

HOMELESSNESS AND POVERTY COMMITTEE REPORT relative to a request for an Ordinance to amend Los Angeles Municipal Code (LAMC) Section 41.18 to conform to the 9th Circuit decision in the Martin v. Boise case.

Recommendation for Council action, as initiated by Motion (O'Farrell - Martinez):

REQUEST the City Attorney to draft an Ordinance, repealing the current version of LAMC Section 41.18 and replacing it with the language below:

(a) No person shall obstruct the public right of way in a manner that restricts ten feet of clearance from any operational and utilizable entrance, exit, driveway or loading dock.

(b) No person shall obstruct the public right of way in a manner that restricts passage as required by the Americans with Disabilities Act (ADA).

(c) No person shall obstruct the free passage of pedestrians in the public right-of-way by engaging in the following aggressive behavior:

(1) Approaching, following closely or speaking to a person in a manner that is intended to or is likely to cause a reasonable person to:

(i) Fear bodily harm to oneself or another, or damage to or loss of property.

(ii) Otherwise be intimidated into giving money or other thing of value.

(iii) Respond immediately with a violent reaction because of the inherent nature of the reasonably perceived harm.

(2) Intentionally touching or causing physical contact with another person without that person's consent.

(3) Intentionally blocking or interfering with the safe or free passage of a pedestrian, including unreasonably causing a pedestrian to take evasive action to avoid physical contact.

(d) No person shall sit, lie or sleep in or upon any street, sidewalk, or other public right-of-way as follows:

(1) At any time in a manner that restricts ten feet of clearance from any utilizable and operational entrance, exit, driveway or loading dock.

(2) At any time in a manner that restricts passage as required by the ADA.

(3) At any time:

(i) Within 500 feet of a park.

(ii) Within 500 feet of a school.

(iii) Within 500 feet of a daycare center.

(iv) In or upon any tunnel, bridge or pedestrian subway that is on a route designated by City Council resolution as a school route.

(v) Within 500 feet of a facility opened after January 1, 2018 to provide housing, shelter, supportive services, safe parking, or storage to homeless persons.

(vi) Bike and other recreational paths.

(vii) Public areas (non-sidewalk) posted with *No Trespass* signs for safety purposes.

(viii) Public areas posted with closing times for safety and maintenance purposes.

(ix) Crowded public sidewalk areas like those exempted in the Citywide vending ordinance and other large venue-adjacent areas.

Fiscal Impact Statement: Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: None submitted.

**(Council may recess into closed session, pursuant to California Government Code Section 54956.9(d)(2) and (e)(1) to confer with legal counsel relative to significant exposure to one litigation case).**

Summary:

At its regular meeting held on August 21, 2019, the Homelessness and Poverty Committee considered Motion (O'Farrell - Martinez) relative to a request for an Ordinance to amend LAMC Section 41.18 to conform to the 9th Circuit decision in the Martin v. Boise case. The Motion attached to the Council file, includes some details of the matter.

After consideration, and after providing an opportunity for public comment, the Committee approved the recommendation as reflected above. This matter is now forwarded to the Council for its consideration.

Respectfully Submitted,

HOMELESSNESS AND POVERTY COMMITTEE

<b><u>MEMBER</u></b>	<b><u>VOTE</u></b>
O'FARRELL:	YES
RODRIGUEZ:	ABSENT
BONIN:	ABSENT
HARRIS-DAWSON:	YES
RYU:	YES

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**-NOT OFFICIAL UNTIL COUNCIL ACTS-**