

ORDINANCE NO. _____

An ordinance amending Section 41.18 of the Los Angeles Municipal Code (LAMC) to specify the particular times and locations where it shall be unlawful for a person to sit, lie, or sleep on public property, and amending Section 56.11 of the LAMC to align Section 56.11 with LAMC Section 41.18 and to note the suspension of two subdivisions in Section 56.11 pending the outcome of the judicial appeal relating to those subdivisions.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Section 41.18 of the Los Angeles Municipal Code is amended in its entirety to read as follows:

SEC. 41.18. SITTING, LYING, AND SLEEPING IN PUBLIC AREAS.

(a) At no time shall any person obstruct a street, sidewalk or other public right-of-way open for pedestrian travel:

(1) by sitting, lying or sleeping, or by storing, using, maintaining or placing personal property in a manner that does not allow for passage as required by the Americans with Disabilities Act of 1990, Pub. L. No. 101-336, 104 Stat. 328 (1990), as amended from time to time; or

(2) by sitting, lying or sleeping, or by storing, using, maintaining or placing personal property within ten feet of any operational or utilizable entrance, exit, driveway, or loading dock.

(b) Upon resolution adopted by the City Council and posting of signage, at no time shall any person sit, lie, sleep or store, use, maintain, or place personal property in or upon any street, sidewalk, public right-of-way, or public property within the radius specified in the resolution (up to a maximum of 500 feet) of a designated facility, opened after January 1, 2018, that provides housing shelter, supportive services, safe parking, or storage to homeless persons where the City Council determines that the public health, safety, or welfare is served by the prohibition, including without limitation by finding that public lodging and storage of personal property adjacent to the designated facility is incompatible with the best interests of the facility, its occupants or users, or neighboring uses.

(c) Upon resolution adopted by the City Council and the posting of signage, at no time shall any person sit, lie, sleep or store, use, maintain, or place personal property in or upon any street, sidewalk, public right-of-way, or public property within the radius specified in the resolution (up to a maximum of 500 feet) of a designated freeway overpass, underpass, ramp, tunnel, or pedestrian subway where the City Council determines that the public health, safety, or welfare is served by the prohibition,

including without limitation by finding that lodging unsheltered, in tents, or in makeshift shelters and storage of personal property near freeways is unsafe or incompatible with the critical route provided by the designated infrastructure.

(d) At no time shall any person who has been offered shelter sit, lie or sleep in or upon any street, sidewalk, or other public right-of-way, or publicly owned property.

Violations of this section may be eligible for referral to any applicable prosecutorial-led diversion program.

Sec. 2. Subsection 56.11.3(i) of the Los Angeles Municipal Code is amended to read as follows:

(i) No Person shall Store any Bulky Item in a Public Area. Without prior notice, the City may remove and may discard any Bulky Item, whether Attended or Unattended, Stored in a Public Area unless the Bulky Item is designed to be used as a shelter. For any Bulky Item that is designed to be used as a shelter but does not constitute a Tent as defined in Subsection 2(q), with pre-removal notice as specified in Subsection 4(a), the City may remove and discard the Bulky Item, whether Attended or Unattended. If the Bulky Item violates Subsection 3(d)-(h) herein, even if it is designed to be used as a shelter, without prior notice, the City may remove and discard the Bulky Item, whether Attended or Unattended.

Note: Enforcement of this subdivision is currently suspended, pending the outcome of the City's appeal of the preliminary injunction issued in the case entitled *Garcia v. City of Los Angeles*, United States District Court, Central District of California, case number 2:19-cv-06182-DSF-PLA.

Sec. 3. Subsection 3(j) of Section 56.11 of the Los Angeles Municipal Code is amended to read as follows:

(j) No Person shall Store any Personal Property in any area designated by resolution adopted by the City Council and upon which signage has been posted pursuant to Los Angeles Municipal Code Section 41.18(b) or (c) as an area where at no time shall any person sit, lie, sleep, or Store, use, maintain, or place Personal Property in or upon any Street, Sidewalk, public right-of-way, or public property. Without the prior notice specified in Subsection 4(a), the City may impound Personal Property Stored in violation of this subsection. Post-removal notice shall be provided as set forth in Subsection 4(b), below.

Sec. 4. Subsection 10 of Section 56.11 of the Los Angeles Municipal Code is amended to read as follows:

10. **Unlawful Conduct.**

Los Angeles Municipal Code Section 11.00 shall not apply to violations of this section except as follows:

(a) No Person shall willfully resist, delay, or obstruct a City employee from moving, removing, impounding, or discarding Personal Property Stored in a Public Area in violation of Subsections 3(a), (b), (c), (f), (g), or (h).

(b) No Person shall refuse to take down, fold, deconstruct or put away any Tent that exists in its configured or erected state between the hours of 6:00 a.m. and 9:00 p.m., in violation of Subsection 7, or willfully resist, delay, or obstruct a City employee from taking down, folding, deconstructing, putting away, moving, removing, impounding, or discarding the Tent, including by refusing to retreat from the Tent.

(c) No Person shall refuse to remove any barrier, string, wire, rope, chain, or other attachment that violates Subsection 8, or willfully resist, delay, or obstruct a City employee from deconstructing, taking down, moving, removing impounding, or discarding the barrier, string, wire, rope chain, or other attachment, including by refusing to vacate or retreat from an obscured area created by the attachment.

(d) No Person shall wilfully resist, delay or obstruct a City employee from removing or discarding a Bulky Item Stored in violation of Subsection 3(i), including by refusing to vacate or retreat from within the Bulky Item or from an obscured area created by the Bulky Item.

Note: Enforcement of this subdivision is currently suspended, pending the outcome of the City's appeal of the preliminary injunction issued in the case entitled *Garcia v. City of Los Angeles*, United States District Court, Central District of California, case number 2:19-cv-06182-DSF-PLA.

(e) A violation of Subsection 3(d), prohibiting Storage of Personal Property in a manner that does not allow for passage as required by the ADA.

(f) A violation of Subsection 3(e), prohibiting Storage of Personal Property within ten feet of any operational and utilizable entrance, exit, driveway or loading dock.

(g) A violation of Subsection 3(j), prohibiting Storage of Personal Property within any area designated by City Council resolution and posting of signage as an area where the public health, safety or welfare is served by the prohibition of sitting, lying, sleeping or the Storage of Personal Property.

- (h) A violation of Subsection 9, prohibiting illegal dumping.

Violations of Section 56.11 may be eligible for referral to any applicable prosecutorial-led diversion program.

Sec. 5. Urgency Clause: The City Council finds and declares that this ordinance is required for the immediate protection of the public peace, health, and safety for the following reasons: The City has declared a shelter emergency and a massive effort is underway to increase the availability of new housing and shelter for the City's homeless residents. In order to ensure the success of the effort to site, construct, and encourage sheltering of homeless residents and to lawfully meet the priority established by a United States District Court, the City needs to amend the laws used to help meet those goals. The City also must immediately strengthen its laws that promote accessible public rights-of-way under the Americans with Disabilities Act. For all of these reasons, the ordinance shall be become effective upon publication pursuant to Los Angeles City Charter Section 253.

Sec. 6. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By  for

VALERIE L. FLORES
Senior Assistant City Attorney

Date 10-26-2020

File No. 20-1376

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The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than three-fourths** of all its members.

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____