

CATEGORY: Policy

DIRECTORS: Rubin/Tilson/Watkins/Wheeler

PURPOSE: Community Impact Statement for CF-20-1376-S1

BACKGROUND:

The MVCC boundaries are within two City Council Districts (CD5 & CD11) and represented by Paul Koretz (CD5) and Mike Bonin (CD11).

On July 1, 2021, the Los Angeles City Council voted on a motion for a City Ordinance titled, "Unlawful Sitting, Lying, Sleeping / Unlawful Personal Property Storage, Use, Maintenance / Private Property / Los Angeles Municipal Code / Amendment".

Only two members of the council opposed this motion, Mike Bonin was an opposing vote.

The City Council also adopted two of the three amendments proposed and will be holding a second reading and vote during the July 28, 2021 meeting.

As this ordinance will affect all Mar Vista stakeholders, it is imperative that the MVCC weigh in on this very important issue before the July 28 City Council vote.

The draft of the original ordinance is attached as well as the three amendments that were proposed; although only two, 76A and 76C, passed.

For the entire file, visit: <https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=20-1376-S1>

THE MOTION:

The MVCC supports CF-20-1376-S1 which replaces Section 41.18 of the Los Angeles Municipal code with an ordinance that specifies the particular times and locations where it shall be unlawful for a person to sit, lie, or sleep, or to store, use, maintain, or place personal property in the public right-of-way.

ORDINANCE NO. _____

An ordinance replacing Section 41.18 of the Los Angeles Municipal Code to specify the particular times and locations where it shall be unlawful for a person to sit, lie, or sleep, or to store, use, maintain, or place personal property in the public right-of-way.

WHEREAS, the homeless crisis has reached epic proportions across the City of Los Angeles;

WHEREAS, in order to sustainably address street homelessness, a trauma-informed approach that requires street engagement by trained professionals and offers appropriate interim and permanent housing, storage, and specialized services in the form of a Street Engagement Strategy must be suitably applied across the City;

WHEREAS, it is the obligation of the City to keep its public rights of way clean and available for public use, and to protect the public health, safety, and access by City constituents; and

WHEREAS, the City should seek to accomplish the aforementioned objectives in a manner that preserves the dignity and safety of all residents and exhausts alternative models to promote compliance.

NOW THEREFORE,

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

Section 1. Section 41.18 of the Los Angeles Municipal Code is amended in its entirety to read as follows:

SEC. 41.18. SITTING, LYING, OR SLEEPING OR STORING, USING, MAINTAINING, OR PLACING PERSONAL PROPERTY IN THE PUBLIC RIGHT-OF-WAY.

(a) No person shall obstruct a street, sidewalk, or other public right-of-way:

(1) by sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property, in a manner that impedes passage, as provided by the Americans with Disabilities Act of 1990, Pub. L, No. 101-336, 104 Stat. 328 (1990), as amended from time to time;

(2) by sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property, within ten feet of any operational or utilizable driveway or loading dock;

(3) by sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property, within five feet of any operational or utilizable building entrance or exit;

(4) by sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property, within two feet of any fire hydrant, fire plug, or other fire department connection;

(5) by sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property, within the public right-of-way in a manner that obstructs or unreasonably interferes with the use of the right-of-way for any activity for which the City has issued a permit.

(b) No person shall obstruct any portion of any street or other public right-of-way open to use by motor vehicles, or any portion of a bike lane, bike path, or other public right-of-way open to use by bicycles, by sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property, anywhere within the street, bike lane, bike path, or other public right-of-way, as specified.

(c) Except as limited by Subsection (d), no person shall:

(1) sit, lie, sleep, or store, use, maintain, or place personal property, in or upon any street, sidewalk, or other public right-of-way within the distance stated on the posted signage (up to a maximum of 500 feet) of a property designated as a sensitive use. For a property to be designated as a “sensitive use,” the property must be a School, Day Care Center, Public Park, or Public Library, as those terms are defined in Section 105.01 of this Code;

(2) sit, lie, sleep, or store, use, maintain, or place personal property, in or upon any street, sidewalk, or other public right-of-way within the distance stated on the posted signage (up to a maximum of 500 feet) of a designated overpass, underpass, freeway ramp, tunnel, bridge, pedestrian bridge, subway, wash, spreading ground, or active railway, where the City Council determines, in the designating resolution, that the public health, safety, or welfare is served by the prohibition, including, without limitation, by finding that sleeping or lodging within the stated proximity to the designated area is unhealthy, unsafe, or incompatible with safe passage;

(3) sit, lie, sleep, or store, use, maintain, or place personal property, in or upon any street, sidewalk, or other public right-of-way, within the distance stated on the posted signage (up to a maximum of 1,000 feet) of a designated facility, opened after January 1, 2018, that provides shelter, safe sleeping, or safe parking to homeless persons, or that serves as a homeless services navigation center;

(4) sit, lie, sleep, or store, use, maintain, or place personal property, in or upon any street, sidewalk, or other public right-of-way that has been posted with signage prohibiting sitting, lying, sleeping, or storing, using, maintaining, or placing personal property. In order to designate a section of street, sidewalk, or other public right-of-way as prohibited under this subdivision, the City Council shall determine, in a designating resolution and based on specific documentation, that the circumstances of continued sitting, sleeping, lying, storing personal property, or otherwise obstructing the public right-of-way at that location poses a particular and ongoing threat to public health or safety. Such circumstances may include, but are not limited to: (i) the death or serious bodily injury of any person at the location due to a hazardous condition; (ii) repeated serious or violent crimes, including human trafficking, at the location; or (iii) the occurrence of fires that resulted in a fire department response to the location. For each such location, a prohibition pursuant to this subdivision shall be effective for a period of time specified in the resolution, but not to exceed one year.

(d) No person shall be found to be in violation of any prohibition set forth in Subsection (c), unless and until: (i) the City Council has taken action, by resolution, to designate a specified area or areas for enforcement against sitting, lying, sleeping, or storing, using, maintaining, or placing personal property, or otherwise obstructing the public right-of-way; (ii) the City has posted signage at the designated area or areas set forth in the resolution, with such signage including reference to any required findings adopted in the resolution, and giving notice of the date after which no sitting, lying, sleeping, or storing, using, maintaining, or placing personal property, or otherwise obstructing the public right-of-way will be allowed; and (iii) at least 14 calendar days have passed from the date on which the signage is posted at the designated area or areas.

Sec. 2. 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 L. FLORES
Senior Assistant City Attorney

Date _____

File No. CF 20-1376-SX

M:\GENERAL COUNSEL DIVISION\ORDINANCES AND REPORTS\ORDINANCES - FINAL YELLOW\LAMC 41.18 (6-30-21).docx

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.

CITY CLERK

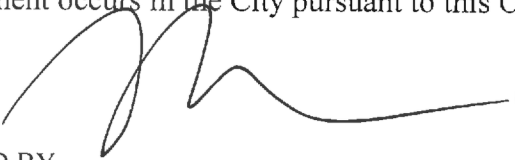
MAYOR


Ordinance Passed _____

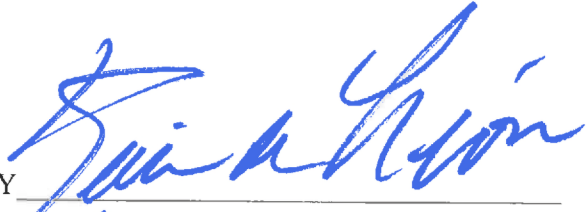

Approved _____

MOTION


I MOVE that the matter of the communication from City Attorney and Ordinance First Consideration relative to replacing Municipal Code Section 41.18 to specify particular times and locations where it shall be unlawful for a person to sit, lie, or sleep, or to store, use, maintain, or place personal property in the public right of way, Item No. 76 on today's Council Agenda, (CF 20-1376-S1), **BE AMENDED** to instruct the Police Department, Fire Department and Bureau of Sanitation to provide monthly reports on race, gender, location and type of enforcement when any enforcement occurs in the City pursuant to this Ordinance.

PRESENTED BY 
MARQUEECE HARRIS-DAWSON
Councilmember, 8th District


MARK RIDLEY-THOMAS
Councilmember, 10th District

SECONDED BY 


ORIGINAL

July 1, 2021


MOTION

I MOVE that Council AMEND the communication from the City Attorney and Ordinance relative to replacing Los Angeles Municipal Code (LAMC) Section Section 41.18 to specify the particular times and locations where it shall be unlawful for a person to sit, lie, or sleep, or to store, use, maintain, or place personal property in the public right-of-way. (Item 76, Council file No. 20-1376-S1), to include the following additional section to read as follows:

SEC. 41.18 (e) 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
JOE BUSCAINO
Councilmember, 15th District

SECONDED BY: J.P.L.

ORIGINAL

JUL 01 2021

MOTION

76C

On June 29, 2021, the Los Angeles City Council adopted a motion (by a 12-3 vote) designed to both uphold the City's obligation to keep public rights-of-way clean, safe, and accessible for the public at-large, address the City's homelessness crisis in a way that preserves the dignity of our unhoused residents, and support efforts to transition such individuals into suitable shelter or housing (the "Motion").

To ensure proper alignment between the Motion and the corresponding ordinance resulting therefrom, it is necessary that such ordinance does not contain language that compounds the plight of the unhoused by subjecting them to the criminal justice system.

I THEREFORE MOVE that the draft ordinance prepared by the City Attorney's Office on June 30, 2021, Item 76 on the agenda for today, July 1, 2021 (C.F. 20-1376-S1), BE AMENDED to insert a new Subdivision (e) to read as follows:

(e) Violations of this Section involving a person who willfully resists, delays or obstructs a City employee from enforcing this Section or who willfully refuses to comply after being requested to do so by an authorized City employee shall be subject to the penalties set forth in Los Angeles Municipal Code (LAMC) Section 11.00. All other violations of this Section shall be enforceable only as infractions pursuant to LAMC 11.00(m) or issuance of a citation pursuant to the City's Administrative Citation Enforcement Program pursuant to LAMC Section 11.2.01, et. seq.

PRESENTED BY:

Mark Ridley-Thomas
MARK RIDLEY-THOMAS
Councilmember, 10th District

Paul Kerkorian
PAUL KREKORIAN
Councilmember, 2nd District

Marqueece Harris-Dawson
MARQUEECE HARRIS-DAWSON
Councilmember, 8th District

Nury Martinez
NURY MARTINEZ
Councilmember, 6th District

Bob Blumenfeld
BOB BLUMENFIELD
Councilmember, 3rd District

ORIGINAL

SECONDED BY:

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[Signature]
[Signature]

JUL 01 2021