

ORDINANCE NO. 184590

An ordinance amending Los Angeles Municipal Code Section 85.02 to establish regulations governing the use of vehicles for dwelling on City public streets and to provide a sunset of the regulations in 18 months.

The City finds and declares the following:

WHEREAS, for a variety of social, economic and personal reasons, many people dwell in their vehicles on City public streets;

WHEREAS, some people with homes choose temporarily to dwell in their vehicle on public streets because of financial considerations, such as a person catching an early morning flight or train and instead of paying for a hotel room decides to dwell in his or her vehicle overnight on a public street near the airport or train station;

WHEREAS, some people have no housing and they believe their safest option for dwelling is in their vehicle on public streets;

WHEREAS, substantial public health, safety and quality-of-life concerns are posed by persons who use their vehicles for dwelling on public streets, especially on streets in residential areas or in sensitive areas, such as near schools, day care facilities and parks;

WHEREAS, there have been numerous complaints by residents of litter, unsanitary conditions, noise and crime, sometimes resulting in altercations, when persons dwell in their vehicles in residential and sensitive areas;

WHEREAS, the conditions described above have resulted in and will likely continue to result in blight, sanitary and public health concerns, excessive noise and crime, not only affecting residents, but also affecting persons who dwell in vehicles and are at a heightened risk of assault, robbery and other criminal activity;

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

WHEREAS, the City has an interest in balancing the needs of those individuals who dwell in their vehicles and the needs of all City residents, businesses and visitors for clean, healthy and safe public areas;

WHEREAS, the City's existing law addressing vehicle dwelling was found to be unconstitutional by the Ninth Circuit Court of Appeal in *Desertrain v. City of Los Angeles*;

WHEREAS, the City currently has no reliable information on the number and location of people using vehicles as dwellings or the impacts to health, safety and the physical environment, if any, resulting from this activity, and is unable to obtain such information from other sources;

WHEREAS, the City has reasonably determined that gathering the information necessary to evaluate the impacts to health, safety and the physical environment, if any, due to the use of vehicles for dwelling on public streets will take approximately eighteen months;

WHEREAS, the City intends to allow vehicle dwelling in order to gather data and information related to impacts to public health, safety and the physical environment, if any, for use in developing permanent regulations pertaining to the use of vehicles for dwelling on public streets in the City;

WHEREAS, the City intends to allow vehicle dwelling only on non-residential streets and on streets that do not have a school, pre-school, day care facility or park;

WHEREAS, the restriction on vehicle dwelling regulates the conduct of dwelling in a vehicle on a public street and is not a parking restriction;

WHEREAS, the City has determined that the regulations will not result in a serious or major disturbance to an environmental resource;

WHEREAS, the City intends to provide public outreach regarding the provisions of this ordinance, including engaging the assistance of homeless service providers such as the Los Angeles Homeless Services Authority and making publicly available on the City's website maps identifying streets where vehicle dwelling is allowed; and

WHEREAS, the Chief Administrative Officer will coordinate the collection and analysis of data and information by City departments and third party organizations with relevant expertise for purposes of determining the impacts to public health, safety and the physical environment due to the implementation of these vehicle dwelling regulations and will compile the resulting data and analysis into a report with recommendations for action to the City Council and Mayor within eighteen months of the effective date of this ordinance.

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 repealed in its entirety and replaced as follows:

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

A. Use of Vehicles for Dwelling Restricted on City Streets. No person shall use a Vehicle for Dwelling as follows:

1. Between the hours of 9:00 P.M. and 6:00 A.M. on any Residential Street; or
2. At any time within a one Block radius of any edge of a lot containing a park or a licensed school, pre-school or daycare facility.

Nothing herein precludes the enforcement of any other laws such as parking restrictions, including, but not limited to, prohibitions on overnight parking.

B. Definitions: As used in this section:

1. **Block** is defined as 500 feet.
2. **Dwelling** means more than one of the following activities and when it reasonably appears, in light of all the circumstances, that a person is using a vehicle as a place of residence or accommodation:

Possessing inside or on a vehicle items that are not associated with ordinary vehicle use, such as a sleeping bag, bedroll, blanket, sheet, pillow, kitchen utensils, cookware, cooking equipment, bodily fluids. Obscuring some or all of the vehicle's windows. Preparing or cooking meals inside or on a vehicle. Sleeping inside a vehicle.

3. **Residential Street** means any street which adjoins one or more single family or multi-family residentially zoned parcel.
4. **Vehicle** means any motor vehicle, trailer, house car or trailer coach as defined by the California Vehicle Code.

C. Penalty. A first violation of this section shall be punishable as an infraction not to exceed \$25. A second violation of this section shall be punishable as an infraction not to exceed \$50 and all subsequent violations of this section shall be punishable as an infraction not to exceed \$75. Violators may be eligible for referral to a prosecutorial-led diversion program such as the Homeless Engagement and Response Team (HEART).

D. Sunset Provisions. The provisions of this section shall expire and be deemed to have been repealed on July 1, 2018, unless extended by ordinance.

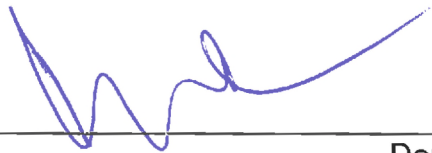
E. Severability. If any portion, subsection, sentence, clause or phrase of this section is for any reason held by a court of competent jurisdiction to be invalid, such

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 the foregoing ordinance was introduced at the meeting of the Council of the City of Los Angeles NOV - 9 2016, and was passed at its meeting of NOV 22 2016.

HOLLY L. WOLCOTT, City Clerk

By  _____ Deputy

Approved 11/23/16 _____

 _____ Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By  _____
DAVID MICHAELSON
Chief Assistant City Attorney

Date November 8 2016 _____

File No. CF 14-1057-S1 _____

DECLARATION OF POSTING ORDINANCE

I, JUAN VERANO, state as follows: I am, and was at all times hereinafter mentioned, a resident of the State of California, over the age of eighteen years, and a Deputy City Clerk of the City of Los Angeles, California.

Ordinance No. 184590 – Amending Los Angeles Municipal Code Section 85.02 to establish regulations governing the use of vehicles for dwelling on City public streets and to provide a sunset of the regulations in 18 months – a copy of which is hereto attached, was finally adopted by the Los Angeles City Council on **November 22, 2016**, and under the direction of said City Council and the City Clerk, pursuant to Section 251 of the Charter of the City of Los Angeles and Ordinance No. 172959, on **November 28, 2016** I posted a true copy of said ordinance at each of the three public places located in the City of Los Angeles, California, as follows: 1) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; 2) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; 3) one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Copies of said ordinance were posted conspicuously beginning on **November 28, 2016** and will be continuously posted for ten or more days.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this **28th** day of **November 2016** at Los Angeles, California.



Juan Verano, Deputy City Clerk