

SEPARATE AND UNEQUAL



A COMPREHENSIVE COMMUNITY
ASSESSMENT OF LAMC 41.18

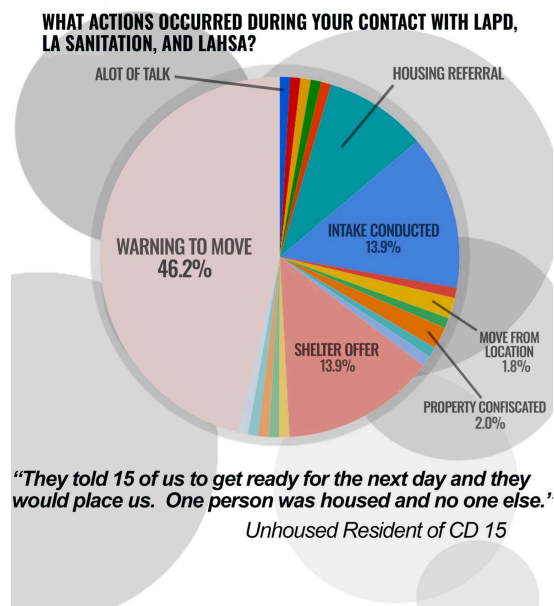
by LA COMMUNITY ACTION NETWORK



Separate And Unequal: A Comprehensive Community Assessment of LAMC Section 41.18 by Los Angeles Community Action Network

Introduction

This report aims to illuminate the experiences of communities directly affected by the City of Los Angeles's "no sit, sleep, lie" law, Los Angeles Municipal Code Section 41.18 (LAMC 41.18), and to investigate how public resources are entangled in its enforcement. It scrutinizes the roles of the Los Angeles Police Department (LAPD), Los Angeles Bureau of Sanitation, and Los Angeles Homeless Services Authority in implementing LAMC 41.18. Does this regulation effectively facilitate the transition of unhoused individuals into permanent housing? Does it ensure equal regulation of public space? Does it foster community-building and cultural preservation? Furthermore, how does it impact encampments, the community, homeless individuals, residents, community organizers, youth, and street vendors? As we gather and listen to the experiences of people residing unhoused across the city, we strongly suspect that nearly all infractions across the City of Los Angeles are being written up against houseless people.



Background Information

On February 15, 2023, Los Angeles City Councilmember Katy Young Yaroslavsky (Council District 5) submitted a motion to the full City Council to evaluate the 2020 and 2022 amendments to LAMC 41.18 Sections A-E. These amendments encompass over two thousand sites across the city where it is now prohibited for Angelenos to sit, lie,

sleep, or place personal property upon public space. Additionally, it includes the ever-expanding exclusion zones covering over 88 square miles of the City of Los Angeles. The city's reportback on LAMC 41.18 purports to assist elected officials in prioritizing limited resources and understanding the enforcement program's implementation and effectiveness in reducing unsheltered homelessness, including the total program cost.

While we support a genuine evaluation of LAMC 41.18, any such evaluation must include a community impact report that comprehensively addresses the ramifications of LAMC 41.18 enforcement. With this in mind, the Los Angeles Community Action Network's Human & Civil Rights Committee has surveyed over 100 unhoused individuals from across the city to record and evaluate the impacts of LAMC 41.18 and the continued enforcement-led homelessness strategy of the City of Los Angeles.

LAMC 41.18's enforcement has been deemed unconstitutional in federal court, violating the Eighth Amendment of the U.S. Constitution, which prohibits cruel and unusual punishment. We, Angelenos, argue that any law oppressive enough to raise systemic Eighth Amendment violations necessitates a community impact report for its evaluation. Therefore, we demand that:

- Hearing and listening sessions be included in the evaluation.
- This community assessment report 41.18 is the foundation for starting the community conversation and evaluation.
- The community has a seat at the table and is allowed to present the findings of this Community Assessment report.

A People's History of Los Angeles Municipal Code Section 41.18 and Its Enforcement

California has a long and troubling history of criminalizing impoverished and homeless individuals with laws prohibiting sitting, lying, or sleeping/camping dating back to the late 1870s. Penal Code 647(e) (PC 647(e)) criminalizes "disorderly conduct," making it a misdemeanor to lodge in any building, structure, vehicle, or place without permission.

LAMC 41.18 was officially codified in 1936, stemming from state laws like PC 647(e), aimed at criminalizing those deemed undesirable by the City. Over the years, amendments to this ordinance, particularly Section (d), expanded the LAPD's power to regulate public space, disproportionately affecting communities of color.

In 2006, the United States Court of Appeals for the Ninth Circuit ruled that the City of Los Angeles's enforcement of LAMC 41.18 violated the Eighth Amendment of the U.S. Constitution. Due to the lack of affordable housing, the city was forced to allow people to sleep on the streets between certain hours. Despite this, the city predominantly invested in policing rather than housing.

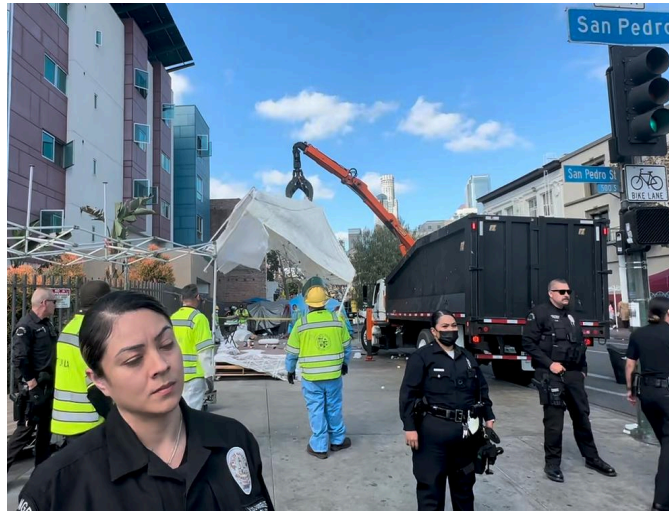
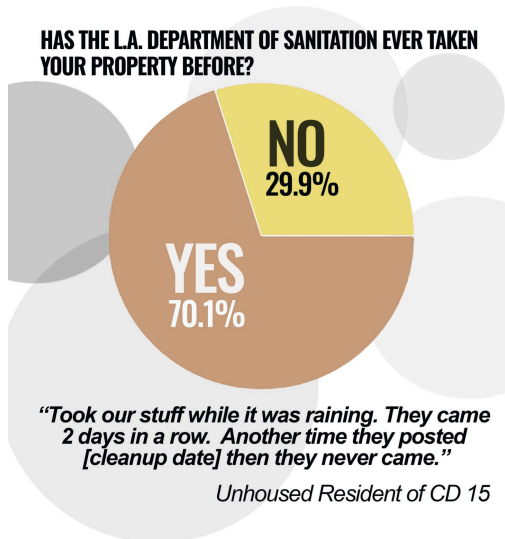
The subsequent years saw multiple court rulings against the City, highlighting its violation of unhoused people's constitutional rights. The City responded with strategies prioritizing enforcement over addressing the root causes of homelessness.

Community Assessment Survey Data

On May 1, 2023, members of the Los Angeles Community Action Network's Human and Civil Rights Committee, Street Watch L.A., and other concerned Angelenos initiated a citywide survey on LAMC 41.18 and its enforcement program. The goal was to shed light on community impacts resulting from LAMC 41.18 enforcement, impacts often unmeasurable by standard city-provided reports.

In the case of the Los Angeles Bureau of Sanitation

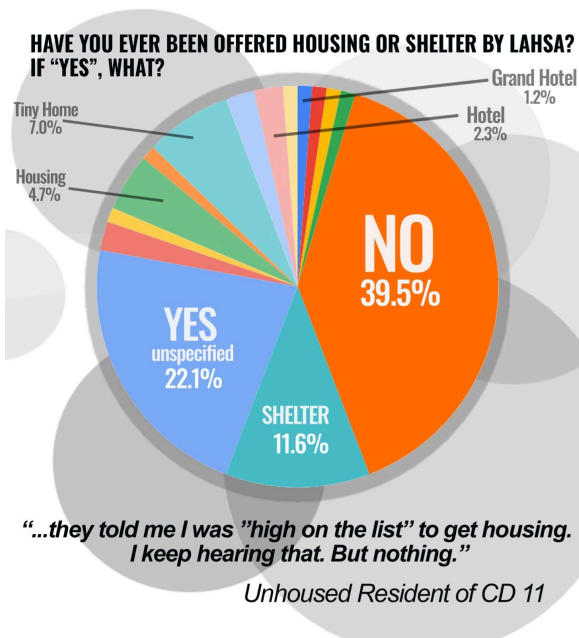
The City's homeless encampment cleanup program, Operation Healthy Streets, emerged in 2013. However, its foundations were laid in a federal preliminary injunction in *Lavan v. City of Los Angeles* in 2011. This injunction prohibited the City and its agents from seizing and destroying property on Skid Row without proper inventory and storage.



The City's response to this injunction led to the creation of Operation Healthy Streets (OHS). The program initially operated in Skid Row, expanding citywide, allowing the city to seize and destroy homeless people's property under the guise of public space cleaning. Despite subsequent lawsuits holding the city liable, OHS and similar programs prioritized enforcement and harassment over housing solutions.

In the Case of Los Angeles Homeless Services Authority (LAHSA)

LAHSA, created in 1993, was designed to address homelessness within the City and County of Los Angeles. However, in recent years, LAHSA has faced challenges and criticism for its loss of integrity, focus, and effectiveness in addressing homelessness. The organization's involvement in enforcement actions and sweeps has raised questions about its role and priorities.

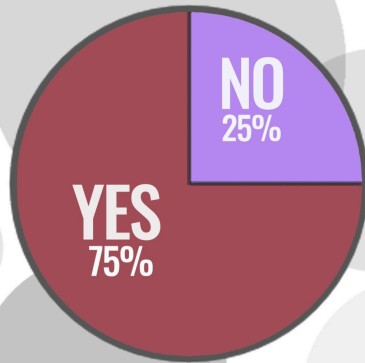


Homeless service providers and various organizations have highlighted concerns about LAHSA's alignment with the city's enforcement-driven approach, which contradicts effective outreach and housing-focused efforts. An objective, compassionate, and non-enforcement-oriented approach is essential to achieve meaningful progress in combating homelessness.

In the Case of the Los Angeles Police Department

Historically, the Los Angeles Police Department (LAPD) has been the primary entity called upon to handle homeless issues. However, their involvement has often resulted in the criminalization and victimization of homeless individuals. The focus on criminalization perpetuates a cycle of injustice, emphasizing the urgent need to redirect funding from enforcement to housing and health services.

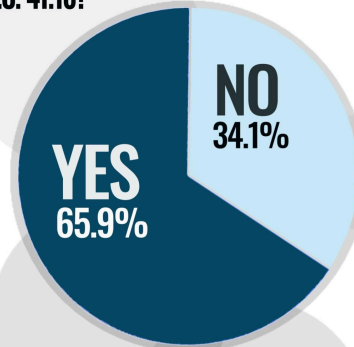
HAS THE LAPD FORCED YOU TO MOVE YOU/YOUR PROPERTY OFF PUBLIC SPACE?



"They play with us. I pack up a day in advance [of the posted clean up] and they don't come. They give us misinformation and get a kick out of seeing us scramble."

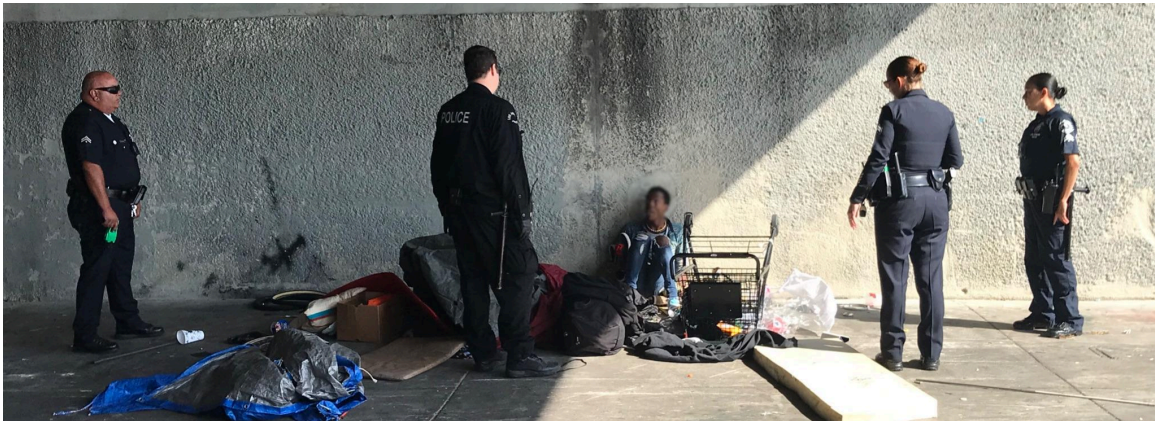
Unhoused Resident of CD 13

HAVE YOU EVER BEEN FORCED TO RELOCATE BECAUSE OF L.A.M.C. 41.18?



"They will just trash your stuff. They give you a time limit to move and instead of bagging and storing stuff at the Bin they just discard it. I lost everything on 12/20/22. Christmas time. Lost tons of brand new stuff. It was cold and raining. They didn't even leave me a blanket."

Unhoused Resident of CD 14



While the LAPD is tasked with enforcing LAMC 41.18, their involvement should be reevaluated and reconsidered. The community, homeless service providers, and even LAHSA agree that outreach should be conducted without LAPD presence, emphasizing the necessity of a non-policing approach to outreach.

Community Demands and Recommendations

Based on the community assessment and historical context, the Los Angeles Community Action Network presents the following demands and recommendations:

1. **Abolish LAMC 41.18:** Remove LAMC 41.18 from the books, recognizing its harmful impacts and the need for a more humane approach to public space regulation.
2. **Reallocate Police Involvement:** Remove all law enforcement from homeless outreach and redirect funds toward housing and health services, recognizing that a punitive approach exacerbates homelessness.
3. **Enhance Outreach Efforts:** Invest in compassionate, community-driven, and non-coercive outreach strategies to connect unhoused individuals with necessary resources and support.
4. **Expand Affordable Housing:** Increase investment in affordable housing and temporary shelter options to address the root causes of homelessness and provide dignified living conditions.
5. **Prioritize Equitable Resource Allocation:** Ensure that resources are equitably distributed across communities, addressing disparities and avoiding discriminatory enforcement practices.
6. **Promote Community Involvement and Representation:** Establish mechanisms for ongoing community involvement, ensuring that the impacted communities have a say in policy decisions affecting them directly.
7. **Advocate for Comprehensive Homelessness Solutions:** Advocate for a comprehensive approach to addressing homelessness, focusing on housing, mental health services, substance abuse treatment, and employment opportunities.

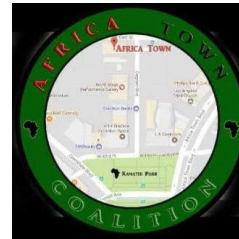
In conclusion, this community assessment aims to elevate the voices and experiences of the unhoused community impacted by LAMC 41.18 and enforcement-led strategies in Los Angeles. It underscores the urgency of reimagining public space regulation, shifting towards compassionate outreach, and addressing the root causes of homelessness to build a just and equitable city for all residents.



A growing list of endorsing organizations include



NOlympics LA



SISTERS OF THE ROAD



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INEQUALITY AND DEMOCRACY

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