regulates street vendors or compact mobile food operations (CMFOs), or enforces sidewalk vending regulations, from collecting citizenship or criminal background data.

Senate Floor Amendments of 5/29/25 additionally prohibit those agencies from taking specific actions related to immigration enforcement.

ANALYSIS:

Existing law:

- 1) Allows, pursuant to the California Constitution, a city or county may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.

- 2) Limits the regulations that a local agency can apply to sidewalk vending (also known as street vending), as provided by SB 946 (Lara, Chapter 459, Statutes of 2018), including to prohibit criminal penalties for violations of sidewalk vending ordinances.
- 3) Regulates businesses that sell food under the California Retail Food Code (CalCode).
- 4) Establishes a CMFO, as a type of mobile food facility that operate as a pushcart or stand pursuant to SB 972 (Gonzalez, Chapter 489, Statutes of 2022). SB 972 exempts CMFOs from several CalCode provisions, including certain sink requirements. It also prohibits criminal penalties from applying to CMFOs, instead limiting code enforcement to administrative penalties.
- 5) Pursuant to the California Values Act SB 54, (De Leon, Chapter 495, Statutes of 2017) prohibits state and local law enforcement agencies, with the exception of the California Department of Corrections and Rehabilitation, from using resources to investigate, interrogate, detain, detect, or arrest people for immigration enforcement purposes.

This bill:

- 1) Enacts the Street Vendor Business Protection Act.
- 2) Prohibits a local authority from inquiring into or collecting any of the following as part of an application for sidewalk vending or street food vending:
 - a) Information about an individual's immigration or citizenship status or place of birth; or
 - b) Information or documentation regarding an individual's criminal history, including completion of LiveScan fingerprinting or submission of a background check.
- 3) Provides that any local authority that previously collected any such information before January 1, 2026, shall destroy that information before March 1, 2026.
- 4) Prohibits local authorities from contracting with, or delegating to, a non-public entity to enforce sidewalk vending or street food rules or regulations, to impound sidewalk vending or street food vending equipment, or to cite, fine or prosecute a vendor for violations of vending rules or regulations.

- 5) States that, except as otherwise required by federal law, a local authority which regulates sidewalk vendors and an enforcement agency which regulates street food vendors shall not provide voluntary consent to an immigration enforcement agent to access, review, or obtain any of the enforcement agency's records that include personally identifiable information, as defined, of any sidewalk vendor or street food vendor in the jurisdiction without a subpoena or judicial warrant. This does not prohibit an enforcement agency from challenging the validity of a subpoena or warrant in federal court.
- 6) Prohibits a local authority or enforcement agency from taking the following actions related to immigration enforcement:
 - a) Assisting an immigration enforcement agent, as specified;
 - b) Performing the functions of an immigration officer;
 - c) Placing personnel under the supervision of federal agencies, or employing personnel deputized as special federal officers or special federal deputies, for purposes of immigration enforcement;
 - d) Using an immigration enforcement agent as an interpreter, or using local authorities as interpreters for an immigration enforcement agent;
 - e) Providing office space dedicated for any immigration enforcement agent for use within a local facility.
 - f) Using local authority moneys or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, as specified;
 - g) Transferring an individual to immigration authorities;
 - h) Contracting with the federal government for use of local facilities to house individuals as federal detainees for purposes of immigration enforcement; or
 - i) Disclosing or provide in writing, verbally, or in any other manner, personally identifiable information of any sidewalk vendor that is requested for purposes of immigration enforcement, except pursuant to a valid judicial warrant
- 7) Contains a severability clause.

Background

Sidewalk vending law SB 946, (Lara, Chapter 459, Statutes of 2018). Until 2019, cities and counties were able to regulate or ban sidewalk vending as they saw fit. Due to concerns that criminal citations for sidewalk vendors could enable deportation by the federal government, and to legalize the activity of sidewalk vending as a means of economic support for immigrant communities, the Legislature enacted SB 946, which prohibits local governments from banning sidewalk vending and establishes other parameters for local ordinances.

SB 946 prohibited cities and counties from regulating sidewalk vendors except if they adopt a regulatory framework consistent with state requirements. Among other provisions, SB 946 prohibited a city or county from requiring sidewalk vendors to operate within specific parts of public right-of-way except where that restriction is directly related to objective health, safety, or welfare concerns. For example, some local governments have identified disability access concerns as reasons to further restrict where street vendors may operate. Along those lines, cities and counties can neither restrict the overall number of sidewalk vendors, nor restrict sidewalk vendors to operate only in a designated area, unless these restrictions are directly related to objective health, safety or welfare concerns.

One key provision of SB 946 is that cities and counties may adopt additional requirements regulating the time, place, and manner of sidewalk vending if the requirements are directly related to objective health, safety, or welfare concerns, such as requirements to:

- Limit the hours of operation of sidewalk vendors in a manner that is not unduly restrictive;
- Maintain sanitary conditions;
- Obtain a local business license and a valid seller's permit from the California Department of Tax and Fee Administration; and
- Require compliance with other generally applicable laws.

SB 946 prohibits:

- Imposing criminal penalties for violations of sidewalk vending ordinances and instead establishes an administrative fine structure;
- Imposing any additional financial penalties;

- Establishing penalties for violations of sidewalk vending from being infractions or misdemeanors;
- Arresting sidewalk vendors except where permitted under other law.

While most local governments directly administer their street vending regulations, a few contract out with private firms, including the Cities of Anaheim, Fontana, and Richmond.

California Values Act. Responding to concerns that state or local resources could be used to assist in immigration enforcement. In 2017 the Legislature enacted SB 54 (De Leon), known as the California Values Act. Specifically, law enforcement agencies cannot, among other things:

- Ask about an individual's immigration status;
- Detain a person based on a hold request from federal immigration authorities;
- Provide a person's personal information, as specified, including, but not limited to, name, social security number, home or work addresses, unless that information is "available to the public;"
- Arrest a person based on a civil immigration warrant;
- Participate in border patrol activities, including warrantless searches;
- Perform the functions of an immigration agent; and
- Transfer an individual to immigration authorities without a warrant or court order, except as otherwise specified.

However, the California Values Act does not apply to other local agencies or departments, including those that enforce laws that don't have a criminal component. Additionally, one requirement that some cities impose on street vendors is to submit to a criminal background check or fingerprinting, or similarly collect data on criminal history. Depending on the method of collection, these procedures can automatically alert federal authorities to the results of that background check and disclose immigration status for the subject. At least 29 cities in California require an applicant for a street vendor permit to submit to a background check or similar requirement.

The California Street Vendor Campaign wants the Legislature to enhance the protections that sidewalk vending law grants to street vendors.

Comments

- 1) *Purpose of this bill.* According to the author, “I am proud to author SB 635, a bill that will further equip our street vendors with the resources and protections that they need to grow their businesses. Street vendors are pivotal to California’s culture and economy, and nationally they have been huge contributors to their communities. Now more than ever, California must unite to uplift and empower micro-businesses across the State. SB 635 advances micro-entrepreneurs’ economic security and stability by keeping their data private.”
- 2) *Home rule.* When the California Legislature passed SB 946 in 2018, it significantly limited local governments’ ability to regulate street vendors. The bill prohibited jurisdictions from banning street vendors or imposing criminal penalties for violations, and limited the regulatory measures they could adopt to those objectively related to health and safety, which excludes things like aesthetic impact or impact on neighboring businesses. This bill builds upon these restrictions to impose new limitations on local officials. It prohibits local jurisdictions from contracting out enforcement and requiring criminal background checks. It enacts these restrictions to enhance protections for street vendors statewide, at the cost of local discretion to tailor regulations to the needs of their communities. For example, some local governments contract out for services when they lack full-time staffing resources or expect wide variation over time in workload. However, the need for contracting in the case of street vending is unclear. The City of Fontana signed a contract with a private company for \$600,000 to conduct vendor enforcement. The size of this contract appears to indicate that the City expects significant workload and has sufficient funds available to hire a public employee that is more accountable to the community. The Legislature may wish to consider the balance that this bill strikes between local governments’ ability to address the needs of their constituents and the need for statewide consistency.

Related/Prior Legislation

SB 276 (Wiener) of the current legislative session which the Committee approved at its March 19th hearing on a vote of 7-0, allows, until January 1, 2034, the City and County of San Francisco to adopt an ordinance requiring a permit for the sale on public property of merchandise that it has determined is a common target of retail theft. SB 276 is currently pending on the Senate Floor.

SB 554 (Jones) of the current legislative session prohibits local agencies from enacting ordinances that go beyond the California Values Act's requirements and requires cooperation with immigration authorities in certain circumstances. SB 554 was held in the Senate Public Safety Committee.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

SUPPORT: (Verified 6/2/25)

California Street Vendor Campaign (source)
Coalition for Humane Immigrant Rights (co-sponsor)
Community Power Collective (co-sponsor)
Inclusive Action for The City (co-sponsor)
Inland Coalition for Immigrant Justice (co-sponsor)
Public Counsel (co-sponsor)
Los Angeles Unified School Board District 2, Office of Boardmember Dr. Rocio Rivas
Acce Action
ACLU California Action
Alliance for A Better Community
Asian Americans Advancing Justice Southern California
Asociacion De Emprendedor@s
Backes; Glenn
Beverly-vermont Community Land Trust
Cair-la
California Calls
California Federation of Labor Unions, Afl-cio
California Immigrant Policy Center
California Public Defenders Association
Cameo Network
Center for Community Action and Environmental Justice
Central American Resource Center of California (CARECEN-LA)
Central American Resource Center of Los Angeles
Children's Institute
Chinatown Community for Equitable Development
City Heights CDC
Clean Carwash Worker Center
Community Coalition
Cook Alliance
Courage California
Dreamer Fund

East Bay Community Law Center
East LA Community Corporation
Eastside Leads
Electronic Frontier Foundation
Ella Baker Center for Human Rights
Esperanza Community Housing
Garment Worker Center
Gente Organizada
Icon CDC
Immigrants are Los Angeles
Immigrants Rising
Initiate Justice
Inland Empire Immigrant Youth Collective
Inner City Struggle
Kiwa
LA Defensa
Long Beach Forward
Los Angeles Neighborhood Land Trust
Loyola Law School, the Sunita Jain Anti-trafficking Initiative
National Day Laborer Organizing Network
Oakland Privacy
Orale: Organizing Rooted in Abolition Liberation and Empowerment
Pilipino Workers Center
Polo's Pantry
Pomona Economic Opportunity Center
Powerca Action
Privacy Rights Clearinghouse
Salva
San Diego Immigrant Rights Consortium
Secure Justice
Seiu California
South Asian Network
Thai Community Development Center
The Black Alliance for Just Immigration
The Translatin@ Coalition
United Teachers Los Angeles
United to Save the Mission
Vera Institute of Justice
Voices for Progress
Western Center on Law & Poverty

OPPOSITION: (Verified 6/2/25)

None received

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