

HOMELESSNESS AND POVERTY

MOTION

The City of Los Angeles continues to experience a homelessness crisis. While the city has made progress in addressing homelessness, much work remains. A lawsuit has been filed against the City and County entitled *LA Alliance v. City and County of Los Angeles, et al.*, Case No. LA cv-20-02291-DOC-KES, pending in the Federal District Court, Central District of California. The lawsuit alleges that the City has not responded quickly enough to shelter individuals experiencing homelessness, which has led to unhealthy conditions on City streets, and the obstruction of free passage on sidewalks. The City understands the urgency to implement solutions today instead of tomorrow.

In response to the *LA Alliance* lawsuit, the City has included in its Homelessness Roadmap plan innovative approaches to shelters including the construction of pallet shelters, acquisition of hotels/motels for Project HomeKey, and expansion of safe parking. These approaches will decrease the cost of shelters and the construction time to increase the number of available beds and other safe shelter locations. As the City expedites its efforts to create new housing and shelter for its homeless residents, it must also ensure that the public right of way serves its purpose as a shared public space that is accessible for all, including residents protected by the Americans with Disabilities Act.

New shelter locations will provide individuals experiencing homelessness alternatives to residing on the street. The City will be more successful in siting these new shelters if existing neighbors have assurances that the shelters will improve the health and safety of conditions on the adjacent sidewalks. Residents of the newly opened shelters will have greater chance of success if they experience a sense of physical separation from the circumstances of unsheltered life.

Although no City street is an appropriate place for human habitation, the Federal Judge overseeing the *LA Alliance* case has prioritized the relocation of homeless persons living unsheltered or in tents or makeshift shelters adjacent to freeways near underpasses, overpasses, and ramps, citing concerns over exhaust fumes and collisions between homeless individuals and vehicles. Certain underpasses, overpasses, and pedestrian subways constitute critical infrastructure because they provide access across freeways to schools and other essential locations, which can be otherwise impassable for more than a mile.

Underpasses can be dark, have narrow sidewalks, and heavy traffic congestion. While driving around underpasses, overpasses, and ramps, drivers often travel at high speeds while distracted looking for freeway entrances, reacting to directions from GPS devices, etc. This makes a homeless individual crossing from one side of the underpass to another, or a pedestrian detouring into the street to avoid physical obstacles on the sidewalk, particularly unsafe. In addition, there are no safe street crossings near freeway onramps and off-ramps.

Last year, the Ninth Circuit Court of Appeals, in a case entitled *Martin v. City of Boise*, 920 F.3d 584 (9th Cir. 2019), held that no jurisdiction in the Ninth Circuit may criminalize the act of lodging in public unless it has sufficient beds for its homeless population or offers shelter to a specific individual before commencing enforcement against that person. The *Boise* decision, however, acknowledged that a City may continue to prohibit sitting, lying, or sleeping in public spaces at particular times or in particular locations even before a City is able to shelter all of its residents.

I THEREFORE MOVE that the City Council request that the City Attorney draft an ordinance that repeals the current version of Los Angeles Municipal Code 41.18 and replaces it with an ordinance consistent with the current practice by the City in enforcing 41.18, including the Ninth Circuit decision in *Boise v. City of Martin*.

I FURTHER MOVE that the replacement for Los Angeles Municipal Code Section 41.18 allow the City Council, by Resolution and after the postage of signage, to ban sitting, sleeping, or lying within up to 500 feet of a designated freeway overpass, underpass, ramp, tunnel, or pedestrian subway where lodging unsheltered or in tents or makeshift shelters is unhealthful or incompatible with the critical route provided by the infrastructure;

I FURTHER MOVE that the replacement for Los Angeles Municipal Code Section 41.18 ban sitting, sleeping or otherwise obstructing the public right of way in a manner that restricts passage as required by the Americans with Disabilities Act;

I FURTHER MOVE that the replacement for Los Angeles Municipal Code Section 41.18 allow the City Council, by Resolution and after the postage of signage, to ban sitting, sleeping, or lying within up to 500 feet of a facility opened after January 1, 2018, to provide housing, shelter, supportive services, safe parking or storage to homeless persons;

I FUTHER MOVE that the City Council request that the City Attorney amend Los Angeles Municipal Code Section 56.11 to align it to the new version of Section 41.18 by banning the storage of personal property in any area where sitting, lying, and sleeping is banned by 41.18, and to suspend the Bulky Item provisions (Subsection 56.11.3(i) and 56.11.10(d)) pending the outcome of the appeal in of *Garcia v. City of Los Angeles*, Federal District Court, Central District of California case number 2:19-cv-06182-DSF-PLA.

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