MOTION

Nearly a decade ago, the City of Los Angeles locked itself into a protracted, no-win legal and public policy debate over the right to sleep on sidewalks -- overshadowing and distracting from the far more pressing question of how we honor the right of everyone to live in housing.

In 2006, in a case brought by six homeless people, the United States Court of Appeals, Ninth Circuit, ruled against the City, saying that it amounted to cruel and unusual punishment for the City to enforce a ban on sleeping on sidewalks against homeless people who have nowhere else to go.

The Court determined that as long as the demand for shelter exceeds the supply of shelter in Los Angeles, "the Eighth Amendment prohibits the City from punishing involuntary sitting, lying, or sleeping on public sidewalks that is an unavoidable consequence of being human and homeless without shelter in the City of Los Angeles." The Court did not mandate the City build housing, or provide shelter, or even allow people to sleep on public sidewalks. It merely said that if sufficient shelter is unavailable, forbidding people from sleeping on sidewalks is not a constitutional option.

In 2007, the City entered into a settlement agreement with the plaintiffs and the American Civil Liberties Union, effectively determining that allowing people to sleep on sidewalks was the easiest way to comply with the Court direction. With a homeless population in the tens of thousands, the City agreed to allow people to sleep on sidewalks between 9 p.m. and 6 a.m., with some restrictions, until an additional 1,250 units of permanent supportive housing were constructed within the City of Los Angeles, at least 50 percent of which were to be located in Skid Row and/or greater downtown Los Angeles.

This settlement has served the interests of no one, and it's consequences have been severe. Even with a smart, robust and growing Coordinated Entry System based on the principles of "Housing First," the supply of housing cannot meet the demand, and those who cannot find housing are left to find scarce shelter beds, or sleep on our sidewalks. As a result, encampments are proliferating in Los Angeles, appearing in a growing number in residential neighborhoods and commercial areas, causing problems for and tensions with neighbors who are upset over and fearful of blight, unsanitary conditions and crime.

Officials with the Los Angeles Housing & Community Investment Department anticipate the City will meet the requirements of the Jones Settlement (building 1,250 units of permanent supportive housing) as soon as October of this year. At that time, with the demand for housing or shelter still far outpacing the available supply, City officials will need to decide if they want to resume enforcement of LAMC 41.18(d), or develop new alternatives for people with no options for housing or other shelter.

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I THEREFORE MOVE that the Housing & Community Investment Department and the Office of the City Attorney report to the Ad Hoc Committee on Homelessness, in closed session as appropriate, regarding the status of the City's progress to satisfy the Jones Settlement, the projected timetable for the sunsetting of the Jones Settlement, the likelihood of renewed litigation if the City seeks to enforce LAMC 41.18(d) when it expires, and what options the City can consider to meet its Eighth Amendment obligations without making Los Angeles a city of permanent sidewalk encampments.

I FURTHER MOVE that the Housing & Community Investment Department, the Los Angeles Homeless Services Authority, the City Administrative Officer, and other agencies as appropriate, report to the Ad Hoc Committee on Homelessness with recommendations for how to expand a humane continuum of care, linked to and complimentary of the Coordinated Entry System, that affords people without housing options other than sleeping on public sidewalks, including but not limited to bridge housing, shared housing, and transitional shelters.
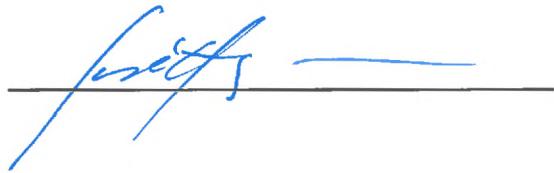
PRESENTED BY: _____

MIKE BONIN
Councilmember, 11th District

SECONDED BY: _____