

MOTION

In recent months, the City Council and the Mayor have taken numerous and unprecedented steps to help individuals who are currently homeless and to prevent others from falling into homelessness. In order to address the issue of homelessness in the City of Los Angeles, the Council has established the Homelessness and Poverty Committee to among other things develop a strategic plan to address homelessness and to coordinate the City's strategic plan alongside the County's homeless initiative. The joint efforts will result in a comprehensive and sustained regional approach to address and prevent homelessness. In addition, a motion pledging \$100 million towards implementing the strategic plan has been proposed. The City has also identified approximately \$16 million to immediately address the housing and service needs of homeless individuals which includes short-term subsidies for homeless individuals and homeless veterans, improvements to the Coordinated Entry System and the expansion of the Winter Shelter Program to cover the entire El Nino storm season. Also as part of the City's actions to address the immediate needs of homeless individuals, the City has set aside \$1 million of the \$16 million to develop a program for homeless individuals to store their belongings in facilities located throughout the City.

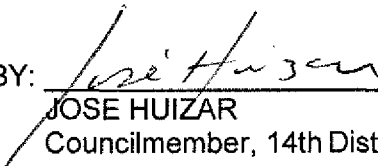
In addition to these actions, the Homelessness and Poverty Committee met to discuss the storage of personal property in public areas throughout the City, and took action to ensure that these areas remain accessible while making sure we protect the homeless. To further ensure that public areas remain accessible and to limit and deemphasize criminal penalties homeless individuals are subjected to because they have limited alternatives for the storage of their belongings, the following actions should be taken in lieu of the Committee report.


WE THEREFORE MOVE that the matter of the HOMELESSNESS AND POVERTY COMMITTEE REPORT relative to amending Section 56.11, Article 6, Chapter V, of the Los Angeles Municipal Code (LAMC) to prohibit the storage of personal property in public areas (C.F. 14-1656-S1), Item 16 on today's Council Agenda, BE AMENDED to ADOPT the following recommendations in lieu of the Homelessness and Poverty Committee report recommendations.


1. NOTE and FILE the August 26, 2015 joint City Administrative Officer (CAO) and Chief Legislative Analyst (CLA) report (attached to Council file 14-1656-S1).
2. REQUEST the City Attorney to prepare an ordinance to amend LAMC Section 56.11, Article 6, Chapter V, to emphasize that the ordinance is designed to assure the City's ability to keep public areas, especially sidewalks, clean, safe and accessible for the benefit of the entire community while also recognizing and allowing for the needs of homeless individuals, who have no other alternatives, to maintain and store life necessities. Specifically, the amended ordinance shall:
 - A. Allow individuals to maintain a specified quantity of Personal Property on the public areas covered by the ordinance, as follows:

1. Unattended Personal Property, of any amount, may be impounded by the City with proper notice.
 2. Attended Personal Property of a volume in excess of a bulky item as defined by this ordinance may be impounded by the City with proper notice.
 3. In drafting the amended ordinance, the City Attorney shall consult with the City Administrative Officer and recommend a specific amount of additional voluntary storage capacity in the City that, only when established and operational, shall permit the City to impound attended Personal Property (with the exception of essential items of a limited quantity, e.g., a backpack of 2 cubic feet) with proper notice if operational voluntary storage is located and available within 2 miles or equivalent access is provided to the voluntary storage through another means, such as transportation assistance.
- B. Maintain the City's ability to enforce the ordinance's provisions allowing for the removal of Personal Property so as to provide that the City's public areas are clean, accessible and available for their intended uses while balancing the needs and rights of individuals experiencing homelessness and to enforce the provisions related to Tents and Attachments, which raise specific safety issues, by specifying that unlawful conduct is limited to:
1. An individual's failure to remove attended Personal Property upon proper notice, as required by the ordinance, coupled with his/her impeding City officials to remove such property as allowed for in the ordinance.
 2. An individual preventing the deconstruction of a Tent (between 6:00am and 9:00pm) or an Attachment when requested to do so by a City official (as defined in the protocols and procedures of an Interdepartmental policy between Bureau of Sanitation and LAPD- See Recommendation No. 4).
 3. Illegal dumping
- C. Provide that if an individual refuses to deconstruct a Tent (between 6:00am and 9:00pm) or an Attachment when requested to do so by a City official, the City may deconstruct it and it may be subject to immediate impoundment.
- D. Provide that the City has the ability to immediately move and as necessary immediately impound attended and unattended Personal Property that does not allow for Americans with Disabilities Act (ADA) passage.
- E. Provide that Personal Property which is obstructing City operations or maintenance, including cleanings, must be immediately moved and may be impounded with proper notice.
- F. Designate Bureau of Sanitation as the Designated Administrative Agency.

3. REQUEST the City Attorney to prepare and present a separate ordinance which addresses commercial property stored in public areas and allows for its continued regulation and enforcement.
4. INSTRUCT the Bureau of Sanitation and LAPD to report back with a consistent inter-departmental policy that provides protocols and procedures for implementation of this ordinance that includes, but is not limited to, allowing owners of property noticed for removal an opportunity to comply at the time their property is subject to removal, including the impoundment of property and deconstruction and possible impoundment of Tents and Attachments, as reasonably feasible and specify the roles of each department under the ordinance. This policy should maintain the City's ability to enforce the ordinance's provisions allowing for the removal of Personal Property to provide that the City's public areas are clean, accessible and available for their intended uses and addresses specific concerns related to Tents and Attachments, while balancing the needs and rights of individuals experiencing homelessness.
5. REQUEST the City Attorney to report relative to whether successful completion of a diversion program can ensure an individual's record remains clean.

PRESENTED BY: 
JOSE HUIZAR
Councilmember, 14th District


MARQUEECE HARRIS-DAWSON
Councilmember, 8th District


JOE BUSCAINO
Councilmember, 15th District

SECONDED BY: 

November 17, 2015