

# POLICY MOTION

## COMMITTEE: PHS & Homeless Committee

**TITLE: Opposition to LA City Council Public Safety Housing & Homelessness Public Works Motion to Restrict the Implementation of LAMC 41.18**

**PURPOSE: Support for the Application and Enforcement of LAMC 41.18 as Previously Passed by the LA City Council**

### **BACKGROUND:**

Los Angeles Municipal Code 41.18 is an ordinance aimed at maintaining clear rights-of-way, pathways and access on public sidewalks, streets and other spaces near sensitive uses such as schools, parks and libraries. The intent is to prevent obstructions that could create hazards or hinder pedestrians, wheelchair users, emergency vehicles and others from safely passing through these areas.

While LAMC 41.18 is not a perfect solution, it remains to be one of the few tools available for local communities like Mar Vista to use to address homeless encampments that render sidewalks, other public rights-of-way and spaces impassable or create genuine safety hazards unique to our local circumstances. (For example, the former Venice and Tuller encampment under the 405 freeway.) The measured approach required by 41.18 aims to balance safety and accessibility needs with respect for our unhoused neighbors. The basic steps for Los Angeles Municipal Code 41.18 to be implemented in a specific area are:

1. City Council Resolution. The Los Angeles City Council must first pass a resolution to designate a particular area for enforcement of LAMC 41.18. This requires a majority council vote.
2. Outreach and Notice. Once an area is designated, intensive outreach must be conducted to notify and offer services to any unhoused individuals living in that area. Notice must be given at least 14 days prior to enforcement.
3. Signage Installation. Clear signage must be installed in the designated area stating the prohibition on sitting, lying, sleeping or obstructing the public right-of-way under 41.18.
4. Designated Facility. The city must ensure there is a designated indoor facility opened nearby to temporarily accommodate unhoused individuals after they are removed from the area.
5. Enforcement Protocols. The Los Angeles Police Department must be provided clear protocols on how to enforce 41.18, including providing advisory warnings first before issuing citations or making arrests.

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6. Storage of Belongings. Protocols must also be established for respecting and safely storing any unattended or excessive personal belongings found in the designated area during enforcement.

Overall, the implementation involves extensive notice, outreach, signage and having a place to temporarily relocate individuals from living on the streets in that zone before any enforcement actions can occur under 41.18.

The subject LA City Council Public Safety Housing & Homelessness Public Works Motion, a copy of which is attached hereto, seeks to add further restrictions and requirements, which would only make LAMC 41.18 unduly burdensome as well as expensive to implement. It is based upon a flawed LAHSA report.

**THE MOTION:** Support for the continued application and enforcement of LAMC 41.18 in its current form and to oppose the LA City Council Public Safety Housing & Homelessness Public Works Motion to restrict the implementation of LAMC 41.18.

**DIRECTED TO:** Hon. Traci Park, Councilmember, CD11; Hon. Katy Yaroslavsky, Councilmember, CD5; Hon. Paul Krekorian, Councilmember, CD2; Marqueece Harris-Dawson, Councilmember, President Pro Tempore and President-elect, Los Angeles City Council

### **ACTION/VOTE COUNT:**

#### **MVCC PHS & Homeless Committee meeting, June 12, 2024**

Motion moved by \_\_\_\_\_, seconded by \_\_\_\_\_

#### **VOTE:**

YES: \_\_\_\_\_ NO: \_\_\_\_\_ ABSTAIN: \_\_\_\_\_

Motion of approved by the MVCC Board \_\_\_\_\_

#### **MVCC Board Meeting, June 27, 2024**

Motion moved by Director \_\_\_\_\_, seconded by Director \_\_\_\_\_

#### **VOTE:**

YES: \_\_\_\_\_ NO: \_\_\_\_\_ ABSTAIN: \_\_\_\_\_

Motion of approved by the MVCC Board \_\_\_\_\_

**MOTION**

On May 31, 2024 the Chief Legislative Analyst (CLA) released a report, as directed by Council File 21-0329-S4, on the execution and costs of Los Angeles Municipal Code (LAMC) 41.18, which regulates where unhoused Angelenos can sit, sleep, lie, or store belongings, as well as the effectiveness of the "Street Engagement Strategy."

Inclusive of data from the Los Angeles Police Department (LAPD), the City Administrative Officer (CAO), and the Los Angeles Homeless Services Authority (LAHSA), the report identifies several areas of concern in the administration of LAMC 41.18 that require additional action by the City Council. Central to these concerns is the enforcement of the ordinance, and relatedly, the conditions under which new 41.18 zones are created.

According to the CLA report, there are currently 2,443 areas designated as 41.18 zones throughout the City. These include 1,245 school zones and 884 day care centers, as well as 314 sites created by the City Council through the resolution process. As the report shows, enforcement at each of these locations has been inconsistent, due in part to the large number of zones LAPD is expected to enforce and unclear protocols around prioritization of zones.

Further complicating enforcement is the process by which new 41.18 zones are created by the City Council. With the large number of existing zones already stretching LAPD resources, the addition of new 41.18 zones should be thoughtful and consistent with the City's Street Engagement Strategy.

Without proper protocols in place, including credible offers of housing when a new 41.18 zone is established, this report shows that individuals may end up repopulating the newly-created 41.18 zone, moving from one block to the next, or relocating into neighboring Council Districts. This approach is an ineffective use of City resources and is detrimental to our efforts to reduce street homelessness.

**WE THEREFORE MOVE** that the City Council direct the Los Angeles Homeless Services Authority (LAHSA) and the City Administrative Officer (CAO), and with input from the Los Angeles Police Department (LAPD), Bureau of Sanitation (LASAN), Bureau of Streets Services (BSS), and the Department of Transportation (LADOT), report back within 90 days on a plan to develop a uniform tracking system for City-directed encampment engagements – including but not limited to 41.18-driven engagement and enforcement, CARE and CARE+ operations, and RV operations – that accounts for uploading client rosters, unique data identifiers, protocols for sign posting notifications, and the ability for the tracking system to integrate with other relevant regional data systems such as the Homeless Management Information System (HMIS);

**WE FURTHER MOVE** that the City Council direct LAHSA and the Chief Legislative Analyst (CLA), with assistance from the CAO and with requested input from the Los Angeles County Homeless Initiative and the Los Angeles County Departments of Mental Health (DMH) and Health Services (DHS), report back on the feasibility of tying dedicated, funded components for services and/or interim housing to LAMC 41.18(d)-directed engagement for individuals initially identified at the designated location for the 14 days after the installation of signs, per the guidelines of the Streets Engagement Strategy;

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**WE FURTHER MOVE** that the City Council direct the CAO and City Clerk to include as part of every Council 41.18(d) resolution the types of shelter/interim housing beds that will be offered at the designated area(s), the proximity to the closest adjoining Council District and existing 41.18 location(s), and data on shelter bed occupancy in the relevant Council District from the preceding 3 months derived from the City-funded shelter site occupancy reports as outlined in Council File 23-0423;

**WE FURTHER MOVE** that the City Council direct the CAO and CLA, with requested assistance of LAHSA and the City Attorney, to revise the September 2, 2021 "Attachment C - Street Engagement and Management" procedures to require a credible offer of housing to individuals initially identified at a designated 41.18(c) location as a prerequisite before the initiation of enforcement action;

**WE FURTHER MOVE** that the City Council request the LAPD to update the September 26, 2022, Office of the Chief of Police Notice, "Enforcement Guidelines for Los Angeles Municipal Code 41.18 (As Amended) - Sitting, Lying, or Sleeping, or Storing, Using, Maintaining, or Placing Personal Property in the Public Right-of-way" to prioritize schools, day care centers, and interim housing / shelter facilities for 41.18 enforcement and monitoring;

**WE FURTHER MOVE** that the City Council direct the CLA, with assistance from the CAO and with requested input from LAHSA and the Los Angeles County Homeless Initiative (CEO-HI), report back within 60 days on the feasibility of the City's Unarmed Model of Crisis Response (UMCR) system serving as the primary entity to engage PEH at major public facilities such as parks, libraries, and transit stations.

PRESENTED BY: \_\_\_\_\_

*Katy Yaroslavsky*  
KATY YAROSLAVSKY  
Councilwoman, 5th District

SECONDED BY: \_\_\_\_\_

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