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CITY ATTORNEY

REPORT NO. R 21-0266

REPORT RE:

SEP 08 2021

**DRAFT ORDINANCE AMENDING SUBSECTIONS (a) AND (e) OF SECTION 56.45
OF THE LOS ANGELES MUNICIPAL CODE TO PROHIBIT TARGETED PICKETING
AT A PRIVATE RESIDENCE**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No. 21-0970

Honorable Members:

Pursuant to your request, this Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. The draft ordinance amends Subsections (a) and (e) of Section 56.45 of the Los Angeles Municipal Code (LAMC) to prohibit targeted picketing, including parading back and forth, within 300 feet of a private residence.

Background and Summary of Ordinance Provisions

LAMC Section 56.45(e) prohibits a person from picketing within 100 feet of a private residence where that residence is the focus of the picketing. The City's law as currently written has not been applied to prevent picketers who parade back and forth in front of a targeted residence.

Other municipalities, most notably the City of San Jose, have enacted laws that afford greater protection against targeted picketing at a private residence. First, San Jose's law more expressly prohibits targeted picketing at a private residence regardless

of whether the picketing is stationary in front of the residence or involves parading back and forth in the immediate vicinity of the residence. Second, San Jose's law imposes the prohibition within 300 feet of the residence. The language used in San Jose's law has more effectively curbed the practice of targeted picketing at people's homes as compared to the language used in the City of Los Angeles' law. San Jose's law has also survived judicial challenge.

As requested by the City Council, the enclosed draft ordinance amends the City's existing law modeled on the law in the City of San Jose, including the provision affording an aggrieved party a private right of action. Also as requested, the draft ordinance includes an urgency clause.

Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Los Angeles Police Department, with a request that all comments, if any, be presented directly to the City Council when this matter is considered.

If you have any questions regarding this matter, please contact Senior Assistant City Attorney Carlos de la Guerra at (213) 978-8380, or Chief Assistant City Attorney David Michaelson at (213) 978-7100. They or another member of this Office will be available when you consider this matter to answer questions you may have.

Sincerely,

MICHAEL N. FEUER, City Attorney

By 
DAVID MICHAELSON
Chief Assistant City Attorney

DM:PJ
Transmittal