

Your Community Impact Statement has been successfully submitted to City Council and Committees.

If you have questions and/or concerns, please contact the Department of Neighborhood Empowerment at NCsupport@lacity.org.

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Contact Information

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The Board approved this CIS by a vote of: Yea(13) Nay(1) Abstain(1) Ineligible(0) Recusal(0)

Date of NC Board Action: 09/17/2019

Type of NC Board Action: Against

Impact Information

Date: 09/24/2019

Update to a Previous Input: No

Directed To: City Council and Committees

Council File Number: 19-0602-S1

Agenda Date:

Item Number:

Summary: [SUMMARY. PLEASE READ ATTACHED .PDF FOR FULL CIS] If this proposed revision of LAMC Section 41.18 were to go into effect, the City would again be forced to divert resources to criminalize the unhoused and punish them for their poverty rather than investing in much-needed services such as outreach teams, mobile pit stops, rehabilitation programs, and mental health counseling. The primary cause of people entering homelessness is their inability to afford rent. Once unhoused, social disconnection, legal, medical, and behavioral health problems create increasingly formidable barriers to re-entering housing. In other words, given the structural forces that lead most unhoused Angelenos to reside on the streets, such a sweeping ban on sidewalk sleeping is needlessly cruel and utterly misguided. The City should be focusing on proactive solutions to the homelessness crisis rather than exacerbating the problem by further entangling our unhoused neighbors in the criminal justice system. Finally, the Homelessness and Poverty Committee's proposed revision of LAMC Section 41.18 makes it criminal to approach or speak to another person in a manner that would cause a "reasonable person" to "[f]ear bodily harm" or even "be intimidated into giving money". The vagueness of this language will result in abuses and selectivity in enforcement. In addition, existing statutes and ordinances already prohibit violent or threatening behavior; there is no need to create additional criminal liability directed specifically at the homeless in this fashion. There is still time to correct course. The LFNC understands the desire to create a set of restrictions on sidewalk sleeping that takes into account the safety and quality of life of all of our neighbors. However, the LFNC urges the city abandon the Homelessness and Poverty Committee's current, proposed revision of LAMC Section 41.18 and to formulate a version of the ordinance that avoids extreme criminalization of our homeless neighbors.



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- COMMUNITY IMPACT STATEMENT -

Council File: [19-0602-S1](#)

Title: Obstruction or Interference / Passage of Pedestrians / Public Right-of-Way / Los Angeles Municipal Code (LAMC) / Section 41.18 / Amendment

Position: Oppose

Summary:

On July 30th, Councilmember Mitch O'Farrell put forward a motion requesting the City Attorney to amend Los Angeles Municipal Code Section ("LAMC") Section 41.18 to delete subsection (a), with the exception of the language making it unlawful to obstruct or interfere with the free passage of pedestrians in the public right of way, to delete subsections (b) and (c), and to amend subsection (d) to conform to the 9th Circuit decision in the *Martin v. Boise* case. On August 21, 2019, Homelessness and Poverty Committee recommended that the Council adopt proposed alternate language for LAMC Section 41.18.

The Los Feliz Neighborhood Council ("LFNC") applauds the City of Los Angeles' efforts to comply with the *Boise* decision, which established that the Cruel and Unusual Punishments Clause of the Eighth Amendment precludes the enforcement laws prohibiting sleeping outside against homeless individuals with no access to alternative shelter. The Homelessness and Poverty Committee's proposed revision of LAMC Section 41.18, however, willfully ignores the spirit of the *Boise* decision and doubles-down on counter-productive approach to the homelessness crisis that focuses primarily on criminalization.

The proposed revision of LAMC Section 41.18 would make it illegal to sit, lie, or sleep within 500 feet of a park, school, daycare center, or facility providing housing, shelter, supportive services, safe parking, or storage to homeless persons—in addition to within 10 feet of any utilizable entrance, exit, driveway, or loading dock. The practical effect of these restricted zones will be to banish our homeless neighbors from broad swaths of the City. A recent analysis by the *Los Angeles Times* found that these restrictions would make sidewalk sleeping illegal in 57% of Koreatown, 49% of

Hollywood, 62% of Westlake, and 46% of Skid Row. These results are as immoral as they are unrealistic.

If this proposed revision of LAMC Section 41.18 were to go into effect, the City would again be forced to divert resources to criminalize the unhoused and punish them for their poverty rather than investing in much-needed services such as outreach teams, mobile pit stops, rehabilitation programs, and mental health counseling.

The primary cause of people entering homelessness is their inability to afford rent. Once unhoused, social disconnection, legal, medical, and behavioral health problems create increasingly formidable barriers to re-entering housing. In other words, given the structural forces that lead most unhoused Angelenos to reside on the streets, such a sweeping ban on sidewalk sleeping is needlessly cruel and utterly misguided. The City should be focusing on proactive solutions to the homelessness crisis rather than exacerbating the problem by further entangling our unhoused neighbors in the criminal justice system.

Finally, the Homelessness and Poverty Committee's proposed revision of LAMC Section 41.18 makes it criminal to approach or speak to another person in a manner that would cause a "reasonable person" to "[f]ear bodily harm" or even "be intimidated into giving money". The vagueness of this language will result in abuses and selectivity in enforcement. In addition, existing statutes and ordinances already prohibit violent or threatening behavior; there is no need to create additional criminal liability directed specifically at the homeless in this fashion.

There is still time to correct course. The LFNC understands the desire to create a set of restrictions on sidewalk sleeping that takes into account the safety and quality of life of all of our neighbors. However, the LFNC urges the city abandon the Homelessness and Poverty Committee's current, proposed revision of LAMC Section 41.18 and to formulate a version of the ordinance that avoids extreme criminalization of our homeless neighbors.

-APPROVED-

September 17, 2019

Yay: 13 Nay: 1 Abstain: 1