

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](mailto:NCsupport@lacity.org).

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#### Contact Information

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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: 08/04/2021

Type of NC Board Action: Against

#### Impact Information

Date: 10/14/2021

Update to a Previous Input: No

Directed To: City Council and Committees

Council File Number: 20-1376-S2

Agenda Date:

Item Number:

Summary: On July 1, 2021 Councilmember Joe Buscaino introduced the following Motion (Seconded by John S. Lee) which proposes to add an amendment to the Los Angeles Municipal Code Section 41.18 to add the following language: "At no time shall any person who has been offered shelter sit, lie or sleep in or upon any street, sidewalk, or other public right-of-way, or publicly owned property. Violations of this section may be eligible for referral to any applicable prosecutorial-led diversion program." The Municipal Code 41.18 (d) establishes "No person shall sit, lie or sleep in or upon any street, sidewalk or other public way." An injunction of this code section was upheld in the Court of Appeal case Jones v. Los Angeles 444 F.3d 1118 (2006). The Court of Appeal held that "so long as there is a greater number of homeless individuals in Los Angeles than the number of available beds, the City may not enforce section 41.18(d) at all times and places throughout the City against homeless individuals for involuntarily sitting, lying, and sleeping in public." At that time, the Court stated plainly "Because there is substantial and undisputed evidence that the number of homeless persons in Los Angeles far exceeds the number of available shelter beds at all times, including on the nights of their arrest or citation, Los Angeles has encroached upon Appellants' Eighth Amendment protections by criminalizing the unavoidable act of sitting, lying, or sleeping at night while being involuntarily homeless." There has been no evidence provided that there is enough shelter to support the amount of homeless people that this is meant to be enforced upon. We cannot punish people for doing something we hope as society we can prevent. Resolved, the Palms Neighborhood Council opposes the Motion (Council File 20-1376-S2). We also urge the City Council to work toward a feasible approach that is constitutionally permissible, safe, cost-effective, and humane.

On July 1, 2021 Councilmember Joe Buscaino introduced the following Motion (Seconded by John S. Lee) which proposes to add an amendment to the Los Angeles Municipal Code Section 41.18 to add the following language: "At no time shall any person who has been offered shelter sit, lie or sleep in or upon any street, sidewalk, or other public right-of-way, or publicly owned property. Violations of this section may be eligible for referral to any applicable prosecutorial-led diversion program."

The Municipal Code 41.18 (d) establishes "No person shall sit, lie or sleep in or upon any street, sidewalk or other public way." An injunction of this code section was upheld in the Court of Appeal case Jones v. Los Angeles 444 F.3d 1118 (2006). The Court of Appeal held that "so long as there is a greater number of homeless individuals in Los Angeles than the number of available beds, the City may not enforce section 41.18(d) at all times and places throughout the City against homeless individuals for involuntarily sitting, lying, and sleeping in public."

At that time, the Court stated plainly "Because there is substantial and undisputed evidence that the number of homeless persons in Los Angeles far exceeds the number of available shelter beds at all times, including on the nights of their arrest or citation, Los Angeles has encroached upon Appellants' Eighth Amendment protections by criminalizing the unavoidable act of sitting, lying, or sleeping at night while being involuntarily homeless."

There has been no evidence provided that there is enough shelter to support the amount of homeless people that this is meant to be enforced upon. We cannot punish people for doing something we hope as society we can prevent.

There is likewise no fair or reasonable way to apply this proposed amendment. The statements "offered," "shelter," "eligible for referral" and "any applicable prosecutorial-led diversion program" are vague. Would a person sitting on a park bench who was offered a tarp to stand under be forced into a diversion program if they refused? Would Los Angeles offer reasonably furnished 500 sq. ft. studios for each person who might be unable to find shelter for the morning/afternoon/night? This amendment lacks data to support whether or not this bold approach is a reasonably cost-efficient way to help this problem, nor is it in any way workable as written.

Los Angeles residents are already facing financial tragedies resulting from COVID-19 and an otherwise challenging homelessness problem. We do not agree with this approach to these complex issues. Furthermore, it is extremely expensive for taxpayers and the city to criminalize the unhoused who violate this ordinance. It would be cheaper to put this tax money towards housing and wrap-around services.

Resolved, the Palms Neighborhood Council opposes the Motion (Council File 20-1376-S2). We also urge the City Council to work toward a feasible approach that is constitutionally permissible, safe, cost-effective, and humane.