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June 10, 2109

Honorable. Herb J. Wesson  
Los Angeles City Council President  
Honorable Nury Martinez  
Los Angeles City Council President Pro Tempore  
200 N. Spring St.  
Los Angeles, CA 90012

**RE: Council File 19-0002-S50, Response to Report of the  
Chief Legislative Analyst**

Dear Council President Wesson and President Pro Tempore Martinez:

We understand the City Council will be considering a resolution to oppose AB 516 (Chiu), which would end towing of vehicles for three reasons that are unrelated to public safety, and which disproportionately affect low-income Californians. The introduction of the bill followed the release of a report by legal organizations throughout California, including our organizations, on the impact of these forms of towing on our clients.<sup>1</sup>

We also understand that, as part of the Council's consideration of that resolution, the Council will review and consider a report from the Chief Legislative Analyst (CLA) regarding the impacts of the bill. We write to raise serious concerns about the information presented by the CLA in its report.

The CLA report is misleading, contains inaccurate information, and does a disservice to members of the City Council, who must make important decisions that impact all Los Angeles residents, including our clients, who are often the most economically disadvantaged residents of this City.

**I. AB 516 Does Not Change LA's Ability To Tow Abandoned Vehicles**

The CLA Report states that "AB 516 would also make it impossible to tow vehicles abandoned in the public right-of way."<sup>2</sup> This is simply not accurate.

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<sup>1</sup> "Towed into Debt: How Towing Practices in California Punish Poor People," March 18, 2019, available at <https://wclp.org/wp-content/uploads/2019/03/TowedIntoDebt.Report.pdf>

<sup>2</sup> Report of the Chief Legislative Analyst re: AB 516, Assignment No. 19-04-039, Council File No. 19-0002-S50 (CLA Report), at p. 2.

Section 22669 of the Vehicle Code explicitly allows for the towing of abandoned vehicles. AB 516 would have no impact on this provision. Section 22669 states that:

Any peace officer, . . . or any other employee of the state, county, or city designated by an agency or department of the state or the board of supervisors or city council to perform this function, in the territorial limits in which the officer or employee is authorized to act, who has reasonable grounds to believe that the vehicle has been abandoned, as determined pursuant to Section 22523, may remove the vehicle from a highway or from public or private property.<sup>3</sup>

Section 22523 of the Vehicle Code also expressly prohibits the abandonment of vehicles on public property, and allows the City to recover the cost of towing and storage of the abandoned vehicle and to fine the owner of the vehicle. This too will not change under AB 516.

## **II. AB 516 Does Not Change LA's Authority To Abate And Remove Abandoned, Wrecked, Dismantled, Or Inoperative Vehicles**

Additionally, AB will not affect Los Angeles's authority to abate and remove abandoned, wrecked, dismantled, or inoperative vehicles from city streets.

Section 22669(d) of the Vehicle Code provides that:

Motor vehicles which are parked, resting, or otherwise immobilized on any highway or public right-of-way and which lack an engine, transmission, wheels, tires, doors, windshield, or any other part or equipment necessary to operate safely on the highways of this state, are hereby declared a hazard to public health, safety, and welfare and may be removed immediately upon discovery by a peace officer or other designated employee of the state, county, or city.<sup>4</sup>

In addition, Section 22660 of the Vehicle Code allows Los Angeles to “adopt an ordinance establishing procedures for the abatement and removal, as public nuisances, of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof from private or public property, and for the recovery, pursuant to Section 25845 or 38773.5 of the Government Code, or assumption by the local authority, of costs of administration and the removal.”<sup>5</sup>

In fact, Los Angeles has adopted such an ordinance: Section 19.90 of the Los Angeles Administrative Code allows the City to abate and remove “abandoned, wrecked, dismantled or inoperative vehicles” on public property.<sup>6</sup>

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<sup>3</sup> Ca. Veh. Code § 22669(a)

<sup>4</sup> Ca. Veh. Code § 22669(d)

<sup>5</sup> Ca. Veh. Code § 22660

<sup>6</sup> Los Angeles Administrative Code, Section 19.90 *et seq.* Under Section 19.90, “Any abandoned, wrecked, dismantled or inoperative vehicle which is kept, stored or accumulated or maintained on private property or on public property (except highways) owned by the City of Los Angeles and which contributes to neighborhood blight and deterioration, or which creates a fire hazard or a hazard to the health and safety of minors, or which creates a harborage for

AB 516 does not alter the City's authority under Vehicle Codes 22669(d) or 22660, or Section 19.90 of the Administrative Code, to tow abandoned, wrecked, dismantled or inoperative vehicles.

### **III. AB 516 Leaves In Place Ample State Law Authority to Tow Vehicles to Address Public Safety Issues**

The CLA report states that, if AB 516 passes, state law will “only continu[e] to allow for [towing] in very narrow circumstances.”<sup>7</sup>

This too is inaccurate. AB 516 leaves in place broad bases for towing, including that the vehicle has been abandoned and to ensure the flow of traffic. Among the bases for towing that AB 516 leaves unaffected are:

- vehicles that have been abandoned;<sup>8</sup>
- vehicles that are parked in public and missing parts that make the operation of the vehicle unsafe, including tires, windshields, etc.;<sup>9</sup>
- vehicles that are blocking the flow of traffic or interrupting city services;<sup>10</sup>
- vehicles that are used as mobile billboard advertising displays;<sup>11</sup>
- vehicles found illegally parked, where there are no license plates or other evidence of registration on the car;<sup>12</sup> and
- vehicles using a license plate, registration card, identification card, temporary receipt that was not issued for that vehicle, or is not otherwise lawfully used on that vehicle under the Vehicle Code.<sup>13</sup>

In addition, the Vehicle Code gives broad authority to jurisdictions to pass restrictions on parking and allow the authorization of the removal of vehicles,<sup>14</sup> which the City Council has

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rodents, insects and other pests, or which is otherwise injurious to the public health, safety and welfare, is hereby declared to be a public nuisance which may be abated in accordance with the provisions of this chapter.”

<sup>7</sup> CLA Report at p. 2.

<sup>8</sup> Ca. Veh. Code § 22669(a)

<sup>9</sup> Ca. Veh. Code § 22669(d)

<sup>10</sup> Ca. Veh. Code § 22651(a)-(g)

<sup>11</sup> Ca. Veh. Code § 22651(v). This provision allows a city to pass an ordinance regulating mobile billboards, which Los Angeles has done. *See* LAMC § 87.53 (“Any peace officer or any regularly employed and salaried employee of the City who is authorized to engage and is engaged in directing traffic or enforcing parking laws and regulations may remove, or cause to be removed, the mobile billboard advertising display, and anything that the mobile billboard display is attached to including a motor vehicle, located within the territorial limits of the City when the mobile billboard advertising display is found upon any public street or any public lands . . . .”).

<sup>12</sup> Ca. Veh. Code § 22651(j)

<sup>13</sup> Ca. Veh. Code § 22659(o)(3)

<sup>14</sup> Ca. Veh. Code § 22651(m)

done throughout the city of Los Angeles.

AB 516 has no impact on any of these broad bases for the removal of vehicles. Instead, it focuses only on three narrow bases for towing. These bases do not assist the City in collecting outstanding fees and fines, but they do disproportionately impact low-income people.

#### **IV. Programs Designed To Address Parking Tickets Like CAPP And LA DOT's Payment Plans Are Inaccessible To Most Low-Income Angelinos**

The CLA suggests that AB 516 reforms are unnecessary because other programs in Los Angeles, including the CAP program and “indigent payment plans” in Los Angeles are available to assist low-income residents.<sup>15</sup> This overstates the relief these programs provide and ignores the limited nature of the programs.

First, CAPP is inaccessible for most low-income people in Los Angeles. By design, the CAPP program is available only to individuals who are *already* homeless. While CAPP is a necessary program that provides relief to some residents of Los Angeles who need it, the vast majority of individuals who are subject to poverty tows are not homeless. They are low-income and struggling every day to not fall into homelessness. For these residents of Los Angeles, CAPP provides no relief.

Even for individuals who may be eligible for the program, CAPP is still relatively unknown. Based on our extensive experience working with clients who are homeless, many, if not most people who may be eligible for the program do not know about it, and we have heard reports that even many police officers that issue parking tickets are not aware of this option.

Moreover, if an individual's vehicle is towed before they enroll in CAPP, or even after they are enrolled in CAPP, the program does not provide meaningful assistance for the individual to get their car back. While a person whose car has been towed can still enroll in CAPP, but they must pay for all the towing charges, which can be in the hundreds of dollars, as well as 40% of the outstanding parking ticket debt. These payments must be completed before the person can even get their car back. Because most individuals who are homeless lack the resources to make these payments, CAPP's requirements make the program prohibitively expensive. who is homeless, As a result, most individuals who are homeless wind up losing their vehicles within the first year of becoming homeless. This in turn makes it even more difficult for a person to move out of homelessness.

The CLA also references a “payment plan for indigent individuals”, but that program, as implemented, is inaccessible to most people who need it. The current payment plan allows only individuals with less than \$300.00 in fines to enroll in the plan. Los Angeles has one of the highest parking ticket base fines in the state. As a result, a person who has more than four regular parking tickets cannot enroll in the extended payment plan. This means that payment plans are out of reach for people who have five or more tickets, the individuals who would be affected by AB 516's reforms.

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<sup>15</sup> CLA Report at p. 2

## **V. The CLA Report Ignores the Economic Reality Facing Low-Income Californians**

Finally, while the CLA notes that “supporters of AB 516 believe that towing and immobilization of vehicles negatively impacts the poor,” the report otherwise completely ignores the economic reality facing low-income Angelenos and the catastrophic impact a tow can have on individuals who are struggling to stay housed in the midst of Los Angeles’s housing crisis. Instead, the CLA report suggests that individuals whose vehicles are towed are “scofflaws” who could avoid towing by avoiding parking illegally or by paying their parking tickets.

The City of Los Angeles issues a staggering 1.6 million tickets every year. Parking tickets are disproportionately issued in neighborhoods with larger populations of Black residents, young residents, and renters.<sup>16</sup> And as all residents of Los Angeles who drive in this city well know, parking tickets can be issued for minor violations that stem from everyday mistakes, such as misreading a parking sign or underpaying at a parking meter.

For people who can afford to pay a parking ticket, a ticket is a minor annoyance. For our clients, the impact can start a downward spiral that can and does lead to homelessness. When a person gets a single parking ticket, the cost is \$68.00—nearly an entire day’s pay for someone working a minimum wage job. If that ticket is not paid in time, the late fees can lead to a single ticket costing over \$200.00. If a person is unable to pay the ticket by the time they need to re-register their vehicle, the City can and does place a hold on their registration. After six months, under existing law, the car can be towed for having an expired registration.

In Los Angeles, the cost of a tow is at a minimum, \$287.00. If a person cannot get their vehicle back within 72 hours, those fines increase to \$384.95. After seven days, the amount due is \$567.55.<sup>17</sup> This is in addition to any outstanding parking tickets and vehicle registration fees, which must be paid before the vehicle can be release.

It would take more than three 8-hour days of work at minimum wage to cover just the base fines and fees associated with a tow. This kind of financial outlay is simply out of reach for a low-income family that is struggling just to get by.

As a result, of the more than 100,000 vehicles towed in Los Angeles every year,<sup>18</sup> more than 20% are sold at lien sales. More than 95% of the vehicles sold have a value of less than \$4000.00. In these instances, the City is unlikely recoup any of the lien sale proceeds to pay for

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<sup>16</sup> Brazil, Noli, “The Unequal Spatial Distribution of City Government Fines: The Case of Parking Tickets in Los Angeles,” *Urban Affairs Review*, 2018.

<sup>17</sup> “Towed into Debt” at p. 8.

<sup>18</sup> As part of our research for “Towed into Debt,” we made repeated requests for data from the LAPD and LA DOT for public records related to towing, in order to enable the team to conduct a more in-depth analysis regarding the bases for towing in Los Angeles and the impact of these tows on low-income communities. The Los Angeles Police Department refused to provide this data, and to date, LA DOT has still failed to respond to the requests for information.

the outstanding parking tickets. Nonetheless, the cost to the individual who lost their vehicle is significant. More than 3.9 million Angelenos rely on private vehicles to get to work, and half of all school children go to school in a private car. The loss of a car can lead to the loss of a job, which in today's affordable housing crisis, can far too easily lead to homelessness.

Given the high price that Angelenos are paying for poverty tows and the impact it is having on our clients, it is imperative that the City Council have a full picture and accurate information as it considers its position on this bill.

Thank you in advance for your consideration.

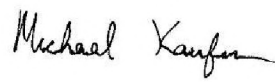
Sincerely,



Shayla Myers  
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of Los Angeles



Nisha Kashyap  
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Michael J. Kaufman  
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ACLU of Southern California

CC: City Council File 19-0002-S50

Hon. Mayor Eric Garcetti  
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Hon. Bob Blumenfield  
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