

CITY OF LOS ANGELES GUIDELINES FOR ABANDONED PROPERTY AND ENCAMPMENTS

On October 15, 2007, the City entered into a **settlement agreement in Jones v. City of Los Angeles, in which the City agreed that between the hours of 9 p.m. and 6 a.m., it would not enforce the law prohibiting sleeping on the streets anywhere in the City of Los Angeles** until the City makes 1,250 units of permanent supportive housing available in the Skid Row area.

In a separate case, **Lavan v. City of Los Angeles, a federal district court judge issued a preliminary injunction enjoining the City from seizing or destroying personal property left unattended on the public sidewalks** of downtown's Skid Row. The City appealed this order to the Ninth Circuit Court of Appeals. The Ninth Circuit held that the removal and immediate destruction of a person's unattended property violates the United States Constitution. The Ninth Circuit's opinion applies citywide. In implementing the injunction and the Ninth Circuit ruling, the City has established a process to be used prior to removing or destroying personal property left on sidewalks. **This includes providing notice to the owner prior to removal and storing the property for a reasonable period prior to disposing of it.** These prerequisites do not apply to items which pose an immediate threat to public health and safety, or is evidence of a crime.

Although the injunction only pertains to Downtown Los Angeles, **the City has implemented these precautionary steps citywide to protect individuals' rights to their property and to also ensure compliance with the Ninth Circuit ruling, which is applicable citywide.** The City's Bureau of Street Services (BSS) and the Bureau of Sanitation (BOS) are working with the Los Angeles Homeless Services Authority (LAHSA) and other agencies to provide outreach to the homeless individuals as well as to maintain safety in the public right of way. The City has sought to strike a balanced approach: provide help to those who need and want it – and to enforce all applicable laws to protect quality of life.

Being homeless is not illegal. The city's department of Bureau of Street Services and Sanitation, along with LAHSA, have developed a process to ensure that public safety concerns are met.

Here's the essential Abandoned Property/Encampment Cleaning Protocol:

- Encampment reported to BSS by constituent or Council Office
- BSS assigns investigator to the site who visually inspects the site
- Council Office/BSS alerts LAHSA
- **LAHSA conducts outreach and offers services to the individuals**
- **Owner of property receives a 48-hour Notification of Cleanup to ensure he/she has enough time to collect their belongings**

Abandoned personal property is to be "bagged and tagged" and kept in a secure location for at least 90 days to allow individuals time to collect this property

- BSS works with Sanitation to schedule a cleanup of the bio hazard waste in the area. Cleaning an encampment requires specialized training, which may require a certified watershed protection worker.