

# LINCOLN HEIGHTS NEIGHBORHOOD COUNCIL

## EXECUTIVE COMMITTEE MEMBERS

SARA CLENDENING  
PRESIDENT

BEN WADSWORTH  
VICE PRESIDENT

VINCENT "CHENTE" MONTALVO  
TREASURER

FERNANDA SANCHEZ  
SECRETARY

CALIFORNIA



"WE ARE ONE"

LINCOLN HEIGHTS EST. 1870

CERTIFIED COUNCIL  
2002

3516 N. BROADWAY  
LOS ANGELES, CA 90031

LINCOLNHEIGHTSNC.ORG

September 16, 2021

## COMMUNITY IMPACT STATEMENT

CF 21-0970

The Board Approves This Community Impact Statement Yea (x), Nay (x), Abstain (x) on September 16, 2021

Honorable City Council  
Los Angeles City Hall  
200 North Spring Street, Room 395  
Los Angeles, CA 90012

### RE: CF 21-0970 SPECIAL MOTION 1 / PROHIBITION OF PROTESTING / 300 FEET OF TARGET HOME / ORDINANCE

Dear Honorable City Council members:

On September 16, 2021, in a Brown Act compliant meeting, Lincoln Heights Neighborhood Council considered the following resolution re: Motion CF 21-0970 -Special Motion 1 / Prohibition of Protesting / 300 Feet of Target Home / Ordinance. The stakeholders and elected officials have come to the following conclusions listed below:

**WHEREAS**, On September 15, 2021, LA City Council Rules Committee voted to approve the motion written by Nury Martinez and Mitch O'Farrell to ban protests within 300 ft of an elected public officials home. They seek to amend the LAMC with a law that "has survived a court challenge" in the City of San Jose.

**WHEREAS**, The residents and their elected representatives of the Lincoln Heights Neighborhood Council believe that nonviolent protests at official's houses is protected speech. The practice of protesting at powerful elected and unelected officials' homes has a very long tradition in the United States and is protected under the 1st Amendment.

**WHEREAS**, the elected representatives of the Lincoln Heights Neighborhood Council, and our constituents are being unconstitutionally silenced by City Hall. Los Angeles City Council has limited public comments at meetings so severely, that the public is forced to get answers in the field. The principle behind protests of this kind over the decades has been that people feel unable to access their leaders through "ordinary" means, such as requesting meetings and showing up at City Hall, so they take the protest to their houses.

BOARD MEMBERS: BUSINESS REPRESENTATIVES: William Rodriguez Morrison, Nancy Stella Soto, vacant

COMMUNITY BASED ORGANIZATION REPRESENTATIVES: Benny Madera, Dydia DeLyser, vacant

YOUTH REPRESENTATIVE: Diana Tran

AREA REPRESENTATIVES: Richard W. Larsen, Annalee Harr, Melanie Bellomo Shifflett, Vicente Gonzalez-Reyes Jr., Armida Marrufo, Victor Azanedo, Diego Zapata, vacant, Gil Arevalo, Richard Ortiz, Steve Lucero, Lena Ruiz, Selena Ortega

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**WHEREAS**, The residents and their elected representatives of the Lincoln Heights Neighborhood Council do not agree with Nury Martinez/ Mitch O'Farrell using the sensationalist example of anti vaxxers at their home to write this motion. It is well known that the people normally protesting at their homes are doing so to shine a light on the unconstitutional actions of the LA City Council- which Ms. Martinez presides. These protests often address the abuses and crimes against the unhoused. council members' residences are paid for with taxpayer money and are exempt from ethics reporting on form 700.

**WHEREAS**, the residents and their elected representatives of the Lincoln Heights Neighborhood Council do not approve of members of Los Angeles City Council limiting free speech and infringing on 1st amendment rights of the 3.9 million people of the City of LA.

**NOW, THEREFORE** The residents and their elected representatives of the Lincoln Heights Neighborhood Council demand that the City of LA reinstate the public comment time on City Council meetings so the constituents have ample time to air their concerns to their elected public officials

**NOW, THEREFORE**, The residents and their elected representatives of the Lincoln Heights Neighborhood Council demand that this unconstitutional, provincial motion mirrored off of a San Jose law be withdrawn on the grounds mentioned above. To limit free speech of the public only erodes democracy and elected public officials must be held accountable for their decision making when it violates the constitution and the peoples human rights.

Sincerely,

*Lincoln Heights Neighborhood Council*

Lincoln Heights Neighborhood Council

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MOTION

**SPECIAL**

Over the course of the last year, demonstrators have increasingly protested at the homes of elected officials, including at the homes of members of the Los Angeles City Council, members of the Los Angeles County Board of Supervisors, and City Attorney. Demonstrators have also protested at the homes of non-elected government officials and employees, including at the home of the Director of the County Department of Public Health, Barbara Ferrer, and even of City staff. Targeting personal residences is a coercive tactic designed to intimidate officials and their staff. Everyone—including public officials, City staff, their families, and their neighbors—should be protected from intimidation and intentional disruption in their personal residences.

Since the posting of the agenda, the threat of intimidation and violence has suddenly become more concrete and imminent. At a Santa Monica rally on Sunday, August 29, 2021, an anti-vaccine activist shared with his crowd of supporters the home addresses of Councilmembers. Holding up a list of the home addresses of every Councilmember, he said, "Whoever votes yes [on an ordinance to mandate vaccinations, with limited exceptions, to enter indoor public spaces], we're coming to your doors. We're coming to your homes. You want to feel intimidated? You want to intimidate us? We're coming for you now. . . . You're on this list? You're going to see our faces, for a week until you do the right thing. You understand what I'm saying to you? You fucking better." At another point, he shouted to his cheering supporters: "So after this vote, if it's unanimous God help us. But it's not going to be, OK, because some people have souls. So the whole entire next week, we find out who voted yes, and you show up at their house[s]. We need to intimidate these people. Yes, I'm saying that!" Asked what would happen if the contemplated vaccination ordinance passed, he replied "Civil war," and exhorted people to get their guns and sharpen their knives. There is, therefore, an urgent need to protect elected officials and their staff from threatened intimidation at their residences.

The City of Los Angeles, similar to many municipalities, has an existing law intended to protect people in their homes from targeted protests. Los Angeles Municipal Code section 56.45(e) generally prohibits protests that are focused on and within 100 feet of a private residence. However, this law has proven less effective than more recently adopted laws by other municipalities. Over the last year we've seen people shout derogatory statements at Councilmembers and their family members, homes have been vandalized, and neighborhoods have been disrespected. In particular, the City of San Jose has a law with more precise language that prohibits anyone from protesting within 300 feet of the target's home. Importantly, the San Jose law has survived a court challenge.

I THEREFORE MOVE that the Council determine, as provided in Government Code section 54954.2 and pursuant to City Council Rule 23, that there is a need to take immediate action on this matter and that the need for action came to the attention of the City subsequent to the posting of the agenda for today's Council meeting.

I FURTHER MOVE that the City Attorney be requested to prepare and present an ordinance, modeled on the City of San Jose's law, prohibiting within the City of Los Angeles protesting within 300 feet of a target's home; and to include an urgency clause in the draft ordinance.

PRESENTED BY:

NURY MARTINEZ

Councilwoman, 6th District

PRESENTED BY:

*Mitch O'Connell*

SECONDED BY:

*[Signature]*

**ORIGINAL**

AUG 31 2021

*Bob Blum*

*Donahue*



**MICHAEL N. FEUER**  
CITY ATTORNEY

REPORT NO. R 21-0266

REPORT RE:

SEP 08 2021

**DRAFT ORDINANCE AMENDING SUBSECTIONS (a) AND (e) OF SECTION 56.45  
OF THE LOS ANGELES MUNICIPAL CODE TO PROHIBIT TARGETED PICKETING  
AT A PRIVATE RESIDENCE**

The Honorable City Council  
of the City of Los Angeles  
Room 395, City Hall  
200 North Spring Street  
Los Angeles, California 90012

Council File No. 21-0970

Honorable Members:

Pursuant to your request, this Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. The draft ordinance amends Subsections (a) and (e) of Section 56.45 of the Los Angeles Municipal Code (LAMC) to prohibit targeted picketing, including parading back and forth, within 300 feet of a private residence.

Background and Summary of Ordinance Provisions

LAMC Section 56.45(e) prohibits a person from picketing within 100 feet of a private residence where that residence is the focus of the picketing. The City's law as currently written has not been applied to prevent picketers who parade back and forth in front of a targeted residence.

Other municipalities, most notably the City of San Jose, have enacted laws that afford greater protection against targeted picketing at a private residence. First, San Jose's law more expressly prohibits targeted picketing at a private residence regardless

of whether the picketing is stationary in front of the residence or involves parading back and forth in the immediate vicinity of the residence. Second, San Jose's law imposes the prohibition within 300 feet of the residence. The language used in San Jose's law has more effectively curbed the practice of targeted picketing at people's homes as compared to the language used in the City of Los Angeles' law. San Jose's law has also survived judicial challenge.

As requested by the City Council, the enclosed draft ordinance amends the City's existing law modeled on the law in the City of San Jose, including the provision affording an aggrieved party a private right of action. Also as requested, the draft ordinance includes an urgency clause.

Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Los Angeles Police Department, with a request that all comments, if any, be presented directly to the City Council when this matter is considered.

If you have any questions regarding this matter, please contact Senior Assistant City Attorney Carlos de la Guerra at (213) 978-8380, or Chief Assistant City Attorney David Michaelson at (213) 978-7100. They or another member of this Office will be available when you consider this matter to answer questions you may have.

Sincerely,

MICHAEL N. FEUER, City Attorney

By 

DAVID MICHAELSON  
Chief Assistant City Attorney

DM:PJ  
Transmittal

ORDINANCE NO. \_\_\_\_\_

An ordinance amending Subsections (a) and (e) of Section 56.45 of the Los Angeles Municipal Code to prohibit targeted picketing at a private residence.

**THE PEOPLE OF THE CITY OF LOS ANGELES  
DO ORDAIN AS FOLLOWS:**

Section 1. Section 56.45(a) of the Los Angeles Municipal Code is amended to add two definitions as follows:

(10) **“Residential dwelling”** means any permanent building being used by one or more occupants for nontransient residential uses.

(11) **“Targeted”** means picketing activity that is targeted at a particular Residential dwelling and occurs in front of the Residential dwelling or proceeds on a course or route in front of or around that particular Residential dwelling.

Sec. 2. Section 56.45(e) of the Los Angeles Municipal Code is amended to read as follows:

(e) **Targeted residential picketing prohibited.** No person shall engage in Targeted picketing activity at or within 300 feet of the Targeted Residential dwelling. This subsection does not and shall not be interpreted to preclude picketing in a residential area that is not Targeted at a particular Residential dwelling.

Any person who is aggrieved by an act prohibited by this subsection may bring an action for damages, injunctive and/or declaratory relief, as appropriate, in a court of competent jurisdiction against any person who has violated, has conspired to violate, or proposes to violate the provisions of this subsection. Any aggrieved person who prevails in such an action shall be entitled to recover from the violator those damages, costs, attorneys' fees, and such other relief as determined by the court. In addition to all other damages or relief, the court may award to the aggrieved person a civil penalty of up to \$1,000 for each violation of this subsection. The remedies provided by this subsection are in addition to any other legal or equitable remedies the aggrieved person may have and are not intended to be exclusive.

Sec. 3. **URGENCY CLAUSE.** The City Council finds and declares that this ordinance is required for the immediate protection of the public peace, health, and safety for the following reasons: demonstrators have increasingly picketed at the homes of elected officials, including at the homes of members of the Los Angeles County Board of Supervisors, members of the Los Angeles City Council, and Mayor Garcetti. Demonstrators have also picketed at the homes of non-elected government officials and employees, including at the home of the Director of the County Department of Public Health, Barbara Ferrer. More recently, the threat of intimidation and violence directed at personal residences has become more concrete and imminent. At a Santa

Monica rally on Sunday, August 29, 2021, an anti-vaccine activist shared with his crowd of supporters the home addresses of all Council members and urged his followers to show up at the homes of public officials supporting vaccination legislation. He exhorted his followers to "...show up at their house[s]. We need to intimidate these people." He called on the public to engage in a civil war and "...to get their guns and sharpen their knives." There is, therefore, an urgent need to protect public officials and their staff from threatened intimidation and possible violence at their residences. For this reason, the ordinance shall become effective upon publication pursuant to Los Angeles Charter Section 253.

Sec. 4. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By   
VALERIE FLORES  
Senior Assistant City Attorney

Date 9-8-2021

File No. 21-0970

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The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than three-fourths** of all its members.

CITY CLERK

MAYOR

\_\_\_\_\_

\_\_\_\_\_

Ordinance Passed \_\_\_\_\_

Approved \_\_\_\_\_