

MOTION

HOMELESSNESS AND POVERTY

I MOVE that Council REQUEST the City Attorney prepare and present an ordinance to amend Los Angeles Municipal Code (LAMC) Section Section 41.18 to add the following:

At no time shall any person who has been offered shelter sit, lie or sleep in or upon any street, sidewalk, or other public right-of-way, or publicly owned property

Violations of this section may be eligible for referral to any applicable prosecutorial-led diversion program.

PRESENTED BY: _____



JOE BUSCAINO
Councilmember, 15th District

SECONDED BY: _____



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MOTION

The City of Los Angeles has a population of nearly 4 million people, but as of the 2020 Homeless Count, 41,000 of our residents were experiencing homelessness. Addressing this crisis and improving street maintenance and hygiene is a responsibility and a commitment that the City embraces, and our approach should be compassionate and proactive with the vision of ultimately establishing a Right to Housing for all our residents.

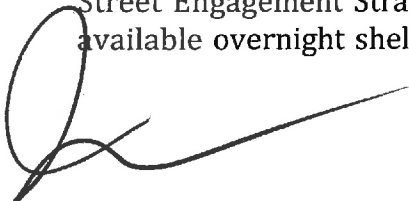
In the last five years, the City has built 2,408 units of new permanent supportive housing for the unhoused with many more units in progress, and new interim shelter facilities (such as Project Room Key, Project Home Key, A Bridge Home, Tiny Homes, Safe Camping) with capacity of 6,755 beds. In the coming year's budget, the City Council has devoted nearly \$1 billion dollars to alleviating homelessness across the City

As a City, we have a responsibility to provide resources to everyone within our jurisdiction, both the housed and the unhoused. While the City is working to address homelessness, it also has an obligation and duty to keep its public rights-of-way clean and available for public use. When a person stores their personal belongings or occupies a portion of the public space for an extended period of time, there can be an impact to public health and safety, and the accessibility of public areas. Encampments frequently impede access on public streets and sidewalks, creating a special burden for the disabled and mobility impaired. Encampments can also create great danger to those residing in them and surrounding communities, including the risk of fire; the Los Angeles Fire Department reported that in 2020, 6,788 of a total of 14,405 fire calls citywide -- nearly half of all incidents -- were homelessness-related.

Conditions of habitability, cleanliness, and safety impact our residents' quality of life. As the City proceeds into a new fiscal year, we must develop practices that synergistically offer interim or permanent housing and specialized services, with efforts to address the state of our streets and sidewalks for all users.

In an effort to develop more sustainable outcomes for people experiencing homelessness, the City Council approved several motions focused on establishing standards for street outreach and housing (CF #21-0329, Krekorian-Price-Raman-Ridley-Thomas), and street engagement and hygiene (CF #21-0031, Bonin-Raman-De Leon-Harris-Dawson). The adoption of these approaches allows the City and its partners to focus on the services and resources people experiencing unsheltered homelessness need in order to transition into housing. However, the City, in determining suitable options, recognizes that legitimate barriers to entering shelter or housing include, but are not limited to, the presence of partners, the location of available resources relative to one's community, the recognition of trauma that can be exacerbated or caused by shelter and the lack of trust that any offered sources are stable and long term.

I THEREFORE MOVE that the City Council INSTRUCT the City Administrative Officer, in coordination with all appropriate providers and stakeholders, develop and implement a Street Engagement Strategy within 30 days, which is inclusive of an offer of suitable and available overnight shelter, interim housing, or permanent housing, and that is consistent



with Council-adopted motions #21-0329 and #21-0031, and would be suitably applied to locations identified below.

I FURTHER MOVE that the City Council REQUEST the City Attorney to prepare and present an ordinance that enacts new code sections to replace Los Angeles Municipal Code section 41.18 and amendments to Los Angeles Municipal Code Section 56.11 to achieve the following:

- 1) Allows the City to maintain passable sidewalks and access points by preventing sitting, sleeping, lying, storing personal property, or otherwise obstructing the public right-of-way within 2 feet of any fire hydrant or fire plug, or within 5 feet of any operational or utilizable entrance or exit, or within 10 feet of a loading dock or driveway, or in a manner that interferes with any activity for which the City has issued a permit, or in a manner that restricts accessible passage as required by the Americans with Disabilities Act, or anywhere within a street, including bike paths.
- 2) Allows the City to restrict sitting, sleeping, lying, storing personal property or otherwise obstructing the public right-of-way within up to 500 feet of a “sensitive use” facility such as a licensed school, pre-school or daycare facility, or a park or library.
- 3) Allows the City to restrict sitting, sleeping, lying, storing personal property, or otherwise obstructing the public right-of-way within an area designated by Council resolution that is within up to 500 feet of a designated overpass, underpass, freeway ramp, tunnel, bridge, pedestrian bridge, subway, wash or spreading ground, or railroad tracks in active use, and where lodging unsheltered or in tents or makeshift shelters is unhealthy, unsafe or incompatible with safe passage.
- 4) Allows the City to restrict sitting, sleeping, lying, storing personal property, or otherwise obstructing the public right-of-way in an area designated by Council resolution that is within up to 1,000 feet of a facility opened after January 1, 2018, providing shelter, safe sleeping, safe parking, or navigation centers for persons experiencing homelessness.
- 5) Allows the City, for a period no longer than one year, to prohibit sitting, sleeping, lying, storing personal property, or otherwise obstructing the public right-of-way at a specific location designated in a Council resolution when the Council makes findings, based on specific documentation, demonstrating that the circumstances of continued sitting, sleeping, lying, storing personal property, or otherwise obstructing the public right-of-way at that location pose a particular and ongoing threat to public health and/or safety to a neighborhood or community or to those

engaged in such sitting, sleeping, lying, storing personal property, or otherwise obstructing the public right-of-way. Such circumstances could include, but not be limited to:

- a) The death or serious bodily injury of any person at the location due to a hazardous condition; or
 - b) Repeated serious or violent crimes or threats of serious or violent crimes, including human trafficking, at the location; or
 - c) The occurrence of fires at the location.
- 6) Ensures that at no time shall the City take action to prevent someone from sitting, lying, sleeping, storing personal property or otherwise obstructing an area subject to resolutions adopted pursuant to sections 3, 4 and 5 until the City has posted signage, including reference to the findings adopted in the resolution and giving notice of the date after which no sitting, sleeping, lying, storing personal property or otherwise obstructing the public right-of-way will be allowed and provided that that date is no less than 14 days from the date on which the sign is posted.

I FURTHER MOVE that the Council INSTRUCT all relevant departments to minimize the points of engagement between law enforcement and persons experiencing homelessness by:

- 1) Ensuring that homeless service providers and outreach staff lead the Street Engagement Strategy and that persons experiencing homelessness are offered interim or permanent housing services, treatment programs or any other interventions whenever they are available and deemed appropriate; and
- 2) Deploying available alternative models (potentially including, but not limited to, the use of interventionists and experts in conflict resolution) in addition to the outreach efforts of homeless service providers to promote voluntary compliance with the new ordinance.
- 3) Limiting law enforcement engagement to instances where there is an occurrence of criminal behavior or activity, in instances where a City employee or outreach worker is threatened or obstructed from fulfilling their duties, or in extenuating circumstances where there is a serious threat to public health or safety.

Presented by:

Paul Krekorian

PAUL KREKORIAN
Councilmember, 2nd District

Nury Martinez

NURY MARTINEZ
Council President, 6th District

Mark Ridley-Thomas

MARK RIDLEY-THOMAS
Councilmember, 10th District

Mitch O'Farrell

MITCH O'FARRELL
Councilmember, 13th District

Bob Blumenfeld

BOB BLUMENFIELD
Councilmember, 3rd District

Kevin De Leon

KEVIN DE LEÓN
Councilmember, 14th District

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Seconded by:

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JUN 29 2021

Tues Jun 29

There is an urgent need for the City of Los Angeles to adopt new laws regulating the use of shared public spaces. In 2016, the City Council adopted an ordinance amending LAMC 56.11, removing nearly all criminal penalties for blocking sidewalks, exceeding the 60-gallon limit on the storage of personal property, and building unsafe, unpermitted structures on the public right of way. This complete lack of rules and order has resulted in blocked sidewalks, encampment fires that frequently damage adjacent buildings and increases in both property and violent crime in the neighborhoods where encampments are located.

Currently pending in the Homelessness & Poverty Committee is a City Attorney report and Ordinance relative to specifying the particular times and locations where it shall be unlawful for a person to sit, lie, or sleep on public property. The draft ordinance also would amend Section 56.11 of the LAMC, which deals with storage of personal property in public areas, to align Section 56.11 with Section 41.18 and to note the suspension of two subdivisions in Section 56.11 pending the outcome of litigation relating to those subdivisions. (CF 20-1376).

The matter has been pending in Committee since November 30, 2020

Action is needed to withdraw this matter and place it before the Council for consideration and disposition.

I THEREFORE MOVE that pursuant to Rule 54 of the Rules of the City Council, the matter of the COMMUNICATION FROM THE CITY ATTORNEY and ORDINANCE FIRST CONSIDERATION,) relative to amending Los Angeles Municipal Code (LAMC) Section 41.18 to specify the particular times at which and the particular locations where it shall be unlawful for a person to sit, lie, or sleep upon public property, and amending LAMC Section 56.11 to align with Section 41.18, (CF 20-1376), currently pending in the Homelessness & Poverty Committee, BE WITHDRAWN from committee (8 votes required) and placed before the City Council for consideration. [A copy of the documents pending in Committee is attached].

I FURTHER MOVE that the Council thereupon present and adopt the draft ordinance, dated October 26, 2020

PRESENTED BY:



JOE BUSCAINO

Councilmember, 15th District

SECONDED BY:





JUN 23 2021

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