

REPORT FROM

OFFICE OF THE CITY ADMINISTRATIVE OFFICER

Date: September 15, 2022

CAO File No. 0220-05151-0343

Council File No. 21-0956

Council District: All

To: The City Council

From: Matthew W. Szabo, City Administrative Officer 

Reference: C.F. 21-0956

Subject: **REVIEW AND RECOMMENDATIONS FOR CITYWIDE VEHICLE DWELLING
OUTREACH AND ENGAGEMENT PROTOCOLS**

SUMMARY

In April 2022, the City Council approved the City's Department of Transportation's (LADOT's) updated prioritization process for citing and towing abandoned and oversized vehicles (C.F. 21-0956). The Council also instructed LADOT to immediately resume parking enforcement for oversized vehicles being used as dwellings by people experiencing homelessness (PEH). Further, the Council directed the CAO to develop a plan to initiate outreach and offer services to PEH found to be dwelling in oversized vehicles. After parking enforcement resumed in May, however, Council offices began requesting the CAO's outreach team to coordinate oversized vehicle outreach operations prior to the release of this report. As a result, the CAO consulted with Council offices, the Mayor's office, the City Attorney's office, and key departmental leadership about the need to pilot operations across the City and to use lessons learned from those operations to shape the final recommendations to Council. Accordingly, the CAO spearheaded an inter-departmental pilot program for oversized vehicle dwelling outreach and developed protocols, which are described in more detail below. Prior to this pilot, there were no pre-existing policies or protocols in place. The CAO believes these protocols should apply to the management of all vehicle dwelling engagements in the City, and not just oversized vehicles.

RECOMMENDATION

That the City Council, subject to approval by the Mayor:

1. APPROVE the CAO's proposed citywide vehicle dwelling outreach and engagement protocols for all vehicle types.
2. DIRECT the CAO to report back to the City Council on a quarterly basis with performance and outcome data related to the implementation of the citywide vehicle dwelling protocols.

3. INSTRUCT the directors and general managers of the Bureau of Sanitation (LASAN), Los Angeles Police Department (LAPD), LADOT, StreetsLA, other relevant City departments, and the Los Angeles Homeless Services Authority (LAHSA) to coordinate all oversized vehicle dwelling operations through the citywide outreach team in the CAO's office.
4. INSTRUCT the CAO, including the City Homelessness Coordinator and the citywide outreach team, with the support of the Mayor's office, Council offices, the City's Unified Homelessness Response Center (UHRC), LASAN, LAPD, LADOT, StreetsLA, other relevant City departments, and LAHSA, to collect data and metrics on oversized vehicle dwelling outreach and parking enforcement efforts and report back to the Council quarterly. Data collected should include information on the location, the number of suspected and/or confirmed vehicles being used as dwellings, the number of persons experiencing homelessness in these oversized vehicles, potential California Vehicle Code and Municipal Code violations, outreach contacts, service referrals, housing or other placements, refusals, and more.
5. INSTRUCT the CAO to identify funding for dedicated resources, such as increased staff capacity, equipment, including vehicles, yard or shop space for LASAN's Watershed Protection Division, as well as for the CAO, LADOT, LAPD, and other relevant departments, to assure these City departments can adequately respond to operational needs and report back to Council with funding options and a timeline for securing and deploying these additional resources.

BACKGROUND

On April 6, 2022, the City Council directed LADOT to adopt an updated prioritization process for citing and towing abandoned and oversized vehicles. The City Council also directed LADOT to immediately resume parking enforcement for vehicles used as dwellings found to be in violation of any of the following categories:

- Vehicles that pose a traffic safety hazard;
- Vehicles that pose a public health or environmental hazard;
- Vehicles that interfere with public works projects or special events;
- Inoperable vehicles; and
- Unregistered vehicles.

Council further instructed LADOT to resume enforcement of *all* posted parking regulations beginning on May 15, 2022.

In addition to LADOT's report back, the Council instructed the CAO's City Homelessness Coordinator to report back on a plan and process to initiate outreach and offer services to occupants

of vehicles used for dwelling prior to a vehicle being towed.¹ The purpose of this report is to respond to Council's request, and recommend citywide oversized vehicle outreach and engagement protocols, as well as a strategy for implementing the protocols.

Since May 2022, the CAO's outreach team has led and/or helped to coordinate a total of eight large-scale oversized vehicle outreach operations, in four Council Districts. Additionally, at least one Council office opted to approach addressing oversized vehicles one-by-one at specific locations in their district, without a large operation. The CAO's outreach team learned important lessons from these operations. Importantly, the CAO found the current system lacked a centralized coordinating entity; experienced bottlenecks at key points in the referral process; was redundant in several places; and led to more questions than were able to be answered. Therefore, the CAO worked with all relevant City departments, including and especially LADOT, LASAN, and LAPD, along with the City Attorney's office and LAHSA, to develop protocols for streamlining the process for identifying and addressing oversized vehicle dwellings in the City.

PROPOSED CITYWIDE OVERSIZED VEHICLE DWELLING OUTREACH PROTOCOLS

The primary objectives of the CAO's coordinated oversized vehicle dwelling operations are to offer services and resources to PEH, including housing or shelter where and when available, and to address public health, safety, traffic, and welfare hazards associated with vehicle dwellings and abandoned vehicles. The CAO's outreach operations operate on a referral basis, and contemplate the following protocols: (1) homeless outreach and services, (2) addressing debris and hazardous conditions, (3) investigating any ancillary criminal activity, (4) providing advance notice of parking enforcement and impoundment, and (5) impounding vehicle dwellings and abandoned vehicles.

Following the CAO's protocols for initiating outreach and offering services to PEH is optional for City Council, the Mayor, and City departments. Council offices, which play a critical and lead role in allocating and directing resources and operations in their respective districts, as well as the Mayor's office, can choose not to follow them. Additionally, LADOT and LAPD can impound oversized and other vehicles outside the CAO's planned operations.

The proposed protocols are intended to be used as guidelines, and do not create any legal, policy, or other obligations on the part of the City, a City department, or any partner entity supporting or participating in these operations.

¹ Los Angeles Municipal Code (LAMC) section 85.02 [Regulating the Use of Vehicles as Dwellings] was not renewed by Council and expired on January 1, 2020. Any enforcement of vehicle dwellings referenced in this report contemplates other enforcement provisions of the California Vehicle Code, LAMC, or other applicable laws or policies. Additionally, the discussion and recommendations contained in this report do not preclude or prejudice the City's ability to reenact or amend LAMC Section 85.02.

The CAO recommends the following protocols:

Referrals

- All oversized vehicle dwelling referrals should be made to the CAO's citywide outreach team. Referrals can come from any number of sources, including from Council offices, the Mayor's office, City departments, LAHSA, other nonprofit service providers, elected officials, agencies, or departmental personnel from outside of the City (e.g., federal, state, or county government, or the school district). In all cases when the CAO receives a referral, the Regional Outreach Coordinator and/or Director of Homeless Outreach will ensure all partners are made aware of the information and/or request, if they are not already.² As a part of this process, it is envisioned that referrals from the public should continue to go through LADOT via MyLA311 or the respective Council office.
- After receiving a referral, the assigned Regional Outreach Coordinator (ROC) will gather additional information on the location, including the number of oversized and other vehicles, the number of PEH, pictures of the vehicles if a preliminary site visit is possible, potential vehicle violations, whether outreach has been ongoing at the location, and any other relevant information from LAHSA, City departments, and other partners.

Operational planning

- When needed, the CAO's citywide outreach team will immediately convene a working group comprising representatives of the impacted Council office(s) and/or Mayor's office, the UHRC, Los Angeles Police Commission, Commission Investigation Division (CID) LAPD, LADOT, LASAN, and others, like the Chief Legislative Analyst's office (CLA), to discuss and begin planning operations for the targeted location(s).
- LADOT will post signs when necessary or required to do so in advance of an impoundment operation.³
- ROCs will confirm with CID that capacity and storage for oversized vehicles will be available for the operation at the earliest opportunity, knowing that capacity fluctuates and that the towing and storage capacity may differ on the actual day of the operation.

² In order to effectuate and streamline the referral process, the CAO created a centralized email for the outreach team.

³ While advance notice is required with every impound involving an illegally-parked vehicle, the posting of signs is not necessarily required in every impoundment operation. Posting of signs is required only to the extent the statutory basis to which LADOT is relying on requires it.

Coordination of homeless outreach and engagement activities

- After the initial working group meeting, the ROC will ensure that the outreach teams, whether from LAHSA and/or contracted service providers, begin deploying to the location, engaging with the PEH, and gathering pertinent information. Additionally, the ROC will do as follows:
 - Outreach will conduct their first engagement with the PEH within five days of receiving a request from the City, and outreach teams will make best efforts to complete at least three separate engagements on different days for each dwelling, prior to and/or on “choice day” or day of impoundment.
 - The designated outreach lead will complete an outreach form that captures the days of engagement and services offered at the time of engagement. This form will be provided to the ROC, who will make completed forms available to Council offices and/or the Mayor’s office. The ROC may provide a redacted form or brief summary to City departments and partners from outside of the City.
 - The ROC will attempt to coordinate outreach for abandoned vehicles even where there are no occupants or evidence of active living or use prior to impoundment.
- If a vehicle presents an immediate public safety concern or public health hazard, then the appropriate City department may take immediate action, up to and including immediately impounding the offending vehicle. In this instance, there may not be time to conduct outreach consistent with the timeline and guidelines as described above.
- Next, the ROC will request LASAN’s Watershed Protection Division⁴ and/or Livability Services Division⁵ to go to the priority location to assess the RVs/vehicles for any public health hazards and/or environmental health hazards that may have a negative impact to the general public or the public right of way. If Environmental Compliance Inspectors from the Watershed Protection Division issue any citations, officers will subsequently return to the location as available to conduct additional enforcement activities as needed.
- As LASAN conducts their health or environmental hazards assessment, the ROC will request that LADOT conduct a parking and safety assessment of the priority location. Prior

⁴ Enforcement of the City of LA’s Stormwater and Urban Runoff Pollution Control ordinance (LAMC 64.70) is an integral part of protecting LA’s watersheds. Watershed Protection Program environmental compliance inspectors enforce local, state, and federal laws, investigate environmental crimes and refer cases to the Los Angeles City Attorney’s office for evaluation and possible prosecution.

⁵ LASAN officially formed the Livability Services Division (LSD) in June 2019. LSD is a consolidation of multiple programs developed in 2015 by Mayor Garcetti’s Executive Directive 8: Clean Streets Initiative. These programs include: the CleanStat Street Indexing System, Citywide Receptacle Collection program, and citywide collection of Illegal Dumping. Additionally, LSD added to its portfolio the newly created Mobile Hygiene Unit program and also a revamped homeless encampment clean-up service under the Comprehensive Cleaning and Rapid Engagement (CARE and CARE+) program model.

to deploying any field staff, LADOT will confirm whether any citations have been previously issued to any individuals living at the location. Additionally, LAPD will confirm whether there have been any calls for service, crimes of violence, or other incidents at the location to ensure everyone's safety. LADOT will then go to the location and begin issuing citations for any vehicle violations. Citations shall be issued prior to the "choice day" or day of impoundment. If there is a report that a PEH residing in an RV or vehicle at the location is possibly engaging in criminal activity, the ROC will request that LAPD co-deploy to the location along with LADOT.

- On the "choice day" or day of impoundment, LADOT parking enforcement officers on scene shall make the final determination, based on the totality of circumstances, on whether there is a statutory and constitutional legal basis to authorize impoundment of the subject vehicle. In addition to personal assessments made on scene, LADOT shall also consider prior working group assessments in determining whether there is a statutory and constitutional legal basis to impound the vehicle. If the LADOT parking enforcement officer on scene determines that there is a lawful basis to impound the subject vehicle, LADOT shall authorize the immediate impoundment of the subject vehicle. LADOT parking enforcement officers on scene shall make the final determination within 15 minutes of assessing the subject vehicle or as soon as reasonably possible.

Day of the operation

- Day of operational steps consist of the following, as needed:
 - ROC will be on site if available and confirm the operational plan.
 - LADOT confirms the traffic officers are on scene to determine the statutory and constitutional legal basis to tow a vehicle.
 - LAPD officers confirm their presence to ensure the safety of all staff.
 - LASAN Livability Services Division confirms their presence to address any personal property or debris in the public right of way.
 - LASAN Watershed Protection Division will confirm their presence (if needed) to ensure any vehicle being towed is able to be towed without creating a public health or environmental health hazard.
 - CARE+ aligns with the operation date.
 - LADOT confirms advance notice has been issued, as required.
 - Outreach partners – LAHSA and/or local service providers – will confirm their presence and will engage with PEH before and during the operation, continuing to offer them resources, including housing or shelter referrals if available.
 - ROCs will reconfirm with CID that capacity and storage for oversized vehicles will be available and ready to be deployed.
 - Confirm the presence of, and support from, other relevant partners, such as StreetsLA, Bureau of Street Lighting, Recreation and Parks Department, LA County Metropolitan Transportation Authority, California Department of Transportation.

Follow-up / after-action debriefing

- Once an operation has concluded, the ROCs will debrief all partners and discuss lessons learned. The ROC may also provide a report back to the relevant Council office with key performance indicators from, and outcomes of, the operation, including from all involved City departments and partners where and when available.
- ROCs will continue convening operational meetings with all partners. Once all assessments and outreach engagements have been completed, the appropriate City department (i.e., LADOT, LAPD, or LASAN Watershed Protection Division or Livability Services Division, along with attorneys from the office of the City Attorney), will continue to support outreach, engagement, and/or parking enforcement operations at target locations as necessary and appropriate to do so.

ADDITIONAL RECOMMENDATIONS

During the CAO led or supported coordination meetings, teams encountered many situations in which the individual residing in the RV or oversized vehicle was not the vehicle's registered owner, or could not verify if the owner wanted to relinquish their RV/vehicle. Given the current process for LADOT and LAPD, there is a need to create and have a standard waiver form that PEH can sign when they want to relinquish their RV/vehicle/trailers, etc. Therefore, the CAO recommends the following:

1. REQUEST the City Attorney, working with the CAO, LAPD, LADOT, and other departments as necessary, draft a waiver form for an individual to relinquish their vehicle to the City.

Through these coordination efforts, partners have raised concerns about vehicle storage and towing capacity. Currently, these operations rely on the Official Police Garage (OPG) to tow and store the towed or impounded RVs or other oversized vehicles. It would be important to look into other locations that can be utilized as storage and expedite the process for them to be an approved City Contractor.

2. INSTRUCT the LAPD, working with the General Services Department, the City Planning Department, and the CAO, and with the support of the Mayor's office and City Attorney's office, identify and report back on publicly- and privately-owned land that can potentially be utilized as temporary storage for impounded, unclaimed, or salvaged oversized vehicles, and, consistent with Council's direction in C.F. 21-1468, identify and report on possible zoning regulations that at present restrict or prohibit land to be used for storage or unclaimed or salvaged vehicles.

It became apparent during the pilot operations that challenges with City department staffing and capacity posed a significant challenge to continued and increased operations across the City.

Numerous operations were planned simultaneously across the City thus, creating challenges for departments, and in particular LASAN and its Watershed Protection Division, LAPD, and LADOT.

3. DIRECT the general managers of LASAN, LAPD, and LADOT to report back to Council within 30 days on their respective department's staffing capacity and staffing needs, including equipment, vehicles, and yard or shop space, in order to allow their personnel to specifically support oversized vehicle operations citywide.

FISCAL IMPACT STATEMENT

There will be a future potential impact to the General Fund as a result of the recommendations in this report.

FINANCIAL POLICIES STATEMENT

The recommendations in this report comply with the City Financial Policies in that budgeted funds are being used to fund recommended actions.