

INCREASING ACCESS TO HEALTH FOODS: GROCERY STORES AND MOBILE MARKETS

BY MAGGIE TUREK

In Summer 2016, Health Care Foundation of Greater Kansas City hosted Maggie Turek, a third-year law student as our Summer Health Law Fellow. Ms. Turek was invited to research local policies that could advance health. This is one such research piece. It is our hope that sharing this document will provide local nonprofits, public health entities, and lawmakers with creative options to advance health in our community.

Introduction

Food insecurity means not having regular access to an adequate quantity of nutritious food, and it is a real problem for many in the KC community. In the HCF service area, there are approximately 230,000 people facing food insecurity. Across both Kansas and Missouri, one in five children below the age of 18 live in households that have experienced food insecurity at some point in the previous year.

Food insecurity is associated with a range of chronic illnesses such as diabetes, high blood pressure, altered blood cholesterol and triglycerides, and various heart disease risk factors. It also has real effects on mental health.

Regarding food insecurity, there are two major issues:

- **Food deserts** – places where access to grocery stores is severely limited, or where it is difficult and unaffordable to find quality grocery store items
- **Food swamps** – places heavily saturated with fast food outlets, liquor stores, and convenience stores selling mainly junk food, alcohol, and tobacco



HCF supports efforts to increase access to healthy and nutritious foods for all, particularly the uninsured and low-income. Mobile vending and zoning offer promising local strategies to increase healthy food access.



Mobile Vending

Mobile vending, generally, is defined as selling food out of any portable vehicle, including trucks, carts, trailers, roadside kiosks, and sidewalk stands. Not all mobile vendors provide healthy food (i.e. barbecue food trucks, taco trucks, etc.), but they can be relatively affordable.

Mobile vending businesses may be at an advantage because they are able to go into areas where zoning laws may bar larger retail establishments, such as residential areas. They are also able to adjust inventory quickly to fit the cultural demands of a community.

Mobile food and produce vending has many benefits for a community. Mobile carts are able to travel into neighborhoods, station themselves outside of gathering spaces such as churches, and do not require a large amount of capital to get started. They can be responsive to the community members' wants and needs, can adjust inventory quickly, and promote local and seasonal foods. Finally, these programs can contribute to economic development and provide local entrepreneurs with small business opportunities.



Zoning

Zoning is a strategy that may be used to influence the density of grocery stores, mobile markets, and produce stands.

- A local government is acting constitutionally when it establishes a zoning ordinance so long as the rationale for zoning has a rational public policy purpose related to public safety, health, or welfare. It is an extension of its police power.ⁱ

Zoning and Conditional Use Permits can be used to ease restrictions on grocery store development, for example, by reducing the number of parking spots required or amend the parking spot requirement to include bicycle spots. CUPs can be used to require that an establishment stocks a certain amount of produce and other healthy staple foods, such as whole grains, nuts, eggs, and dairy products. They can also require specific categories of food that meet the requirements for various public benefits programs, such as the Supplemental Nutrition Assistance Program (SNAP) and Women, Infants, and Children (WIC).

A few cities that have used zoning methods to increase access to grocery stores and mobile markets have found it helpful to provide citizens with a 'plain English' zoning guide that provided information on where establishments could and could not be located. This could be a useful tool as part of a larger strategy to encourage development and attract retailers, especially small-market and local retailers.



Incentives

Cities can also offer business or economic incentives for grocery store development. Municipalities may offer incentives to offset costs of land, construction, or business development by offering discounted land, expedited and reduced costs for permits, discounts on electricity or other utilities, or by offering credits/abatement on state and/or local taxes.

Various incentives can draw individuals to participate in the program. Vendors that stock a certain percentage of healthy items or fresh produce may have priority permits over traditional cart vendors. Localities may start a program providing access to small business loans with low interest rates. Cities may provide business counseling and technical assistance. Localities may offer various financial incentives to encourage vendors to sell healthy and fresh food.

A few cities, including Los Angeles, created a "healthy corner store business association" to provide resources and assist retailers through the regulatory process.

Current Examples and Innovative Ideas

There are various approaches to increasing access to produce and groceries to food deserts, the urban core, and other underserved areas. Programs across the country are making changes to the local food environment. These programs range from intuitive to very creative, and all can provide encouragement and inspiration for other cities to do the same.



- Los Angeles is using an economic development program to attract grocery development to targeted neighborhoods. LA has developed an interagency working group to oversee a “fast track” program to reduce the number of steps and time it takes for permit and zoning approval. The approval process has been reduced from 12 to 2 steps for qualifying retailers.
- The Denver FRESH Program is a collaborative project spearheaded by the Office of Environmental Health and the Office of Economic Development. The program offers business incentives and practical assistance to developers who desire to open in underserved neighborhoods, or current business owners looking to provide healthier options. It provides assistance with financing, established an Enterprise Zone Tax Credit, helps with site selection, ensures sustainability through advisors and business consultations, and provides workforce development programs.
- A leading example of a produce cart program is New York City’s Green Cart Initiative. The Green Cart Project provides incentives for vendors who sell raw fruits and vegetables in certain areas and neighborhoods. Incentives for vendors include priority mobile vending permits over standard food cart operators, start-up and ongoing technical assistance, and reduced cost of permit renewal.



- Chicago has also adopted a program in which vendors that sell whole and uncut produce are classified as ‘peddlers.’ This classification entitles vendors to a much less expensive permit than traditional food trucks or carts.
- Participants in the Good. To. Go. initiative in San Jose and Santa Clara County, California, vendors stock packages containing fresh produce and snacks with nutritional value, like nuts, carrots and hummus, sandwiches, and eggs. The items packaged together to demonstrate that fast meals can also be healthy. Corner stores that have opted into the program also stock their fridges with 100% fruit juices, milk, and water beverages, instead of energy drinks, soda, sports drinks, and other sugar sweetened beverages. Street vendors in this program sell whole, uncut produce.
- My Street Grocery is a non-profit with a partnership with Whole Foods in Portland. The mobile vending program provides vouchers to local community partners, such as staff members at low-income medical clinics, to give to individuals in need. It also added a meal kit to its inventory by packaging all the ingredients for a healthy meal into one package, including cooking instructions.
- Farm to Family Mobile Market, of St. Louis meets two goals by helping to sustain local family-run farms as well as bringing produce, meat, bakery items, jams, honey, and other locally grown or produced products into food deserts.
- In Oakland, California, vendors who sold fresh-cut fruit illegally in a largely Latino area and became known as frutereros. The frutereros organized and formed a partnership with the County Health Department, the Community Health Academy (a community-based skill and capacity building organization), and Berkeley’s School of Public Health. They gained enough support for a new ordinance that legalized mobile food vending in specific districts, and were provided a central commissary to prepare cut produce.

Concerns

The USDA estimates that 14% of American households are food insecure. The downside to produce vending is that it does not bring full access to individuals living in food deserts. While access to fruits and vegetables is vital, individuals in food deserts need access to other products as well.

Research done for the USDA studied how produce vending impacts individuals seeking healthier foods.ⁱⁱ The survey showed that problems remained even after access to fresh produce increased. They did not know how to prepare some of the produce, and some indicated that they lacked motivation to cook (especially seniors or those individuals cooking for one). Participants did not know what a serving of a fruit or vegetable should be, nor did they know how many servings they should be having per day.

The study provided some solutions to those gaps in knowledge. It recommended that vendors provide recipes with illustrations, perform cooking demonstrations, and have informational sessions and flyers. It also recommended that vendors run sales at the end of the month, when money and public benefits may be tight.



General Ideas and Potential in Kansas City; Resources

Municipalities have the power to encourage development of healthy food access in various ways. Local officials can take some of the general themes coming from all over the country and tailor it to fit local needs. Below are some general ways that local governments can make changes, or encourage others to make changes, to make the community healthier.

- Alter zoning laws to ease access to produce and other groceries; alter zoning laws to create “healthy food zones,” which may prohibit fast food near schools, for example
- Create a streamlined permit program, or creating incentives for produce cart vendors and sidewalk vendors
- Ease mobile vending/food truck policies; provide incentives for individuals looking to operate a food truck
 - Adopt an ordinance that allows only healthy food vendors to locate along designated “safe routes to school”
 - Create a different class of permits for healthy mobile vendors
 - Business incentives to sell healthy foods, such as small business training, start-up loans or grants, access to government-sponsored events or spaces for free or at a reduced cost
 - Local governments can match vendors with schools and churches that have kitchens available for use
 - Schools, churches, and community centers could allow—or even request—vendors to locate nearby
- Produce programs and other mobile food vendors should consider providing additional materials with the sale, including recipes, cooking instructions, culturally specific recipes, etc., including in multiple languages as needed



Changelab Solutions and NPLAN created a Model Produce Cart Ordinance.ⁱⁱⁱ The model ordinance encourages community support to increase public engagement. It is designed as a sidewalk vending ordinance, but can be adapted to serve as a street vending ordinance or another way to fit a community’s needs. It suggests four steps to take, depending on how mobile vending-friendly a local government already is:

- If the municipality currently bans mobile vending, adopt the Model Produce Cart Ordinance to allow fresh produce vending
- If the municipality allows mobile vending without restriction as to location or number of permits, adopt the Model Produce Cart Ordinance to allow fresh produce vending, grant priority locations to produce cart vendors, restrict the location of non-produce vendors, restrict the number of non-produce mobile vending permits issued
- If the municipality allows mobile vending but restricts the location, hours, or number of permits, grant priority to or expand the locations, hours, or number of permits to produce vendors
- If the municipality currently has other restrictions on food sales from non-fixed locations, consider amendments to encourage the vending of fresh produce

ⁱ Euclid v. Ambler Realty Co., 272 U.S. 365 (1926)

ⁱⁱ Reznickova and Zepeda, Measuring Effect of Mobile Markets on Healthy Food Choices, found at: <https://www.ams.usda.gov/sites/default/files/media/MobileMarkets.pdf>

ⁱⁱⁱ <http://www.changelabsolutions.org/publications/model-ordinance-produce-carts>