

Date of Hearing: August 20, 2025

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

SB 635 (Durazo) – As Amended May 29, 2025

Policy Committee:	Local Government	Vote:	8 - 1
	Public Safety		7 - 0

Urgency: No State Mandated Local Program: Yes Reimbursable: Yes

SUMMARY:

This bill prohibits a local authority or enforcement agency that regulates street vendors or compact mobile food operations (CMFOs) from collecting citizenship or criminal background data and from disclosing personally identifiable information for purposes of immigration enforcement.

Specifically, this bill:

- 1) As part of a sidewalk vending or a CMFO permit application, prohibits a local authority or enforcement agency, as applicable, from inquiring into or collecting any of the following:
 - a) Information about an individual's immigration or citizenship status or place of birth.
 - b) Information or documentation regarding an individual's criminal history, including completion of LiveScan fingerprinting or submission of fingerprints or a background check.
- 2) Requires a local authority or enforcement agency that collected any of the information described above before January 1, 2026, to destroy that information by March 1, 2026.
- 3) Prohibits a local authority or enforcement agency that regulates sidewalk vendors or CMFOs as applicable, from providing voluntary consent to an immigration enforcement agent to access, review, or obtain records that include personally identifiable information, as defined, of any sidewalk vendor or any CMFO operator or employee, as specified.
- 4) Prohibits a local authority or enforcement agency from disclosing or providing in writing, verbally, or in any other manner, personally identifiable information of any sidewalk vendor or CMFO operator or employee requested for purposes of immigration enforcement, except pursuant to a valid judicial warrant.
- 5) Prohibits a local authority or enforcement agency, as applicable, from contracting with, or delegating authority to, a non-public entity to (a) enforce sidewalk vending or CMFO rules, (b) impound sidewalk vending or CMFO equipment, or (c) cite, fine, or prosecute a sidewalk vendor or a CMFO operator or employee for violations of sidewalk vending or CMFO rules or regulations.
- 6) Prohibits a local authority or enforcement agency, when enforcing regulations of sidewalk vendors or CMFOs, as applicable, from inquiring into an individual's immigration status,

assisting an immigration enforcement agent, and performing the functions of an immigration officer, as specified, among other actions.

- 7) Prohibits a local authority or enforcement agency authorized to make arrests, when enforcing regulations of sidewalk vendors or CMFOs, as applicable, from taking any of the following actions:
 - a) Using local authority or enforcement agency funds or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, as specified.
 - b) Transferring an individual to immigration authorities.
 - c) Contracting with the federal government for use of local facilities to house individuals as federal detainees for purposes of immigration enforcement.
- 8) For the purpose of a CMFO permit application, consistent with existing law for street vendors:
 - a) Requires an enforcement agency to accept a California driver's license or identification number, an individual taxpayer identification number, or a municipal identification number in lieu of a social security number, as specified.
 - b) Requires the number collected be confidential, not be available to the public for inspection, and not be disclosed, except as specified.

FISCAL EFFECT:

- 1) One-time costs (General Fund, local funds) to local agencies of an unknown amount, but potentially significant in some jurisdictions, to revise inconsistent ordinances, review and destroy records that include prohibited information, update application forms and processes, train staff, develop and maintain a separate database for street vendor records, if necessary, and make other required changes. These costs will vary by jurisdiction, but could be in the hundreds of thousands of dollars statewide. These costs are potentially reimbursable by the state, subject to a determination by the Commission on State Mandates.
- 2) Potential ongoing local cost pressures to each local agency that currently contracts for enforcement services and instead, under this bill, must use local agency staff to enforce vending and CMFO ordinances. These costs are unknown, but could be a substantial financial strain on some local budgets.

COMMENTS:

- 1) **Purpose.** According to the author:

I am proud to author [this bill], 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. [This bill] advances micro-entrepreneurs' economic security and stability by keeping their data private.

- 2) **Background.** Existing law prohibits cities and counties from banning sidewalk vending, except for specific health and safety reasons, and establishes other parameters for local ordinances. Existing law also establishes CMFOs as a new retail food facility type that operates as a pushcart or stand, and limits code enforcement to administrative penalties. While most local governments directly administer their street vending regulations, some contract with private firms for these services.

Existing law, the California Values Act, prohibits state and local law enforcement entities from using resources to investigate, interrogate, detain, detect, or arrest people for immigration enforcement purposes. The California Values Act does not apply to other local agencies or departments, including those that enforce laws without a criminal component.

Some local governments have concerns that sidewalk vending can be a cover for criminal activity, such as reselling of stolen property or the sale of counterfeit merchandise, and require a criminal background check and fingerprinting as part of the sidewalk vending permit process. 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 applicant. At least 29 cities in California require an applicant for a street vendor permit to submit to a background check or similar requirement.

- 3) **Concerns.** The California Association of Environmental Health Administrators, the Urban Counties of California, and the California Association of Code Enforcement Officers, while supportive of the bill's intent, express concerns regarding the bill's compatibility with the California Public Records Act, the ban on contracting to assist with local vending ordinance compliance, and the ban on background checks for vendors.

These groups are seeking corrective and clarifying amendments on these issues and continue to work with the author.

- 4) **Related Legislation.** SB 276 (Wiener), of this legislative session, allows the City and County of San Francisco to adopt an ordinance requiring a permit for the sale on public property of merchandise that San Francisco has determined is a common target of retail theft. SB 276 is pending on the Assembly Floor.

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