

**MICHAEL N. FEUER**  
CITY ATTORNEY

**REPORT NO. R22-0234**  
**JUN 27 2022**

**REPORT RE:**

**UPDATED DRAFT ORDINANCES AMENDING SECTION 41.18 OF THE  
LOS ANGELES MUNICIPAL CODE (LAMC) TO MAKE IT UNLAWFUL FOR A  
PERSON TO SIT, LIE, OR SLEEP, OR TO STORE, USE, MAINTAIN, OR PLACE  
PERSONAL PROPERTY NEAR SCHOOLS AND DAYCARE CENTERS, AND  
AMENDING LAMC SECTION 56.11 TO ALIGN IT WITH SECTION 41.18 AND TO  
REMOVE REFERENCES TO "BULKY ITEMS"**

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. 20-1376-S1

Honorable Members:

On June 16, 2022, this Office transmitted a draft ordinance amending Los Angeles Municipal Code (LAMC) Section 41.18 to prohibit sitting, lying, sleeping, and storage of personal property near schools and day care centers, and to amend LAMC Section 56.11 to align it with the amended version of LAMC Section 41.18. The draft ordinance further amended LAMC Section 56.11 to reflect the outcome of a recent Ninth Circuit ruling with regard to bulky items. The enclosed updated draft ordinance, approved as to form and legality, is ready for your consideration and differs from the version submitted on June 16, 2022 (but not adopted) only in technical, non-substantive regards. A second version of the updated draft ordinance is also transmitted herewith, as discussed below.

Both draft ordinances amend Section 41.18 to prohibit sitting, sleeping, lying, or storage of personal property within 500 feet of any school or day care center.

Additionally, the draft ordinances add or amend subsections in Section 56.11 relating to the storage of personal property addressed in Section 41.18 that block compliance with the Americans with Disabilities Act (ADA), driveways, loading docks, entrances, exits, fire department connections, City permitted activities, roadways, and bike lanes. The draft ordinances also add subsections corresponding to the provisions of Section 41.18 that apply to designated and posted homeless service facilities, freeway structures, parks, libraries, and dangerous encampments. The draft ordinances clarify provisions relating to Tents, including noting that a Tent may not be erected at any time of the day or night in any area subject to LAMC Section 41.18.

The draft ordinances make consistent the enforcement provisions of Section 56.11 with Section 41.18.

Lastly, both draft ordinances repeal the defined term “Bulky Items,” as a result of the ruling in the lawsuit entitled *Garcia v. City of Los Angeles*, Case No. 2:19-cv-06182-DSF-PLA (9<sup>th</sup> Circuit Appeal Court of Appeals Case No. 20-55522). However, the draft ordinances make clear that other portions of Section 56.11 relating to, for example, the City’s ability to resolve ADA blockages or discard hazardous items, apply to all personal property regardless of size. Therefore, the text relating to “Bulky Items” has been deleted in its entirety anywhere in LAMC Section 56.11 and enactment of either of these draft ordinances will, as a matter of law, repeal the “Bulky Items” provisions in Subsections 2(c), 3.(i) and 10.(d) consistent with the Court’s ruling in *Garcia*. Note that those subsections have been repurposed to address different subjects, completely unrelated to “Bulky Items.”

Additionally, pursuant to the approved recommendation at the Homelessness and Poverty Committee, the second version of the draft ordinance contains all of the provisions discussed above but, in addition, provides that the radius (500 feet in most instances and 1,000 feet around homeless services facilities) for any prohibition under Section 41.18 extends to the end of any block if a portion of the block falls within the radius.

#### Council Rule 38 Referral

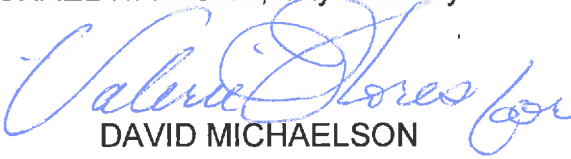
A copy of the draft ordinances was sent, pursuant to Council Rule 38, to the Los Angeles Police Department and Bureau of Sanitation requesting that all comments, if any, be presented directly to the City Council when this matter is considered.

If you have any questions regarding this matter, please contact Senior Assistant City Attorney Valerie L. Flores at (213) 978-8130. A 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:VF:ac  
Transmittals