

PUBLIC WORKS AND GANG REDUCTION COMMITTEE REPORT relative to the storage of personal property in public areas.

Recommendation for Council action:

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. 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.
- b. 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.

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

Community Impact Statement: None submitted.

(Homelessness and Poverty Committee report to be submitted in Council)

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 states that the intent of the Ordinances is not to criminalize homelessness. As such enforcement should be limited to maintaining the City's ability, as needed, to assure clean,

accessible public areas and address specific safety issues. The Ordinances narrowly limit unlawful conduct to an individual willfully resisting, delaying, or obstructing a City employee from moving, removing, impounding, or discarding personal property stored in a public area.

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 its special meeting held January 25, 2016, the Public Works and Gang Reduction Committee discussed this matter with representatives of the City Attorney's Office, the Bureau of Sanitation, and the Los Angeles Police Department (LAPD). As mentioned in the City's Attorney's report, the Bureau of Sanitation shall inspect and enforce the provisions of the Ordinance. Currently, the Bureau has only 16 staff members, with another four in training for this function, and all other existing sanitary inspection duties citywide.

According to the City Attorney's representative, LAPD also has authority to instruct that tents be deconstructed by their owners. For property that is unattended, the City can post 24-hour notice after which time any property not removed can be impounded. Notice shall be given where the property is stored. The City can instruct the owner to immediately remove or to immediately remove unattended property that blocks driveways or public access, or may violate Americans with Disabilities Act access requirements. It was also stated that the Ordinances prohibit the erection of tents between the hours of 6:00 a.m. and 9:00 p.m. Exceptions will be made for cold weather and rain. No criminal charges will be made against homeless persons unless they refuse to remove their property or if they interfere with the removal of the property by City forces.

The LAPD representative stated that an increase in criminal activity and arrests for narcotics, prostitution, and sexual assault has coincided with the proliferation of homeless tent encampments in Downtown Los Angeles. The draft Ordinances will give the LAPD the clarity it needs to enforce laws regulating safe access to public space. It shall be the goal of the Department to encourage voluntary compliance by homeless persons.

During the public comment period, support for the ordinances was expressed by a representative of Downtown businesses and residents. Other speakers opposed the Ordinances. It was stated that the Ordinance criminalize poverty and will put into jeopardy \$110 million in federal grants awarded to the City to house the homeless.

The Committee Chair stated that the City's primary responsibility is to ensure public safety. The City has the right and duty to set and enforce community standards to protect the quality of life. There is a need to keep public space public. The Ordinances allow persons to sleep on public sidewalks between the hours of 9 p.m. and 6:00 a.m. Councilmember Buscaino expressed support for Ordinance B, as amended to modify language in Sections 10b and 10c of the Ordinance to state refuse or resist. The Bureau of Sanitation alone cannot enforce the provisions of the Ordinance. LAPD is the first responder. Real consequences are needed if a homeless person refuses to cooperate. Police officers need the authority to make arrests in such situations. Councilmembers Martinez and O'Farrell voted yes in support of approving Ordinance

B, as amended by the Committee Chair.

Councilmembers Ryu and Price voted no. Councilmember Ryu expressed concern regarding the criminalization of homelessness. Encounters with homeless encampments require a holistic approach and should include mental health and homeless service agencies. Arresting those who refuse or resist to comply, even those who refuse service, will create a revolving door for the incarceration of homeless persons.

Respectfully Submitted,

PUBLIC WORKS AND GANG REDUCTION COMMITTEE



<u>MEMBER</u>	<u>VOTE</u>
BUSCAINO:	YES
MARTINEZ:	YES
PRICE:	NO
O'FARRELL:	YES
RYU:	NO

jaw

-NOT OFFICIAL UNTIL COUNCIL ACTS-