



Administrative Report

P.2., File # 21-3045

Meeting Date: 9/21/2021

To: MAYOR AND CITY COUNCIL

From: MICHAEL W. WEBB, CITY ATTORNEY JOY ABAQUIN, QUALITY OF LIFE PROSECUTOR

TITLE

DISCUSSION AND CONSIDERATION REGARDING MUNICIPAL CODE AMENDMENTS THE CITY OF LOS ANGELES RECENTLY PASSED TO REGULATE CAMPING IN CERTAIN AREAS OF THEIR CITY.

EXECUTIVE SUMMARY

On July 28, 2021, the Los Angeles City Council approved an ordinance outlawing camping around parks, libraries and other facilities that went into effect on September 3, 2021. Los Angeles Council members promised that any enforcement would be accompanied by “street engagement teams,” which includes social workers, mental health specialist and others who would offer shelter and services. The Los Angeles City Council approved a street engagement strategy on September 14, 2021.

On August 17, 2021 Councilmember Nehrenheim requested a discussion on Los Angeles City’s anti-camping ordinance with respect to certain areas of the city. The City Attorney’s Office does not recommend adopting such an ordinance.

BACKGROUND

On July 28, 2021, the Los Angeles City Council modified Section 41.18 of the Los Angeles Municipal Code to prohibit sitting, sleeping, lying, storing personal property or otherwise obstructing the public right-of-way in several areas of the city. No person shall obstruct in a manner that impedes passage as required by the Americans with Disabilities Act, within ten feet of any operational or utilizable driveway or loading dock, within five feet of any operational or utilizable building entrance or exit, within two feet of any fire hydrant, fire plug, or other fire department connection, in a manner that unreasonably interferes with any activity for which the city has issued, and anywhere within a street, including bike paths.

The law also prohibits encampments at specific designated areas once the council passes a resolution to designate a specified area for enforcement, posts signage and gives notice of the date that the ordinance will be enforced for the area. Such areas that may be designated include:

- Up to 500 feet of schools, day care centers, parks and libraries;
- Up to 500 feet of an overpass, underpass, freeway ramp, tunnel, bridge, pedestrian bridge,

subway, wash, spreading ground, or active railway where sleeping or lodging is unhealthy, unsafe or incompatible with safe passage;

- Up to 1,000 feet of a facility opened after January 1, 2018 that provides shelter, safe sleeping, safe parking or navigation centers for person experiencing homelessness, or that serves as a homeless services navigation center; and
- Areas that are deemed an ongoing threat to public health or safety for up to a year. Such areas include but are not limited to:
 - o The death or serious bodily injury of any person at the location due to a hazardous condition;
 - o Repeated serious or violent crimes, including human trafficking; and
 - o The occurrence of fires that resulted in a fire department response to that location.

Although the ordinance went into effect on September 3, 2021, enforcement was limited pending the city's approval of a street engagement strategy. On September 14, 2021, the Los Angeles City Council approved a Street Engagement Strategy, assigning 17 outreach teams from the Los Angeles Homeless Services Authority to offer the unhoused shelter and services prior to enforcement of the ordinance. Once an area is cleared, outreach workers would return over a period of three months to see if people experiencing homelessness return. If they have returned, additional outreach would be conducted to "promote voluntary compliance." Under this outreach process, it could take several months to relocate people and clear an encampment.

Other Los Angeles ordinances have also been revised in recent years after being suspended or limited in some way due to legal challenges by homeless advocates. Such ordinances include Section 56.11 of the Los Angeles Municipal Code, which restricts people from keeping tents up during the day, and Section 85.02, which restricts the places where people dwelling in vehicles can park. Section 56.11 was not enforced during the pandemic and Section 85.02 had a Sunset provision, which expired and is deemed to have been repealed on January 1, 2020.

Currently, the City of Redondo Beach does enforce the Redondo Beach Municipal Codes that prohibit camping between the hours of 10 a.m. to 5:00 p.m. in any public area of the City, as well as within 500 yards of an emergency transitional housing facility at all hours of the day.

If the City of Redondo Beach adopts an ordinance similar to that of Los Angeles, it could have the unintended consequence of driving individuals experiencing homelessness from remote locations of the City to some residential neighborhoods (see Attachment). Such an ordinance would also create confusion and do nothing to assist the unhoused in obtaining housing. Therefore, the City Attorney's Office does not recommend modifying our current anti-camping ordinance to replicate Los Angeles' ordinance. However, the City Council and Mayor might consider prohibiting camping in limited, specific locations about which repeated complaints regarding camping have been received.

COORDINATION

This report was prepared by the City Attorney's Office at the request of the City Council. The City Attorney's Office would like to thank Ryan Tucker, the GIS Technician in the Public Works Department for creating the attached map of what an ordinance like the one in Los Angeles would create in Redondo Beach.

ATTACHMENTS

- Map of affected areas in Redondo Beach if an ordinance similar to the one in Los Angeles was enacted
- Los Angeles Municipal Code Section 41.18