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REPORT NO. R 1 5 - 0 0 8 8
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REPORT RE:

**DRAFT ALTERNATIVE ORDINANCES AMENDING SECTION 85.02
OF THE LOS ANGELES MUNICIPAL CODE TO PROHIBIT
VEHICLE LODGING ON CITY STREETS**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Honorable Members:

This Office has prepared and now transmits for your consideration the enclosed two alternative draft ordinances amending Section 85.02 of the Los Angeles Municipal Code (LAMC) to prohibit vehicle lodging on City streets. The enclosed draft ordinances provide constitutional replacements to the City's current ban on the use of a vehicle as living quarters, which was ruled unconstitutional by the Ninth Circuit Court of Appeal in *Desertrain v. City of Los Angeles*, 754 F.3d 1147 (9th Cir. 2014). Once the City Council determines its policy direction, by either favorably considering one of these two draft ordinances or a variation, then an analysis under the California Environmental Quality Act can be completed, and the ordinance and CEQA determination would be brought back for adoption by the City Council.

In the wake of the Ninth Circuit's decision in *Desertrain*, the City Council adopted a motion requesting this Office to provide the City Council with legal options to protect neighborhoods from becoming "campgrounds," but to do so "without criminalizing homelessness." Both alternative versions enclosed with this report follow the constitutional guidance handed down by the Ninth Circuit. Variations of these two alternative ordinances are possible depending on the policy direction sought by City Council.

The first version is relatively simple and straightforward. It prohibits lodging in a vehicle on any street in the City between the hours of 9:00 p.m. and 6:00 a.m.

The second version is a novel approach affording limited vehicle lodging on streets in non-residential areas and, thus, strives to meet the City Council's goal to protect neighborhoods in a manner that is sensitive to the needs of the homeless. This version prohibits vehicle lodging in residential areas, but allows a person to obtain a pass to lodge in a vehicle on certain designated streets. These designated streets would be in non-residential areas, and the vehicle lodging pass would only be valid for a limited time and only *after* receiving homeless outreach services from an entity such as the Los Angeles Homeless Services Authority (LAHSA) and its regional providers. The City Council could consider other limitations, including restricting the number of vehicles that can be used for vehicle lodging on any designated street.

California Environmental Quality Act

Before the City Council can adopt either of these draft ordinances or a variation of one of these ordinances, the City must conduct an initial analysis under the California Environmental Quality Act. After the City Council considers these draft ordinances and provides its policy direction, the environmental analysis can be performed and presented to the City Council at the time the ordinance is adopted.

Council Rule 38 Referral

Copies of the draft ordinances were sent, pursuant to Council Rule 38, to the Los Angeles Police Department, the Department of Public Works, the Department of Transportation and the Housing Community and Investment Department, asking that they submit any comments that they may have directly to the City Council when you consider this matter.

If you have any questions regarding this matter, please contact Senior Assistant City Attorney Valerie Flores or Chief Assistant City Attorney David Michaelson. They or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By 

DAVID MICHAELSON
Chief Assistant City Attorney