

Communication from Public

Name: Kathleen Martin
Date Submitted: 10/15/2021 09:34 AM
Council File No: 20-1376

Comments for Public Posting: It remains inhumane to enforce LA Municipal Code 41.18 upon folks experiencing homelessness. During a heat wave, I was driving through downtown San Pedro, with the intent of passing out water to people without access to drinking water. I witnessed a security patrol shuffling people experiencing homelessness, who were on foot, out of the business district, towards 22nd Street, a 20 city block journey during 108F Heatwave. When I stopped and asked the non police patrol officer what they were doing, they said they were hired by the business owners to keep folks off the sidewalks in front of businesses and move them along to 22nd Street. It was 108F at that moment in the mid-afternoon, with very little shaded areas. There were cooling centers available at library. I feel it is excessively cruel and inhumane to force a person to walk 20 city blocks in the hot blazing sun, during a heatwave, midday. This action is perhaps driven by cruelty, hatred and a lack of compassion for the human condition. After witnessing the heatwave event, it has been a concern of mine, as a stakeholder in our community, to speak up when I see something that is truly wrong. I wish for the City Council to consider what it would be like for them to be forced to walk 20 city blocks in the blazing sun, with nothing to drink before or after the journey, with 108F weather. Please use your compassionate voice and the multitude of resources in the pipeline to alleviate homelessness in our area. Please look in your "blindspots" to identify the areas of the pipeline that need attention, or that need inventing so as to strengthen the resources we bring to alleviate homelessness throughout the City of Los Angeles.



COASTAL SAN PEDRO NEIGHBORHOOD COUNCIL

Doug Epperhart

President

Dean Pentcheff

Vice President

Kathleen Martin

Secretary

Sheryl Akerblom

Treasurer

July 30, 2021

To: Los Angeles City Council

The following resolution was passed at the July 19, 2021 by the Coastal San Pedro Neighborhood Council Board:

Resolution to oppose Council File 20-1376-S2.

Whereas, On July 1, 2021 Councilmember Joe Buscaino introduced the following Motion (Seconded by John S. Lee) which proposes to amend the Los Angeles Municipal Code Section 41.18 to add the following language: "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."

And, whereas, The Municipal Code 41.18 (d) establishes "No person shall sit, lie or sleep in or upon any street, sidewalk or other public way." An injunction of this code section was upheld in the Court of Appeal case Jones v. Los Angeles 444 F.3d 1118 (2006). The Court of Appeal held that "so long as there is a greater number of homeless individuals in Los Angeles than the number of available beds, the City may not enforce section 41.18(d) at all times and places throughout the City against homeless individuals for involuntarily sitting, lying, and sleeping in public."

And, whereas, At that time, the Court stated plainly "Because there is substantial and undisputed evidence that the number of homeless persons in Los Angeles far exceeds the number of available shelter beds at all times, including on the nights of their arrest or citation, Los Angeles has encroached upon Appellants' Eighth Amendment protections by criminalizing the unavoidable act of sitting, lying, or sleeping at night while being involuntarily homeless."

Resolved, the Coastal San Pedro Neighborhood Council opposes the Motion (Council File 20-1376-S2). We also urge the City Council to work toward a feasible approach that is constitutionally permissible, safe, cost-effective, and humane.

Sincerely,

Doug Epperhart, President

On behalf of the Coastal San Pedro Neighborhood Council Board