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# Thinking Outside the Bun: How Chicago Can Combat Food Deserts And Obesity Through Public Health Policies and the Law

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**THINKING OUTSIDE THE BUN:  
HOW CHICAGO CAN COMBAT FOOD DESERTS AND  
OBESITY THROUGH PUBLIC HEALTH POLICES AND  
THE LAW**

Calvin R. Edwards Jr.

INTRODUCTION.

*“The test of our progress is not whether we add more to the abundance of those who have much; it is whether we provide enough for those who have too little.”*

*- Franklin D. Roosevelt<sup>1</sup>*

Michelle lives in a small three-bedroom bungalow located deep in the south side of Chicago. Michelle, her husband Darius, and her two children share the home with her grandmother and grandfather. Michelle and Darius have survived for last two months surviving on less than five dollars per day. Michelle and Darius live in a neighborhood where the nearest grocery store is over a mile away.<sup>2</sup> Michelle and her children struggle with obesity because they cannot access healthy foods or prepare nutritious meals at home. Living in a “food desert” means Michelle usually buys fast food meals for her family. Sadly their story is not unique in low-income communities in Chicago.

This article explores the history of obesity in the impoverished areas of Chicago and the private sector initiatives that have been implemented to curb its effects. This article will also review the legislation aimed at combating obesity in impoverished communities in New York, Pennsylvania, California and Illinois. Finally, this article will argue that the current programs and polices that Chicago has enacted can be improved, and will recommend the adoption of successful initiatives in Chicago from other major cities.

I. BACKGROUND: A TALE OF TWO CITIES

Chicago is a unique city that started as a “canal town.”<sup>3</sup> In 1837, after Illinois became a state, it conducted a large canal

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<sup>1</sup> A Feast for the 1%, a Famine for the One Third, <http://www.rooseveltinstitute.org/new-roosevelt/feast-1-famine-one-third> (last visited October 14, 2015).

<sup>2</sup> This is a fictional story.

<sup>3</sup> Louis P. Cain, Centennial Article: A canal and It's City: A selective Business History of Chicago, 11 DEPAUL BUS. L.J. 125.

project.<sup>4</sup> Chicago boomed after the project was initiated. Canal work attracted many settlers and businesses willing to provide for the needs and wants of the workers.<sup>5</sup>

After the canal era ended, Chicago residents embarked on another venture: the railroad.<sup>6</sup> Due to Chicago's unique location, it became the western terminus for the most important eastern railroads and the eastern terminus for the most important western ones.<sup>7</sup> In the mid-19th century, to meet the demand for labor, European immigrants from Ireland, Germany and Scandinavia settled in Chicago.<sup>8</sup> After the Civil War, African-Americans started immigrating to Chicago to provide labor in the expanding metal industry.<sup>9</sup> In 1870, Chicago's iron and steel industry ranked 15th nationally. In ten years time it had risen to fourth.<sup>10</sup> In the late 1800s, the first Jewish immigrants arrived and settled on Maxwell Street. In an effort to recreate their familiar way of life, many Jewish immigrants created public markets with open food stands and trading; many Chicagoans referred to this location as the Maxwell Street Market.<sup>11</sup>

While Chicago's population was becoming increasingly diverse, the blending of different groups was not seamless. Demand for African-American labor increased as the United States set more restrictions on foreign immigration amidst the chaos of World War I.<sup>12</sup> Many northern whites, including recent immigrants, feared labor competition. In response, they experienced social displacement and created housing restrictions for African-American entry in certain areas of Chicago.<sup>13</sup> African-Americans were restricted to living in areas in the south side and west side of Chicago.<sup>14</sup> These discriminatory efforts were so successful that in the period between 1920 and 1940, racial separation achieved an almost perfect segregation index of 95.<sup>15</sup>

As of 2015, Chicago is the third largest city in the United

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<sup>4</sup> *Id.* at 135.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.* at 140.

<sup>7</sup> *Id.* at 142.

<sup>8</sup> Daria Roithmayr, *Racial Cartels*, 16 MICH. J. RACE & L. 45, 71 (2010).

<sup>9</sup> *Id.* at 72.

<sup>10</sup> Cain, *supra* note 3, at 167.

<sup>11</sup> Mark D. Brookstein, STUDENT NOTE: WHEN HISTORY IS HISTORY: MAXWELL STREET, "INTEGRITY," AND THE FAILURE OF HISTORIC PRESERVATION LAW, 76 CHI.-KENT L. REV. 1847, 1850 (2001).

<sup>12</sup> Roithmayr, *supra* note 8, at 72.

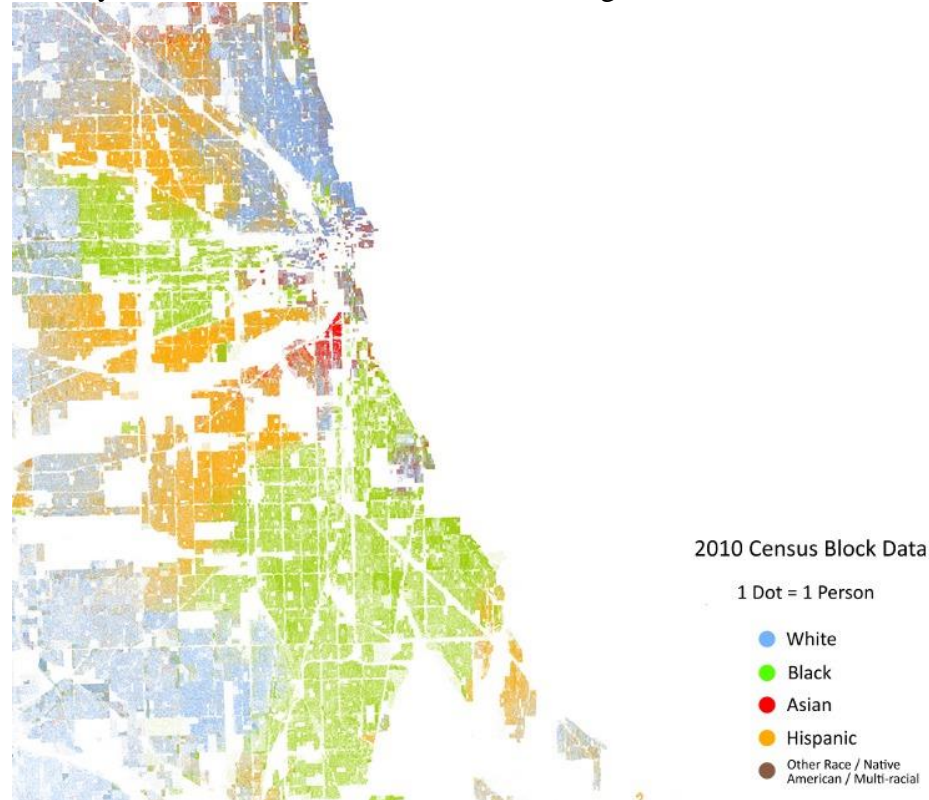
<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

States with a population of about 2.7 million people.<sup>16</sup> The suburban statistic survey showed the racial make up of the city is 44% white, 32% black and 5% Asian.<sup>17</sup> The survey showed that 28% of the population was Latino.<sup>18</sup>

Chicago remains one of the most segregated cities in the United States. The 2010 census revealed that overall integration is actually down from the 2000 Census.<sup>19</sup> See Figure 1.



Source: 2010 CENSUS BLOCK DATA,  
<https://cbschicago.files.wordpress.com/2015/05/dot-map-census.jpg>.<sup>20</sup>

As the Chicago CBS News discovered, the City is divided almost equally into three parts: Hispanic, African-American and Whites, with most of the South and West sides as overwhelmingly Black

<sup>16</sup> Population Demographics for Chicago, Illinois in 2014 and 2015, <https://suburbanstats.org/population/illinois/how-many-people-live-in-chicago> (last visited Nov. 21 2015).

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> ILL. ADVISORY COMMITTEE TO THE U.S. COMM'N ON CIVIL RIGHTS, A REPORT: FOOD DESERTS IN CHICAGO 4 (2011), *available at* <http://www.usccr.gov/pubs/IL-FoodDeserts-2011.pdf>.

<sup>20</sup> 2010 Census Block Data, CBS CHICAGO, <https://cbschicago.files.wordpress.com/2015/05/dot-map-census.jpg>.

and Hispanic.

Due to Chicago's level of segregation amongst the communities, the poorer neighborhoods have very limited access to affordable and nutritious foods.<sup>21</sup> These limited access areas are called "Food Deserts."<sup>22</sup> Although there is not an accepted legal definition of a food desert, the term has come into the common parlance over the past few decades.<sup>23</sup> The United States Department of Agriculture has defined "Food Deserts" "as urban neighborhoods and rural towns without ready access to fresh, healthy and affordable food. Instead of supermarkets and grocery stores, these communities may have no food access or are served only by fast food restaurants and convenience stores that offer few healthy, affordable food options. The lack of access contributes to a poor diet and can lead to higher levels of obesity and other diet-related diseases, such as diabetes and heart disease."<sup>24</sup> The current "Food Deserts" are a result of grocery store flights from the inner cities to the suburbs.<sup>25</sup>

Food deserts contribute to childhood obesity. The dramatic increase in childhood obesity over the past three decades to childhood obesity inspired First Lady Michelle Obama to launch the "Let's Move" Campaign to curb the spread of obesity among the youth.<sup>26</sup> In February of 2013, the Chicago Department of Public Health and Chicago Public Schools released a prevalence report on Overweight and Obesity for Chicago Public Schools Students. The study found that childhood obesity rates in children of all ages were highest among Black and Hispanic communities.<sup>27</sup> Specifically, the individuals that are most susceptible to obesity are Black and Latino young men and women.

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<sup>21</sup> FOOD DESSERTS IN CHICAGO, *supra* note 19.

<sup>22</sup> *Id.*

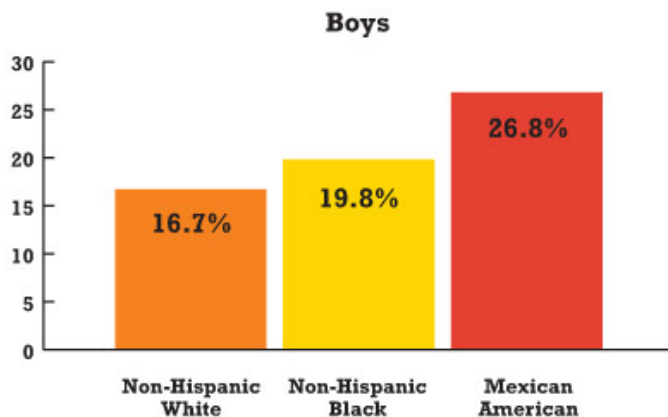
<sup>23</sup> *Id.* at 5.

<sup>24</sup> *Food Deserts*, USDA AGRIC. MKTG. SERV., <http://apps.ams.usda.gov/fooddeserts/fooddeserts.aspx> (last visited Nov.21. 2015).

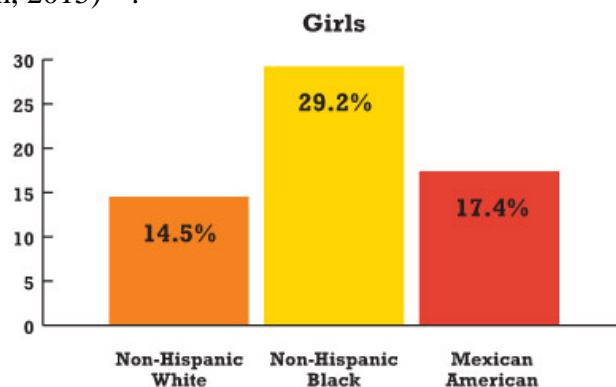
<sup>25</sup> Alfonso Morales & Gregg Kettles, *Healthy Food Outside: Farmers' Markets, Taco Trucks, And Sidewalk Fruit Vendors*, 26 J. CONTEMP. HEALTH L. & POL'Y 20, 30 (2009); *see also* Elizabeth Eisenhauer, *In Poor Health: Supermarket Redlining and Urban Nutrition*, 53 GEOJOURNAL 125,127-29 (2001).

<sup>26</sup> LET'S MOVE, <http://www.letsmove.gov/learn-facts/epidemic-childhood-obesity> (last visited Nov. 21, 2015).

<sup>27</sup> *Prevalence of Childhood Overweight and Obesity*, CONSORTIUM TO LOWER OBESITY IN CHICAGO CHILDREN, <http://www.clocc.net/about-childhood-obesity/prevalence/> (last visited Nov. 21, 2015).



Source: Consortium to Lower Obesity In Chicago Children, <http://www.clocc.net/about-childhood-obesity/prevalence/> (last visited October 10th, 2015)<sup>28</sup>.



Source: Consortium to Lower Obesity In Chicago Children, <http://www.clocc.net/about-childhood-obesity/prevalence/> (last visited October 10th, 2015)<sup>29</sup>

## II. THE ISSUE WITH CHICAGO'S COMMUNITIES

There is no doubt that Food Deserts exist within the most segregated communities in Chicago. In fact, researchers agree that food deserts mainly exist in neighborhoods where the residents are predominantly people of color.<sup>30</sup> In 2008, a joint project conducted by professors at Chicago State University and the University of Illinois found that 22 Chicago communities had no supermarkets or grocery store chains.<sup>31</sup> They noted that supermarket chains like

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> FOOD DESERTS IN CHICAGO, *supra* note 19 at 7.

<sup>31</sup> *Id.* See also, Daniel Block, Finding Food in Chicago and the Suburbs, The Report of the Northeastern Illinois Community Food Security Assessment Report to the Public 13 (2008), <https://www.csu.edu/nac/documents/FindingFoodinChicagoandtheSuburbsReporttothePublic2008.pdf>. (Stating also “15 of the neighborhoods were

Jewel do not operate in African-America and Latino neighborhoods as in predominately white communities.<sup>32</sup> At the conclusion of their study, the researchers found that:

Food access is particularly bad in African-American neighborhoods because of a lack of a full-service supermarkets, whether independent or chain. Food access in Hispanic communities is generally better than in African-American neighborhoods due to the presence of independent and small chain supermarkets, but full-service chains are missing. Changes between 2005 to 2007, in general, have brought more discount stores, but few others to African-American communities.<sup>33</sup>

Although there have been some gains in food access nationally, there are still roughly 384,000 Chicagoans who that live in food deserts.<sup>34</sup> To put this in perspective, the number of Chicagoans who live in food deserts could fill up the White Sox stadium at U.S. Cellular field to capacity almost ten times.<sup>35</sup>

### III. THE OBESITY EPIDEMIC

#### A. Obesity among African American women.

In 2014, The Centers for Disease Control and Prevention concluded that 82.1% of African-American women are obese or overweight.<sup>36</sup> This means that four out of five African-American have serious health risks that are linked to obesity. One of the largest contributing factors to obesity is their diet.

#### B. Obesity among Latin American women.

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predominately African American communities and the remaining five were mixed-race South Side neighborhoods).

<sup>32</sup> FOOD DESERTS IN CHICAGO, *supra* note 19 at 7.

<sup>33</sup> *Id.* at 11; *see also* Block, *supra* note 31.

<sup>34</sup> FOOD DESERTS IN CHICAGO, *supra* note 19 at 11.

<sup>35</sup> *Id.*

<sup>36</sup> NAT'L CENTER FOR HEALTH STATISTICS, U.S. DEPARTMENT OF HEALTH & HUMAN SERV., HEALTH UNITED STATES, 2014 WITH SPECIAL FEATURE ON ADULTS AGED 55-64, 215 (table 64) (2014), *available at* <http://www.cdc.gov/nchs/data/hus/14.pdf#064>.

According to the CDC, Latin Americans are the second largest obese populations in the United States.<sup>37</sup> Latinos were 1.1 times more likely to be obese than non-Hispanic white Americans. A study indicated that from 2003 to 2006, Mexican-American women were 30% more likely to be overweight than non-Hispanic white women.<sup>38</sup> Furthermore, the leading cause of death in Latin American communities is heart disease.<sup>39</sup>

### C. Obesity among the impoverished communities.

A majority of women that are on social welfare programs are overweight.<sup>40</sup> Many people who enroll in social welfare programs receive assistance from the Supplemental Nutrition Assistance Program (“SNAP”). Some scholars argue that SNAP fails to provide access to healthy foods and actually promotes over-consumption of foods.<sup>41</sup> However, in order to understand the role of SNAP in food access one must review the program.

### D. A brief history of SNAP.

SNAP began in 1935 under another name, Food Stamps.<sup>42</sup> The Food Stamps program provided funds to individuals who could prove that they were in need of economic assistance, and included no time limits or mandated that recipients find employment.<sup>43</sup> Furthermore, individuals did not need to prove that they were unable to work to get government assistance. Over the years, Food Stamps supported many single mothers due to the federal government’s push towards loosening eligibility restrictions.<sup>44</sup>

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<sup>37</sup> NATIONAL HISPANIC CAUCUS OF STATE LEGISLATORS, *Hispanic Obesity: An American Crisis* 11 (2010), <http://www.nhcsl.org/issues/healthcare/Hispanic-Obesity-An-American-Crisis.pdf>.

<sup>38</sup> *Id.* at 10.

<sup>39</sup> *Id.* at 12.

<sup>40</sup> Michael Correll, *Getting Fat on Government Cheese: The Connection Between Social Welfare Participation, Gender, and Obesity in America*, 18 DUKE J. GENDER L. & POL’Y 45, 56 (2010).

<sup>41</sup> *Id.*; see also Adam Benforado et. *Broken Scales: Obesity and Justice in America*, 54 EMORY L.J. 1645 (2004).

<sup>42</sup> Kathryn J. Edin & H. Luke Shaefer, *\$2.00 a Day Living on Almost Nothing in America* (2015).

<sup>43</sup> *Id.*

<sup>44</sup> *Id.* at 11. The program was originally the federal government’s solution to help widows care for their children, prevent separating children from their mothers and reduce the amount of children placed in orphanages.



During the early 1970s, the Nixon Administration raised concerns about the cost of providing Food Stamps.<sup>45</sup> The Nixon influence led to the passing of three major pieces of reform legislation.<sup>46</sup> Under the Reagan Administration the Food stamp benefits legislation was again attacked.<sup>47</sup> Reagan's administration passed major legislation in 1981 and 1982 that cut back on funds and created harsher standards for eligibility.<sup>48</sup> However, in the late 1980s, the first Bush Administration recognized the severity of the domestic hunger problem, which led to incremental improvements in Food Stamps. Under the Bush Administration, Congress passed The Hunger Prevention Act of 1988 and the Mickey Leland Memorial Domestic Hunger Relief Act in 1990.<sup>49</sup> As a result of these bills, food stamp recipients were eligible to use electronic benefit transfers as a delivery system.<sup>50</sup> After President Bill Clinton's election, his team proposed a welfare reform package. His reform package would allow adults that receive cash assistance to stay on the welfare program for two years without any work requirements.<sup>51</sup> However, after the two-year time period, welfare recipients would be required to work.<sup>52</sup> Clinton wanted the recipients to work preferably in the private sector, but if not, then in a government-subsidized job.<sup>53</sup> The Clinton administration passed the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) in 1996.<sup>54</sup> There were a few

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<sup>45</sup> UNITED STATES DEPARTMENT OF AGRICULTURE, Supplement Nutrition Assistance Program (SNAP) (Nov. 20, 2015), <http://www.fns.usda.gov/snap/short-history-snap>.

<sup>46</sup> *Id.* P.L. 91-671 (Jan. 11 1971) established uniform national standards of eligibility and work requirements. The Agriculture and Consumer Protection Act of 1973 required States to expand the program to every political jurisdiction; the expanded program included access to drug addicts alcoholics in treatment and rehabilitation centers and required the department to establish temporary eligibility to standards for disaster. Furthermore, P.L. authorized the Department to pay 50 percent of all State's costs for administering the program and established the requirement for efficient and effective administration by the states.

<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

<sup>49</sup> *Id.*

<sup>50</sup> *Id.* Electronic Benefit Transfer (EBT) EBT is used in all 50 states, the District of Columbia, the Virgin Islands, Puerto Rico and Guam, it allows a recipient to approve transfer of their government benefits from a Federal account to a retailer account to pay for goods received.

<sup>51</sup> Edin, *supra* note 42, at 23.

<sup>52</sup> *Id.*

<sup>53</sup> *Id.*

<sup>54</sup> *Id.*

critics, however, but statistics showed that the PRWORA was successful. By the year 2000, nearly 75% of single mothers were working, a significant increase from when Clinton took office.<sup>55</sup>

As the welfare system changed, cash assistance caseloads fell and have remained low ever since the enactment of PRWORA.<sup>56</sup> Although it appeared as if the welfare reform had been a success, a strange phenomenon began occurring. Starting in 2001, more and more families with children who were benefiting from SNAP began reporting that they had no other source of cash income to live on, the members of the families did not have jobs, nor were they receiving other forms of public assistance.<sup>57</sup>

#### IV. REFORM TACTICS

##### A. Private Reform in Chicago

Mayor Rahm Emmanuel of Chicago has been vocal about the need to eradicate food deserts and has been supportive of legislation to resolve the problems of food inequality in underserved communities. However his track record of action on the issue paints a different picture. The Chicago Tribune reported that zero of the 11 food desert parcels Emmanuel identified for new stores has had any development, and only ten of the 56 new or expanded stores he announced two years earlier had actually opened. In fact, according to the Chicago Tribune, Chicago has five fewer grocery stores today than it did two years ago.<sup>58</sup> By contrast, more gourmet grocery stores that cater to high-end shoppers increased at a rate of 28% since 2013.<sup>59</sup> Dan Tausk, a director of Mid-America's urban tenant brokerage, stated “Many of Chicago's underserved areas — mainly the south, southeast and west parts of the city — will remain food deserts in coming years.”<sup>60</sup>

There has been some progress in Chicago. In February 2011, Save-A-Lot, a grocery store, opened five new stores in the Chicago

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<sup>55</sup> Edin, *supra* note 42, at 29.

<sup>56</sup> *Id.* at 30.

<sup>57</sup> *Id.*

<sup>58</sup> Becky Yerak, *Chicago –area grocery area stores fewer but bigger, more upscale*, CHICAGO TRIBUNE (Aug. 13, 2015, 12:29 PM), <http://www.chicagotribune.com/business/ct-chicago-grocery-stores-0814-biz-20150813-story.html>.

<sup>59</sup> *Id.*

<sup>60</sup> *Id.*

South Side neighborhoods.<sup>61</sup> Additionally, in 2014, the Englewood Neighborhood that had lacked a grocery store for over 40 years received news that Wholefoods had elected to build a store in Englewood<sup>62</sup>

However, there are skeptics of the introduction of large supermarket chains in Chicago. Toni Foulkes, an alderman and a former employee of Jewel-Osco, questioned whether Whole Foods will be accessible to the community. “Can they afford to spend \$5 for a loaf of bread? Or can they afford to get four loaves for \$5 when you have five kids at home?” It remains to be seen if the vow of Walter Robb, the co-CEO of Whole foods, vowed that his food would be accessible to the community of Englewood bears out.<sup>63</sup>

In spite of these efforts, food deserts continue to plague Chicago and it is clear that private corporations cannot eradicate food deserts on their own. The private sector and the public sector must work together to resolve the issue of food inequality.

For example, in the summer of 2015, Emmanuel partnered with Growing Power<sup>64</sup> to allow a decommissioned bus to transport affordable fresh fruits and vegetables to certain locations on the west side of Chicago.<sup>65</sup> Local chefs are also planning on placing conducting educational workshops in the Englewood community, which will provide instruction to residents how to cook meals with the affordable produce that can be bought at local farmer’s

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<sup>61</sup> *Save-A-Lot to Open Five New Stores In Chicago: Grocer doubles presence in South Side neighborhoods*, BLOOMBERG (Feb. 21, 2011), <http://www.bloomberg.com/apps/news?pid=newsarchive&sid=aOYus0wWbPrE>

<sup>62</sup> Emily Badger, *Why Whole Foods is moving into one of the poorest neighborhoods in Chicago*, WASH. POST. (Nov. 14, 2014), <http://www.washingtonpost.com/news/wonkblog/wp/2014/11/14/why-whole-foods-is-moving-into-one-of-the-poorest-neighborhoods-in-chicago/>

<sup>63</sup> Bill Ruthhart, *Englewood Whole Foods store represents bet by Emanuel, company*, CHICAGO TRIBUNE (Jul. 1, 2014, 5:50 PM), <http://www.chicagotribune.com/news/local/politics/chi-englewood-whole-foods-store-represents-bet-by-emanuel-company-20140701-story.html>. (stating “Talk is cheap, but we will be accessible and affordable for people. Otherwise, we’re not going to succeed... [this is] one of the most meaningful things we’ve done as a company”).

<sup>64</sup> *Old bus becomes mobile farmers’ market for South, West side food deserts*, CHICAGO SUN TIMES, (Jun. 20, 2015, 2:50 PM) <http://www.wlsam.com/2015/07/21/old-bus-becomes-mobile-farmers-market-for-south-west-side-food-deserts/>. (Growing power is a leader of the Good Food Movement and model of sustainable urban farming).

<sup>65</sup> Yerak, *supra* note 58.

markets.<sup>66</sup>

There are also a few visionaries in Chicago that have attempted to combat the food desert issue by creating urban agriculture. Growing Home is Chicago's leading expert in farming for people that are underemployed or unemployed.<sup>67</sup> Growing Home has headquartered their operations in Englewood because the community has been under-served for decades and suffers from high unemployment, with hundreds of areas of vacant lots and an extreme lack of healthy food options.<sup>68</sup> In 2014, Growing Homes had 40 self-sufficient farmers, harvested 24,000 pounds of organic produce and established 25 farm stands that provided produce at a reduced price for people that needed government assistance.<sup>69</sup>

In addition, another program sprouted in the Cabrini-Green neighborhood to combat their food desert problem. The Chicago Lights Urban Farms empowers the youth and community residents by developing urban organic produce.<sup>70</sup>

#### B. Food access reform efforts throughout the United States.

Public markets have been among the dominant food suppliers to the American urban and underserved populations since the early 20th century.<sup>71</sup> Public markets sprang from traditions brought by immigrants and may have fulfilled many social and business networks.<sup>72</sup> Comparative research shows that street markets increased the public health, and simplified health inspections and the enforcement of health related ordinances.<sup>73</sup> Street markets were also the cornerstones of food security for rapidly urbanizing areas.<sup>74</sup> Poverty was one of the many factors that brought

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<sup>66</sup> *Crop Circles Food Desert Campaign Enters Chicago*, PR NEWSWIRE (Aug. 19, 2015), <http://www.prnewswire.com/news-releases/crop-circles-food-desert-campaign-enters-chicago-300131037.html>.

<sup>67</sup> GROWING HOME, <http://growinghomeinc.org/about-us/> (last visited Dec. 15, 2004), (providing 25 hours per week of paid on-the-job experience and job-readiness training at their farms).

<sup>68</sup> *Id.*

<sup>69</sup> GROWING HOME, <http://growinghomeinc.org/our-model/> (last visited Nov. 21, 2015).

<sup>70</sup> CHICAGO LIGHTS A COMMUNITY OUTREACH ORGANIZATION AT FOURTH PRESBYTERIAN CHURCH, <https://www.chicagolights.org/our-programs/urban-farm/> (last visited Nov. 21, 2015).

<sup>71</sup> Morales, *supra* note at 28.

<sup>72</sup> *Id.*

<sup>73</sup> *Id.*

<sup>74</sup> *Id.*

customers to their neighborhood street merchants.<sup>75</sup> Low budgets and the inability to store perishable foods such as meats, milks and breads meant that customers would have to purchase from local pushcarts daily.<sup>76</sup>

In New York City, pushcart street vendors have been regulated since the late 1600s.<sup>77</sup> During the 1930s, Mayor Fiorello H. LaGuardia banished the peddlers from New York City streets.<sup>78</sup> New York passed legislation that allows food-cart street vending.<sup>79</sup> Energy Vision estimates there are as many as 8,000 mobile food vendors operating in New York City today.<sup>80</sup> The Green Carts initiative has been one of the most successful programs that New York has implemented to combat food deserts.<sup>81</sup> The success of the Green Carts program was dependent upon a sustained collaboration between the Department of Health and Mental Hygiene (“DOHMH”), and its private partner and funder, the Illumination Fund.<sup>82</sup> Green Carts had no history or track record in any other city in the United States. However, the leadership of both DOHMH and the Illumination Fund proposed that the Cart Initiative could have significant health and economic benefits for low-income New Yorkers.

In 2008, Former Mayor of New York, Mike Bloomberg, and City Council Speaker, Christine Quinn, initiated the program.<sup>83</sup> The legislation was introduced as an amendment to the City Street Vending Code.<sup>84</sup> The City offered low-cost permits specifically for vendors willing to operate in designated underserved

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<sup>75</sup> Alan M. Kraut, *The Butcher, The Baker, The Pushcart Peddler: Jewish Foodways And Entrepreneurial Opportunity In The East European Immigrant Community 1880-1940*, *Journal of American Culture* (1983).

<sup>76</sup> *Id.*

<sup>77</sup> Julia Burgi, *The History Of New York's Street Food*, MARCUS SAMUELSON, (Apr. 14, 2011), <http://www.marcussamuelsson.com/news/the-history-of-new-yorks-street-food>

<sup>78</sup> Kraut, *supra* note 75, at 78.

<sup>79</sup> *Id.*

<sup>80</sup> *Id.*

<sup>81</sup> Claire Jaffe, *Green Carts are Tackling New York City's Food Deserts*, (Apr. 21, 2015), <http://www.smartgrowthamerica.org/2015/04/21/green-carts-are-tackling-new-york-citys-food-deserts/>.

<sup>82</sup> Ester R. Fuchs et al., *Innovative Partnership for Public Health: An Evaluation of the New York City Green Cart Initiative To Expand Access to Healthy Produce in Low-Income Neighborhoods* (2014), available at [https://sipa.columbia.edu/system/files/GreenCarts\\_Final\\_June16.pdf](https://sipa.columbia.edu/system/files/GreenCarts_Final_June16.pdf).

<sup>83</sup> *Id.* at 12.

<sup>84</sup> *Id.*

neighborhoods.<sup>85</sup> Furthermore, the initiative gained support from ACCION NYC, a local non-profit small business support organization.<sup>86</sup> ACCION NYC contracted to provide low-interest loans to vendors for start-up costs.<sup>87</sup> In addition, Karp Resources, a private consulting firm, assisted Green Cart vendors with support, including lessons on applying for a mobile food vender permit, advice on pricing produce and even helped distributed Electronic Benefit Transfer (“EBT”) machines.<sup>88</sup> The Green Carts program estimated that the program would improve the health of 75,000 New Yorkers and save at least 50 lives a year over the long-term.<sup>89</sup>

The cost of operating a Green Cart includes the cost of a food-vending license, which is approximately \$103 for two years, as well as the cost of a permit for the Green Cart. The permit costs approximately \$75 for two years. Each vendor was given the opportunity to provide his or her own produce.<sup>90</sup> Almost all vendors decided to locate near public transportation, with around 95% near a bus stop or a subway.<sup>91</sup>

The average customers earned less than \$50,000 a year, and roughly 44% of the customers live at or below 100% of the poverty line.<sup>92</sup> Although the first few years of Green Carts have been successful, there is room for improvement. Out of the 1,000 permits that were issued, only 1,666 were found in the study’s census, possibly indicating that the existing business model is not profitable or sustainable in less densely populated low-income neighborhoods.<sup>93</sup> Moreover, half of the customers are often worried about having enough money to buy fresh produce at all – even from a cart.<sup>94</sup>

In Chicago on September 24, 2015, the Chicago City Council lifted its long time ban on food carts.<sup>95</sup> In Chicago, there used to be

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<sup>85</sup> *Id.*

<sup>86</sup> *Id.* at 13.

<sup>87</sup> Fuchs et al., *supra* note 82.

<sup>88</sup> *Id.* at 14.

<sup>89</sup> *Id.* at 15 (study noted it became clear that assessing the direct impact of the Green Carts on disease would probably be too difficult to accurately measure).

<sup>90</sup> *Id.* at 18 (many vendors chose to travel to Hunts Point Market in the Bronx each day to select their produce).

<sup>91</sup> Fuchs, *supra* note 82.

<sup>92</sup> *Id.* at 36.

<sup>93</sup> *Id.*

<sup>94</sup> *Id.*

<sup>95</sup> The Amendment of Municipal Code Chapters 4-5, 7-38, 7-40 and 7-42, <http://www.cityofchicago.org/content/dam/city/depts/bacp/ordinances/M>

a bustling food cart community, like Maxwell Street, which was a lively area with many street vendors.<sup>96</sup> Chicago Alderman Roberto Maldonado, who was instrumental in lifting the ban on food carts, was inspired by the research provided by Chicago policy analysts from the Illinois Policy Institute. These analysts hypothesized that Chicago's ban on food carts costs the city thousands of jobs and millions in revenue.<sup>97</sup> Chicago was one of only two cities in the United States that did not allow street vendors.<sup>98</sup> The Illinois Policy Institute believes that the Chicago's regulation stunts the positive economic impact that entrepreneurs can have on Chicago's economy.<sup>99</sup> The institute found that illegal street vendors generate about \$35.2 million in annual sales, \$16.7 million in annual income and 2,100 jobs. Policy analysts argue that street vending provides an economic stimulus for lower-income neighborhoods that suffer from the food desert phenomenon.<sup>100</sup>

They further claim that legalization of food carts will gross \$162 million in annual sales, \$77 million in annual income and 8,500 total jobs.<sup>101</sup> Furthermore, 230,000 meals will be able to be served per day in under served communities.<sup>102</sup>

Under the new ordinance, food carts share the same restrictions, as Chicago food trucks faced prior to 2012.<sup>103</sup> Under these restrictions, food cart operators would prepare food in shared kitchens, which makes it easier for inspectors to make sure meals are healthy for the public.<sup>104</sup> Moreover, in order to operate a food cart, vendors are required to purchase a \$350 business license.<sup>105</sup> Alderman Maldonado hopes for a bright future for food cart vendors in Chicago. He stated:

With over 1,500 food cart vendors operating in the city of Chicago, the day has come to embrace this

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obile\_Food\_FINAL\_Sub\_7.19.12.pdf. (concerning establishment of license fees and operation of mobile food vendors).

<sup>96</sup> Brookstein, *supra* note 11, at 1850.

<sup>97</sup> Michael Lucci and Hilary Gowins, *Chicago's Food-Cart Ban Costs Revenue, Jobs*, ILLINOIS POLICY INSTITUTE (Aug. 2015) available at [https://d2dv7hze646xr.cloudfront.net/wp-content/uploads/2015/08/Foodcart\\_Paper1.pdf](https://d2dv7hze646xr.cloudfront.net/wp-content/uploads/2015/08/Foodcart_Paper1.pdf).

<sup>98</sup> *Id.*

<sup>99</sup> *Id.* at 3.

<sup>100</sup> *Id.*

<sup>101</sup> *Id.*

<sup>102</sup> *Id.*

<sup>103</sup> Lucci, *supra* note 97. (Stating food truck vendors would not be allowed to prepare food on site).

<sup>104</sup> *Id.*

<sup>105</sup> *supra* note 95.

class of entrepreneur and grant them legitimate status, [t]hey will provide healthy food choices. Every entrepreneur in this great city deserves the opportunity to be a productive citizen, participating in the American dream.<sup>106</sup>

Pennsylvania has also become very successful with its efforts to combat food deserts in low-income communities. Pennsylvania's inner cities and rural communities suffered from exceptionally poor access to fresh produce.<sup>107</sup> In 2001, the Food Trust, a non-profit organization that develops programs and policies to promote food access, released a report which found that low-income residents diets are disproportionately affected by limited access to food.<sup>108</sup> In response to the report, the Philadelphia City Council authorized The Food Trust to convene a task force to produce recommendations for improving the availability of affordable, fresh produce in low-income communities.<sup>109</sup> The Food Trust task force recommended a statewide initiative to fund fresh food retail development.<sup>110</sup> In 2004, the Pennsylvania legislature enacted an economic stimulus package, which included \$100 million devoted to agriculture projects including the development of grocery stores and farmers' markets in underserved urban and rural communities.<sup>111</sup>

As part of the package, the Fresh Foods Financing Initiative ("FFFI") was created by the strong advocacy of The Food Trust and several key state representatives. Overall, Pennsylvania allocated \$30 million to the FFFI. With support from both the public and private sector, FFFI became a strong public-private partnership which financed \$120 million for grocery stores and supermarkets.

The success of FFFI depended on its diverse five sources of funding, state grants, credit enhancements, bank partnerships, new

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<sup>106</sup> Ashok Selvam, *Initial Food Cart Regulation Approved by Chicago Aldermen*, CHICAGO EATER (Sep. 24, 2015, 4:30 PM), <http://chicago.eater.com/2015/9/24/9392661/chicago-food-carts-legal-regulation>.

<sup>107</sup> Lang B, Harries C, Manon M, Tucker J, Kim E, Ansell S and Smith P, *Financing Healthy Food Handbook, Philadelphia PA: The Food Trust* (2013), [http://thefoodtrust.org/uploads/media\\_items/hffhandbookfinal.original.pdf](http://thefoodtrust.org/uploads/media_items/hffhandbookfinal.original.pdf).

<sup>108</sup> *Id.*

<sup>109</sup> *Id.*

<sup>110</sup> *Id.*

<sup>111</sup> *Id.*



markets tax credits and loan funds.<sup>112</sup> For supermarkets and grocery stores to qualify for an FFFI grant, the market had to be located in a low-to moderate-income census tract and in an area that was underserved.<sup>113</sup> The state provided two types of grants: Standard Grants and Extraordinary Grants.<sup>114</sup> The bank loan fund was a \$40.5 million loan pool dedicated exclusively to financing supermarkets.<sup>115</sup> Since the start of its initiative in 2004, FFFI has committed more than \$73.2 million in loans and \$12.1 million in state grants to develop, expand and preserve 88 food retail projects in underserved low-and moderate-income neighborhoods in urban areas like Philadelphia and Pittsburg, as well as rural areas in the state. Furthermore, FFFI created or retained over 5,000 jobs through out the state.<sup>116</sup>

Romano's grocery is a great example of FFFI's effectiveness in Philadelphia.<sup>117</sup> Romano's Grocery is located in a low to moderate-income Philadelphia neighborhood. Although there were a number of convenience stores in the neighborhood before Romano's renovation, not one of the stores offered a serious selection of fresh produce.<sup>118</sup> In 2005, Romano's was enlisted by the Food Trust to participate in two separate campaign: The Food Trust's Corner Store Campaign, and The Food Trust's Health Corner Store Initiative. After success, Romano's applied for funding from the FFFI and was selected to be a participant for the Green Supermarkets Initiative.<sup>119</sup> Once completed, the new the store was able to offer high-quality produce for the first time. Currently, Romano's is carrying 13 varieties of fresh produce as well as eggs,

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<sup>112</sup> Lang, *supra* note 107.

<sup>113</sup> *Id.* at 5. (if a store was not located in one of these areas but more than 50% of its customer base was from a low-income area, the store might still have qualified for FFFI grant resources).

<sup>114</sup> *Id.* (Standard Grants allowed up to \$250,000 per store and \$750 in total for one supermarket operator, and Extraordinary Grants allowed up to \$1 million for a project showing high potential to maximize debt and equity, demonstrating efficient use of grant resources; creating a significant number of high-quality jobs; having substantial economic impact in line with broader neighborhood development plans; and addressing a lack of fresh food outlets in very low income communities).

<sup>115</sup> *Id.*

<sup>116</sup> *Id.* (stating "A recent case study of selected supermarkets in the Philadelphia region suggests that the vast majority (75%) of part-time jobs, which constitute 84% of all positions, were filled by local residents.").

<sup>117</sup> Lang, *supra* note 107.

<sup>118</sup> *Id.*

<sup>119</sup> *Id.* Green Supermarket Initiative integrates supermarket renovation with enhanced fresh food offerings.

frozen fruits, vegetables, 100% juices, low-fat dairy options and whole grain products to its inventory.<sup>120</sup> The conversion of Romano's Grocery was very beneficial for the community because it provided the residents with affordable foods and created a sustainable community grocery store that developed into a community asset.<sup>121</sup>

As briefly mentioned above, the Food Trust also had its hand in another successful program that significantly reduced food deserts in Pennsylvania.<sup>122</sup> The Food Trust partnered with the Philadelphia Department of Public Health's Get Healthy Initiative to create the Healthy Corner Store Initiative to support corner storeowners committed to making healthy changes for their community customers.<sup>123</sup> The Healthy Corner Store Initiative spotlights corner stores in lower-income communities, which have the lowest access to healthy foods.<sup>124</sup> The Trust defines corner stores as stores that have: 1) Less than 2,000 feet; 2) Four aisles or less; and 3) one cash register; stores that fit these criteria are eligible to participate in the Healthy Corner Store initiative.<sup>125</sup>

The stores who participate in the Healthy Corner Store Initiative progress in five phases. The first phase is known as the inventory change. In phase one, stores introduce four new healthy products, consisting of fruits, vegetables, low-fat dairy, whole grains and lean protein.<sup>126</sup> The second phase requires stores to educationally market healthy produce.<sup>127</sup> The third phase requires corner storeowners to participate in business training. This training consists of one-on-one, in store training on subjects that related to selling healthy products, for example such as to source, price and display healthy offerings.<sup>128</sup> Phase four encourages corner stores to undergo a Philadelphia Healthy Corner Store Network Conversion.<sup>129</sup> This phase includes an installation of small shelving and refrigeration units to increase the space to introduce a

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<sup>120</sup> *Id.*

<sup>121</sup> *Id.*

<sup>122</sup> Healthy Corner Store Initiatives Overview, [http://thefoodtrust.org/uploads/media\\_items/healthy-corner-store-overview.original.pdf](http://thefoodtrust.org/uploads/media_items/healthy-corner-store-overview.original.pdf).

<sup>123</sup> *Id.*

<sup>124</sup> *Id.*

<sup>125</sup> *Id.* at 5.

<sup>126</sup> *Id.* at 6.

<sup>127</sup> Healthy Corner store initiatives Overview, *supra* note 122. (stating these marketing material were designed to guide customers to make educated healthier decisions; and increasing their awareness).

<sup>128</sup> *Id.*

<sup>129</sup> *Id.*

wide selection of healthy foods into corner stores.<sup>130</sup> Finally, the fifth phase provides corner stores who completed the program with a Healthy Corner Store Certification.

Due to the lack of a cohesive definition for corner stores, project staff used a list of SNAP and WIC certified corner stores as a guide along with street canvassing to locate corner stores throughout the city.<sup>131</sup> Moreover, project staff understood that storeowners have very little free time to commit to outside training. Thus, the project staff provided one-on-one trainings with owners in their stores.

Between 2010 and 2012, the Philadelphia Healthy Corner Store Network grew from 40 pilot stores to 630 participating stores, representing one out of three eligible business in Philadelphia.<sup>132</sup> The program succeeded in increasing profits and customer demand for healthy products.<sup>133</sup> As a result, there was also a decrease in food waste. As of April 2015, studies have indicated that Philadelphia has had a net increase of 48% in the number of full-service grocery stores.<sup>134</sup>

One example of the success of the program highlights the work of a successful businessperson who has modeled his entrepreneurial spirit on the themes embodied in the Healthy Store Initiative. Jeff Brown is an owner of several chain grocery stores in Philadelphia.<sup>135</sup> Brown tailored his stores around his philosophy that the community should use grocery stores as gathering places.<sup>136</sup> Brown partnered with local non-profits, which allowed him to staff nutritionists, social workers, credit unions and health clinics in some of his stores. Furthermore, Brown successfully lobbied the transportation authority to put bus stations near his grocery stores.<sup>137</sup>

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<sup>130</sup> *Id.* (stores were selected based on owner interest and potential).

<sup>131</sup> *Id.* at 9.

<sup>132</sup> *Id.*

<sup>133</sup> *Id.*

<sup>134</sup> Eileen Cunniffe, *Philadelphia Food Desert Study: Dramatic Increase in Healthy Food Options*, NONPROFIT QUARTERLY (April 20, 2015), <https://nonprofitquarterly.org/2015/04/20/philadelphia-food-desert-study-dramatic-increase-in-healthy-food-options/>.

<sup>135</sup> Mannvi Singh, *Why A Philadelphia Grocery Chain Is Thriving In Food Deserts*, NPR (May 14, 2015, 4:57 PM), <http://www.npr.org/sections/thesalt/2015/05/14/406476968/why-one-grocery-chain-is-thriving-in-philadelphias-food-deserts>.

<sup>136</sup> *Id.*

<sup>137</sup> *Id.*

## V. ANALYSIS

### A. Food Cart Program Expansion

There is no question that Chicago needs to eradicate the food deserts that persist within lower-income areas in the city. The City should model its efforts on programs that were successful in other metropolitan areas. Now that Chicago has lifted the ban on food carts, it can finally put a dent into the complexity of the food desert problem, taking advantage of the economic growth and food access that they bring.<sup>138</sup> Because the ban on food carts has been lifted, a program that resembles Green Carts in New York can be implemented.

Similar to the New York's effective strategy, Mayor Emmanuel can partner with the city council to enact citywide legislation offering reduced-cost permits for food cart vendors who provide fresh produce to under served neighborhoods. In addition, Mayor Emmanuel can partner with non-profit organizations to contract with the start up vendors by providing low interest loans for projects.

### B. Introducing the Healthy Food Corners Initiative Program to Chicago and expanding Urban Agriculture in underserved communities.

Secondly, Chicago could utilize Philadelphia's approach to eradicating food deserts. A creative approach that would bode well for Chicago is the Healthy Corner Store Initiative.<sup>139</sup> Chicago could use SNAP and WIC-certified stores to target eligible stores throughout the city, similar to the approach the Healthy Corner Store Initiative used in Philadelphia.<sup>140</sup>

Furthermore, the Chicago City Council can partner with non-profit urban agriculture projects to create employment opportunities for both women and men who are recipients of SNAP. This initiative would provide a livable wage for SNAP recipients. Moreover, this initiative would provide skills and education for SNAP beneficiaries regarding nutrition and produce development. These efforts could further benefit the community by allowing community members to be familiar with neighborhood agriculture and further enlighten the communities on the importance of healthy diets and selecting proper foods.

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<sup>138</sup> *Id.*

<sup>139</sup> Healthy Corner Store Initiatives Overview, *supra* at 122.

<sup>140</sup> *Id.*

C. Chicago can use zoning laws to prevent new fast food entrants into underserved communities.

Alternatively, Chicago could also enact certain zoning laws in underserved communities that could outlaw some fast-food restaurants. In 2008, Los Angeles was the first major city to utilize a policy gaining support from many scholars who specialize in obesity prevention and the eradication of food deserts.<sup>141</sup> Los Angeles enacted a “fast food ban.” Under this ordinance, new stand-alone fast food restaurants would be prohibited from entering into the lower income communities in the South Los Angeles area.<sup>142</sup> The ordinance highlighted the over-concentration of fast food restaurants, which produced excessive signage, little or no landscaping and large expansive parking lots among other things, which impact neighborhood aesthetics, pedestrian activity, traffic and the environment through heat release into the air and air pollution in the area.<sup>143</sup>

The Supreme Court has recognized zoning maybe used to combat based public health issues is a proper use of Police Power. *Jacobson v. Massachusetts*, a non-zoning case, clarified that courts should defer to the legislature when analyzing issues that deal with public health. In *Jacobson*, Massachusetts enacted a law that allowed local boards of health to mandate that their citizens be vaccinated if the boards determined that a vaccination was necessary for safety and public health. The state enforced a policy that would subject anyone over the age of 21 who refused to vaccinated to pay a five dollar fine. Jacobson refused to pay the fine and appealed to the Supreme Court. The Supreme Court upheld the Massachusetts law, declaring that the statute was constitutional based on the state’s police power because the regulation was enacted to protect the public health and public safety.<sup>144</sup>

The Court expanded zoning authority in *Village of Euclid v.*

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<sup>141</sup> Roland Sturm and Deborah A. Cohen, *Zoning For Health? The Year-Old Ban On New Fast-Food Restaurants In South LA*, Health Affairs, 28, no.6 (2009), <http://content.healthaffairs.org/content/28/6/w1088.full.pdf+html>, 1); Los Angeles City Council, Office of the City Clerk, Council File Number: 07-1658, 25 May 2007, <http://cityclerk.lacity.org/CFI/DisplayOnlineDocument.cfm?SRT=D1&cfnum=07-1658> (last visited October 10, 2015).

<sup>142</sup> Strum, *supra* note 141.

<sup>143</sup> City Ordinance 180103, [http://cityplanning.lacity.org/Code\\_Studies/Misc/FastFoodInterim.pdf](http://cityplanning.lacity.org/Code_Studies/Misc/FastFoodInterim.pdf).

<sup>144</sup> *Jacobson v. Massachusetts*, 197 U.S. 11, 39 (1905).

*Ambler Realty Co.* The Court fully recognized that public health and general welfare was supported by state police power.<sup>145</sup> The Court stated that the Police power justified an ordinance forbidding the erection in designated residential districts, of business houses, retail stores and shops and other like establishments, since such ordinances, apart from special applications, can not be declared clearly arbitrary and unreasonable, without substantial relation to the public health, safety, morals or general welfare.<sup>146</sup>

Under the Illinois Constitution, Chicago has the power to regulate for the protection of the public health, safety, morals and welfare within its city limits.<sup>147</sup> Interestingly, the city of Chicago could use a case dealing with mobile food vending to support an ordinance that bans fast-food restaurants from being built in underserved communities in Chicago. In *Triple A Servs. v. Rice*, mobile vendors sought to enjoin an ordinance that prevented them from selling prepared food to motorists.<sup>148</sup> Two mobile vending companies challenged the constitutionality of an ordinance prohibiting vendors from engaging in business activities in the Medical District.<sup>149</sup>

The controversial ordinance was enacted on September 6, 1984.<sup>150</sup> Upon reaching the Supreme Court, the court stated, “[T]he city council could reasonably determine that mobile food vendors do detract from the professional atmosphere of the District, and it could legitimately seek to remedy the situation. It could also legitimately seek to avoid or minimize litter and congestion in the streets of this area. The prohibition of mobile food vending activity within the District is a rational means of attaining these objectives.”<sup>151</sup>

Chicago could utilize the framework set out in *Triple A Servs.* to enact a ban on new fast-food restaurant in underserved communities. Chicago’s strongest argument would be that it legitimately seeks to avoid or minimize litter and congestion on the streets of these communities. Furthermore, it seeks to remedy the obesity that exists in healthy food insecure neighborhoods. Chicago’s argument that preventing the expansion of fast-food companies from further entrenching their presence in communities that face an unusual amount of obesity would be a valid exercise of

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<sup>145</sup> *Euclid v. Ambler Realty Co.*, 272 U.S. 365, 390 (1926).

<sup>146</sup> *Id.* at 390.

<sup>147</sup> IL. Const. art. VII, § 6(a).

<sup>148</sup> *Triple A Servs. v. Rice*, 131 Ill. 2d 217 (Ill. 1989).

<sup>149</sup> *Id.* at 221.

<sup>150</sup> *Id.* at 223.

<sup>151</sup> *Id.* at 234.

police power and would likely survive judicial scrutiny. As such, Chicago should create a zoning law to prevent fast food companies from pursuing new restaurants in Chicago's underserved communities.

## VI. IMPACT

### A. Predictions

Many critics believe that Chicago is not progressing towards its goal of eradicating food deserts. In 2012, the mayor announced that Chicago received a federal grant to launch two fresh foods produce buses that would bring fresh fruits and vegetables to underserved communities that lacked grocery stores.<sup>152</sup> As of now, the fresh produce trucks have been permanently parked, and the foundation that ran Food Desert Action is in serious trouble.<sup>153</sup>

The City remains optimistic and plans to change its business model.<sup>154</sup> Under the Food Desert Action's previous business model, the foundation purchased produce and subsequently sold it to the buses. However, profit margins were too thin and the venture was unsustainable.<sup>155</sup> Now, the Food Desert Action plans on purchasing from local farmers to reduce costs and generate revenue.<sup>156</sup>

There is a strong chance that Chicago will again fail, because Chicago policy makers are missing the bigger picture; the problem with food deserts is not a one size fits all issue. There are many factors to consider and Chicago is missing the mark. Chicago will continue to fail until the City realizes that in order to succeed, it must partner with private citizens, non-profit organizations, the federal government and businesses. Chicago needs to expand past their mobile food bus ventures and look to successfully implemented programs in other cities for guidance.

### B. Recommendations

The Chicago City Council can look to the efforts of New York's Green Cart program. If Chicago utilizes the Green Cart

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<sup>152</sup> Bill Ruthhart, *Emanuel Tries Again to Start Produce Bus in Food Deserts*, CHI. TRIB., JULY 10, 2015, <http://www.chicagotribune.com/news/local/politics/ct-rahm-emanuel-produce-bus-0711-20150710-story.html>.

<sup>153</sup> *Id.*

<sup>154</sup> *Id.*

<sup>155</sup> *Id.*

<sup>156</sup> *Id.*

model in the underserved communities on the South and West side of Chicago, many families will be able to purchase produce at a reasonable price, thus, minimizing the lack of healthy foods in areas that lack grocery stores.

Furthermore, if Chicago grocery stores followed Brown Super Stores' model there will be a strong likelihood for success and profitability. Supporters of Brown Super Stores argue that Brown Super Stores' CEO collaboration with State Representatives, coupled with the CEO's Brown aggressive approach for funds allocated, fostered sustainable grocery store development in underserved communities that harbor food deserts.

On the other hand, critics have argued that grocery stores need to listen to their consumers,<sup>157</sup> which might undermine the purpose of bringing healthy foods to underserved communities. For example, a store in one of Baltimore's food deserts had to recently shut its doors because it refused to sell cigarettes, sodas and fried foods. Critics also argue that it is hard to create a behavior change in a community that is used to highly processed foods.<sup>158</sup> As such, community views do not change overnight, and storeowners have to be mindful of providing comfort foods as well as nutritious foods.

In addition, providing the underserved community with jobs through urban agriculture will increase employment and help develop better-informed consumers within the neighborhood. Taken together, if many of the elements mentioned above are satisfied, the food desert issue in Chicago will significantly diminish.

Despite the fact that the Los Angeles ordinance, that many call the "Fast food ban," has been in full swing for years, critics argue that the "fast food ban" in certain areas of southern Los Angeles, did nothing to curb obesity.<sup>159</sup> Furthermore, studies have shown that almost half of the new permits were for convenience stores that sell unhealthy snack foods and soft drinks.<sup>160</sup> In addition, although the city prevented stand-alone fast food restaurants from opening, studies have shown from 2008 to 2012 that fast food

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<sup>157</sup> Kate McCleary, *Lessons from Supermarket Failure in a Food Desert*, CENTER FOR A LIVABLE FUTURE, May 5, 2015, <http://www.livablefutureblog.com/2015/05/supermarket-failure-food-desert>.

<sup>158</sup> *Id.*

<sup>159</sup> Study: Zoning Law Limiting Fast-Food Outlets Did Not Cut Obesity Rate In South LA, Mar. 18, 2015, <http://losangeles.cbslocal.com/2015/03/18/study-zoning-law-limiting-fast-food-outlets-did-not-cut-obesity-rate-in-south-la/>.

<sup>160</sup> *Id.*



restaurants used loopholes to open new outlets in strip malls and food courts in the Southern Los Angeles communities.<sup>161</sup>

However, supporters of the ordinance argue that the restriction did work because since its enactment, no fast food restaurants have opened near major intersections.<sup>162</sup> Supporters do acknowledge that it will take some time before there will be a major turn around with health changes, but noted that there has been an increase in farmers markets and community gardens following the prohibition of stand-alone fast food restaurants.<sup>163</sup>

Regardless, Chicago can learn a lesson from Los Angeles; Chicago can tighten its zoning laws and further flesh out the definition of fast-food outlets to create a blanket ban on new entrant fast food restaurants in lower income communities. Preventing new entrant fast food outlets, coupled with increasing access to affordable healthy foods, should be the model Chicago should implement in its under served communities.

## CONCLUSION

Chicago can take notes from the playbooks of other cities with regard to reducing food deserts and curbing obesity. As discussed in this article, Chicago can expand the access of healthy produce to underserved communities by allowing the selling of produce through newly legalized food carts. City Council members can also partner with more non-profit organizations to create models that encourage grocery stores into south side and west neighborhoods in Chicago who suffer from food insecurity due to their lack of healthy food options. Moreover, Chicago can implement a corner store food program that resembles Philadelphia's Healthy Corner's initiative, using SNAP and WIC certified stores to target eligible stores throughout the city. Finally, Chicago can use zoning as a means to prevent the entry of fast food restaurant in underserved communities. Success with these policies can open doors for other health and economic reforms within the under served communities across Chicago.

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<sup>161</sup> *Id.*

<sup>162</sup> *Id.*

<sup>163</sup> *Id.*