

Communication from Public

Name: CJ

Date Submitted: 10/18/2023 09:56 AM

Council File No: 14-1057-S9

Comments for Public Posting: I would like to request that LAMC 85.02 be reinstated. Allowing the vehicle dwelling policy in the City of Los Angeles to expire in 2020 did not address homelessness in the City. Thank you.

Communication from Public

Name: Abe L.

Date Submitted: 10/18/2023 03:47 PM

Council File No: 14-1057-S9

Comments for Public Posting: Hope this finds you all well. We applaud the repeated city cleanings that attempt to clear the Rose Ave encampments and RV trailers. But I'm afraid it's only gotten worse. - We no longer have access to the public sidewalk anymore. We have to share the main road with bikes and larger vehicles, endangering general pedestrian safety, - We no longer have access to Whole Foods unless we circumvent via the parking lot or Lincoln St itself, - The amount of open-air trash and waste is self-evident, - Overall, this is one of the busiest residential streets due to the restaurants/Whole Foods/CVS/99 Cent stores, it matches the claim we have the highest homelessness rates in LA County outside of Skid Row. According to LAMC Section 41.18, "[The city 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." Perhaps I'm wrong, but this speaks to 715 Rose Ave. And as you're aware, every time you bring CARE/LAPD/Sanitation/311, they're treating it like "hotel cleaning service," and by the end of the cleaning sweep, they've already moved back in. As we've documented, this is actually growing and encouraging the encampment to increase in size. Our 311/repeated documentation has made this clear. According to 41.18, this "exhausts alternative models to promote compliance," and is simply a poor deployment of our taxpayer money, particularly if many of the repeat offenders refuse "appropriate and interim permanent shelter." As a Venice citizen homeowner & taxpayer, I ask for immediate action beyond the status quo for people who refuse safety net services, because as of today, it's not working.

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.

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

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 July 2, 2021

File No. CF 20-1376-S1

M:\GENERAL COUNSEL DIVISION\ORDINANCES AND REPORTS\ORDINANCES - FINAL YELLOW\LAMC 41.18 Revised (7-1-21).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 _____