

AGENDA ITEM 7.1

CATEGORY: Policy

COMMITTEE: PHS & Homeless Committee

PURPOSE: Community Support for CF 14-1057-S9 - Discuss Motion and Possible Action to Support City of Los Angeles Council File 14-1057-S9 (Buscaino).

BACKGROUND:

In June of 2014, the Ninth Circuit Court of Appeals ruled in the case of *Desertrain v. City of Los Angeles* that Los Angeles Municipal Code (LAMC) Section 85.02, which, at that time, prohibited people from using vehicles parked on public streets as living quarters, was unconstitutionally vague and raised the possibility of arbitrary enforcement against homeless people.

On December 3, 2014, the Los Angeles City Council discussed the matter with legal counsel in Closed Session, and on March 26, 2015, the City Attorney transmitted two draft ordinances for the Council to consider, which would repeal and replace the previous version of 85.02 (CF 14-1057). One version was a novel approach that prohibits vehicle lodging in residential areas, but allows a person to obtain a free permit to lodge in a vehicle on certain designated streets. These designated streets would be in non-residential areas, and the vehicle lodging permit would only be valid for a limited time and only after receiving homeless outreach services from a reputable service provider.

The City Council never considered this draft ordinance, and instead, adopted an ordinance that established a straightforward ban in residential areas and a night-time ban in commercial areas. This ordinance had a sunset date of January 1, 2020, and was not extended, leaving no regulations or restrictions on vehicle dwelling whatsoever, on any street in the City.

Establishing a fee-free permit system would allow the City to better regulate vehicle dwelling to prevent an over-concentration in any single community and ensure those living in their vehicles are connected to services and are input into the Coordinated Entry System - the first step on the path to housing.

THE MOTION:

This motion requests that the MVCC Board support CF 14-1057-S9 (Buscaino), proposing a new ordinance that would ban overnight vehicle dwelling in all areas of the City, except that in non-residential areas such dwelling may be allowed under a specified permit system.

HOMELESSNESS AND POVERTY

MOTION

In June of 2014, the Ninth Circuit Court of Appeals ruled in the case of *Desertrain v. City of Los Angeles* that Los Angeles Municipal Code (LAMC) Section 85.02, which, at that time, prohibited people from using vehicles parked on public streets as living quarters, was unconstitutionally vague and raised the possibility of arbitrary enforcement against homeless people.

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I THEREFORE MOVE that the Council DIRECT the City Administrative Officer to prepare and release Request for Proposals for the administration and operation of a free permit program for vehicle dwelling on City Streets.

I FURTHER MOVE that the Council PRESENT and ADOPT the attached draft ordinance, dated March 26, 2015, relative to amending LAMC 85.02 to prohibit vehicle lodging on City streets.

PRESENTED BY:



JOE BUSCAINO

Councilmember, 15th District

SECONDED BY:



ORIGINAL



OCT 19 2021

ORDINANCE NO. _____

An ordinance amending Los Angeles Municipal Code Section 85.02 to prohibit the use of vehicles for lodging on City public streets.

The City finds and declares the following:

WHEREAS, substantial public health, safety and quality-of-life concerns are posed by persons who use their vehicles for lodging on public streets located in residential areas of the City of Los Angeles;

WHEREAS, there have been numerous complaints by residents of litter and unsanitary conditions related to persons who lodge in vehicles, sometimes resulting in altercations;

WHEREAS, the conditions described above have resulted in and will likely continue to result in blight, excessive noise and crime, not only to residents' property through acts of vandalism, but also against the persons who are lodging in the vehicles who are at a heightened risk of assault, robbery and other criminal activity; and

WHEREAS, lodging in vehicles on public streets diminishes the economic viability of the City and its many tourist attractions.

NOW, THEREFORE,

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

Section 1. Section 85.02 of the Los Angeles Municipal Code is amended in its entirety to read as follows:

SEC. 85.02. REGULATING THE USE OF VEHICLES FOR LODGING.

(a) Use of Vehicles for Lodging Prohibited on City Streets. Between the hours of 9:00 p.m. and 6:00 a.m., no person shall use a vehicle for lodging on any public street in the City of Los Angeles. Vehicle lodging means the combination of one or more activities in Subdivision (1) with one or more activities in Subdivision (2) where it reasonably appears, in light of all the circumstances, that a person is using a vehicle for lodging.

(1) storing of contents inside a vehicle that are not associated with ordinary vehicle use, such as a sleeping bag, bedroll, blanket, sheet, pillow, kitchen utensils, cookware, cooking equipment, bodily fluids, or the storing of personal possessions or belongings that obscure some or all of the vehicle's windows; and

(2) engaging or engaged in one or more of the following inside a vehicle: preparing or cooking meals or sleeping.

As used in this section, vehicle shall mean any motor vehicle, trailer, house car and trailer coach as defined by the California Vehicle Code.

This subsection shall not apply to a person who displays on the vehicle dashboard a vehicle lodging pass and is parked on a street in a non-residential area as designated on a map issued by the City. The City will contract with one or more homeless service providers to make available vehicle lodging passes and maps to persons who request a pass and map after receiving homeless outreach services. A pass will expire on a date certain after its issuance, but new passes can be sought from the homeless service provider.

(b) **Penalty.** A first violation of this section shall be an infraction punishable by a fine not to exceed \$100. A second and all subsequent violations of this section shall be subject to the provisions of Section 11.00 of the Los Angeles Municipal Code, including, but not limited to, prosecution as an infraction punishable by a fine of \$250, or prosecution as a misdemeanor punishable by a fine not to exceed \$1,000 or by imprisonment in the County Jail for a period not to exceed six months, or by both such fine and imprisonment. The following constitutes a violation for purposes of this section: (i) a conviction for violations of this section; (ii) a conviction under California Penal Code Section 853.7 for failure to appear in court to contest a citation for violation of this section; or (iii) a forfeiture of bail.

(c) **Severability.** If any portion, subsection, sentence, clause or phrase of this section is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this section. The City Council hereby declares that it would have passed this ordinance and each portion or subsection, sentence, clause and phrase herein, irrespective of the fact that any one or more portions, subsections, sentences, clauses or phrases be declared invalid.

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.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

HOLLY L. WOLCOTT, City Clerk

By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By _____
DAVID MICHAELSON
Chief Assistant City Attorney

Date _____

File No. _____