

MOTION

The 2018 Los Angeles Homeless Services Authority (LAHSA) Homeless Count showed that nearly 8,000 people are living in more than 5,000 vehicles on streets in the City of Los Angeles. The City seeks to balance the needs of those who dwell in vehicles—who are mostly one step away from being wholly unsheltered—with legitimate safety and quality of life concerns from affected residents and businesses.

In 2014, in *Desertrain, et al. v. City of Los Angeles, et al.*, the Ninth Circuit struck down LAMC §85.02, which prohibited use of vehicles on City streets as living quarters, as unconstitutionally vague. Earlier this month, in *Martin, et al. v. City of Boise*, the Ninth Circuit held that the Constitution prohibits the imposition of criminal penalties for sitting, sleeping, or lying outside on public property for homeless individuals who cannot obtain shelter, explicitly relying on *Jones v. City of Los Angeles*, which had been vacated by a settlement. These federal court rulings call into question the City's ability to enact a total ban on vehicular dwelling on City streets, at least until the City provides shelter opportunities.

Two years ago, to address the *Desertrain* ruling and legitimate public health and safety concerns, the City adopted a revised version of LAMC §85.02, which generally restricted vehicular living to commercial and industrial zones, with a buffer for sensitive uses such as schools and parks. Over the past two years, oversized parking resolutions adopted pursuant to LAMC §80.69.4 have reduced the areas where larger vehicles including RVs, trucks, and vans may park at night. This has led to an overconcentration of vehicular living on remaining "open" streets, exacerbating the quality of life issues for local residents and businesses which, in a vicious circle, creates a demand and need for further parking restrictions.

The City's goal is to provide shelter and housing opportunities for those who are homeless, not to perpetuate and normalize vehicular dwelling. As an interim measure, the City Attorney has previously advised the City Council that it could implement a program that allows limited vehicular dwelling on streets in non-residential areas to those with a special permit or lodging pass. The vehicle lodging pass would only be valid for a limited time, would be valid at a specific location(s), and be issued only to persons enrolled in services for housing placement through an entity such as the Los Angeles Homeless Services Authority (LAHSA) and its regional providers. The number of lodging passes that could be issued for a particular street segment should be limited, to avoid the safety and quality of life issues created by a concentration of vehicular living. By issuing lodging passes only to persons actively seeking housing, such a program should be viewed as providing temporary relief that keeps vulnerable people from falling further into homelessness.

I THEREFORE MOVE that the City Council REQUEST LAHSA and the City Attorney, and INSTRUCT the Department of Transportation, LAPD, and other relevant departments, to report on the feasibility of a vehicle lodging pass program.

PRESENTED BY:


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SECONDED:



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