

Title: Anit-Camping 41:18 Motion	Item No. 2.2
Meeting date: 10.25.2021	
Agendized by: Ad-Hoc Encampment (Homeless) Committee	
Contact person: Paula Gerez	Phone number:
Committee Vote (if appropriate): Yes – 5	
Does this item have a fiscal impact on the Neighborhood Council? NO	
Additional documents attached? YES	

RECOMMENDATION:

BACKGROUND:

See Attached Background Information anti Camping R2

DISCUSSION:

The committee discussed the proposed motion and voted unanimously in favor to send to the NCWP Board.

FISCAL ANALYSIS:

None known

ATTACHMENTS:

MOTION in support of enforcement of Municipal Code Sections 41:18 Anti-Camping

MOTION:

Approve letter asking Councilmember Bonin to consult, as soon as possible with the Neighborhood Council of Westchester / Playa on our proposed Motion in support of enforcement of Municipal Code Sections LAMC Sec. 41.18(c)(1)-(4) and 41.18(d), including: 1) schools, day care centers, public parks and public libraries, as defined in LAMC Sec. 105.01 (“sensitive uses”) (41.18(c)(1)); 2) overpasses, underpasses, freeway ramps, tunnels, bridges, pedestrian bridges, subways, washes, spreading grounds and active railways, when public health, safety or welfare is served by the prohibition (41.18(c)(2)); 3) designated facilities opened after January 1, 2018 that provide shelter, safe sleeping or safe parking to homeless persons or that serve as homeless services navigation centers (41.18(c)(3)); 4) any locations in public rights-of-way for which there is documentation of a “particular and ongoing threat to public health or safety” (41.18(c)(4)). No enforcement action shall be taken unless the individuals have been offered shelter and have refused the offer.

**Background Information: Motions recommended to WRAC
1) to support the resolution in CF 21-0929; and 2) for CMs to consult with
WRAC Member-Councils and bring resolutions to designate sites for
enforcement under the “anti-camping” ordinance (LAMC Sec. 41.18)**

On September 3, 2021, the so-called “anti-camping” ordinance, recently passed in City Council by an overwhelming majority, went into effect. See:

https://clkrep.lacity.org/onlinedocs/2020/20-1376-S1_ord_187127_09-03-21.pdf.¹

The ordinance provides for certain limited areas (for example, near driveways and fire hydrants) where individuals are banned from using the sidewalk or other public-rights-of-way (PROW) to “sit, lie, sleep, store, use, maintain or place personal property,” i.e., to set up homeless encampments.

It also provides that in specified additional areas, this activity (camping in the PROW) may be banned within a certain radius from the site, but *only if* the Councilmember first brings a resolution in City Council to designate the site under LAMC Sec. 41.18; the Council passes the resolution; and signs banning the activity are then posted at the site, with enforcement (mainly issuance of citations) to occur 14 days after signage is posted (LAMC Sec. 41.18(c)(1)-(4) and 41.18 (d)). The sites requiring such a “pre-enforcement” resolution are:

- 1) “Sensitive uses” – schools, day care centers, public parks and public libraries (radius prohibition up to 500 ft.; 41.18(c)(1));²
- 2) Overpasses, underpasses, freeway ramps, tunnels, bridges, pedestrian bridges, subways, washes, spreading grounds and active railways, when public health, safety or welfare is served by the prohibition (radius prohibition up to 500 ft.; 41.18(c)(2));
- 3) Designated facilities opened after January 1, 2018 that provide shelter, safe sleeping or safe parking to homeless persons or that serve as homeless services navigation centers (radius prohibition up to 1,000 ft.; 41.18(c)(3));
- 4) Locations in public rights-of-way for which there is documentation of a “particular and ongoing threat to public health or safety” (prohibition not to exceed one year; no radius prohibition specified; 41.18(c)(4)).

On August 17, 2021, Councilmember Joe Buscaino brought a resolution in Council (CF 21-0929; second by Paul Koretz) seeking designation of **all public (LAUSD) schools in Los Angeles** as sensitive sites where homeless encampments could be banned within a 500 ft. radius (Sec. 41.18(c)(1)). The schools are listed in an attachment to the resolution. See: https://clkrep.lacity.org/onlinedocs/2021/21-0929_misc_08-17-21.pdf.

¹ Certain additional motions regarding a citywide homeless outreach framework were passed by the City County on September 14, 2021 (CF 20-1376 and 21-0329). The anti-camping ordinance does not require pre-enforcement outreach in the specific designated areas; the CLA’s report issued in connection with these motions explained that such outreach (i.e., pre-enforcement offers of shelter/housing) was not required in these cases. The WRAC motion sponsors and the WRAC Homelessness Committee believe that current disturbing conditions – *the existence of widespread homeless encampments in the PROW throughout the City, which engendered enactment of the anti-camping ordinance* - clearly require action under the terms of the existing ordinance in order to designate sites for enforcement without delay. At the same, the WRAC Homelessness Committee feels strongly that offers of shelter/housing should be made to and refused by the homeless prior to enforcement of the ordinance, and the recommended motion so provides.

² Schools, day care centers, public parks and libraries are defined terms in LAMC Sec. 105.01 (a provision of the City cannabis ordinance which the anti-camping ordinance specifically references). The definitions of these sensitive uses include private and public schools as well as open space areas. The resolution proposed in CF 21-0929 addresses only public (LAUSD) schools.

The motion sponsors regard this resolution as a reasonable, common-sense approach. The City's public schools are known and easily identified; it would be a waste of time and public resources for Councilmembers to bring scores of resolutions in Council in order to designate individual public schools as sensitive, as would otherwise be required under the anti-camping ordinance.

The existence of widespread homeless encampments, particularly those in the PROW throughout the City, has been THE presenting issue in Los Angeles for at least the past year.

We are advised that encampments have grown in the PROW adjacent to school property at many LAUSD schools throughout the district and the City, presenting dangerous conditions unacceptable for students and school staff. Here is one example in South LA:

<https://abc7.com/south-los-angeles-homeless-elementary-school-gerald-a-lawson-academy/10565069/>. Recent reports and commentary about a dangerous encampment outside of Westminster School in Venice can be found in: <https://www.westsidcurrent.com/brentwood/>. See also the Venice NC position regarding Westminster School: <http://pacpalicc.org/wp-content/uploads/2021/08/westminster-school-safety.pdf>.

Protecting our children and supporting our schools are priorities for the vast majority of WRAC constituents with families. Passage of motion #1 – support for the resolution in CF 21-0929 – would be consistent with these priorities.

We also request in motion #1 that the “radius” prohibition be specified as 500 ft. **from the exterior boundary** of each of the sites. This would help ensure that the distance is not measured from interior locations within each site and communities would be afforded maximum protection.

*Jay Handal, Chair, WRAC HOC; WLASNC Treasurer and rep to WRAC Board
Chris Spitz, WRAC Vice-Chair; PPCC Secretary and rep to WRAC Board
September 2021*

November 2, 2021

Motion in support of enforcement of Municipal Code Sections LAMC Sec. 41.18

Councilman Mike Bonin
200 N. Spring St.
Los Angeles, CA 90012

The Neighborhood Council of Westchester Playa is asking you to consult, as soon as possible with the us on our proposed Motion as to the designation of sites within their districts for enforcement pursuant to LAMC Sec. 41.18(c)(1)-(4) and 41.18(d), including: 1) schools, day care centers, public parks and public libraries, as defined in LAMC Sec. 105.01 (“sensitive uses”) (41.18(c)(1)); 2) overpasses, underpasses, freeway ramps, tunnels, bridges, pedestrian bridges, subways, washes, spreading grounds and active railways, when public health, safety or welfare is served by the prohibition (41.18(c)(2)); 3) designated facilities opened after January 1, 2018 that provide shelter, safe sleeping or safe parking to homeless persons or that serve as homeless services navigation centers (41.18(c)(3)); 4) any locations in public rights-of-way for which there is documentation of a “particular and ongoing threat to public health or safety” (41.18(c)(4)). No enforcement action shall be taken unless the individuals have been offered shelter and have refused the offer.

Respectfully,

Paula Gerez
President

cc:

Councilmember, Mike Bonin
Councilmember, Gil Cedillo
Councilmember, Paul Krekorian
Councilmember, Bob Blumenfield
Councilmember, David R. Ryu
Councilmember, Paul Koretz
Councilmember, Nury Martinez
Councilmember, Monica Rodriguez
Councilmember, Marqueece Harris-Dawson
Councilmember, Curren D. Price, Jr.
Councilmember, Herb J Wesson, Jr.
Councilmember, John Lee
Councilmember, Mitch O’Farrell
Councilmember, Jose Huizar
Councilmember, Joe Buscaino
Supervisor, Janice Hahn
Supervisor, Holly J. Mitchell
Supervisor, Hilda L. Solis
Supervisor, Sheila Kuehl
Supervisor, Kathryn Barger
Chief of Police, Michel Moore
Sheriff, Alex Villanueva

MOTION

WHEREAS, the Los Angeles City Council ("City") recently adopted revised Los Angeles Municipal Code 41:18, which permits the City to, among other things, restrict sitting, sleeping, lying, storing personal property, or otherwise obstructing the public right-of-way, in an area designated by City Council resolution that is within up to 500' foot radius of a school, daycare, public park or public library, and within up to 1,000' foot radius of a facility opened after January 1, 2018, providing shelter, safe sleeping, safe parking, or navigation centers for persons experiencing homelessness;

WHEREAS, this regulation was aimed at maintaining a clean and safe environment for children attending school and members of the public utilizing parks, as well as those residing and working in covered homeless shelters, safe sleeping and parking areas, navigation centers, and related facilities;

Whereas, since the 1940s Westchester Park has historically offered important community amenities, including a public library, tennis courts, a public swimming pool, Senior Center, sports fields, skate park, playground, picnic and barbecue areas and Recreation Center, as well as community programs, including youth sports leagues, youth summer camps, adult classes and meals for seniors;

Whereas, the City Administrative Officer recently declared Westchester Park infeasible and unsuitable for homeless interventions due to heavy recreational use;

Whereas, the grounds of Westchester Park had become a large-scale, unregulated homeless encampment, with more than 75 tents throughout all the public spaces intended for public and recreational use, with people permanently living in tents and sleeping in vehicles in the parks designated parking lots, for over a period of 18 months, negatively impacting the quality of life for anyone residing in, or around Westchester park;

Whereas, recently, various city services offered and housed all of the homeless people living in the park, restored the park to public use, and have provided for RAP being able to enforce no overnight camping going forward;

Whereas, Westchester Park still currently provides safe parking in one lot adjacent to Lincoln Blvd., warranting the 1,000' no-camping barrier, and also is the site of a public library, warranting a 500' no-camping barrier;

Further, Whereas, Dockweiler state beach is a public park offering community amenities, including an RV park, youth center, concession stand, play area, picnic facilities, fire pits and volleyball nets;

Whereas, Dockweiler state beach offers community programs, including summer camps, outdoor community events and classes;

Whereas Dockweiler state beach has the only beachfront RV park in the county of Los Angeles;

Whereas, Lagoon park and Titmouse parks, also public parks in the Westchester/Playa community offer amenities such as a playground, baand basketball court;

Thereby, the NCWP moves to request that the City immediately undertake efforts to begin enforcement of Municipal Code Sections 41:18 in and around Westchester Park, Dockweiler beach, Lagoon park, Vista del

Mar park and Titmouse Park, consistent with the notice and outreach efforts required by the Code, and further, that the city provide for a fence around Westchester Park, to ensure no one camps, or attempts to reside in the park.