

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.

This is an automated response, please do not reply to this email.

Contact Information

Neighborhood Council: Historic Highland Park Neighborhood Council

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The Board approved this CIS by a vote of: Yea(12) Nay(0) Abstain(0) Ineligible(0) Recusal(0)

Date of NC Board Action: 08/05/2021

Type of NC Board Action: Against

Impact Information

Date: 08/22/2021

Update to a Previous Input: No

Directed To: City Council and Committees

Council File Number: 20-1376-S1

Agenda Date: 08/05/2021

Item Number: 15

Summary: [PLEASE SEE ATTACHED PDF "CIS LAMC 41.18" FOR FULL CIS] The Historic Highland Park Neighborhood Council, representing more than 60,000 stakeholders, strongly opposes the Los Angeles City Council motion to approve reinstating LAMC 41.18 [Exhibit 1]. This law criminalizes the poor and unhoused without presenting meaningful or effective solutions to LA's housing and homelessness crisis.

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HISTORIC HIGHLAND PARK NEIGHBORHOOD COUNCIL

COMMUNITY IMPACT STATEMENT

[8/5/2021]

Attn: Council President Nury Martinez, Councilmember Kevin De Leon, Councilmember Gil Cedillo

From: Historic Highland Park Neighborhood Council

RE: Unlawful Sitting, Lying, Sleeping / Unlawful Personal Property Storage, Use, Maintenance / Private Property / Los Angeles Municipal Code / Amendment ([Council File: 20-1376-S1](#))

Dear Los Angeles City Councilmembers,

The Historic Highland Park Neighborhood Council, representing more than 60,000 stakeholders, strongly opposes the Los Angeles City Council motion to approve reinstating [LAMC 41.18](#) [Exhibit 1]. This law criminalizes the poor and unhoused without presenting meaningful or effective solutions to LA's housing and homelessness crisis.

Despite consistent community opposition, the City Council continues to fall back on policies that rely on criminalization and law enforcement to address homelessness, even though we know the only real lasting solutions to homelessness are Homes and Services. Presently, housing opportunities for the unhoused are scarce or not available. Therefore, it is short-sighted and ineffective to institute punitive measures rather than focusing on outreach, services, and permanent housing solutions.

An [LA Times Editorial](#) dated July 1, 2021 asserted that telling homeless people where they cannot camp does not stop them from becoming homeless. "Simply putting up a lot of signs prohibiting camping will not make encampments vanish from the sidewalks," the LA Times Editorial Board argues, adding that "citing and arresting homeless people for being on the street has yet to solve homelessness." The article proposes that if council members are serious about implementing street engagement strategies they must first provide an extensive outreach program, and also ensure that enforcement happens only after actual housing has been offered.

The Historic Highland Park Neighborhood Council offers the following recommendations to mitigate the harm caused by this Ordinance:

- The City Council must create maps indicating where unhoused people can set up tents such as “Safe Sleeping Zones.”
- The City only compassionately remove people from spaces that are actually unsafe for unhoused people to “sit, sleep, lie” such as driveways and bike lanes.
- The City must implement an extensive Street Engagement Strategy led by service providers which ensures that unhoused individuals are offered housing that is available, and relocate unhoused individuals into satisfactory interim housing to prepare them for permanent housing.
- Recognize that service providers need time and patience to engage adequately using a trauma-informed approach with those living on the street to help them transition into interim or permanent housing.
- Suspend posting 14-day notices at locations listed in the Ordinance. The notices are ineffective, and unnecessarily will lead to issuance of citations and arrest. Law enforcement involvement should only be used to deal with criminal behavior.
- The City Council must address the root causes of homelessness, which are a combination of many factors including recovery from a pandemic, job loss, low wages and high rents, a dearth of low income housing, and a lack of County Public Health, Addiction, and Mental Health services.

The Historic Highland Park Neighborhood Council looks forward to acknowledgement from City Councilmembers of our concerns and we request suspending the Ordinance or issuing amendments to the Ordinance to stop criminalization and harm to our unhoused neighbors.

ORDINANCE NO. _____

An ordinance replacing Section 41.18 of the Los Angeles Municipal Code to specify the particular times and locations where it shall be unlawful for a person to sit, lie, or sleep, or to store, use, maintain, or place personal property in the public right-of-way.

WHEREAS, the homeless crisis has reached epic proportions across the City of Los Angeles;

WHEREAS, in order to sustainably address street homelessness, a trauma-informed approach that requires street engagement by trained professionals and offers appropriate interim and permanent housing, storage, and specialized services in the form of a Street Engagement Strategy must be suitably applied across the City;

WHEREAS, it is the obligation of the City to keep its public rights of way clean and available for public use, and to protect the public health, safety, and access by City constituents; and

WHEREAS, the City should seek to accomplish the aforementioned objectives in a manner that preserves the dignity and safety of all residents and exhausts alternative models to promote compliance.

NOW THEREFORE,

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Section 41.18 of the Los Angeles Municipal Code is amended in its entirety to read as follows:

SEC. 41.18. SITTING, LYING, OR SLEEPING OR STORING, USING, MAINTAINING, OR PLACING PERSONAL PROPERTY IN THE PUBLIC RIGHT-OF-WAY.

(a) No person shall obstruct a street, sidewalk, or other public right-of-way:

(1) by sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property, in a manner that impedes passage, as provided by the Americans with Disabilities Act of 1990, Pub. L. No. 101-336, 104 Stat. 328 (1990), as amended from time to time;

(2) by sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property, within ten feet of any operational or utilizable driveway or loading dock;

(3) by sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property, within five feet of any operational or utilizable building entrance or exit;

(4) by sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property, within two feet of any fire hydrant, fire plug, or other fire department connection;

(5) by sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property, within the public right-of-way in a manner that obstructs or unreasonably interferes with the use of the right-of-way for any activity for which the City has issued a permit.

(b) No person shall obstruct any portion of any street or other public right-of-way open to use by motor vehicles, or any portion of a bike lane, bike path, or other public right-of-way open to use by bicycles, by sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property, anywhere within the street, bike lane, bike path, or other public right-of-way, as specified.

(c) Except as limited by Subsection (d), no person shall:

(1) sit, lie, sleep, or store, use, maintain, or place personal property, in or upon any street, sidewalk, or other public right-of-way within the distance stated on the posted signage (up to a maximum of 500 feet) of a property designated as a sensitive use. For a property to be designated as a "sensitive use," the property must be a School, Day Care Center, Public Park, or Public Library, as those terms are defined in Section 105.01 of this Code;

(2) sit, lie, sleep, or store, use, maintain, or place personal property, in or upon any street, sidewalk, or other public right-of-way within the distance stated on the posted signage (up to a maximum of 500 feet) of a designated overpass, underpass, freeway ramp, tunnel, bridge, pedestrian bridge, subway, wash, spreading ground, or active railway, where the City Council determines, in the designating resolution, that the public health, safety, or welfare is served by the prohibition, including, without limitation, by finding that sleeping or lodging within the stated proximity to the designated area is unhealthy, unsafe, or incompatible with safe passage;

(3) sit, lie, sleep, or store, use, maintain, or place personal property, in or upon any street, sidewalk, or other public right-of-way, within the distance stated on the posted signage (up to a maximum of 1,000 feet) of a designated facility, opened after January 1, 2018, that provides shelter, safe sleeping, or safe parking to homeless persons, or that serves as a homeless services navigation center;

(4) sit, lie, sleep, or store, use, maintain, or place personal property, in or upon any street, sidewalk, or other public right-of-way that has been posted with signage prohibiting sitting, lying, sleeping, or storing, using, maintaining, or placing personal property. In order to designate a section of street, sidewalk, or other public right-of-way as prohibited under this subdivision, the City Council shall determine, in a designating resolution and based on specific documentation, that the circumstances of continued sitting, sleeping, lying, storing personal property, or otherwise obstructing the public right-of-way at that location poses a particular and ongoing threat to public health or safety. Such circumstances may include, but are not limited to: (i) the death or serious bodily injury of any person at the location due to a hazardous condition; (ii) repeated serious or violent crimes, including human trafficking, at the location; or (iii) the occurrence of fires that resulted in a fire department response to the location. For each such location, a prohibition pursuant to this subdivision shall be effective for a period of time specified in the resolution, but not to exceed one year.

(d) No person shall be found to be in violation of any prohibition set forth in Subsection (c), unless and until: (i) the City Council has taken action, by resolution, to designate a specified area or areas for enforcement against sitting, lying, sleeping, or storing, using, maintaining, or placing personal property, or otherwise obstructing the public right-of-way; (ii) the City has posted signage at the designated area or areas set forth in the resolution, with such signage including reference to any required findings adopted in the resolution, and giving notice of the date after which no sitting, lying, sleeping, or storing, using, maintaining, or placing personal property, or otherwise obstructing the public right-of-way will be allowed; and (iii) at least 14 calendar days have passed from the date on which the signage is posted at the designated area or areas.

Sec. 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney



By _____

VALERIE L. FLORES
Senior Assistant City Attorney

Date _____

File No. CF 20-1376-SX

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The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles.