

HOMELESSNESS AND POVERTY COMMITTEE REPORT relative to the storage of personal property in public areas.

Recommendations for Council action:

1. REQUEST that the City Attorney prepare and present an ordinance, in substantial conformance with the Ordinance dated January 22, 2016 and identified as Ordinance B relative to amending Section 56.11, Article 6, Chapter V of the Los Angeles Municipal Code (LAMC) to address the storage of personal property in public areas, amended as follows:
  - a. 2(c) Bulky Item means any item, with the exception of a constructed Tent, operational bicycle or operational walker, crutch, or wheelchair, that is too large to fit into a 60-gallon container with the lid closed, including but not limited to a tiny house, mattress, **shed, small structure**, couch, chair, other furniture or appliance. **A container with a volume of up to 60 gallons for Personal Property shall not be considered a Bulky Item.**
  - b. 3(c) No Person shall Store any Personal Property in a Public Area in such a manner as to obstruct City operations, including a Street or Sidewalk maintenance or cleaning. Without prior notice, the City may temporarily move Personal Property, whether Attended or Unattended, which is obstructing City operations in a Public Area, including a Street or Sidewalk maintenance or cleaning, during the time necessary to conduct the City operations. The City also may impound Personal Property that is obstructing City operations in a Public Area, pursuant to Subsections 3(a) **and 3(b).**
  - c. 3(j) Upon the creation of any new Storage Facility, increased capacity at an Existing Storage Facility or subsidized transportation assistance to a Storage Facility, the Chief Administrative Officer shall report to the Council to inform the Council's consideration of whether to prohibit a Person from Storing more than Essential Personal Property in a Public Area in a specified radius from a Storage Facility, based upon the amount of the additional storage capacity and the accessibility thereto. In consideration of the CAO's report, the Council may, by resolution, prohibit a Person within a specified radius, **within a two mile radius of the voluntary Storage Facility**, from Storing more than Essential Personal Property in a Public Area.
  - d. 4(a) Pre-Removal Notice. Pre-removal notice shall be deemed provided if a written notice is provided to the Person who is Storing or claims ownership of the Personal Property, or is posted conspicuously on or near the Personal Property **and the removal takes place within 72 hours of the pre-removal notice being posted.** The written notice shall contain the following:
  - e. 10(b): No Person shall refuse to take down, fold, deconstruct or otherwise put away any Tent erected or configured 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 vacate or retreat from the Tent.

- f. 10(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.
  - g. 10(d) No Person shall willfully 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 an obscured area caused by a Bulky Item.**
  - h. Expand the definition of City Employee to include City Contractors.
2. REQUEST the City Attorney and Bureau of Sanitation (SAN) to include in the protocols that there will be a determination made about the availability of storage before a cleaning is authorized.
  3. INSTRUCT the City Administrative Officer (CAO) and the Los Angeles Homeless Services Authority (LAHSA) to report quarterly on the progress of voluntary storage, including the locations, the amount, and the impact on encampments.
  4. REQUEST the Los Angeles Police Commission to create a permanent policy of quarterly Homeless CompStats in order to diligently track police activity, trends and performance as it relates to homeless encampments, race, age and mental capacity of individuals interacting with or being arrested as a result of the Ordinance.
  5. INSTRUCT the LAHSA, the SAN and the CAO to provide a report on the resources needed to expand the City's capacity to fully implement the protocols of the Ordinance.

Fiscal Impact Statement: None submitted by the City Attorney. Neither the CAO nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: None submitted.

## SUMMARY

Accompanying a report to Council dated January 22, 2016, the City Attorney presents two Ordinances relative to the storage of personal property in public areas. According to the City Attorney, the Ordinances allow individuals to store personal property in a public area, up to the equivalent of what could fit into a 60-gallon container with the lid closed; with 24-hour notice, allow the City to remove and impound unattended property of any amount and attended property that exceeds the specified amount; provide that the City shall store impounded personal property for 90 days during which time it may be reclaimed by its owner but if not claimed within 90 days, the City may discard of it; set forth requirements for pre-removal and post-removal notices which the City shall use when impounding personal property; and designate the Bureau of Sanitation as the administrative agency allowing for it to promulgate rules, protocols, and procedures for the implementation and enforcement of the adopted Ordinance. The City Attorney goes on to discuss other provisions of the Ordinances such as instances in which the City can remove such property from public spaces, tents and attachments, and the consideration of bulky items.

The City Attorney then differentiates the two Ordinances. Ordinance A covers a proposal to provide voluntary storage of property by homeless persons as well as transportation of the owners of the property to and from storage sites. Ordinance B, instead, states that the CAO will report to Council relative to such a program. Version B allows Council to evaluate the situation as new additional voluntary storage is established, and on a case by case basis determine if volume limits in the impacted geographical area should be modified based on the increased access to voluntary storage.

At the meeting held January 25, 2016, your Public Works and Gang Reduction (PWGR) Committee discussed this matter in detail. After an opportunity for public comment was held, the Committee moved to approve Ordinance B as amended to modify language in Sections 10b and 10c of the Ordinance.

At the meeting held on March 17, 2016, your Homelessness and Poverty Committee discussed this matter with representatives of the City Attorney's Office, the SAN, and the LAHSA. During the discussion of the matter, a representative of the City Attorney's Office requested modifications to the Ordinance, as detailed above. Councilmembers Bonin and Harris-Dawson requested additional recommendations as detailed above. An opportunity for public comment was held. After further discussion of the matter, the Committee moved to concur with the recommendations of the PWGR Committee as modified, as detailed above. This matter is now forwarded to the Council for its consideration.

Respectfully Submitted,

HOMELESSNESS AND POVERTY COMMITTEE

A handwritten signature in black ink, appearing to be a stylized 'M' followed by a long horizontal stroke.

<u>MEMBER</u>	<u>VOTE</u>
HARRIS-DAWSON:	YES
HUIZAR:	YES
BONIN:	YES
CEDILLO:	NO
PRICE:	YES

**-NOT OFFICIAL UNTIL COUNCIL ACTS-**