

## Communication from Public

**Name:**

**Date Submitted:** 08/19/2019 06:29 PM

**Council File No:** 19-0602-S1

**Comments for Public Posting:** Please, please, please do not change the laws on allowing sleeping on Sidewalks. Most of those on the sidewalks have drug addictions and mental illness. They leave needles everywhere along with huge amounts of trash, including human feces. Rat populations are expanding rapidly. are They need help. We need help!! The City needs to be able to legally move them instead of leaving them on the sidewalk to die or harm others. In addition, the homeless, in many of our neighborhoods, are transients from out of state who have come to Los Angeles because they can sleep on the sidewalks and because prop 47 and 57 made meth and heroin misdemeanors instead of felonies. The Jones Settlement and prop 47 and 57 brought many more transients to LA! If you change the laws to allow sidewalk camping, more homeless will come to LA and more people will choose to do drugs on our sidewalks. Please do not change this law. Allow police to enforce the laws. And Mayor Garcetti—please help our city and triage these people into drug rehabs, mental health facilities, and permanent housing!!!!

## Communication from Public

**Name:** Loren

**Date Submitted:** 08/19/2019 08:44 PM

**Council File No:** 19-0602-S1

**Comments for Public Posting:** The City of Los Angeles needs to stop making it easier for criminals, drug dealers, pedifiles, people that just don't want to follow any rules or laws to hide out in homeless encampments. This liberal government is ruining the City of Angeles. It is now the City if bums. You care more about them than the tax payers that put money in your pocket.

## Communication from Public

**Name:** John Tapia  
**Date Submitted:** 08/20/2019 07:08 AM  
**Council File No:** 19-0602-S1  
**Comments for Public Posting:** Please do not permit vagrants to sleep on ANY streets. Our health and children depend on this.

## Communication from Public

**Name:** Andrew L

**Date Submitted:** 08/29/2019 08:10 PM

**Council File No:** 19-0602-S1

**Comments for Public Posting:** Dear Councilmembers, Please rescind 41.18 (d). The amendments proposed are cruel and counterproductive in dealing with a worsening homelessness crisis. When our city's homeless count is outnumbered by the amount of vacant housing units, which currently go untaxed, it is saddening to see our representatives pushing measures that will further criminalize homelessness and increase the burden for people trying to get back on their feet. These folks are our neighbors, and the rising cost of housing pushes more onto the street every year. Banishing unhoused people from public parks without providing access to bathrooms and dumpsters will only heighten the conditions for a public health crisis. We would instead like to see your resources be put towards supportive services and affordable housing. Thank you.

## Communication from Public

**Name:** Josh James

**Date Submitted:** 08/29/2019 08:31 PM

**Council File No:** 19-0602-S1

**Comments for Public Posting:** Come on, people. This is ridiculous. What are these people supposed to do? Don't pass this silly ordinance. Better yet, pass ordinances that help people not become homeless in the first place. We've given you money to help, so help. Otherwise be voted out for people who WILL help.

## Communication from Public

**Name:** Nicholas Van Brunt  
**Date Submitted:** 08/29/2019 09:37 PM  
**Council File No:** 19-0602-S1

**Comments for Public Posting:** I am a homeowner in the City of Los Angeles. Like people without homes, I am a human being. People without homes should be treated like the human beings that they are. All it would take is a few missteps or unfortunate twists of fate and I, too, would be a person without a home. Same goes for each of you. Entrenching the criminality of their efforts to find a place to sleep is as disgusting as it is dehumanizing. Another line on the rap sheet of those without homes will only make it harder to get back on their feet and to get back into homes. The cycle will repeat and the problem will metastasize. This latest piece of cruel legislation is coming from the same people who would correctly decry our federal government's inhumane policy of separating undocumented families, yet they can't see the inhumanity of what they would be doing here. For shame. 41.18 should not be amended to avoid the letter but not the spirit of the Boise case. And those of you who would vote for the bill coming out of committee are in dereliction of your solemn duty to represent those without homes within your districts. You would be doing harm. It's not too late. Those of you on the City Council have the ability to enact meaningful legislation to create affordable housing. But you must rescind 41.18. And, if you don't, history will regard you with the same opprobrium with which we see the proponents of restrictive covenants today. There's still time to be on the right side of history.

## Communication from Public

**Name:** Amanda Lasher  
**Date Submitted:** 08/29/2019 11:36 PM  
**Council File No:** 19-0602-S1  
**Comments for Public Posting:** Please do not move forward with 41.18. I work with the homeless community through the volunteer program Food On Foot and I can tell you first hand that this criminalization of homelessness will make the situation so much worse. I grew up in LA and I have seen what it looks like when politicians try to make a problem go away by criminalizing it. Not to mention how brutal this for homeless families and children (many who attend LAUSD schools.) Please change course and rescind immediately. Thank you.

## Communication from Public

**Name:** Bryan Kramer

**Date Submitted:** 08/29/2019 08:29 AM

**Council File No:** 19-0602-S1

**Comments for Public Posting:** 41.18 is appalling. It saddens me deeply that you, as our elected officials, would even consider these restrictions. Base, de-humanizing, disrespectful, shameful, are all words that come to mind. We have failed our unhoused neighbors time and time again while paying lip-service to how we have helped them. How about we actually try real solutions like those expressed in the "Services Not Sweeps" campaign?



## Communication from Public

**Name:** Carey Kayser

**Date Submitted:** 08/29/2019 09:03 AM

**Council File No:** 19-0602-S1

**Comments for Public Posting:** I was upset and disturbed by Councilmember O'Farrell's proposed new restrictions as part of LAMC 41.18 at the Homelessness and Poverty Committee meeting last week. The long list of geographical restrictions would force unhoused Angelenos (including thousands with developmental disabilities) to measure arbitrary distances necessary to avoid being in violation. This is ridiculous! The restrictions will also counteract the city's own efforts to house people by severing their contact from caseworkers, creating major setbacks on their path to permanent housing. If the city wants to address public safety issues around homelessness, they must include houseless Angelenos, service providers and others with professional and lived experience in the process. I ask that the Council remove section D entirely from 41.18.

## Communication from Public

**Name:** Yvonne M.

**Date Submitted:** 08/29/2019 09:39 AM

**Council File No:** 19-0602-S1

**Comments for Public Posting:** Dear Councilmembers, I am calling on you to rescind 41.18 (d). The proposed amendments are not forward thinking and I am concerned they will make our city's homelessness crisis much worse. In recent years, we have only seen homelessness increasing. While it's hard to see people suffer in my neighborhood, I know the answer is not making it harder for them out there. We know that the solutions are housing and supportive services. Let's focus our efforts there instead of on increasing burdens for people just trying to get by. Thank you.

## Communication from Public

**Name:** Louise Steinman

**Date Submitted:** 08/29/2019 09:39 AM

**Council File No:** 19-0602-S1

**Comments for Public Posting:** I strongly oppose Council Mitch O'Farrell's proposed amendment which will make our city's homelessness crisis much worse. I call on City Council members to rescind 41.18 (d). How will this amendment help our homeless neighbors? It will further stigmatize and traumatic them, and make it that much harder to find a way out of homelessness. Let's not make it harder for people who are trying to survive day to day. The answer is not to make their lives more miserable. I am saddened and shocked by this proposal. Where are the shelter beds to offer these people who are sleeping on our streets? Where is the housing that HHH was supposed to provide? Where are they supposed to go? This is a terrible idea. Thank you. Louise Steinman

## Communication from Public

**Name:** Giulia

**Date Submitted:** 08/29/2019 09:39 AM

**Council File No:** 19-0602-S1

**Comments for Public Posting:** Dear Councilmembers, I am writing to ask you to please rescind 41.18 (d). The proposed amendments are cruel, damaging and they will make LA's homelessness crisis much worse. Being homeless is a devastating fate most of us can't even imagine, why would you do anything to make their already traumatic situation worse? Our homeless neighbors need housing and supportive services, not inhumane ordinances. Please find it in your heart to focus efforts on helping the homeless not hurting them. Thank you. Giulia

## Communication from Public

**Name:** Ash Kramer

**Date Submitted:** 08/29/2019 09:46 AM

**Council File No:** 19-0602-S1

**Comments for Public Posting:** I DO NOT support this ordinance. Criminalizing the homeless and giving the police greater ability to harass people is simply wrong. You have done a terrible job of creating policies that allow for affordable housing in this city. The thousands of people living on the street are THE CITY COUNCIL's responsibility. If you go forward with this motion, you will be creating an insane amount of harm. It is unethical. It is immoral. It is unjust. SERVICES NOT SWEEPS.

## Communication from Public

**Name:** Dan S.

**Date Submitted:** 08/29/2019 09:56 AM

**Council File No:** 19-0602-S1

**Comments for Public Posting:** I've lived in Echo Park for ten years and seen the numbers of homeless people on the streets and in the parks rise - but kicking homeless people out of Echo Park Lake doesn't make the problem go away, except for possibly pushing people into more dangerous situations where they're more likely to die. Which feels like this city government's approach to homelessness: shove people away and hope they die. I expect more from a supposedly liberal city, and I hope some members of this counsel have enough basic empathy to understand that homeless people are still people, and are worth helping. Instead of passing a law like this, why not devote some of the same man hours that would be spent tearing down shelters to get case workers out to offer services, or to do outreach to try and make it more likely that supportive housing and shelters can be built. How we treat the most vulnerable members of our society is a start reflection of our priorities and values, and right now they're revealing that LA is a much worse place than I hoped. Mitch O'Farrell, I'm in your district, I voted for you once, and I don't plan on doing so again because of this.

## Communication from Public

**Name:** Robert Padnick

**Date Submitted:** 08/29/2019 10:39 AM

**Council File No:** 19-0602-S1

**Comments for Public Posting:** This is an inhumane and short-sighted action that will hurt our unhoused neighbors without benefit to the neighborhood. Please, Councilman O'Farrell, focus on solutions that ADD housing, not take it away. Thank you.

## Communication from Public

**Name:** Philip Armstrong

**Date Submitted:** 08/29/2019 10:45 AM

**Council File No:** 19-0602-S1

**Comments for Public Posting:** Dear fellow citizens: It appears ironic to me that a committee that was established to address homelessness and poverty in the community is aligning the City of Los Angeles with the efforts of the City of Boise to overturn Martin v. City of Boise. (Please see the following link: City of Boise Formally Asks U.S. Supreme Court to Hear Martin Case: <https://www.cityofboise.org/news/mayor/2019/august/city-of-boise-formally-asks-us-supreme-court-to-hear-martin-case/>) Before amending the current ordinance as proposed in Council File: 19-0602-S1, this committee and then the City Council should review the City Controllers Office Report on Homeless Encampments (please see the following link and the attached copy: <https://lacontroller.org/wp-content/uploads/2019/05/Homeless-Encampments-092717.pdf>) and address its recommendations. I appreciate your consideration of this comment. Sincerely, Philip Armstrong





RON GALPERIN  
CONTROLLER

September 27, 2017

Honorable Eric Garcetti, Mayor  
Honorable Michael Feuer, City Attorney  
Honorable Members of the Los Angeles City Council  
All Angelenos

### **Re: Report on Homeless Encampments**

Over the past several years, the City's homeless population has increased at an alarming rate. The number of people experiencing homelessness in the City of Los Angeles climbed to more than 34,000 during the most recent count—an 80 percent increase since 2009—as a result of complex challenges, including poverty, housing costs, domestic violence, mental illness, disabilities, addiction, and unemployment.

Although voters recently approved two measures to fund more supportive services and housing options for homeless individuals in the future, seeing the positive impacts will take some time. Additionally, the new 10,000 housing units to be created won't in and of themselves be sufficient to house all of our residents experiencing homelessness. Meanwhile, the humanitarian crisis persists on our streets — and communities across Los Angeles are being impacted now by one of the most visible signs of this crisis: homeless encampments. The current proliferation of homeless encampments is causing a number of challenges in our City including increased health and safety risks, accessibility challenges and reduced quality of life for both homeless residents and the general public.

#### **I. State of the Law**

The City's policies and procedures relating to unsheltered residents sleeping on our streets and to encampments are the product of a complex web of City ordinances, protocols, court rulings, injunctions and settlement agreements. A 2003 lawsuit brought by people experiencing homelessness challenged enforcement of [Los Angeles Municipal Code \(LAMC\) 41.18\(d\)](#), which had made it illegal to sit, lie or sleep on a public sidewalk at any time of the day. In 2007, the City reached a settlement in which it agreed for a time to not enforce LAMC 41.18(d) between the hours of 9 p.m. and 6 a.m.

The City's framework for how it deals with personal property (as distinguished from just a person) in public areas is codified in [LAMC 56.11](#). This provision of the LAMC, along with detailed and documented [Standard Operating Protocols](#), govern the City's current response to a tent, box or homeless encampment. In such places, and at such times, as people experiencing homelessness may occupy public rights of way (such as sidewalks), they may be accompanied by personal property. Such personal property is permitted, provided that it fits inside the equivalent of a 60-gallon container if it were to be packed, that

it allows for passage as required by the Americans with Disabilities Act (ADA), and that is not bulky, hazardous, contraband or evidence of a crime.

The City's lead agency for LAMC 56.11 is the Los Angeles Bureau of Sanitation (LASAN), while the Los Angeles Police Department, Recreation and Parks, Los Angeles World Airports, and others serve as secondary support departments. City homeless encampment cleanups are led by three key programs which are discussed in the Report: Operation Healthy Streets, Clean Streets Initiative, and Homeless Outreach and Proactive Engagement ("HOPE") teams.

## II. Strategies to Better Address Encampments

Today, my Office is releasing *a Report on Homeless Encampments* in which we evaluate the impact of current guidelines, practices, legal challenges, ordinances, and City resources relating to homeless encampments. Moreover, this Report offers proposed strategies to more effectively mitigate the impacts of homeless encampments on our unsheltered population and the general public. These strategies relate specifically to (A) cleanups and enforcement, (B) storage, (C) resources and (D) collaboration. The goal is to improve health, safety, and accessibility for all Los Angeles residents, housed and homeless alike.

### A. Cleanups and Enforcements

As we've seen in San Diego and Los Angeles County, homeless encampments can pose unique health risks that quickly escalate into health crises. Encampments may also contain significant risks to safety and accessibility. Some tents have even been used for gangs, prostitution and drug sales — preying on our population experiencing homelessness. Accordingly, while briefly clearing away a sidewalk is no solution to the complex problems of homelessness, the proliferation of encampments has become a problem unto itself.

Currently, LASAN's Protocols normally require a 24- to 72-hour notice before forcible removal and cleanup, but the City has the ability to both prevent the proliferation of the encampments — and to perform certain clean-up activities if it so chooses, more expeditiously:

- **Erected tents and other personal property exceeding the equivalent of a 60-gallon container** — While erected tents are not permitted upon our sidewalks under the law between the hours of 6 a.m. and 9 p.m., and while personal property exceeding the equivalent of a 60-gallon container is never allowed in public spaces, both are commonly found on our streets. A thoughtful and humane approach to compliance could at least help prevent the current proliferation and sheer size of many current encampments - and protect individuals experiencing homelessness from being victimized by criminals. How might this best be done?
  - Enforce the current LAMC 56.11 — It is unpermitted (but not a crime) to erect or maintain a tent in public spaces between 6 a.m. and 9 p.m. with exceptions during rain and cold temperatures. Disobeying a lawful order from a police or peace officer to remove a tent, however, is a violation of the law that could be enforced.
  - Amend LAMC 56.11 — Given that enforcement is currently based on an officer's affirmative order to comply, some have suggested the City consider some modifications to LAMC 56.11 to help LAPD better combat those tents which provide a safe haven for illegal activities such as prostitution, drug sales and gang activities.
- **Bulky items and illegal dumping in public areas** — With some exceptions, LASAN can lawfully remove any bulky item from a public area without a pre-removal notice.
- **Unsafe or unsanitary items** — LASAN is authorized to immediately address any conditions that pose an immediate threat to public health including hazardous waste, trash, debris and needles.



- **Trash** — LASAN may dispose of trash that does not constitute personal property.
- **ADA violations** — LAPD can clear blocked entrances and exits, driveways or loading docks to ensure passage for individuals with disabilities.

These steps inevitably depend on adequate financial and staff resources for LASAN and LAPD. But we are already spending a tremendous amount of resources as noted below. Moreover, because shuffling people from one location to another is not an actual solution, and encampments are a symptom of a larger problem, enforcement must be part of broader effort to address homelessness in Los Angeles.

## **B. Storage for Personal Property**

All Angelenos should have a place to call home. But until we can adequately house all Los Angeles residents, the City must make it easier for people experiencing homelessness to store their belongings. Currently, there is just a single voluntary storage facility, The Bin, in our City in the Skid Row area and only one additional storage facility in the design phase. The City must do more to provide storage options to our homeless population.

While some people in some neighborhoods have strongly opposed storage facilities, the reality is that homeless encampments and residents are already found in nearly every L.A. community. Clean, safe storage will only help to relieve this crisis. To improve unsheltered residents' access to storage, the City should:

- **Increase the number of voluntary storage facilities** using City-owned properties.
- **Increase storage capacity** at *The Bin*, our existing storage facility.
- **Explore transit options** to make it easier for persons to visit voluntary storage facilities - and /or offer mobile pick-up options for people experiencing homelessness.
- **Enhance information about voluntary storage** for unsheltered residents.

## **C. Resources**

The City needs to use its resources as effectively as possible in order to quickly address the community impacts of homeless encampments. Our auditors estimated that the City is spending as much as \$1,000 per hour on some homeless encampment cleanups. Cleanups often involve elaborate coordination between City departments and, in some cases, necessitate up to 12 staff, between seven and 12 vehicles, and as many as 11 police officers depending on the size of an encampment.

To optimize limited resources, the City should:

- **Intervene early** before an encampment requires significant staffing, environmental protections and involuntary storage.
- **Utilize appropriate City-owned properties** to create defined spaces for temporary shelters and/or encampments — and for long-term development of affordable and supportive housing.
- **Continue to expand resources** for HOPE teams, permanent supportive housing, transitional housing and programs to help tackle mental health and alcohol and drug dependency.
- **Prioritize hygiene** as recent outbreaks of Hepatitis A in San Diego and Los Angeles County are yet another reminder of how vital it is that we increase the availability of restrooms and showers (perhaps, some mobile) for persons experiencing homelessness.



**D. Collaboration and Coordination**

Keeping the City's public areas clean and safe for all users requires effective collaboration and coordination between City departments, as well as county, federal and state agencies. Differences between City departments and other jurisdictions can delay homeless encampment cleanups or outright prevent them until all parties agree who is responsible for performing the work. To improve coordination, expedite cleanups and save money, I recommend that the City streamline existing systems of communication and pursue Memorandums of Understanding (MOUs). MOUs will more clearly define the role of secondary support departments such as the Los Angeles World Airports and Recreation and Parks and external agencies such as the California Department of Transportation and Metrolink.

**III. Summary**

As a City, we have a responsibility to proactively protect everyone's right to safe, healthy and accessible public spaces. We must better serve our vulnerable and homeless population while ameliorating both the causes and effects of the growing phenomena of encampments. It is my hope that the recommendations in our Report will help us optimize scarce resources to improve homeless encampment cleanups, enforcement, collaboration and coordination.

In closing, I want to express my thanks to the City departments that assisted with information for my Office's Report, notably LAPD and LASAN, and the Office of the City Attorney, which offered most valuable information and counsel in preparation of the Report. On behalf of all of our City, I also offer our collective gratitude to the workers and volunteers who are on our streets every day, seeking to assist our unsheltered population — one person at a time. And, finally, our thanks to the unsheltered people who shared with us their stories, their challenges and so much more. May we as a City come together to help each of our residents experiencing homeless to find their place, realize their aspirations and have the dignity to which every human being is entitled.

Respectfully submitted,



Ron Galperin  
CITY CONTROLLER







# REPORT ON HOMELESS ENCAMPMENTS

SEPTEMBER 27, 2017



**RON | GALPERIN**  
Los Angeles City Controller  
[LACONTROLLER.ORG](http://LACONTROLLER.ORG)

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# EXECUTIVE SUMMARY

At last count, more than 34,000<sup>1</sup> people were considered homeless in the City of Los Angeles -- an 80 percent increase from just 8 years ago. More than 25,000 of our City's homeless were counted as unsheltered -- the highest such proportion nationally<sup>2</sup> -- living in cars, parks, sidewalks, underpasses and abandoned buildings. From a single shopping cart full of personal property, to a multitude of tents sprawled across a public space, homeless encampments are among the most visible signs of this crisis.

The proliferation of tents and encampments throughout Los Angeles is a symptom of much larger and complex challenges, including the shortage of affordable housing, poverty, domestic violence, mental illness, disabilities, addiction, and unemployment, among others. The current situation on our streets has also been shaped by various ordinances, lawsuits, court injunctions, legal settlements and attempts by the City and its officials to balance the public's health and safety needs with the rights and needs of our growing homeless population. In the process, City departments and staff have had to change how they approach their duties -- with police officers often functioning as ad hoc social workers, sanitation workers handling tons of human waste and firefighters serving as primary caregivers to often uninsured homeless persons. Their jobs have been further complicated by heretofore limited resources, and reluctance by some individuals to even accept assistance when it is actually made available to them.

The City of Los Angeles has adopted a "three-pillar approach" to homelessness, with a stated intent to: (1) house those who are currently homeless; (2) prevent residents who have homes from falling into homelessness; and (3) implement a street-based plan that protects public health and public safety along with the constitutional rights of people experiencing homelessness.

In January 2016, the City advanced on these pillars by issuing a Comprehensive Homeless Strategy report with sixty-two recommendations to address homelessness over 10 years. The report resulted in the creation of a Homeless Strategy Committee and the first-ever Homeless Coordinator, which monitors and oversees the implementation of the City's homeless strategy.

In late 2016, City voters approved Measure HHH to authorize the City to issue \$1.2 billion in general obligation bonds to fund up to 10,000 units of permanent supportive housing over the next 10 years for individuals experiencing or at risk of homelessness. A sister proposal was also approved by County of Los Angeles voters in 2017 and authorized the County to impose a one-quarter percent (.25%) special transactions and use tax for 10 years. The tax proceeds are intended to fund support services for homeless individuals throughout the County.

The focus of this report is on what would be described as the third pillar of the City's current approach -- how we as a City are dealing with manifestations of homelessness on our streets, notably homeless tents and encampments. And while the encampments are in great part a consequence of the larger problems - these encampments create their own unique set of problems. On their own, homeless encampments pose challenges related to health and safety, accessibility to public areas and to the quality of life of both our homeless and the general public.

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<sup>1</sup> Los Angeles Homeless Services Authority January 2017 Greater Los Angeles Homeless Count.

<sup>2</sup> Source: US Department of Housing and Urban Development (HUD) 2016 Point-in-Time count.



The main objectives of this report are to:

- i. provide insight into the current guidelines, practices, and on how the City spends its human and financial resources to address homeless encampments.
- ii. identify actions that the City could pursue to better deal with the challenges posed by homeless encampments.
- iii. assess whether the City is adequately enforcing and implementing the provisions of Los Angeles Municipal Code (LAMC) Sec. 56.11, which is a key City ordinance related to the issue of homeless encampment in public areas.

While there are numerous challenges to the effective, efficient and humane enforcement and implementation of LAMC 56.11, we hope and believe that the suggested actions in this report can help address those challenges -- and serve to improve health, safety, and accessibility for all residents, housed and homeless alike.

Our review is organized into the following Report sections:

- **Background:** Homelessness and homeless encampments are complex social issues that defy simplistic solutions. To better understand these problems, this section opens by providing context on the City's efforts to address homelessness. We then narrow in to provide background on the City's legal obligations, the three programs the City uses to address homeless encampments, and the limitations these programs have in addressing broader issues related to homelessness, such as housing affordability and mental health.

- A. **Cleanups and Enforcement:** From municipal codes to zoning regulations, enforcement plays an important role in how the City ensures its laws are followed. This section elaborates on the implementation of the laws and cases that frame how the City addresses homeless encampments. Notably, City of L.A. ordinances do not specifically reference homeless encampments themselves. Rather, they address access to sidewalks, accessibility per the American with Disabilities Act (ADA); tents, bulky items and other personal property stored in public areas; and when/how City parks and facilities may be used.

There are strong passions around the issue of how the City should or should not enforce these laws -- so as to keep our streets clean yet do so in a way that is not punitive of circumstances such as poverty, mental illness and homelessness. Moreover, simply shuffling people from one location to another is not an actual solution. That said, the proliferation of encampments throughout Los Angeles can't be said to be doing justice to, or for, anyone -- and, some would argue, enables and exacerbates an already challenging situation.

- B. **Storage:** The ideal, of course, is a home for everyone who wants and needs one. In the absence thereof, however, to humanely address homeless encampments, the City needs to make it easier for homeless individuals to store their belongings. Currently the City has only one voluntary storage facility accessible for homeless people who want to keep up to 60 gallons of their personal property off the street. However, the City is also required to store all possessions that are impounded during homeless encampment cleanup efforts (unless those possessions pose a health or safety threat). Given that this single storage facility is inadequate for the needs of all

homeless people in Los Angeles and that only one additional storage facility is currently in the design phase, this section addresses how the City must increase storage and access to storage in order to reduce the amount of personal property currently in our public spaces.

- C. **Resources:** Given the serious impacts of homeless encampments, the City needs to use its resources as effectively as possible. This section focuses on the resources typically utilized by the City to perform a cleanup of a homeless encampment. However, it is critical to understand that resource utilization varies in relation to the size of a homeless encampment. While there is no standard definition for a homeless encampment, we still attempt to tabulate how much the City programs cost. We also identify the human resources challenge of hiring additional environmental compliance inspectors, who must identify and contain hazardous waste found in homeless encampments of all sizes.
- D. **Collaboration:** Better collaboration between key agencies can improve the speed of response to homeless encampments. In this section, we discuss some of the communication and coordination challenges that City departments face when effecting homeless encampment cleanups. These challenges include communication between two of the three City programs that perform cleanups, coordination with other City departments that play supporting roles, and working with external agencies such as CALTRANS, Metrolink, and the Army Corps of Engineers which have geographic jurisdiction over some common encampment sites throughout the City.

At the end of every section, we include our suggested actions related to cleanups and enforcement, storage, resources, and collaboration. Highlights of our suggested actions include:

- The City should seek to enforce in a responsible and equitable manner current measures intended to protect everyone's rights to safe, healthy and accessible public spaces.
- The City should increase the availability of storage solutions to individuals experiencing homelessness by optimizing capacity of existing facility and creating new ones.
- The City should optimize the use of current scarce resources to achieve greater impact.
- Los Angeles Bureau of Sanitation and LAPD should work to further streamline the cleanup and enforcement process.

Analysis and suggested actions are based on the Controller's Office conducting interviews of key City staff, review of pertinent information and documents relative to homeless encampment cleanups, and consultation with City Departments and staff and with the Los Angeles Homeless Services Authority (LAHSA). We also sought further understanding of the critical issues discussed in this report by observing cleanups and speaking with individuals living in the affected homeless encampments. This report represents review work concluded as of May 31, 2017.

# **SECTION I: BACKGROUND**

## The Evolution of Los Angeles Municipal Codes to Address Homeless Encampments

In the past, the City sought to restrict homeless encampments by enforcing laws that prohibited individuals from obstructing sidewalk access and by banning people from living in tents and vehicles. However, those efforts were constrained by litigation over time because of legal challenges based on infringement on constitutional rights regarding cruel and unusual punishment, due process, and equal protection.

Today, the City relies primarily on Los Angeles Municipal Code (LAMC) 56.11 in its effort to balance priorities of health, safety, enforcement, and of constitutional rights of the homeless. LAMC 56.11 regulates placement/storage of personal property in public areas and is the current framework for how the City deals with homeless encampments. While homeless encampments can include tents, shopping carts and other personal property in public places, LAMC 56.11 does not solely and specifically apply to those who are homeless. Rather, it applies to all personal property in public areas.

**Personal property** is defined as any tangible property including, but not limited to:

*“Tents, tarpaulins, bedding, sleeping bags, hammocks, personal items such as household items, luggage, backpacks, clothing, documents, and medication.”*

**Public property/area** is defined in LAMC 56.11 as property/area, including sidewalks, that is:

*“owned, managed, or maintained by the City—except property owned by the Department of Recreation and Parks. This includes any street, medial strip, space, ground, building, or structure.”*

LAMC 56.11 names the City’s Bureau of Sanitation (LASAN) as the lead agency for promulgating rules, protocols, and procedures for implementing this City law, and served as LASAN’s framework for obtaining authorization and cleaning a reported 762 homeless encampments from October 2016 through April 2017.

LASAN’s 56.11 protocols include 41 pages of instructions to LASAN and other departments on step-by-step procedures relative to cleaning and/or storing personal property. Cleanings involve removing all personal property in public areas and storing any “excess personal property,” defined as any property that exceeds the amount that could fit in a 60-gallon container -- and is not hazardous, evidence of a crime, or contraband.

As mentioned, a number of court cases, injunctions, legal settlements, and a health code violation shaped how the City enforces LAMC 56.11 and related laws. These decisions and agreements include:

- **Jones v. City of Los Angeles** – resulted in a settlement agreement (citywide)

A 2003 lawsuit brought by six individuals experiencing homelessness living in Skid Row challenged the City’s use of its enforcement of LAMC 41.18(d) which made it illegal to sit, lie, or sleep on a

public sidewalk at any time of the day in the City. The Ninth Circuit Court of Appeals ruled that the City's practice violated the Eighth Amendment of the United States Constitution, which prohibits cruel and unusual punishment. Moreover, the Court determined that the City could not arrest people for sleeping on sidewalks if no shelter beds were available.

In 2007, the City reached a settlement agreement ("agreement") with the ACLU and co-litigants that allowed people to sleep on sidewalks from 9 p.m. to 6 a.m. in all parts of the City except within 10 feet of a building entrance/exit, parking lot, or a loading dock. The Los Angeles Police Department (LAPD) could only enforce 41.18(d) as allowed by the agreement, and only after a person did not comply with an officer's verbal warning to move.

The settlement agreement indicated that:

*"...The Los Angeles Police Department will issue a policy directive stating that it will not enforce Los Angeles Municipal Code ("LAMC") section 41.18(d) between the hours of 9:00 p.m. and 6:00 a.m...[except as allowed]. The Los Angeles Police Department will keep this policy in effect and operate according to this policy until an additional 1250 units of permanent supportive housing are constructed within the City of Los Angeles, at least 50 per cent of which are located in Skid Row and/or greater downtown Los Angeles."*

- **Lavan v. City of Los Angeles** – resulted in an injunction (Skid Row area<sup>3</sup>)

A 2011 lawsuit brought by nine individuals experiencing homelessness living in Skid Row resulted in a District Court preliminary injunction, which was upheld by the Ninth Circuit Court of Appeals that found that the City violated the due process requirements of the Fourth and Fourteenth Amendments of the US Constitution. The injunction barred the City from:

- Seizing property in Skid Row absent an objectively reasonable belief that it is abandoned, presents an immediate threat to public health or safety, or is evidence of a crime, or contraband; and
- Destroying seized property, absent an immediate threat to public health or safety, without maintaining it in a secure location for a period of less than 90 days.

The Office of the City Attorney indicated that the Lavan injunction is no longer in place. However, the City incorporated the injunction's requirements into LAMC 56.11.

- **Los Angeles County Department of Public Health -- Notice of Violation for Unsanitary Conditions** (Skid Row area)

After the Lavan case, the City requested the Los Angeles County Department of Public Health to identify health issues on Skid Row. On May 21, 2012, the Department issued a Notice of Violation

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<sup>3</sup> Skid Row is defined as a 50-square block area east of downtown, bordered by 3rd Street to the North, 7th Street to the South, Alameda Street to the East, and Main Street to the West.

to the City regarding “an immediate threat to public health” due to the unsanitary conditions on the City’s sidewalks and public areas of Skid Row. The conditions for which the County cited the City included human and animal feces, urine, hypodermic needles, rodent infestation, razor blades, drug paraphernalia, garbage, trash, debris and furniture.

- **Mitchell v. City of Los Angeles** – resulted in an injunction (Skid Row area)

A 2016 lawsuit filed by plaintiffs alleged that the LAPD and Bureau of Sanitation seized property in violation of the US Constitution. The District Court issued a preliminary injunction in April 2016, which found that the Plaintiffs were likely to succeed on the merits that the City violated the due process requirements of the Fourth and Fourteenth Amendments. The City amended LAMC 56.11 by Ordinance No. 184182, effective April 11, 2016 prior to the injunction.

The injunction enjoins the City from seizing property incidental to an arrest or as part of a cleanup absent an objectively reasonable belief that the property is abandoned, is a threat to public health or safety, is evidence of a crime, or is contraband. The injunction also dictates the City provide access to seized property during certain time frames and requires a 24 hour notice before a mass cleanup. According to the LAPD, there has been no change to the status of the preliminary injunction as of May 2017.

- **LA Catholic Worker, et al.<sup>4</sup> v. City of Los Angeles, et al.**

A 2014 lawsuit brought by the Los Angeles Catholic Worker against the City and the Downtown Industrial District, the Business Improvement District (BID) covering Skid Row. The lawsuit alleged that the City enabled BID security officers to unlawfully seize unattended homeless individuals’ personal property.

Moreover, the lawsuit alleged that the personal property, while unattended, was not abandoned and seized without a way for individuals to recover them. In the settlement agreement, the City agreed that LAPD would not engage BID officers to remove property that LAPD could not remove itself.

- **Desertrain v. City of Los Angeles** – Court Struck Down LAMC 85.02 on Vehicle Dwelling

In 2014, plaintiffs filed a lawsuit claiming that LAPD targeted them for dwelling in a vehicle because they were homeless. The Ninth Circuit Court of Appeals struck down the City’s municipal code section. The Court found that LAMC 85.02 was unconstitutional and overly vague as written at the time and that it promoted arbitrary enforcement against homeless individuals and the poor.

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<sup>4</sup> The lawsuit included Los Angeles Community Action Network (LA CAN) and four individuals experiencing homelessness living in Skid Row as plaintiffs.

The City adopted Ordinance No. 184590 to amend LAMC 85.02. As a result, the new law attempts to balance the needs of those that choose to live in vehicles with public health, and safety. With the new law, the City permits vehicle dwelling only on non-residential streets and on streets that do not have a school, pre-school, day care facility or park.

### City Programs for Homeless Encampment Cleanup

Currently, the City addresses homeless encampment cleanups primarily through three programs:

- Operation Healthy Streets (“OHS”)
- Clean Streets LA Initiative (“CSLA”)
- Homeless Outreach and Proactive Engagement Teams (“HOPE”)

OHS and CSLA are led by LASAN, which is the administrative agency responsible for implementing LAMC 56.11. LASAN’s mission is to ensure public areas remain safe, clean, sanitary and accessible for public use by all individuals. In administering OHS and CSLA, LASAN works with LAPD to secure areas, and it works with the City’s partner, LAHSA, to offer outreach and resources to individuals experiencing homelessness.

In contrast, LAPD leads HOPE since it focuses on preserving access within public areas to comply with the Americans with Disabilities Act (ADA). The relationships between the different agencies, the areas they serve, and the frequency of that service are further explained in the following chart:

**Agency Responsibilities, Areas Served, and Service Frequency**

Program	Established	Lead Department	Services/Responsibilities	Areas Served	Frequency
OHS	2012	LASAN	<ul style="list-style-type: none"> <li>• LASAN performs comprehensive cleanups, which entail that the City remove homeless encampments to thoroughly clean surfaces (sidewalks and streets are power washed and disinfected)</li> <li>• LASAN removes hazardous waste, bulky items, and illegal dumping</li> <li>• LAPD provides security to LASAN</li> <li>• LAHSA performs outreach</li> </ul>	<ul style="list-style-type: none"> <li>• Skid Row</li> <li>• Venice</li> </ul>	<ul style="list-style-type: none"> <li>• Skid Row – Monday – Thursday</li> <li>• Venice – Fridays</li> <li>• Every street in Skid Row is cleaned every other week.</li> </ul>
CSLA	April 2015	LASAN	<ul style="list-style-type: none"> <li>• LASAN performs comprehensive cleanups, which entail that the City remove homeless encampments to thoroughly clean surfaces (sidewalks and streets are power washed and disinfected)</li> <li>• LASAN removes hazardous waste, bulky items, and illegal dumping</li> <li>• LAHSA performs outreach</li> <li>• LAPD provides security to LASAN</li> </ul>	Citywide	<ul style="list-style-type: none"> <li>• Daily, locations vary by day</li> </ul>
HOPE	<ul style="list-style-type: none"> <li>• Piloted in 2016</li> <li>• Official Launch January 2017</li> </ul>	LAPD	<ul style="list-style-type: none"> <li>• LAPD enforces ADA compliance and entrance/exit clearance</li> <li>• LAHSA performs outreach</li> <li>• LASAN removes bulky items and hazardous waste only. No power washing or disposal of illegal dumping is performed</li> </ul>	Citywide	<ul style="list-style-type: none"> <li>• Daily, locations vary by day</li> </ul>

- **Operation Healthy Streets (“OHS”)**

**Purpose:** OHS is in response to the County Public Health Violation and Litigation

**Key Responsibilities:** LASAN (lead department) and LAPD deploy to Skid Row and Venice neighborhoods to reduce the impacts of public health and safety caused by homeless encampments. Homeless encampments are removed and sidewalks and streets are washed and disinfected.

- LASAN – Removes bulky items, stores personal property, and disposes of anything found to be a threat to public health and safety.
  - (1) Posts pre-cleaning notices informing individuals to remove personal property, as cleanup will commence between 24 and 72 hours from posting.
  - (2) Removes trash, debris, and identifies hazardous waste for testing, certification, and disposal.
  - (3) Posts notices after removing personal property to inform individuals to pick up items within 90 days at “the Bin.”<sup>5</sup>
  - (4) Stores all unattended personal property. When personal property is attended, it stores personal property exceeding 60 gallons at “the Bin.” 60 gallons is the size of a regular recycling bin provided by LASAN to residents. This is also similar to the volume of a shopping cart.
- LAPD closes streets and provides security.
- LAHSA provides outreach to individuals experiencing homelessness on an ongoing basis and refers them to community-based organizations. LAHSA is not required to provide an authorization prior to the cleanup and does not need to be present during the process.

**When:** In Skid Row, every street is cleaned every other week, but LASAN performs daily cleanups Monday – Thursday. Venice is cleaned on Fridays.

- **Clean Streets LA (“CSLA”)**

**Purpose:** CSLA derives from the Mayor’s Executive Directive # 8. This is the Mayor’s initiative to create partnerships with residents, businesses, community organizations and other stakeholders to create a Clean Streets Corps. The program intends to improve the livability and cleanliness throughout the City by targeting bulky items, illegal dumping, litter, and weeds. While these efforts do not relate directly to homeless encampments, the City’s ability to remove such items can affect what ends up in a homeless encampment. LASAN has also taken the responsibility of removing homeless encampments and thoroughly cleaning sidewalks and streets by washing and disinfecting surface areas.

- **Key Responsibilities:** LASAN (lead department) and LAPD deploy citywide based on community service requests and referrals received from City Council District Offices to specific sites. In accordance with LASAN’s 56.11 standard operating protocols, when

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<sup>5</sup> “The Bin” is a storage facility located at 507 Towne Avenue in Skid Row. It serves the homeless population through voluntary and involuntary storage of personal property.



LAHSA performs outreach to a homeless encampment, it will sign off on a cleanup authorization form. The Board of Public Works and LASAN shall subsequently approve and authorize the cleanup.

- LASAN – Removes bulky items, stores personal property, and disposes of anything found to be a threat to the health and safety of the public.
  - (1) Posts pre-cleaning notices informing individuals to remove personal property, as cleanup will commence between 24 and 72 hours from posting.
  - (2) Removes trash, debris, and identifies hazardous waste for testing, certification, and disposal.
  - (3) Posts notices after removing personal property to inform individuals to pick up items within 90 days at “the Bin.”
  - (4) Stores all unattended personal property. When personal property is attended, it stores personal property exceeding 60 gallons at “the Bin.” 60 gallons is the size of a regular recycling bin provided by LASAN to residents. This is also similar to the volume of a shopping cart.
- LAPD - closes streets and provides security.
- LAHSA - provides outreach to individuals experiencing homelessness and refers them to community-based organizations prior to the cleanup. The City must get authorization from LAHSA before the cleanup, but LAHSA does not need to be present during the actual process.

**When:** Daily throughout the City.

### ● Homeless Outreach and Proactive Engagement Teams (“HOPE”)

**Purpose:** HOPE is a LAPD enforcement program, and complies with LAMC 56.11 provisions relative to the Americans with Disabilities Act (“ADA”). LASAN’s protocols align with ADA requirements. Other LAMC 56.11 provisions require personal property to be at least 10 feet from entry/exit ways, driveways, and loading docks. Sidewalks and streets are cleared, but not power washed or disinfected.

**Key Responsibilities:** LAPD (lead department) and LASAN deploy citywide based on community service requests and referrals from City Council District Offices. No authorization is required to perform a cleanup because personal property obstructs a public area either by reducing clearance of a sidewalk to less than what would be required by ADA requirements or by being less than 10 feet from an entry/exit way, driveway, or loading dock.

- LAPD – Closes streets and takes enforcement actions for blocked entrances/exits, driveways, or loading docks. It remedies ADA violations.
- LASAN –
  - (1) Removes bulky items connected with homeless encampments.
  - (2) Removes trash, debris, and identifies hazardous waste for testing, certification, and disposal.
  - (3) Posts notices after removing personal property to inform individuals to pick up items within 90 days at “the Bin.”

- (4) Stores all unattended personal property and when attended, anything exceeding 60 gallons at “the Bin.”
- LAHSA - provides outreach to individuals experiencing homelessness during the cleanup and refers them to community-based organizations. The City does not need authorization from LAHSA prior to cleaning. LAHSA is typically present during the cleanup.

**When:** Daily throughout the City.

### **Key Challenges for Individuals Experiencing Homelessness: Mental Health, Housing Supply, and Storage**

While the City has municipal codes that address obstructions on sidewalks, personal property in public spaces, and ADA accessibility, many other factors contribute to homelessness overall. Lack of access to mental health care, physical and mental disability, substance abuse, unemployment, and lack of affordable housing can all push individuals into homelessness.

LAHSA’s 2017 Point-In-Time Homeless Count noted several key statistics relative to the demographics and challenges facing the adult homeless population in the City of Los Angeles. Based on surveys noting self-declared health/disability information by individuals experiencing homelessness, researchers projected those results to the City’s homeless population:

- 33% (10,294) have a serious mental illness
- 20% (6,321) have a substance use disorder
- 19% (5,894) have a physical disability
- 36% (11,277) identified a domestic violence experience
- 11% ( 3,301) have a brain injury

Despite these challenges, some individuals still hold jobs, but do not have a place to call home. Based on available information from a 2016 LAHSA survey on employment status, 12% of the respondents identified themselves as employed (full time, part time, seasonally, or temporarily). An additional 40% indicated that they were unemployed and looking for work. Moreover, 43% stated that they lost their home because they lost their job.

When a person faces unemployment or severe mental and health care problems, they may end up on the streets and create encampments. Since encampments are often the result of deeper issues, understanding these contributing factors is important when deciding how to address the problems posed by encampments.

While many factors can indirectly affect the number of homeless people and encampments, issues such as access to mental healthcare and the availability of housing and storage affect the size and visibility of encampments in the City more directly. These factors include:

- **Mental Health**

According to LAHSA, 33% (10,294) of adults experiencing homelessness in the City reported having a mental illness (as self-reported by homeless individuals), ranking at the top for all issues quantified in the 2017 Homeless Count.

Mental illness requires significant public resources that may not address the underlying causes that contribute to homelessness. Los Angeles County (“County”) reported that in fiscal year 2014-15 alone, the Department of Mental Health spent \$291.7 million on homeless single adults, which does not include other related costs for law enforcement and social services that totaled \$673 million.<sup>6</sup>

Individuals with severe mental illnesses can cycle in and out of homelessness, incarceration, and hospitalization due to a significant decline in inpatient psychiatric beds, resulting in a decline of patients committed to inpatient facilities from 560,000 in 1955 to about 45,000 persons in 2015.<sup>7</sup> Beginning in the 1960s, California led the national effort to close facilities that held mentally ill people involuntarily. In 1967, then-Governor Ronald Reagan signed the Lanterman-Petris-Short (LPS) Act into law, which transferred responsibilities for addressing mental health issues to local communities and expanded the rights of the mentally ill.

According to medical ethicists and health policy experts at the University of Pennsylvania, the national effect of the deinstitutionalization of mental facilities decreased the number of patients committed to inpatient care, resulting in an increase in patients in jails or seeking acute care in emergency rooms. The authors link the closing of mental facilities with people cycling in and out of homelessness, incarceration, and acute hospitalization. The authors recommend a comprehensive, patient-centered approach that includes long-term psychiatric care for the severely mentally ill and outpatient services for those with milder forms of mental illness.

- **Housing Supply and Restrictions**

The limited supply of temporary and permanent housing (“housing”) options, coupled with security issues and restrictions that prohibit pets and significant others from cohabitating in emergency shelters, make it difficult for at-risk individuals to find housing.

- **Housing Inventory**

Based on LAHSA’s 2017 point-in-time count for the homeless population and available information from the 2016 housing inventory count, the City’s 25,237 unsheltered individuals have limited housing options; they also compete with 15,979 unsheltered

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<sup>6</sup> The Services Homeless Single Adults Use and their Associated Costs: An Examination of Utilization Patterns and Expenditures in Los Angeles County Over One Fiscal Year, page v.

<sup>7</sup> American Medical Journal: Improving Long-Term Psychiatric Care: Bring Back the Asylum by Dominic Sisti, PhD; Andrea Segal, MS; Ezekiel Emanuel, MD, PhD

individuals in the County for only 25,428 total housing units in the Continuum of Care, which may already be occupied by others.<sup>8,9</sup>

While the City plans to use Measure HHH bond proceeds to build up to 10,000 permanent, supportive housing units, this may take ten years to fully realize -- by which time the needs will likely be growing.

- Security Concerns

According to our interviews with Police officers and individuals experiencing homelessness, intimidation, theft, and other criminal activities discourage individuals from seeking emergency shelter. One individual with a missing limb noted that shelter clients prey on him because of his inability to defend himself, so he would rather be on the street.

- Housing Restrictions

Individuals experiencing homelessness also cited shelter restrictions that prohibit cohabitation with their pets and significant others; these restrictions discourage them from seeking placement in a shelter.

Police officers and individuals who are homeless noted that many vulnerable women keep dogs for protection. In fact, the City recognized the importance of companion animals and asserted its commitment to helping homeless individuals find housing solutions that permit pets, and find ways to provide needed aid for low-cost veterinary services.<sup>10</sup>

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<sup>8</sup> LAHSA's 2016 Housing Inventory Count for people currently experiencing homelessness, such as emergency shelters, transitional housing, and safe havens. The inventory count also includes housing projects for formerly homeless persons, including permanent supportive housing, rapid-rehousing, and other forms of permanent housing.

<sup>9</sup> The composition of the 25,428 housing units includes 8,433 shelter units, 15,434 permanent supportive housing units, 1,027 "other" permanent housing units, and 534 rapid re-housing units.

<sup>10</sup> Council File 15-1019 and Comprehensive Homeless Strategy.

- **Storage**

The City primarily relies on one facility to serve the voluntary storage needs of homeless individuals, but it is insufficient for the number of homeless individuals spread throughout the City. Ultimately, the availability of storage impacts the amount of items in public areas. “The Bin” at 507 Towne Avenue in Skid Row offers 1,454 trash bins for voluntary storage.<sup>11</sup> See accompanying image. The Bin is also used for items involuntarily taken from homeless encampments and stored on shelves pursuant to LAMC 56.11. Currently, 3% to 5% of involuntarily stored personal property is reclaimed from the Bin.



LASAN recently started using five of its yard locations to store excess personal property that overflowed from the Bin and items that homeless individuals did not claim, which are subsequently stored for an additional time, but are discardable.

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<sup>11</sup> Chrysalis, a nonprofit subcontractor for LAHSA, manages the Bin.

**SECTION II: DISCUSSION OF ISSUES RELATED TO  
HOMELESS ENCAMPMENTS**

## A. CLEANUPS AND ENFORCEMENT

As detailed herein, City codes, court settlements and injunctions all affect what actions the City can take to handle homeless encampments. While enforcement is an important tool for promoting public health, safety, and access to sidewalks, streets and parks throughout the City, it is important to recognize that enforcement addresses the issue of encampments only, not the underlying causes of homelessness, and comes with potential consequences.

Nevertheless, homeless encampments pose health risks, and can block public areas in violation of the Americans with Disabilities Act and the City's ban on bulky items in public areas and tents between 6 a.m. and 9 p.m. Enforcement inevitably comes into play. Further, possible changes in how the Department of Recreation and Parks (RAP) addresses encampments at City parks, and emergency shelter laws, should also be examined.

While some of the ideas presented in this report may help reduce the public safety and health risks associated with encampments, various constituencies would be affected differently from these pursuits. The City is urged to carefully and equitably weigh all points of view related to this issue by comparing any new action against the status quo.

From the City's perspective, continuing to enforce LAMC 56.11 as is, arguably demonstrates the City's attempt to comply with legal and settlement requirements -- but there are unintended consequences that arise. The number of homeless individuals increased 20% over 2016 to 34,189 individuals in 2017, demonstrating that the status quo is not curbing homelessness and related encampments. Moreover, as the City continues to respond to this increasing problem, it will inevitably require more resources to clean public areas.

Additional enforcement is done most responsibly only after the City has evaluated the potential consequences and made a determination that: (1) achieving the potential benefits outweighs the potential consequences; and (2) that the potential consequences can be effectively managed. Presented in the following sections are some of the areas of enforcement and associated consequences the City can both examine and reexamine based on the City's laws, prior injunctions, and settlement agreements.<sup>12</sup>

### Need to Enable Public and Disabled Access

While Operation Healthy Streets and Clean Streets LA provide for a 24 to 72 hour notice before they clean public areas, LAMC sections 56.11.3(d) and 56.11.3(e) specifically authorize City departments to remove certain personal property from a public area without a pre-removal notice. A notice is not required for the City to enforce expeditiously a minimum clearance of a sidewalk as required by the Americans with Disabilities Act (ADA); and 10 feet from any entrance, exit, driveway, or loading dock.

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<sup>12</sup> Note: None of the suggested actions and/or recommendations herein is intended as Legal advice.

**Juanita Ave in Hollywood**



Remediation of ADA violations benefits individuals with physical disabilities, by clearing sidewalk access for wheelchairs and individuals with service animals.

### **Public Access Suggested Actions**

A.1 LASAN and LAPD should seek to expeditiously remedy potential ADA violations as they might arise and/or refer to HOPE teams to address -- so as to maintain the legally required minimum of 3 feet of public sidewalk access at all times.

### **Enforcement of Ban on Tents between 6 a.m. and 9 p.m.**

With some exceptions, such as rainfall or temperatures falling below 50 degrees Fahrenheit, LAMC 56.11.7 and 56.11.10(b) authorize an agent of the City, such as LAPD, to deconstruct and/or impound and store tents between 6 a.m. and 9 p.m. Said ban based on time of day has largely not been enforced.

Enforcement of the ban on tents between 6 a.m. and 9 p.m. would be said to be of benefit in averting potential ADA violations, in addressing certain health and safety issues, and in preventing the spread of personal possessions that often accompanies a longer-term encampment. Enforcing a time-based ban would require the diversion of significant amounts of City resources. Such enforcement could also lead to more resentment and mistrust of police officers by individuals experiencing homelessness, resulting in less cooperation with law enforcement if they become victims or witnesses to crimes.

Currently, the LAPD and other City departments do not systematically enforce the ban on tents because of the sheer amount of resources it would take to patrol the City specifically for this issue. Further, there is no guarantee that individuals will not erect a tent after it has been deconstructed. However, LAMC 56.11.7 and 56.11.10(b) authorize LAPD to impound and store tents without notice should someone not comply with provisions in the LAMC. This requires the LAPD and other City departments to have additional support from LASAN, or to have the capacity to store personal property and to implement procedures to



notify individuals where their tents have been stored. Should the LAPD pursue more enforcement of these measures, it should do so with keen attention to compassion and humanity.

### **Tent Ban Suggested Actions**

A.2 The City and the LAPD should conduct an assessment of the resources that would be required to limit the erection and maintenance of tents and other structures between the hours of 6 a.m. and 9 p.m. pursuant to LAMC 56.11.7 and 56.11.10(b). Any enforcement of a time-based limitation should both comport with City Attorney guidance and be responsive to the needs and rights of homeless individuals.

### **Removal of Bulky Items**

LASAN can lawfully remove any bulky item from a public area without pre-removal notice. However, LASAN's current approach to removal of bulky items is a cautious one -- in that LASAN does not remove bulky items (such as mattresses or sofas) until it has notified individuals in a homeless encampment of a pending cleanup. LASAN noted that it follows notification procedures in LAMC 56.11.4(a) in order to avoid grievances from individuals experiencing homelessness.

However, LAMC 56.11.3(i) and 56.11.10(d) prohibits any person from storing a bulky item in a public area. If LASAN discharged its duties as allowed by the municipal code, it could remove large items that obstruct public areas without prior notification.

Removal of bulky items from public areas without notification has all the potential benefits related to the enforcement tools noted above, which reduce public risk and allow equal access to all. Similarly, the consequences of removing bulky items without notification may lead to the consequences also noted in the enforcement actions above, which include requiring more LASAN and LAPD resources, and leading to more resentment among individuals experiencing homelessness.

### **Bulky Items Suggested Actions**

A.3 LASAN should discharge its duties, as allowed by LAMC 56.11.3(i) and 56.11.10(d), to immediately remove bulky items found in public areas without a pre-removal notification.

### **Access to Sidewalks**

Based on an internal report by the Housing and Community Investment Department (HCID), the City may have met the requirements of the Jones v. City of Los Angeles settlement agreement in October 2015. The settlement agreement required the City to build 1,250 permanent supportive housing units for chronically

homeless individuals with 50% of the units located in Skid Row. The City should determine whether it has built sufficient affordable housing units to enforce LAMC 41.18(d).

Enforcing the law made it illegal to sit, lie, or sleep on a public sidewalk at any time of the day in the City. While regaining the right to enforce the law could be a tool used to restrict homeless encampments, it is important to remember that this would not address the underlying issues of homelessness.

### **Access to Sidewalks Suggested Actions**

A.4 The City should determine whether it has built sufficient affordable housing units to enforce LAMC 41.18(d) regarding obstructions on sidewalks.

### **Enforcement of Tent/Trespassing Prohibition in Public Parks**

While more rigorous enforcement of LAMC 56.11 and 41.18(d) can be used to restrict homeless encampments, pending changes to RAP regulations could have the opposite effect by making it easier for homeless individuals to set up encampments in City parks.

Currently, RAP's LAMC 63.44 prohibits erecting a tent outside of a specified campground, and restricts the use of parks after closing hours. However, RAP has drafted protocols that mirror LASAN's operating protocols for LAMC 56.11, which are less restrictive with regards to storage of personal property in public areas than LAMC 63.44 is with regards to storage in public parks. By adopting these protocols, RAP could unintentionally invite the use of City parks for homeless encampments.

Actual enforcement of LAMC 63.44 saves RAP from having to go through onerous LAMC 56.11 protocols to clean up and remove encampments, including personal property and hazardous material. Such enforcement will improve the aesthetics of public parks, and potentially avoid health risks associated with entrenched homeless encampments.

On the other hand, enforcing LAMC 63.44 will potentially result in pushing encampments outside of parks, and the City would unintentionally encourage encampments to be erected in other public areas, resulting in potential blocking ADA access. Additionally, more resources will have to be provided to RAP to enforce park regulations and coordinate with LASAN to process and remove hazardous material.

RAP is also in the process of working with the City Attorney to amend LAMC 63.44 to allow 24-hour bathroom access in a Venice Park, which could encourage additional encampments nearby. The City must weigh the risk of this occurring against the benefit of reducing public urination and defecation, which poses its own significant health risks.

### **Tent/Trespassing Prohibition in Public Parks Suggested Actions**

A.5 The Department of Recreation & Parks should weigh the public health and safety risks -- and seek public input -- before adopting LAMC 56.11 protocols in place of LAMC 63.44 regulations, which prohibit tents in all parks outside of established campgrounds.

A.6 RAP should weigh the risks of encouraging additional encampments and of public health and safety risks -- and seek public input -- before expanding access to public restrooms.

## B. STORAGE – PERSONAL PROPERTY

The City could reduce the number of and/or size of encampments by improving individual access to storage facilities. As of June 2017, there is only one storage facility in the City located at 507 Towne Avenue in Skid Row for voluntary storage, known as “the Bin” and a proposal in the design phase to open an additional storage facility in Council District 8, which would repurpose an unused Fire Station with proceeds from Measure HHH bonds to be issued. The proposed facility is intended to provide voluntary storage and shower stations once it is fully constructed.

The Bin is the current facility for both voluntary and involuntary storage for the City’s homeless population.

For the City to reduce the burden on homeless individuals with limited means of transportation, and to reduce the resources dedicated to enforcement and cleaning encampments in public areas, the City could:

- increase the number of voluntary storage facilities
- improve voluntary storage and understand the benefits and risks of options
- provide subsidized transit to voluntary storage facilities
- improve the City’s approach to involuntary storage

Ultimately, these changes would allow the City to restrict the amount of personal property that is stored in public areas. In the *Mitchell v. City of Los Angeles* preliminary injunction, the District Court called for a halt to the seizure of people’s personal property in Skid Row and the surrounding areas without providing advance notice and storing the items. The injunction did not specify the quantity of personal property to be stored by the City. However, the City did amend LAMC 56.11 prior to the injunction. The amended LAMC 56.11 requires the City to store an unlimited amount of personal property as long as the items are not bulky, hazardous, contraband, or evidence of a crime. Further, individuals may keep up to 60 gallons worth of personal property in public areas as long as those items do not impede on ADA requirements, and are not bulky, hazardous, contraband or evidence of a crime.

LAMC 56.11 also provides that the City Council has the discretion to request that the CAO evaluate whether any new storage facilities, increased capacity in an existing storage facility, or subsidized transportation to a storage facility is enough to trigger a provision in the law that allows the City to restrict individuals to only essential personal property in public areas. LAMC 56.11 defines essential personal property as “any and all Personal Property that cumulatively is less than two cubic feet in volume, which, by way of example, is the amount of property capable of being carried within a backpack.”

### **Increase the Number of Storage Facilities**

In 2016, the Controller noted that many of the 9,000 City-owned properties are underutilized which *“could better serve the public as public space, revenue-producing income property, [or] low-income housing.”*

Repurposing City-owned properties to store personal property and potentially house individuals could decrease the public health and safety risks in public areas. The City could open storage facilities within all Council Districts and ensure homeless individuals have greater access to their personal belongings. In fact, as of June 2017, the City is in the design phase to convert an unused Fire Station in Council District 8 into a storage facility with access to showers and outreach services.

Increasing the storage options around the City should make it easier for homeless individuals outside of Skid Row to store their personal property voluntarily. Furthermore, assuming the City dedicates City-owned properties for storage, this would help individuals reclaim impounded property from locations close to them without having to find transportation to and from “the Bin.” While neighborhood groups often resist homeless services in their immediate area, fearing negative impact, it is important to remember that homeless encampments already exist throughout the City. Diffusing storage among many different locations can reduce the visible impact of homelessness, and reduce the number of people who need to come and go from each facility. Another method to overcome community resistance to creating additional City storage facilities is to provide vouchers for homeless individuals that can be used at privately owned facilities.

### **Improve Voluntary Storage and Understand the Benefits and Risks of Options**

The City should explore creative voluntary storage solutions to help individuals experiencing homelessness, while reducing the effects of homeless encampments on public health and safety. The examples below depict alternative storage solutions that have been implemented in other jurisdictions, ideas analyzed by the City for the Venice area, and concepts proposed by LASAN for the entire City; however, they are just a sampling. The City and its departments should also seek partnerships with design experts and professionals (such as architects, homeless advocates, researchers, academics and their universities) to find other novel solutions to homeless encampments.

- Mobile Storage Shuttles/Buses

The City has previously considered establishing a mobile storage solution for voluntary storage in Venice, and it could consider this option citywide. Such a service could involve the City deploying retrofitted shuttles or buses around the City, visiting specific locations where individuals can board and store their personal property. These shuttles could then park in City-owned yards

overnight.<sup>13</sup> Such a solution should be balanced against other options so long as they are cost-effective.<sup>14</sup>

**Benefit:** Provides access to storage in areas where individuals typically do not have access to the Bin.

**Risk:** The City Administrative Officer determined that one bus with 12 bins could cost between \$100,000 to \$300,500 per year to operate.

- “Solidarity Lockers” - Lisbon, Portugal<sup>15</sup>



A nonprofit (“ACA” or “Friendly Talk Association”) installed a dozen lockers for homeless individuals to use near a train station. As of December 2016, 36 more were pending the approval of the City of Lisbon.

**Dimensions:** 6 feet tall and 19 inches wide.

**Requirements:** Individuals must keep area clean and stay in contact with homeless outreach street teams.

**Benefit:** Lockers are dispersed in public areas and accessible 24 hours a day.

**Risk:** (1) The cost to make and install 12 lockers was \$12,950; over \$1,000 per locker (of which City of Lisbon pays 60% with the remainder covered by donations from the public). (2) The City of Los Angeles would need to work with local community groups and identify locations to install lockers.

- Shipping Containers as Lockers – San Diego, California<sup>16</sup>

A nonprofit (“Girls Think Tank”) commissioned the redesign of four shipping containers to host 304 lockers to be used as voluntary storage for homeless individuals. Costs and requirements to obtain access to lockers are unknown.

<sup>13</sup> Council File 15-0727.

<sup>14</sup> Costs may vary based on operational requirements for routing shuttles, labor, maintenance, and parking.

<sup>15</sup> Business Insider <http://www.businessinsider.com/afp-lockers-lighten-load-for-lisbons-homeless-2016-12>, 2016.

Image Courtesy of the Associated Foreign Press, Patricia De Melo Moreira

<sup>16</sup> Radlab.com <http://www.radlab.com/work-avenue#/transitional-storage-center/>



**Benefit:** Repurposed shipping containers can minimize the hard-shell costs for construction.

**Risk:** Costs are unknown and the City would need to identify locations to locate the containers in areas accessible to homeless individuals.

- Mobile Shelter/Storage “EDAR” - Los Angeles, California<sup>17</sup>

Everyone Deserves a Roof (EDAR) is a nonprofit that produced a mobile unit that allows homeless individuals to keep possessions secure during the day, and shelters them at night.



**Benefit:** At \$500 each, this could be a feasible solution for the City to provide storage and temporary shelter.

**Risk:** EDAR’s were the subject of the Lavan v. City of Los Angeles case that resulted in an injunction barring the City from seizing and

destroying personal property without storing them for 90 days.

<sup>17</sup> Everyone Deserves A Roof <http://www.edar.org/edar.html>



- Transparent Cart - LASAN

LASAN staff has suggested that homeless individuals could be provided a cart enclosed by transparent plastic that can be locked to secure personal property. The cart could also have a serial code that would allow City staff to identify the owner of any unattended cart in a public area, or be easily checked in/out of a voluntary storage facility.

**Benefit:** It provides mobility, could be trackable, and could be pest and weather resistant.

**Risk:** In concept stage, has not been researched, and no information about the cost of manufacturing exists at this time.

- Stack Storage Bins Vertically

We noted that in the City of Vancouver, a faith-based organization provided storage in an underground parking structure, and used it to stock 50-pound containers for homeless individuals to store personal property. All of these containers were stacked vertically as shown in the image.

**Storage bins in the First United Church, Vancouver**



Picture courtesy of Citylab.com

**Voluntary Storage at “the Bin”**



One way to increase the capacity of the City's existing or future storage facilities is to use all available building space. Currently, the Bin has organized all of its voluntary storage bins in one row. To increase the use per cubic feet of warehouse space, the City and LAHSA could work with Chrysalis to install shelves to store containers vertically—as it does for the involuntary storage, i.e. items seized from a public area.



### **Provide Subsidized Transportation to Storage Facilities**

LAMC 56.11 also authorizes the City to prohibit a person from storing more than essential personal property in public areas by providing subsidized transportation to existing storage facilities. Currently, individuals outside of Skid Row have no City-provided means to travel to the Bin to voluntarily store personal property or claim personal property that the City has impounded during a homeless encampment cleanup.

Should the City subsidize transportation to the Bin or any other storage facility it uses in the future, it could legally clean public areas by limiting individuals to essential personal property.

### **Improve the City’s Approach to Involuntary Storage**

While the above solutions can encourage people to voluntarily store their personal property out of public areas, the City also stores personal property when it is impounded during a homeless encampment cleanup. Changing the City’s approach to involuntary storage could make it easier for homeless individuals to recover their property, while also reducing the amount of property the City needs to store long-term.

- Establishing Storage Limits

By increasing the availability of voluntary storage, the City could be in a better position to limit the volume of personal property involuntarily stored. We noted that the City currently stores an unlimited amount of personal property that is seized during a cleanup. For example, the adjacent image shows 36 bikes that were taken into involuntary storage at “the Bin” during one homeless encampment cleanup. Individuals have 90 days to claim such property.



**36 Bikes Impounded for Storage During a CSLA cleanup**

By comparison, the Bin does restrict the quantity of personal property voluntarily stored by homeless individuals to 60 gallons of personal property.

In theory, this inconsistency can result in an unlimited amount of involuntarily stored personal property revolving in and out of the Bin. However, LASAN and Chrysalis (the nonprofit managing the Bin) indicated that usually only 3% - 5% of the personal property is reclaimed. Should the City provide more voluntary storage facilities, it should consider limiting the volume of personal property involuntarily stored in order to promote voluntary options.

- Improve Post-Removal Notification Process

In accordance with LAMC 56.11, we noted that LASAN left a post-removal notice for an encampment of multiple individuals during an observation with the CSLA teams, and grouped all items into one case number. Staff at Chrysalis indicated that they require individuals to describe their personal property when trying to reclaim it. However, should someone remove the notice from the wall, individuals would have no way of knowing how to retrieve their personal property. Furthermore, the notice is written in English only.

Care should be taken to ensure that the hours shown for retrieval of personal property are consistent on both the pre and post removal notices.

### **Storage Suggested Actions:**

The City should:

B.1 Open new storage locations at underutilized City owned properties.

B.2 Explore providing vouchers that homeless individuals can redeem at existing private storage facilities.

B.3 Provide homeless individuals subsidized transportation to storage facilities and/or deploy mobile storage vehicles to various locations throughout the City.

B.4 Recommend to LAHSA and Chrysalis, the managing organization for the City's homeless storage facility, that they re-design and, at minimum, stack storage units to increase the storage capacity at that site.

B.5 Explore partnerships with design experts and professionals (such as architects, homeless advocates, researchers, academics and their universities) who have experience finding creative solutions to homeless encampments. Together, the City and these partners could also test and scale storage solutions for encampments and homelessness overall.

B.6 By increasing the availability of voluntary storage, the City will be in a better position to limit the volume of personal property involuntarily stored -- thus also helping to promote such voluntary options.

B.7 The City should consider posting multiple notices at the cleanup site and in multiple languages.

## C. RESOURCES

### Current Funding and Relevant Measures

The City directly budgeted a total of \$138.8 million for City homeless programs in fiscal year 2016-17<sup>18</sup>; however, that number does not include any funding budgeted by community-based organizations, the County, or expenditures budgeted by the Los Angeles Homeless Services Authority (“LAHSA”) from non-City grantors.<sup>19</sup>

To boost spending on homelessness, voters in the City and County recently approved Measures HHH and H by large margins (77% and 69%, respectively). Measure HHH authorized the City to issue \$1.2 billion in general obligation bonds to fund up to 10,000 units of permanent supportive housing for individuals experiencing or at risk of homelessness. The City can spend this money to create supportive housing, temporary shelters, and affordable housing for veterans and low-income individuals and families. Measure H was a County ballot measure that authorized the County to impose a one-quarter percent (.25%) special transactions and use tax for 10 years. This tax applies to the gross receipts of any retailer from the sale of all personal property in the incorporated and unincorporated territory of the County. The tax proceeds are intended to fund support services to homeless individuals, which include (but are not limited to): outreach, rapid re-housing, job training, substance abuse counseling, and mental health treatment.

Theoretically, these measures should reduce homeless encampments over time, as the City and County make more housing and services available to homeless individuals. Whether these measures actually increase total available resources is unclear though, as the City and County may need to offset potential federal cuts to funding for other organizations that assist individuals experiencing homelessness. Other factors such as rising costs for construction as well as resistance from local communities could also make it more difficult for the City and County to build additional housing and offer services. These difficulties will also become more pronounced as the demand for resources increases whenever new individuals enter homelessness. Finally, neither measure directly addresses the short-term public health and safety problems posed by homeless encampments today.

As the City and its partners attempt to implement long-term solutions (housing, supportive services, etc.) for individuals experiencing homelessness, the City also needs to continue to pursue short-term efforts to keep public areas clean and accessible for all. These short-term efforts require a significant amount of resources both in terms of dollars spent, equipment used, and staffing dedicated to an encampment cleanup.

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<sup>18</sup> The \$138 million Homeless Budget is not representative of actual expenditures made by the City on homelessness in fiscal year 2016-17. The Homeless Budget includes potential revenues from an affordable housing linkage fee and revenue from the sale of City-owned properties, which have yet to materialize.

<sup>19</sup> This includes some funding for LAHSA.

## **California Government Code Sections 8698 et seq. and Emergency Shelters and Storage in Selected City-Owned Properties**

Another opportunity that the City has to reduce the number of homeless encampments is by declaring a year-round shelter crisis and using selected City-owned properties to house homeless individuals willing to accept shelter and/or as storage of their personal property. Under the State code, local governments can declare a shelter crisis if a significant number of people cannot obtain shelter and their health and safety may be threatened as a result. The law allows local governments to use government-owned buildings to house individuals experiencing homelessness and protects local governments from liability for “ordinary negligence in the provision of emergency housing<sup>20</sup>.” This law also allows non-profit organizations and faith-based institutions the right to provide shelter without onerous and costly processes.<sup>21</sup>

The City previously declared temporary shelter crises during the winter months. Until recently, the Los Angeles Municipal Code (LAMC) only allowed declarations to stand for a period of 90 days. However, in March of 2017, the City Council voted to amend LAMC Sections 12.80 and 12.81 to align with California Government Code Section 8698, specifically removing the seasonal limitations that prevented the Council from declaring a shelter crisis for as long as 365 days, and the declaration can be renewed annually if the findings supporting such a declaration can be made. In April 2017, the City Council declared the first shelter crisis under the amended LAMC Sections.

The effectiveness of such an approach depends on individuals experiencing homelessness accepting placement in a shelter. Moreover, the City needs to ensure it provides adequate security and sanitation services at any potential shelter at selected City-owned properties. Should the City ultimately use its properties as emergency shelters or storage facilities, it should consider ways to collaborate with nonprofits to manage the sites and establish a sunset clause to stop using its properties on a rolling basis as the demand for services decreases or the supply of affordable housing and storage increases throughout Los Angeles.

### **City-Owned Properties Suggested Action:**

C.1 The City Council should develop a plan to use selected City-owned properties as emergency shelters and/or storage facilities as allowed by provisions within California Government Code Section 8698.

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<sup>20</sup> This shelter crisis would not be the same as an emergency declaration by the State Governor, which results in federal aid for a disaster.

<sup>21</sup> Council File: 15-1138-S24

### Homeless Encampment Cleanup Costs by Program

In fiscal year 2016-17, a total of \$9.4 million was budgeted for operation healthy streets, public right-of-way cleanups, and related police support;<sup>22</sup> while this only represents 7% of the City’s total \$138 million “Homeless Budget,” the City could have theoretically used these resources for long-term strategies to support homeless services or to maintain and expand emergency shelters.<sup>23</sup> While cleanups of public areas will probably always be necessary as people transition in and out of housing, the City should review its resources to determine whether existing processes are efficient and effective. In particular, the City could review its existing resource allocation to:

- Better optimize the number of staff assigned to a cleanup
- Consider the impacts of encampment cleanups on LASAN

For the CSLA and HOPE programs, it can cost the City an average of \$2,270 per homeless encampment cleanup. (Note: This does not include indirect costs for benefits and administration/supervision and is only based on observed resources during a ride-along.) Based on an analysis of OHS costs, a typical 8-hour workday can cost up to \$8,985. As noted in the table that follows, for each of the programs, the City can deploy between 10 to 12 staff and 7 to 12 vehicles to an encampment cleanup.

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<sup>22</sup> City of Los Angeles fiscal year 2016-17 adopted budget, page R-103-R109.

<sup>23</sup> The \$138 million Homeless Budget is not representative of actual expenditures made by the City on homelessness in fiscal year 2016-17. Budgeted amounts include revenues from the potential sale of City-owned properties and an affordable housing linkage fee, which have yet to materialize.

	Clean Streets LA	HOPE	Operation Healthy Streets
<b>Costs of Cleanup</b>	\$3,061 (per encampment)	\$1,479 (per encampment)	\$8,985 (per day)
<b>Basis for Cost</b>	For one site based on a cleanup lasting 2.5 hours	For one site based on a cleanup lasting 1.5 hours	8 hours of work based on analysis of average costs
<b>Number of Staff</b>	Total of 12: - Environmental Compliance Inspectors (2) - Maintenance Laborers (4) - Refuse Collection Truck Drivers (2) - Refuse Collection Supervisor (1) - Police Officers (3)	Total of 10: - Environmental Compliance Inspectors (2) - Maintenance Laborers (1) - Refuse Collection Truck Drivers (1) - Police Officers (6)	Total of 10: - Environmental Compliance Inspectors (2) - Maintenance Laborers (2) - Refuse Collection Truck Drivers (1) - Police Officers (2) - Waste Water Collection Workers (3)
<b>Number of Vehicles/Equipment</b>	Total of 12: - Environmental Compliance Inspectors SUV (1) - Refuse Collection Trucks (2) - Stake Bed Trucks (2) - Dump Truck (1) - Street Sweeper (1) - Kubota (1) - Kubota Trailer Bed (1) - LAPD Patrol Vehicles (3)	Total of 6: - Environmental Compliance Inspectors SUV (1) - Refuse Collection Truck (1) - Stake Bed Trucks (1) - LAPD Patrol Vehicles (3)	Total of 7: - Environmental Compliance Inspectors' SUV (1) - Refuse Collection Trucks (2) - Street Sweeper (1) - Vector Trucks (1) - LAPD Patrol Vehicles (2)
<b>Solid Waste Removed</b>	8 tons	.5 (half) tons	5 tons per day

During our observations with the Clean Streets LA and HOPE teams, we noted that LASAN and LAPD worked for a total of 2.5 hours and 1.5 hours, respectively. The staff/equipment used are noted in the preceding table.

The distinction in the costs between CSLA and HOPE are in relation to the size of the encampment and methods used. In the CSLA cleanup, LASAN disposed of items that were a threat to public health and safety and/or stored all property owned by homeless individuals, and flushed, vacuumed, and sanitized streets/sidewalks. In our example, LASAN removed 8 tons of solid waste, consisting of 40 pounds of urine/feces and stored 36 bikes at the Bin. Under HOPE teams led by LAPD, LASAN removed all bulky items and some hazardous materials, but did not sanitize the surfaces. Since the encampment was small, LASAN only removed 0.5 (one-half) ton of solid waste and allowed the individual to keep 60 gallons worth of personal property. LASAN reports that it removes an average of about 5 tons of solid waste per day under the OHS program.

The amount of extracted solid waste and stored items varies, as encampments can vary from a shopping cart to multiple tents. Given the differences in homeless encampment size, the City should optimize its staffing. As noted in the table, LAPD deployed six officers to a small encampment for one man in a wheelchair.

While LAPD indicated that homeless encampments vary in size and sometimes necessitate up to 11 officers (including a senior lead officer), LAPD should optimize its deployment to the levels observed under CSLA or OHS. An alternative is for the City to increase LASAN's resources so that it can add more staff and vehicles/equipment to perform more HOPE-related cleanups alongside LAPD. Doing this would allow LAPD to split HOPE teams in proportion to the number of encampment efforts.

### **LASAN Challenges: Hiring & Utilizing of Environmental Compliance Inspectors**

LASAN indicated that one of the challenges it faces is hiring more environmental compliance inspectors ("ECI") with the required credentials to identify, test, and dispose of hazardous material, who are also willing to dedicate themselves to cleaning homeless encampments. Since the City must comply with federal and State environmental regulations, LASAN tasks ECIs with the responsibility of performing hazardous material cleanups and the City does not delegate these efforts to other non-credentialed staff.

Currently, LASAN employs 23 ECIs under CSLA, HOPE, and OHS. ECIs are required to be peace officers under California Penal Code 832, registered Environmental Health Specialists with the State of California, and in possession of the following certifications:

- Hazardous Waste Operations and Emergency Response Standard
- Hazardous Materials Specialist

While the City and constituents may expect and require more homeless encampment cleanups of public areas, these efforts require additional specialized staff. However, LASAN's ability to respond to requests for more encampment cleanups is restrained by difficulties in hiring new staff that will commit to duties that are viewed as undesirable. This has unintended consequences on LASAN because it needs to work with limited staff numbers to respond to an increasing homeless encampment problem, while ensuring it enforces other environmental regulations to keep the City's storm waters clean of business and commercial discharges.<sup>24</sup>

### **Resources Suggested Actions:**

C.2 LAPD and LASAN should intervene early before an encampment requires significant staffing, environmental protections, and involuntary storage.

C.3 The City should evaluate the burdens, costs, and extent of legal necessity for utilizing environmental compliance inspectors at homeless encampment cleanups, where such inspectors currently are responsible for identifying and disposing of materials identified as hazardous.

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<sup>24</sup> These requirements are part of the City's "municipal separate storm sewer system permit" (MS4).

## D. COLLABORATION/COORDINATION

Keeping the City's public areas clean and safe for all users requires effective collaboration and coordination between City departments and with external agencies for the County, federal, and State governments, agencies and/or jurisdictions. We noted that programmatic differences between Clean Streets LA and HOPE, as well as jurisdictional boundaries can delay intended homeless encampment cleanups or outright prevent a cleanup until all parties agree who is responsible to perform the work.

The City has opportunities to improve coordination by:

- streamlining the systems of communication, and
- establishing memorandums of understanding ("MOUs"), as detailed below.

### Coordination Challenges: LASAN's Clean Streets and LAPD's HOPE

As indicated throughout this report, LASAN leads CSLA and Operation Healthy Streets teams. LAPD leads HOPE teams and enforces compliance issues in public areas relative to the "Americans with Disabilities Act" ("ADA") and access around entry/exit ways and loading docks. Although both departments work in tandem, they do not share the same information systems to refer homeless encampment issues to one another directly through the City's service request system, MyLA311. This can lead to delays in cleanups when large encampments identified by HOPE teams need to be referred to LASAN's CSLA teams.

Council District offices often serve as the informal channel of communication between CSLA and LAPD. While Council District offices need to remain apprised of departmental actions related to homeless encampment cleanups within their jurisdictions, LASAN and LAPD should establish a standard process to communicate and refer encampment issues between CSLA and HOPE teams. This will eliminate communication delays between the teams responsible for addressing the issues under their purview.

We noted similar communication issues within the CSLA program itself. Specifically, during our observation of CSLA teams, LAPD officers indicated that LASAN does not provide advance notice of an intended cleanup site until the day it is scheduled. Since LAPD must pull officers from patrol to assist CSLA, not having advance notice can create deployment challenges. A good solution suggested by LAPD officers was to have all scheduled cleanups shared with them the day the cleanup notice is posted at the encampment site, which by LAMC 56.11 needs to be 24-72 hours before the cleanup begins.



### Jurisdictional Challenges

- City Departments

Within the City, LASAN can only perform homeless encampment cleanups within public areas as allowed by LAMC 56.11, or when requested by, or under agreement with other agencies and jurisdictions. Since LASAN does not have direct authority over all City areas, constituents may not understand a delayed response to a homeless encampment.

LASAN is not responsible for all City areas because other departments own a particular property or asset, or have a service responsibility. As a result, LASAN adopted LAMC 56.11 operating protocols (“protocols”) that list various City departments as “secondary support.” These secondary support departments include the Bureau of Street Services (BSS), General Services Department (GSD), LAPD, Los Angeles Department of Transportation (DOT), the Los Angeles Fire Department (LAFD), Los Angeles Department of Water and Power (DWP), and Recreation and Parks (RAP).

All of the involved City departments would benefit from a clearer understanding about their roles since coordination and collaboration are key to implementing LASAN’s protocols. For example, LASAN has provided support to these departments on an ongoing basis and as noted in the picture provided its refuse trucks to dispose of bulky items and trash in a DOT parking lot.

**LASAN Refuse Truck in LADOT Lot**



While not listed in its protocols as secondary support, the Los Angeles World Airports (“LAWA”) did utilize LASAN’s services to clean the Manchester Square area near the Airport, which is primarily owned by LAWA though some privately owned apartments and homes still remain.

LASAN has on occasion supported LAWA, but it has not done so in a continuous manner as desired by LAWA. LASAN indicated that it was in discussions with LAWA to establish an MOU that would create a regular process by which LASAN could systematically clean the Manchester Square area.

- External Agencies

Jurisdictional challenges are also prevalent in areas that constituents believe to be LASAN's responsibility for cleaning, but are not. These areas include locations that are adjacent to freeway underpasses, in the LA River and associated tributaries (see image), next to railroads, and around the Sepulveda Dam. If the City established MOUs with each of the external agencies, it could expedite cleanups of public area, specify which agencies are responsible for a particular task, and recover revenues for any work performed in another jurisdiction.

In each one of these areas, other agencies are responsible for cleaning public areas, specifically the California Department of Transportation ("CALTRANS"), Los Angeles County Flood Control, Metrolink/Railroad Companies, and the Army Corp of Engineers.

Compounding the problem is that a homeless encampment may move from City-owned property to another jurisdiction within a few feet, such as a riverbed or freeway off-ramp. This typically occurs when people living in an encampment see an impending cleanup by LASAN, and subsequently move their personal property to areas that are not within the City's control. As can be seen in the image below, CALTRANS needed to respond to this homeless encampment at the off-ramp of Vine and the 101 freeway. However, if the encampment had been located in the underpass directly behind the trucks, LASAN would have been responsible for the cleanup.

#### 101 Freeway Off-ramp (Vine Street), 2015



LASAN indicated that other jurisdictions may respond to constituent complaints submitted to the City when they are referred to the Council District offices for follow-up with the applicable agency. State law provides CALTRANS with the authority to immediately remove an encampment that poses a threat to traffic safety, without following the City's LAMC 56.11 protocols, since those requirements are only for the City. CALTRANS has dedicated funding specifically for addressing homeless

encampment cleanups, which could help facilitate a potential MOU with LASAN.

The issues in this section present an opportunity for LASAN to streamline the cleaning of areas outside of its typical jurisdiction. The City should support LASAN in order to establish MOUs with all City and external agencies and jurisdictions in order expedite the cleaning of public areas and ensure other entities properly compensate LASAN for its work.

### **Collaboration/Coordination Suggested Actions:**

D.1 Since LASAN and LAPD are the agencies that lead the three programs addressing homeless encampments in the City, they should enhance and streamline communication with each other using established management systems, such as SANSTAR and 311.

D.2 The roles of secondary support departments, such as Los Angeles World Airports, Recreation & Parks, and Transportation, in homeless encampment cleanups should be clearly defined and communicated to ensure compliance with the law and improve coordination with LASAN and LAPD as necessary.

D.3 LASAN should pursue Memorandums of Understanding (MOUs) with City and external agencies to coordinate cleaning homeless encampments when they pose hazards to health, safety, or accessibility. In conducting cleanups in locations that are within another jurisdiction, LASAN could also potentially recover costs for doing so.

## **SECTION III: CONCLUSION**

## CONCLUSION

As the City of Los Angeles continues to deal with the challenges presented by homelessness and homeless encampments, it should pursue policies and solutions to help improve availability of housing, livability, cleanliness, and safety for all residents – housed and homeless alike. This report laid out several potential actions that the City could pursue in the near term. In summary, we propose that the City consider ways to effectively:

- enforce its existing laws,
- increase storage,
- use its resources efficiently, and
- enhance coordination between all involved agencies.

While important, these actions alone will primarily impact the issue of homeless encampments, and not fundamentally address the underlying causes of homelessness. However, this report can help the City consider the benefits and consequences of its actions, and of inaction.

We recognize that the City faces challenges from various stakeholders – from homeowners and renters and businesses, to homeless individuals, and their advocates. When these forces may clash, it can become tempting to avoid any change and stick with the status quo despite its drawbacks. Yet without creative solutions to address homeless encampments (and the broader issues of homelessness that extends beyond the scope of this report), the City will merely transfer the issue from one constituency to the next without finding a way to mitigate public health and safety risks for everyone. It is therefore in the interest of all to reconsider our course of action.

We would like to thank staff and management from the Bureau of Sanitation, Los Angeles Police Department, Department of Recreation and Parks, Office of the City Attorney, Office of the City Administrative Officer, and Los Angeles Homeless Services Authority for their time and cooperation during this review -- and to the individuals experiencing homelessness who shared their stories with us.

Lastly, a pre-release draft of this report was provided for review to management of the Bureau of Sanitation, Los Angeles Police Department, Office of the City Attorney, Department of Recreation and Parks, and Los Angeles Homeless Services Authority.

## APPENDIX I: SUGGESTED ACTIONS

AREAS	SUGGESTED ACTIONS	
<b>A. CLEANUPS &amp; ENFORCEMENT</b>	A1	LASAN and LAPD should seek to expeditiously remedy potential ADA violations as they might arise and/or refer to HOPE teams to address -- so as to maintain the legally required minimum of 3 feet of public sidewalk access at all times.
	A2	The City and the LAPD should conduct an assessment of the resources that would be required to limit the erection and maintenance of tents and other structures between the hours of 6 a.m. and 9 p.m. pursuant to LAMC 56.11.7 and 56.11.10(b). Any enforcement of a time-based limitation should both comport with City Attorney guidance and be responsive to the needs and rights of homeless individuals.
	A3	LASAN should discharge its duties, as allowed by LAMC 56.11.3(i) and 56.11.10(d), to immediately remove bulky items found in public areas without a pre-removal notification.
	A4	The City should determine whether it has built sufficient affordable housing units to enforce LAMC 41.18(d) regarding obstructions on sidewalks.
	A5	The Department of Recreation & Parks should weigh the public health and safety risks -- and seek public input -- before adopting LAMC 56.11 protocols in place of LAMC 63.44 regulations, which prohibit tents in all parks outside of established campgrounds.
	A6	RAP should weigh the risks of encouraging additional encampments and of public health and safety risks -- and seek public input -- before expanding access to public restrooms.
<b>B. STORAGE</b>	B1	The City should open new storage locations at underutilized City owned properties.
	B2	The City should explore providing vouchers that homeless individuals can redeem at existing private storage facilities.
	B3	The City should provide homeless individuals subsidized transportation to storage facilities and/or deploy mobile storage vehicles to various locations throughout the City.
	B4	The City should recommend to LAHSA and Chrysalis, the managing organization for the City's homeless storage facility, that they re-design and, at minimum, stack storage units to increase the storage capacity at that site.
	B5	Explore partnerships with design experts and professionals (such as architects, homeless advocates, researchers, academics and their universities) who have experience finding creative solutions to homeless encampments. Together, the City and these partners could also test and scale storage solutions for encampments and homelessness overall.
	B6	By increasing the availability of voluntary storage, the City will be in a better position to limit the volume of personal property involuntarily stored -- thus also helping to promote such voluntary options.
	B7	The City should consider posting multiple notices at the cleanup site and in multiple languages.
<b>C. RESOURCES</b>	C1	The City Council should develop a plan to use selected City-owned properties as emergency shelters and/or storage facilities as allowed by provisions within California Government Code Section 8698.
	C2	LAPD and LASAN should intervene early before an encampment requires significant staffing, environmental protections, and involuntary storage.

## APPENDIX I: SUGGESTED ACTIONS

AREAS	SUGGESTED ACTIONS	
	C3	The City should evaluate the burdens, costs, and extent of legal necessity for utilizing environmental compliance inspectors at homeless encampment cleanups, where such inspectors currently are responsible for identifying and disposing of materials identified as hazardous.
<b>D. COLLABORATION / COORDINATION</b>	D1	Since LASAN and LAPD are the agencies that lead the three programs addressing homeless encampments in the City, they should enhance and streamline communication with each other using established management systems, such as SANSTAR and 311.
	D2	The roles of secondary support departments, such as Los Angeles World Airports, Recreation & Parks, and Transportation, in homeless encampment cleanups should be clearly defined and communicated to ensure compliance with the law and improve coordination with LASAN and LAPD as necessary.
	D3	LASAN should pursue Memorandums of Understanding (MOUs) with City and external agencies to coordinate cleaning homeless encampments when they pose hazards to health, safety, or accessibility. In conducting cleanups in locations that are within another jurisdiction, LASAN could also potentially recover costs for doing so.

## Communication from Public

**Name:** Leo F

**Date Submitted:** 08/29/2019 10:59 AM

**Council File No:** 19-0602-S1

**Comments for Public Posting:** Dear Councilmembers, I am urging on you to fully rescind 41.18 (d). The proposed amendments are not forward thinking, and frankly, it is an absolute shame they are even being considered. This city needs to help solve the housing crisis, NOT criminalize the un-housed. Section (C), (1), (ii) is incredibly problematic, blatantly unconstitutional, and will undoubtedly have racial ramifications with policing. I am ashamed of this seemingly "progressive" council's inability to propose impactful solutions, rather than have a knee-jerk reaction to appease a few homeowners, at the expense of thousands of our most vulnerable Angelenos. Please do the right thing and do NOT vote for these despicable amendments. Thank you.



## Communication from Public

**Name:** Hale Anderson

**Date Submitted:** 08/29/2019 11:00 AM

**Council File No:** 19-0602-S1

**Comments for Public Posting:** I am calling on you to rescind 41.18 (d) - it must not be the case in Los Angeles that those who have so much, who are comfortable, should judge those who are experiencing homelessness. They are part of our community and urgently need to be able to sleep where they can. It must not be a division between money against poverty.

## Communication from Public

**Name:** Flynn Germain

**Date Submitted:** 08/29/2019 11:13 AM

**Council File No:** 19-0602-S1

**Comments for Public Posting:** Dear Councilmembers, As a lifelong resident of Los Angeles, I was very concerned by proposed amendment 41.18 (d). People end up on the streets when they have no better options. The cost of living here is high, housing costs are some of the highest in the country, and public housing & shelters are unavailable for the vast majority of my unhoused neighbors. They are not to blame for the epidemic of homelessness in our city. To pass 41.18(d) would be to penalize the poor of Los Angeles for an injustice only local government has the power to alleviate. Thank you.

## Communication from Public

**Name:** Stephen Cimino  
**Date Submitted:** 08/29/2019 01:00 PM  
**Council File No:** 19-0602-S1

**Comments for Public Posting:** Dear Councilmembers, I am calling on you to rescind 41.18 (d). As a resident of Los Angeles, I feel the proposed restrictions will not improve our city's struggles with homelessness. In fact, I believe they will greatly impact the homeless themselves in a very negative way. We need long-term solutions like housing and supportive services, and I am thankful that the city and its residents have voted to get these solutions off the ground. But until the housing is built and the services are fully in place, we cannot bounce the homeless around the city and uproot their lives when it suits certain whims. We need to respect them, their need for some sort of space, and their humanity. Thank you.

## Communication from Public

**Name:**

**Date Submitted:** 08/29/2019 01:19 PM

**Council File No:** 19-0602-S1

**Comments for Public Posting:** Dear Councilmembers, I am calling on you to rescind 41.18 (d). The proposed amendments are not forward thinking and I am concerned they will make our city's homelessness crisis much worse. In recent years, we have only seen homelessness increasing. While it's hard to see people suffer in my neighborhood, I know the answer is not making it harder for them out there. We know that the solutions are housing and supportive services. Let's focus our efforts there instead of on increasing burdens for people just trying to get by. Thank you.

## Communication from Public

**Name:** Amélie Cherlin

**Date Submitted:** 08/29/2019 02:17 PM

**Council File No:** 19-0602-S1

**Comments for Public Posting:** Dear Councilmembers, I read about Mitch O'Farrell's draconian proposal to limit where homeless people can sleep. I think we all wish that encampments didn't exist but the way to solve that problem is with services and shelter, not criminalization. The people who suffer most from the encampments are those forced to live inside them because we as a city have failed them. Hiding our failures through human rights violations is not acceptable. As a constituent, I am urging you to remove section D entirely from 41.18. Our houseless neighbors are your constituents too and deserve to be treated as such. Thanks for your time.

## Communication from Public

**Name:** Kelsey Stefanson

**Date Submitted:** 08/29/2019 02:44 PM

**Council File No:** 19-0602-S1

**Comments for Public Posting:** I am a years-long resident of Silver Lake and constituent of Mitch O'Farrell. I am utterly disheartened that he has pushed forward this proposal to limit where homeless people can sleep. None of us — INCLUDING unhoused Angelenos— are happy that these encampments exist in our neighborhoods, but the way to solve the problem is with services and shelters, not criminalization. I am asking that my councilmember removes section D entirely from 41.18. Our neighbors currently living on the street are constituents, too, and deserve to be treated with the same consideration and respect as homeowners.

## Communication from Public

**Name:** Nicole Arbusto

**Date Submitted:** 08/29/2019 03:51 PM

**Council File No:** 19-0602-S1

**Comments for Public Posting:** Dear Councilmembers, I am calling on you to rescind 41.18 (d). The proposed amendments are not forward thinking and I am concerned they will make our city's homelessness crisis much worse. In recent years, we have only seen homelessness increasing. While it's hard to see people suffer in my neighborhood, I know the answer is not making it harder for them out there. We know that the solutions are housing and supportive services. Let's focus our efforts there instead of on increasing burdens for people just trying to get by. As I learned more about the homeless population through volunteering, I have seen the difference outreach makes. Pushing people to the fringes makes them even more disenfranchised and ultimately will make them harder to get indoors. Thank you.

## Communication from Public

**Name:** Rachel Anderson  
**Date Submitted:** 08/29/2019 04:44 PM  
**Council File No:** 19-0602-S1  
**Comments for Public Posting:** Mass murder of unsheltered people up 76% in five years and people being burned alive on the streets, so they this? 41.18(d) already spelled disappearance and death to loved ones across this city so this is psychopathic.



## Communication from Public

**Name:** Rachel Anderson

**Date Submitted:** 08/29/2019 04:58 PM

**Council File No:** 19-0602-S1

**Comments for Public Posting:** Mass murder of unsheltered people up 76% in five years and people being burned alive on the streets, so CD13 pushes this? 41.18(d) already spells disappearance and death to loved ones across this city. This motion is psychopathic. Services, not sweeps, please.

## Communication from Public

**Name:** Jon Wolf

**Date Submitted:** 08/29/2019 06:12 PM

**Council File No:** 19-0602-S1

**Comments for Public Posting:** Dear Councilmembers, I urge you to rescind 41.18 (d). The proposed amendments - and your potential approval - rather than provide any meaningful help for our fellow Angelenos currently experiencing homelessness, instead punish and degrade these human beings for taking the only option Los Angeles currently makes universally available to them: sleeping outside. The amendment is extraordinarily restrictive and cruel in scope - in reading through the language of where individuals experiencing homelessness are NOT allowed to sleep, I'm stuck trying to come up with a place that the Council DOES expect them to. How can you prioritize drafting amendments such as these over spending your time, effort and resources working on projects that can actually help protect people from falling into homelessness in the first place? "Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report." If appealing to your humanity doesn't work, at least consider the fiscal impact of sending LAPD to enforce this amendment, relocating unhoused individuals and defending this shameful, restrictive amendment in the courts. Best of luck, Jon Wolf