

The people of the City of Los Angeles do ordain as follows:

SECTION 1. Title.

This initiative measure shall be known and may be cited as the “Safer Schools and Public Spaces, Shelter Access, and Encampment Reduction Initiative” (the “Initiative”).

SECTION 2. Findings and Purpose.

A. Findings. The people of the City of Los Angeles (“City” or “Los Angeles”) find and declare the following:

1. Los Angeles’ immense crisis of homelessness harms the unhoused, and the prevalence of tents and encampments negatively affects all Angelenos. The City of Los Angeles has an obligation to keep public spaces clean and available for public use, to protect everyone’s health and safety, and to make the City more humane by helping unhoused people move indoors and reducing the number of tents and encampments.
2. Every day, children walk around tents or through encampments on their way to and from school and other places because of Los Angeles’ homelessness crisis.
3. Tents and encampments prevent sidewalks, streets, parks, libraries, bus stops, and other public spaces from being utilized for their intended purposes, disproportionately impacting lower-income families who rely more heavily on public spaces and transit.
4. The accumulation of trash and debris near tents and encampments causes unsanitary conditions and fire risks. Rubbish fires in Los Angeles increased by almost 500% over the last decade, and one-third of Los Angeles Fire Department activity between 2018-2024 related to fires involving persons experiencing homelessness.
5. People living in tents and encampments on sidewalks, streets, and in parks and other public spaces are at increased risk of being victimized by sexual assault, robbery, drug activity, gang activity, and other crime, and children passing by encampments may be exposed to these activities.
6. People living in tents and encampments on sidewalks, streets, and in parks and other public spaces are also exposed to infectious diseases, and may suffer worsened injuries, addiction, and psychiatric disorders.
7. A recently released audit by the City Controller found that, over the 5-year scope covered by the audit, an average of 1 in 4 interim housing beds went unused, unnecessarily leaving people to sleep in tents and encampments and costing taxpayers an estimated \$218 million.
8. Los Angeles Municipal Code Section 41.18 has long prohibited encampments in public rights-of-way and in certain other public spaces, including outside of schools and daycares.

9. This Initiative improves the City’s existing anti-camping laws to create safer routes to school, protect access to public spaces, and improve quality of life for Angelenos and their families by:

- continuing to prohibit encampments at all times in areas already covered by Section 41.18, including schools and daycares;
- adding an express prohibition on encampments during daytime hours on all public property and public rights-of way not already covered by Section 41.18;
- requiring shelter to be offered to encampment residents prior to enforcement of the new daytime camping prohibitions enacted by this Initiative;
- removing Council discretion from Section 41.18 over specified sensitive areas to ensure that encampments are prohibited at all times near sensitive uses (including but not limited to parks and libraries), while maintaining the Council’s ability to designate additional areas where the prohibitions of 41.18 are enforced at all times;
- increasing from 500 to 1,000 feet the area in which encampments near specified uses, including but not limited to schools and daycares, are prohibited; and
- providing a procedure to report encampments and seek enforcement of the anti-camping ordinance in the event the City fails to respond to complaints as required.

10. This Initiative does not impose any new criminal penalties for violations of the anti-camping ordinance.

11. Implementation of this Initiative will protect the public health, safety, and welfare, and the quality of life for the people of Los Angeles.

B. **Purpose.** The people of the City of Los Angeles declare that our purpose and intent in enacting this Initiative is to make amendments to the Municipal Code of the City of Los Angeles to improve the City’s existing anti-camping law by prohibiting encampments in specified areas of the City including areas near sensitive uses, and prohibiting daytime camping on all other public property and public rights-of-way Citywide (to the extent not already prohibited by Section 41.18), to create safer routes to school, protect City residents’ access to public spaces, and improve the quality of life for all Angelenos.

SECTION 3. Amendments to the Municipal Code of the City of Los Angeles.

Article I (“Disorderly Conduct, Places and Publications”) of Chapter IV (“Public Welfare”) is hereby amended as set forth below (new language to be inserted into the Municipal Code is shown as underline text, deletions are indicated in ~~strikethrough~~).

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 (including by maintaining an encampment), 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 (including by maintaining an encampment), 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 (including by maintaining an encampment), 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 (including by maintaining an encampment), 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 (including by maintaining an encampment), 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 (including by maintaining an encampment), anywhere within the street, bike lane, bike path, or other public right-of-way, as specified.

(c) ~~Except as limited by Subsection (d), n~~ No person shall:

(1) sit, lie, sleep, or store, use, maintain, or place personal property (including by maintaining an encampment), 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~~ 1,000 feet) of a ~~property designated as a sensitive use~~. For a property to be ~~designated as a~~ "sensitive use", the property must be a 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 (including by maintaining an encampment), 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 an ~~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 (including by maintaining an encampment), 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 (including by maintaining an encampment), 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 (including signage prohibiting encampments at all times).

(A) This subsection (c)(4) allows for the City Council to designate additional areas in which encampments are prohibited at all times in addition to those areas specifically enumerated in subsections (a) through (e).

(B) 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 (including by maintaining an encampment), 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.

(C) Under no circumstances shall this or any other provision of Section 41.18 be interpreted to allow the City Council, by resolution or otherwise, to limit enforcement of any other subsection or part of this Section 41.18 by failing to designate areas for enhanced enforcement.

~~(d) Reserved. 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.~~

(e) No person shall sit, lie, sleep, or store, use, maintain, or place personal property (including by maintaining an encampment), in or upon any street, sidewalk, or other public property within ~~500~~ 1,000 feet of a School/Educational Center or Day Care Center as those terms are defined in

~~subsection (i) herein. Section 105.01 of this Code. A violation of this subsection is governed by Section 41.18(f) of this Code.~~

(f)

(1) 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 City's Administrative Citation Enforcement Program pursuant to LAMC Section 11.2.01 et seq.

(2) Nothing in this Section shall preclude the City from seeking any other remedies available under the law, including but not limited to enforcement of any other City or state laws, including laws governing trespassing, waste disposal, use of controlled substances or weapons, fire codes, and public nuisance laws.

(g)

(1) to the extent not already prohibited by other provisions of this Section 41.18 or any other applicable law, no person shall maintain an encampment within the public right-of-way or other public property during the hours between 6 a.m. and 9 p.m. (except during rainfall or when the temperature is below 50 degrees Fahrenheit).

(2) Notwithstanding the foregoing, no person shall be found in violation of this subsection (g) daytime prohibition unless they have been offered shelter and refused to accept that offer. For the purpose of this requirement, "offered shelter" shall mean an offer, within the preceding 30 days, of shelter as defined by subsection (i)(2) herein.

(3) Upon receipt of a complaint pursuant to subsection (h) of a violation of subsection (g)(1), the City must offer shelter in accordance with this provision, to the extent shelter is available.

(4) Nothing herein shall be interpreted to require shelter to be offered prior to enforcement of any other subsections of Section 41.18, including subsections (a)-(e).

(h)

(1) Within 60 days of the effective date of this subsection, the City shall establish a website that includes, at minimum:

(A) a City phone number and email address (or other online form) to submit a complaint reporting a violation of any part of Section 41.18;

(B) the information to be included in the complaint pursuant to subsection (h)(2);

(C) a brief description of the actions the City is required to take in response to a complaint including the time within which an encampment must be removed in response to a complaint; and

(D) the complainant's rights to pursue an action against the City if the encampment is not removed as specified herein.

(2) A complaint pursuant to this subsection shall include the following information:

(A) location of the property including address and cross street;

(B) description of the suspected violation, providing as much detail as possible; and

(C) any safety concerns.

(D) The complainant may, but is not required to, provide their name and contact information to receive updates. All personal identifying information shall remain confidential to the extent permitted by law.

(3) Notwithstanding any other local or non-preemptive state law, upon receipt of a complaint of an encampment in violation of any part of Section 41.18, the City shall remove the encampment within 14 days of the receipt of the complaint. With respect to a complaint reporting an encampment in violation of subsection (g), if the City fails to clear the encampment within the time specified herein on the grounds that the City has not offered shelter, as defined in subsection (i)(2), because no shelter is available, it shall be the City's burden to demonstrate that no shelter was available during the relevant time period.

(4) As soon as practicable, the City shall make publicly available on the website required by subsection (h)(1) information regarding availability of shelter as defined in subsection (i)(2). This shall include, to the extent available, real-time data, in order to improve shelter access by persons experiencing homelessness, as well as tracking and documentation of shelter availability by the City.

(i) Definitions

(1) "Encampment" means camping on public property, unless authorized by permit or other applicable law, including but not limited to:

(A) Constructing, placing, or maintaining on public property any semi-permanent structure, including but not limited to hand-built sheds and structures with metal or other heavy roofing and siding materials, for the purpose of housing or providing cover for one or more persons;

(B) Using, placing, or maintaining a tent, sleeping bag, blanket, or other materials for the purpose of sleeping, lying, housing, or providing cover for one or more persons; and

(C) Using a vehicle, including but not limited to a car, truck, recreational vehicle, or camper, for the purpose of camping or living on a public right-of way or other

public property. Such prohibition shall apply to the fullest extent permitted by, and not in conflict with, any preemptive state or local laws.

(2) "Shelter" shall include but is not limited to temporary shelter at an emergency shelter, navigation center, or other congregate shelter; non-congregate shelter; interim or transitional housing; permanent housing; time-limited subsidies; appropriate and necessary treatment beds; or such other means of providing appropriate housing, whether temporary or permanent, as the City may identify.

(3) "School/Educational Center" shall mean an institution of learning for minors, whether public, private, or charter, which offers in- person instruction in grades K through 12. This definition includes kindergarten, elementary, junior high and senior high schools, any special institution of learning, or other place where children (persons under the age of 18) are regularly present to receive in person instruction in either academic or extracurricular subjects.

(4) "Day Care Center" shall mean a child care-infant center, child care center, or child care center preschool licensed by the State of California Department of Social Services.

(j) Any person may bring an action in the public interest to compel enforcement of subsection (h)(3) if the City has failed to take action as specified therein. An action pursuant to this subsection may be filed as a petition for a writ of mandate pursuant to California Code of Civil Procedure Section 1085, as may be amended from time to time, or such other equitable remedy as a court may deem necessary and proper to compel enforcement. Under no circumstances shall monetary damages be available.

SECTION 4. Internal Consistency.

It is the intent of the people of the City of Los Angeles that the amendments contained in Section 3 of this Initiative be read and construed in full harmony with the rest of the Municipal Code of the City of Los Angeles. To the extent that any provisions of the Municipal Code of the City of Los Angeles, or any other ordinances or provisions of law of the City, may be inconsistent with this Initiative, the provisions of this Initiative shall govern.

SECTION 5. Implementation of this Initiative.

A. This Initiative is considered adopted and shall be effective upon the earliest date legally possible after the elections official certifies the vote on the Initiative by the voters of the City of Los Angeles. The City is directed to promptly take all appropriate actions needed to timely implement this Initiative, including but not limited to taking any administrative steps, as required by law, to implement this Initiative.

B. Upon the effective date of this Initiative, the provisions of Section 3 of this Initiative are hereby inserted into and/or repealed from the Municipal Code. The City may reorganize, renumber, and/or reformat the Municipal Code provisions included in Section 3 of this Initiative, provided that the full text of Section 3 is inserted into and/or repealed from the Municipal Code without alteration.

C. To ensure that the City’s Municipal Code remains an integrated, internally consistent, and compatible statement of policies for the City, any provision that is adopted between the date on which this Initiative is first filed with the City Clerk for an official title and summary and the Initiative’s effective date shall, to the extent that such interim-enacted provision is inconsistent with or would diminish, render invalid, defeat, or impair the provisions adopted by this Initiative, be amended as soon as possible.

SECTION 6. Effect of Other Measures on the Same Ballot.

To ensure that the intent of the voters is not frustrated, this Initiative is presented to the voters as an alternative to, and with the express intent that it will compete with or take precedence over, any and all voter initiatives or City-sponsored measures placed on the same ballot as this Initiative and which, if approved, would regulate the subject matter of this Initiative, including but not limited to any measures pertaining to amendments to the existing anti-camping ordinance, or homelessness or encampment management generally, in any manner that would frustrate the purpose and intent of this Initiative (each, a “Conflicting Initiative”). In the event that this Initiative and one or more Conflicting Initiatives are adopted by the voters at the same election, then it is the voters’ intent that only the measure which receives the greatest number of affirmative votes shall control in its entirety and said other measure or measures shall be rendered void and without any legal effect with respect to such requirements. If this Initiative is prevented from going into effect by a Conflicting Initiative approved by the voters at the same election, and such Conflicting Initiative is later held invalid, this Initiative shall be self-executing and given full force of law. Notwithstanding the foregoing provisions of this Section, in the event that both this Initiative and another measure(s) are adopted by the voters at the same election, but the two measures can be harmonized in a manner that permits this Initiative to be implemented upon its adoption without imposing any additional or inconsistent requirement(s) on the subject matter of this Initiative, then it is the voters’ intent that both the other measure and this Initiative shall be given full force and effect regardless of which measure receives the greatest number of affirmative votes.

SECTION 7. Interpretation and Severability.

A. This Initiative must be interpreted to be consistent with all federal and state laws, rules, and regulations. If any section, sub-section, sentence, clause, phrase, part, or portion of this Initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this Initiative. The voters declare that this Initiative, and each section, sub-section, sentence, clause, phrase, part, or portion thereof, would have been adopted or passed irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases, part, or portion is found to be invalid. If any provision of this Initiative is held invalid as applied to any person or circumstance, such invalidity does not affect any application of this Initiative that can be given effect without the invalid application.

B. If any portion of this Initiative is held by a court of competent jurisdiction to be invalid, we the People of the City of Los Angeles indicate our strong desire that: (i) the City Council use its best efforts to sustain and re-enact that portion, and (ii) the City Council implement this Initiative by taking all steps possible to cure any inadequacies or deficiencies identified by the court in a manner consistent with the express and implied intent of this Initiative, including adopting or reenacting any such portion in a manner consistent with this Initiative.

C. This Initiative must be broadly construed to achieve the purposes stated above. It is the intent of the voters that the provisions of this Initiative be interpreted or implemented by the City and others in a manner that facilitates the purpose set forth in this Initiative.

SECTION 8. Amendment.

The amendments to the Municipal Code of the City of Los Angeles set forth in Section 3 of this Initiative may be amended or repealed only by (1) a majority of the voters of the City voting in a regular municipal election held in accordance with state and local law, or (2) by an affirmative vote of 2/3 of the members of the City Council, provided that such amendment is consistent with and furthers the voters' stated purpose and intent in enacting this Initiative.