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HOMELESSNESS



"Los Angeles needs mission-driven, accountable, even impatient leadership on homelessness — leadership that is both focused and empowered to make things happen."

- City Attorney Mike Feuer: LA Times Op-Ed: [L.A. needs a homelessness czar](#)

OUR RESPONSE

Homeless Engagement Team

Operation Clean Slate

Homeless Patient Dumping

Motel Conversions

Safe Parking

Helpful Definitions

LA DOOR

FAQ

Mental Health Diversion

Important Court Cases

HOMELESS ENGAGEMENT AND RESPONSE TEAM

Our Homeless Engagement and Response Team (HEART), in partnership with the LA County Public Defender's Office, runs a criminal record clearing program for people experiencing homelessness or at risk of experiencing homelessness. HEART deploys alongside the public defenders to park spaces, shelters, service providers, and libraries to host mobile legal clinics – essentially bringing the Court to the streets. HEART helps participants resolve infraction citations for minor violations, such as jaywalking, having an open container, or having expired car tags. These tickets are wiped clean in exchange for service engagement with onsite resources, such as housing, benefits, drug treatment, medical care, and job training. The public defenders help participants expunge past misdemeanor and felony convictions and connect with counsel for active cases. This community engagement is funded by the LA County Board of Supervisors, which recently awarded HEART nearly \$1 million dollars to conduct this innovative legal work. Last year HEART hosted 56 clinics, engaged 1,200 participants, facilitated the resolution of 1,102 cases and connected 1,112 to homeless case managers.



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For more information, email att.heart@lacity.org or call 213-978-1937.

Brochure: [Criminal Record Clearing Program](#)

Brochure: [Substance Use Disorder \(Addiction\)](#)

Overview: [LA County Substance Abuse Prevention and Control](#)

HOMELESS PATIENT DUMPING

Patient dumping is when a health facility (hospital or skilled nursing facility) releases or discharges a patient including the homeless onto the streets or to an unlicensed facility (shelter, half-way-house, crisis center) that cannot provide the level care necessary for the patient's recovery. An example is when a wheel chair bound homeless patient has an open leg wound that will need a few weeks of recuperative care to fully recover is discharged to the street where the wound is likely to become infected, require re-hospitalization and possibly result in the loss of a limb.

Current law requires hospitals to work with the patient's family when discussing treatment and discharge, to create an appropriate patient discharge plan and to obtain a signed written informed consent from the patient if the hospital is transporting the patient by hospital van, taxi or bus to any location other than the patient's residence, which does not include the street or a shelter.

The civil law enforcement actions brought by the City Attorney against hospitals and skilled nursing facilities has resulted in those facilities providing monetary assistance to homeless service groups within the City of Los Angeles as well as requiring those facilities to adopt Homeless Patient Discharge Planning Protocol.

Our office also created a patient dumping hotline and we encourage anyone that sees it, or suspects it, to let us know by calling 213-978-8070. On November 5, 2018, at the California Endowment, LA City Attorney Mike Feuer, LA County District Attorney Jackie Lacey and the Hospital Association of Southern California convened health care providers, social service agencies and other community experts at a symposium - [Addressing the Challenge of Homeless Patient Discharges](#).

SIGNIFICANT HOMELESS PATIENT DUMPING CASES

- [1/3/2014](#): City Attorney Feuer Announces Settlement in Homeless Patient Dumping Case
- [5/29/2014](#): LA City Attorney Mike Feuer Continues Crackdown on Skid Row Homeless Patient Dumping
- [8/27/2014](#): City Attorney Feuer Continues Actions to End Skid Row Homeless Patient Dumping
- [4/21/2016](#): LA City Attorney Mike Feuer Secures Settlement with Good Samaritan Hospital over Allegations of Patient Dumping; Will Adopt Protocols for Discharging Homeless Patients, Pay \$450,000
- [6/23/2016](#): City Attorney Mike Feuer Secures \$1 Million in Penalties Over Allegations of Second Incident of Homeless Patient Dumping By Pacifica Hospital of the Valley
- [10/25/2016](#): LA City Attorney Mike Feuer Secures \$450,000 Against Gardens Regional Hospital Over Allegations of Homeless Patient Dumping
- [6/28/2018](#): LA City Attorney Mike Feuer Secures \$450,000 Settlement from Nursing Home over Allegations of Homeless Patient Dumping



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Allegations of Unlawfully Discharging Homeless and Mentally-Impaired Patients

SAFE PARKING:
ENGLISH

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SAFE PARKING
SPANISH

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LA DOOR

LA DOOR is a comprehensive, health-focused, preventative approach to addiction that proactively engages individuals at elevated risk of returning to the Los Angeles City Attorney's Office on a new misdemeanor offense related to substance use, mental illness, or homelessness. Over 80% of LA DOOR participants are homeless. Rather than waiting to charge new arrests, LA DOOR delivers peer-led multidisciplinary social services to five "hotspot" locations - one for each day of the week - to proactively engage participants in substance use treatment, mental health support, physical healthcare, and case management – all without asking law enforcement to be the first point of contact. Though most participants are engaged through outreach, LA DOOR also offers pre-booking diversion on eligible Prop 47 drug arrests. Participants who go through pre-booking diversion can take advantage of LA DOOR services instead of having their arrest processed for charging.

To implement LA DOOR, the Office of the City Attorney partners with [SSG Project 180](#) for its outreach and intensive outpatient case management services, [West Angeles Community Development Corporation](#) and Ms. Hazel's House for LA DOOR transitional housing, and the [Public Defender's Office](#) for addressing participants' legal barriers. From January 2018 to March 2019, LA DOOR assisted 451 individuals in South LA, with 281 completing two months of case management services, 164 receiving substance use treatment, 81 receiving mental health care, 64 receiving physical health care, 33 receiving legal support, and over 100 receiving housing support. LA DOOR has operated in South LA (Southwest, Southeast, and 77th LAPD Divisions) since January 2017, is expanding into Central LA (Central, Rampart, and Newton LAPD Divisions) beginning in January, 2020. LA DOOR is funded through \$12 million in Proposition 47 grants. The LA DOOR project is one of several projects created by the City Attorney's Recidivism Reduction and Drug Diversion Unit.

For more information, contact:

Jamie Larson, Supervising Attorney - jamie.larson@lacity.org

Kyle Kirkpatrick, Senior Program Administrator - kyle.kirkpatrick@lacity.org

PROJECT LEAD



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year period.

The LEAD program will identify candidates for this program through social contacts and pre-arrest contacts between individuals and LAPD Hollywood Division's Coordinated Outreach Resource and Enforcement (CORE) unit which is specially tasked with homeless outreach and enforcement. Referrals into the program are provided exclusively through the CORE team. When an individual is referred through pre-booking diversion, the Neighborhood Prosecutor (NP) will receive notification that an individual has been referred to the LEAD program by the arresting agency and/or the case manager. The NP will then evaluate whether the candidate is eligible for the project based upon the Lead Ineligibility List.

Once admitted into the program, the NP will monitor whether each program candidate has finished the complete assessment intake interview within the 30-day time limit. If the candidate fails to finish the complete assessment intake interview with the case manager within 30 days, the NP will file criminal charges if the case otherwise meets criminal filing standards.

The NP will also conduct a holistic analysis of the participants criminal history by identifying pending criminal cases, including probation violation matters, outstanding warrants, and as best as possible, new arrests of all LEAD participants. The NP may coordinate with other prosecutors in Los Angeles County in all other pending criminal matters involving LEAD participants, to aid them in exercising their prosecutorial discretion in a way which will best encourage behavior change.

For more information, contact:

Ethan Weaver, Neighborhood Prosecutor with LAPD Hollywood - ethan.weaver@lacity.org.

MISDEMEANOR MENTAL HEALTH DIVERSION

Funded with a grant from the [MacArthur Foundation](#), and in partnership with many local agencies, this is another innovative approach to dealing with low-level offenders who suffer from mental illness and - in many instances - are experiencing homelessness. Understanding that these individuals are better served by mental health services and residential treatment - housing - instead of incarceration, an LA County Department of Mental Health expert will be able to recommend the defendant for pre-plea diversion under [AB 1810](#). A defendant who complies with the conditions of diversion will have their case dismissed. This approach can yield significant benefits: reducing pretrial incarceration rates for those suffering from mental illness; decreasing costs related to the incarceration of those suffering from mental illness; increasing service linkage rates for justice-involved individuals suffering from mental illness; and ultimately, lowering recidivism rates for those suffering from mental illness. Since May, 69 people have been accepted into this program.

For more information, contact:

Kelly Boyer, Assistant Supervisor - Central Operations - kelly.boyer@lacity.org

Betty Nisly, Senior Legal Clerk - Central Operations - betty.nisly@lacity.org

OPERATION CLEAN SLATE

Operation Clean Slate (OCS) is a pilot program started in Van Nuys in March 2016 that assists people in handling warrants, open cases or outstanding court obligations on a misdemeanor. OCS is usually triggered when a service provider learns that a client has open criminal obligations that might impact their housing and/or employment options. Defendants who are already housed or on the verge of being housed have been the most successful cases, but social service providers can request OCS earlier in the process if they determine that a client would benefit. In most cases, a Neighborhood Prosecutor will pull the open case,



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Todd Gilman, LAPD Valley Bureau Neighborhood Prosecutor - todd.gilman@lacity.org

MOTEL CONVERSIONS

"Motels are infrastructure that already exist, they're often underutilized and they could hold the key to creating housing right now for people." - Mike Feuer, City Attorney

On April 20th, 2018, [Ordinance 185489](#) became effective and amended Sections 12.03, 14.00 and 151.02 of the LA Municipal Code which established regulations to facilitate the use of existing hotels and motels for Supportive Housing or Transitional Housing for persons experiencing homelessness or those at risk of homelessness. Further, LAMC Section 14.00.A.12 facilitates the interim use of existing transient residential structures, such as Motels, Hotels, Apartment Hotels, Transient Occupancy Residential Structures and Hostels as Supportive Housing or Transitional Housing for persons experiencing homelessness or those at risk of homelessness.

All projects must meet the zoning, compliance and performance standards described in [this document](#) from the LA Department of Building and Safety, which also provides guidance about the plan check and permitting process.

For information, contact Gita O'Neil - Assistant City Attorney and Director of Homelessness Policies & Strategies - gita.oneill@lacity.org.

HELPFUL DEFINITIONS

PROPOSITION HHH

Proposition HHH Supportive Housing Loan Program (Prop HHH) passed in 2016 and is designed to develop supportive housing for homeless individuals and those at risk of homelessness throughout the City. In 2016, Los Angeles voters overwhelmingly voted for a \$0.348 per square foot property tax which funds the \$1.2 billion dollar bond measure. The program emphasis is on reducing homelessness by creating safe and affordable housing units, and increasing accessibility to a variety of necessary services and treatment programs. More details and up to date progress on what is being built can be found here: www.lamayor.org/HomelessnessTrackingHHH

MEASURE H

This County measure passed in 2016 with funding that started July 2017. This measure raised the County sales tax by one-quarter (1/4) of a cent. The revenues go to provide services for the homeless. The tax applies to all the cities within the County of Los Angeles and is in effect for ten years. The County's plan for the funds is detailed here: homeless.lacounty.gov/the-action-plan/

HOUSING-FIRST MODEL

This model offers permanent housing as quickly as possible for people experiencing homelessness, particularly for people with long histories of homelessness and health challenges. Income, sobriety, and/or participation in treatment (or other services) is voluntary and are not required as a condition for housing. The model's basis is the philosophy that the best chance a person has of not returning to homelessness, is to provide housing as soon as possible, regardless of whether or not any underlying behavioral and/or medical issues have been resolved. Once safely housed, many people take advantage of offered services.

COORDINATED ENTRY SYSTEM ("CES")



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people first and gives them priority over others experiencing homelessness. For various reasons, not all service providers participate in the CES.

BRIDGE HOUSING

24 hour emergency shelter to be utilized by eligible homeless individuals as identified through the CES. Some service or access to services are provided on site or nearby. The intention of this type of housing is to provide individuals with some stability so that they can more easily maintain contact with their service providers as they are assisted with finding housing.

PERMANENT SUPPORTIVE HOUSING ("PSH")

"PSH" is long term, community based housing that has supportive services for homeless persons with disabilities. This type of supportive housing enables the special needs population to live as independently as possible in a permanent setting with supportive services on site. Permanent Housing can be provided in one structure or in several structures at one site or in multiple structures at scattered sites.

HOMELESS ENCAMPMENT

The City defines a homeless encampment as one or more persons living or storing personal property in an unsheltered area.

LOS ANGELES HOMELESS AUTHORITY ("LAHSA")

"LAHSA" is the lead agency in the Los Angeles Continuum of Care, which is the regional planning body that coordinates housing and services for homeless families and individuals in Los Angeles County. LAHSA is a joint powers agreement between the County and the City. In 1993, the Los Angeles County Board of Supervisors and the Los Angeles mayor and City Council created LAHSA as an independent, joint powers authority. LAHSA coordinates and manages over \$300 million annually in federal, state, county, and city funds for programs that provide shelter, housing, and services to people experiencing homelessness. LAHSA gets a high percentage of the Measure H funding (see below). More details can be found here:

www.lahsa.org/about

SERVICE PROVIDER AREA ("SPA")

"SPA" is a specific geographic region within Los Angeles County. Due to the large size of LA County (4,300 square miles), it has been divided into 8 geographic areas. These distinct regions allow the Department of Public Health to develop and provide more relevant public health and clinical services targeted to the specific health needs of the residents in these different areas. More information on each SPA area can be found here: publichealth.lacounty.gov/chs/SPAMain/ServicePlanningAreas.htm

INTERIM HOUSING

Interim housing provides short-term stays and various services for people experiencing homelessness until they are connected with permanent housing. Interim housing includes shelters, where people can stay up to six months, and transitional housing, where people can stay up to two years.

TRANSITIONAL HOUSING

A building where housing linked to Supportive Services is offered, usually for a period of up to 24 months, to facilitate movement to permanent housing for persons with low incomes who may have one or more disabilities, and may include adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.



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VI-SPDAT

Vulnerability Index–Service Prioritization Decision Assistance Tool (VI-SPDAT), which is intended to assess the level of a person's need, regardless of whether he or she already has a long history of experiencing homelessness. This tool is used to see if someone is "high acuity"- meaning very sick or in danger of becoming very sick or "low acuity" meaning not very sick and a low risk of becoming very sick. The CES system prioritizes those people the VI-SPDAT assesses as high acuity.

OPERATION HEALTHY STREETS (OHS)

OHS was implemented in 2012 as a robust homeless community outreach program designed to provide adequate notice and identify high-risk people in need of services and assistance. The City of Los Angeles developed and deployed this program with specialized teams from LA Sanitation (LASAN), the Bureau of Street Services, Los Angeles Police Department, Los Angeles Fire Department, and other agencies to effectively reduce the impacts of encampments in the Skid Row area and the Venice Beach Area on public health, fire hazard, hazardous materials, and safety.

CARE PROGRAM

The City's teams that use data-driven tools to provide public health services to encampments, identify areas of highest need, and ensure that the hardest-hit areas receive regularly scheduled cleanups and hygiene services. Each CARE team is assigned to a specific location, enabling the City to deploy clean up services more efficiently, and help sanitation workers build stronger relationships with homeless Angelenos in desperate need. The teams will receive specialized mental health training and deliver public health resources — including daily trash collection and mobile restrooms — to homeless communities.

FREQUENTLY ASKED QUESTIONS

HOW MANY HOMELESS PEOPLE ARE THERE IN LOS ANGELES?

There is a yearly effort to count the number of homeless people residing in the City. This count is done by LAHSA every year usually in January. According to the 2018 "Greater Los Angeles Homeless Count" by LAHSA, there are 31,285 people experiencing homelessness in the City of Los Angeles. The 2017 Annual Homelessness Assessment Report to Congress by the US Department of Housing and Urban Development ("HUD"), listed Los Angeles as having the second highest population of homeless individuals (New York has the largest population) in the United States, but Los Angeles is listed as having the largest percentage of unsheltered population in the nation because New York City shelters a greater number of its homeless residents than does Los Angeles.

WHAT ABOUT PEOPLE LIVING IN TENTS ON SIDEWALKS NEAR MY HOME? HOW DO I REPORT THEM?

You can report the tent encampments to 311 if you believe there is unsanitary conditions at the encampment and the City needs to clean up there area. You can also report the encampment location to LAHSA on LA Hop (www.lahsa.org/portal/apps/la-hop/request) and LAHSA will send outreach workers to offer services to the individuals living there. If you believe there is criminal activity going on in the encampment, you can also report the encampment location to your local LAPD station. It is not illegal to have a tent up or live on the sidewalk between 9pm and 6am or during inclement weather as long as there are 36 inches of sidewalk for passage.

WHAT ABOUT PEOPLE SLEEPING IN THEIR CARS?

It is not against the law for anyone to sleep in a parked vehicle during the day or over night.

WHAT ABOUT PEOPLE LIVING IN THEIR CARS?



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REPORT ON IMPLEMENTATION OF SAFE PARKING PILOT PROGRAM (CF 15-1138-S15)

During the December 7, 2016 meeting of the Homelessness and Poverty Committee, the Department of City Planning was directed to prepare and present an ordinance to the City Planning Commission to effectuate the establishment of a Safe Parking Pilot Program (SPPP) as part of the City's Comprehensive Homeless Strategy 6B. The SPPP would allow for overnight parking at pre-determined off-street locations for homeless individuals who currently sleep in their vehicles as a form of shelter, subject to operational guidelines currently in development with the Los Angeles Homeless Services Authority (LAHSA). The SPPP would offer such individuals a safe area to legally park on an overnight basis, as well as a stable location where outreach teams and case managers can access clients and connect them to services and permanent housing. Hours of operation would vary on a lot-by-lot basis at the discretion of the property owner, with the expectation that participants would vacate privately owned parking lots during normal operating hours (e.g. from 8:00 a.m. to 9:00 p.m.), or vacate publicly owned parking lots at posted hours in order to allow for the lots' original intended use. In any case, vehicles must be removed from the premises during the day, as continuous habitation in a vehicle on private or public property is not authorized without additional approvals from the City.

This report outlines the circumstances in which a property owner or tenant could provide overnight access to their existing parking lot for individuals who sleep in their vehicles. This is distinct from operating a shelter for the homeless, for which the regulations in LAMC 12.80, 12.81 and 14.00 A.8 would apply. Under the current regulations, overnight parking is already permitted in certain circumstances. The report also outlines the current procedures that may be utilized should there be existing project conditions that need to be addressed or should a special permit be required.

Applicability of Current Regulations

Property owners must comply with all applicable parking requirements as described in LAMC Section 12.21 A.4 as well as any additional limitations on overnight parking that apply to each respective property (i.e. Commercial Corner Developments, conditions of approval), but otherwise are not restricted from allowing individuals to park their vehicles overnight in on-site parking spaces. Generally, property owners choosing to make their parking facilities available for overnight parking may do so without violating any part of the Zoning Code as long as the parking is not continuous and is only during night time hours. Property owners would still be responsible for ensuring that all nuisance laws are observed, as well as any other applicable Building, Fire, Disabled Access, Health, and Safety Codes.

As referenced above, a property's parking lot may be used to accommodate some vehicles overnight without violating its previously-approved use, unless site-specific conditions of approval exist. Overnight parking must take place in an existing, permitted parking lot. The property may not be a vacant lot. Furthermore, the Code does not prevent a facility, upon the property owner's discretion, from opening its doors overnight to allow use of the bathroom and other indoor facilities.

However, if additional services are provided, there may be other existing regulations pertaining to allowable uses that may need to be considered. For example, in cases where temporary structures are utilized on the site of a participating Safe Parking area, the applicant may need to secure a permit from the Department of Building and Safety (LADBS). These permits are available at the Department's permitting counters located in the Metro, Van Nuys, West Los Angeles, San Pedro and South Los Angeles offices. Additional information regarding permits and requirements may be obtained from the LADBS website at ladbs.org.

Plan Approval Process for Sites Subject to Conditions of Approval

One possible barrier for sites wishing to provide safe overnight parking would be if the project site is subject to specific conditions of approval as part of a prior planning entitlement which limit overnight use of the site's parking facilities. For example, a project may have a condition requiring the gates to be closed by a certain time.

In such a scenario, the applicant would need to seek a plan approval to modify the conditions of approval. Los Angeles Municipal Code (LAMC) Section 12.24 M provides that "for any lot or portion of a lot on which a deemed- approved conditional use is permitted pursuant to the provisions of this section, new buildings or structures may be erected, enlargements may be made to existing buildings, and existing uses may be extended on an approved site provided that plans are submitted to and approved by the Zoning Administrator, the Area Planning Commission, or the City Planning Commission, whichever has jurisdiction at the time."

Properties Located in a Commercial Corner Development or Mini-Shopping Center

Properties may be subject to additional limitations on hours of operation if they are located in a Mini-Shopping Center or a Commercial Corner Development as those terms are defined in LAMC Section 12.03 pursuant to LAMC Sections 12.22 A 23



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Recreational Vehicles

When used exclusively on a temporary overnight basis on a publicly or privately owned parking lot, a Recreational Vehicle (RV) would not be restricted by the applicable City and State regulations, unless otherwise stated. The Zoning Code does not differentiate between the use of a vehicle or RV for this purpose, as approvals for RV Parks and Mobilehome Parks are required when the individual parking spaces or RVs are rented or leased to users (LAMC Section 12.03). Thus, property owners may choose to make their parking facilities available for temporary overnight parking for RVs. Property owners may not, however, lease or rent out space in their parking lots to users. Additionally, users may not dwell in their RVs for longer than one day. Just as for a vehicle, RVs would be required to vacate the property during the day, as continuous habitation in a vehicle on private property is not allowed without additional approvals, and would only be allowed in specific zones.

Conclusion

Overnight parking at off-street locations is permitted in certain circumstances. At a property owner's discretion, parking facilities may be made available for overnight parking for individuals who sleep in their vehicles as a form of shelter. The process for operating a safe parking facility may differ based on individual circumstances, but generally would occur in one of three ways:

- 1) If no plan approval or other entitlement is needed and no additional structures are provided onsite, a property owner may provide overnight parking on-site, subject to any other existing restrictions or existing conditions of approval.
- 2) If a property owner wishes to provide on-site structures and amenities, then a permit may be required from the Department of Building and Safety (LADBS). Applicants should inquire at a LADBS permitting counter located in the Metro, Van Nuys, West Los Angeles, San Pedro or South Los Angeles offices.
- 3) If a plan approval or other entitlement is needed in order to amend prior conditions of approval, an applicant must submit an application to the Department of City Planning. After the plan approval or other entitlement has been secured, the property owner may provide overnight parking on-site.

If you have any questions, please contact Matthew Glesne, Citywide Policy Planning Division, Department of City Planning at (213) 978-2666 or at matthew.glesne@lacity.org.

IS IT LEGAL FOR HOMELESS PEOPLE TO LOITER NEAR MY BUSINESS?

Homeless people can do the same things housed people can do. The Constitution applies to everyone. "Loitering" is a specific intent crime which means a person is waiting or hanging out somewhere for the specific purpose of committing a crime. For example, a person is "loitering" if he or she is standing outside of a business waiting to commit a robbery on a patron coming out. A homeless person can stand outside a business in the same way a housed person can. If the person is committing a crime, then store security or LAPD should be notified.

WHAT IF THEY ARE INTIMIDATING CUSTOMERS AND AFFECTING MY BUSINESS?

A person, whether he/she is housed or unhoused, shall not intimidate customers of a store in an illegal manner. Store security or LAPD should be notified.

IS IT LEGAL FOR HOMELESS PEOPLE TO PANHANDLE?

There is a First Amendment right for anyone (housed or unhoused) to ask for money, work or other things. There are local laws that ban solicitation in certain areas and also laws that regulate the manner in which the solicitation is asked for meaning it cannot be in an aggressive or physically threatening way.

WHAT IF THERE IS A TENT OR AN ENCAMPMENT ON THE PERIMETER OF MY CHILD'S SCHOOL?

If there is an encampment on your school's property, notify the school administrator and security immediately. You can also notify your local LAPD station. If the tent encampment is on City property (sidewalk, parkway, etc.), please see above FAQ on homeless encampments. There is no prohibition on erecting a tent during lawful hours near a school or other sensitive sites.

WHAT IF HOMELESS PEOPLE HAVE TAKEN OVER MY LOCAL PARK TO SUCH AN EXTENT THAT I CAN NO LONGER USE IT?

There are rules that regulate people camping and using park property. You can contact the park director and the park rangers.



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restrooms while the library is open.

WHAT CAN I DO ABOUT A HOMELESS PERSON GOING THROUGH MY GARBAGE OR SLEEPING IN MY GARAGE?

It is unlawful to take recyclables from the City's Blue Recycle Bins or to tamper with a trash can. You can contact your local LAPD division, but LAPD will decide if they have enough personnel to address this infraction. Unless there is some exception, no one is allowed to reside in a garage. If someone is trespassing on your property, you should call LAPD immediately.

WHAT IF I SUSPECT THAT HOSPITALS, SKILLED NURSING FACILITIES OR MEDICAL CENTERS ARE DUMPING HOMELESS PATIENTS IN MY NEIGHBORHOOD?

Patient dumping or homeless dumping is when a health care facility's employees release homeless patients onto the streets instead of placing them with family, in a shelter or keeping them in the healthcare facility even if they require extensive medical care. The City Attorney's Office created a patient dumping hotline, and we encourage anyone that sees it, or suspects it, to let us know by calling 213-978-8070. You can also call your local LAPD police division.

WHAT ARE THE RULES FOR WHEN INDIVIDUALS CAN HAVE A TENT UP ON THE SIDEWALK?

People can have a tent erected on City Streets from 9pm to 6am and all day if it is raining or the weather falls below 50 degrees. However, at no time can a person block ADA access (36") on the sidewalk with a tent or belongings.

WHAT IF THE INDIVIDUAL SEEMS THREATENING OR IS EXHIBITING SIGNS OF ACUTE MENTAL ILLNESS?

If the person is threatening and/or violent, you should call 911. LAPD has MEU (Mental Evaluation Unit) and SMART (System-wide Mental Assessment Response Team) that will be dispatched once the situation is rendered safe by uniformed officers.

If the person is exhibiting signs of acute mental illness with no violence or threats, then you can call the Los Angeles County Department of Mental Health ACCESS number 1-800-854-7771. PMRT (Psychiatrist Mobile Response Team) can be dispatched from that number. Those teams consist of two LA County DMH clinicians.

IF A HOMELESS INDIVIDUAL NEEDS/WANTS SERVICES, WHO DO I CONTACT?

You can contact LAHSA at www.lahsa.org/portal/apps/la-hop/request.

IT SEEMS THAT HOMELESS PEOPLE HAVE MORE RIGHTS THAN I DO. IS THIS THE CASE?

People experiencing homelessness have the same rights as housed people. Some courts have interpreted the Constitution to ensure that the rights of unhoused people are protected when the courts feel the rights are being illegally impinged upon. Although some people feel that homeless people have more rights or are more protected than housed people, in reality everyone has the same rights and protections under the law, whether housed or unhoused.

I WANT TO HELP THE HOMELESS- SHOULD I GIVE THEM FOOD AND MONEY?

Giving people resources such as food and money can be something that helps a person get through the day and makes the giver feel like they are doing something in the short term. However, the homeless often need something more than money. They need money and direction. For most homeless people, direction means a job and a roof. A "HUD" (Housing and Urban Development) study polled homeless people about what they needed most: 42% said help finding a job; 38% said finding housing; 30% said paying rent or utilities; 13% said training or medical care. The best option would be contacting your local social service provider (www.lahsa.org/ces/regional-info) and discussing giving options with their trained social workers.

WHAT ABOUT THE (TEMPORARY?) HOMELESS SHELTERS THAT ARE GOING TO BE BUILT IN MY NEIGHBORHOOD AND HOW DO I VOICE MY SUPPORT, OPPOSITION AND/OR GET ADDITIONAL INFORMATION?

The Mayor and City Council have launched an initiative to place a temporary shelter in each Council District. These shelter beds would aim to place people currently living on the sidewalks in a community, into a safe shelter run by trained and reputable service providers. Currently, there are not enough shelter beds for each homeless person in the City. More shelter beds are needed to offer those who want shelter as an option. These shelter beds may help the homeless find more permanent housing



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You can also report the encampment so service providers are sent by going here:

www.lahsa.org/portal/apps/la-hop/request

HOW DO I FIND MY LOCAL LAPD DIVISION CONTACT INFORMATION?

www.lapdonline.org/our_communities/content_basic_view/6279

IMPORTANT COURT CASES

MARTIN V. BOISE (2018)

UPDATE: On December 16, 2019, the Supreme Court declined to hear an appeal in this case. The City of Boise had asked SCOTUS to take this case and the City of Los Angeles filed a brief too - [wanting clarification](#) of the City's authority with respect to people experiencing homelessness who dwell on the streets. In filing the brief, City Attorney Mike Feuer said, "the City agrees with a central tenet of Boise – that no individual should be susceptible to punishment for sleeping on the sidewalk at night, if no alternative shelter is available. But Boise's rationale sweeps too broadly, and the opinion is internally inconsistent and unclear. By raising more issues than it resolves, the decision leaves jurisdictions like Los Angeles without the certainty necessary to balance intensely competing interests without risking costly and time-consuming litigation.***" Read the brief [here](#).

This 9th Circuit Court decision involves two homeless men who were cited by Boise police for illegally lodging. The court found that the shelter options offered to the homeless men were not viable options for them (for reasons the court found valid) and therefore they could not be compelled to go there. The 9th Circuit stated that the Eighth Amendment bars enforcement of a statute or ordinance prohibiting homeless sitting, sleeping or lying on sidewalks or in other public places whenever the number of homeless individuals in the jurisdiction exceeds the number of available shelter beds. The 9th Circuit held that "[a]s long as there is no option of sleeping indoors, the government cannot criminalize indigent, homeless people for sleeping outdoors, on public property" on the false premise they had a choice in the matter. However, the Court also noted that ... "Even where shelter is unavailable, an ordinance prohibiting sitting, lying or sleeping outside at particular times or in particular locations may well be constitutionally permissible."

JONES V. LOS ANGELES (2006)

This case involved homeless people who were arrested for lying, sitting or sleeping on the sidewalks of Skid Row. The settlement agreement stated that the City would not enforce Los Angeles Municipal Code ("LAMC") 41.18 (d) (sitting, lying or sleeping on the sidewalk) after 9pm at night and before 6am in the morning with a few exceptions. These exceptions included enforceability, regardless of time, within 10 feet of a loading dock, entrances and exits to a building or parking lot, after a warning is given. The settlement stated that this restriction on enforcement would remain until Los Angeles constructed a certain amount of housing units. However, after the Martin v. Boise case (see below), the number of units the City promised to build is no longer relevant to enforcement due to the Martin Court's holding.

LAVAN V. CITY OF LOS ANGELES (2011)

This case involved a claim that homeless people's property was destroyed by the City during a cleanup in the Skid Row area. It is important to note that in this case, the 9th Circuit stated that the Fourth and Fourteenth Amendment applies to the City's seizure of unattended property. In broad terms in this case the Court stated City agents and employees are enjoined from: Seizing property without notice absent objectively reasonable belief that it is abandoned, presents immediate threat to public health or safety, or is evidence of crime or contraband. In addition, anything seized must be maintained in a secure location for at least 90 days before its destruction. The City must also leave post removal notice in a prominent place for any property taken.

DESERTTRAIN V. CITY OF LOS ANGELES (2014)

This case involved an individual living in a vehicle on a City street. The 9th Circuit found the City's law to be unconstitutionally vague. The City re-wrote its law with changes so as to restrict vehicle dwelling in certain areas during certain hours. (For a detailed explanation of the areas please see the FAQ section).

MITCHELL SETTLEMENT

(No. CV-16-01750) Plaintiffs Carl Mitchell, Judy Coleman, Salvador Roque, Los Angeles Catholic Worker and Congress had



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Under the terms of the settlement agreement, which apply only to the Skid Row area of downtown that was the subject of the lawsuit and injunction, the City:

- Maintains the capability to address immediate threats to public health and safety, including threats related to homeless encampments;
- Maintains the ability to perform routine trash and sanitation services;
- Maintains the ability to enforce the American with Disabilities Act on public streets and sidewalks;
- Confirms its authority to remove larger, bulky items, such as couches, mattresses, dressers, refrigerators, barbeques, and wooden pallets;
- Maintains the ability to enforce the time restrictions on erected tents in public spaces and to enforce most other provisions of LAMC 56.11;
- Can continue to conduct noticed cleanings under Operation Healthy Streets;
- Can conduct any appropriate outreach to persons experiencing homelessness;
- May appropriately seize property under the Fourth Amendment and its exceptions, including the Community Caretaking doctrine;
- May enforce any other laws that are not inconsistent with the Agreement.

The terms of the settlement agreement apply only for three years, and only to the area of downtown Los Angeles bordered by Second Street to the north, Eighth Street to the south, Spring Street to the west, and Alameda Street to the east.

The settlement gives the City greater authority and flexibility to remove property from public areas than had been allowed under the injunction:

- Under the settlement, the City may seize bulky items such as couches, mattresses, dressers, refrigerators, barbeques, and wooden pallets;
Under the injunction, the City could only seize these items if they posed an immediate threat to public health or safety.
- Under the settlement, the City may remove items from the public space that block ADA access or ingress or egress into buildings, businesses, or residences, if the property cannot be reasonably moved to provide appropriate clearance;
Under the injunction, the City could only seize items that blocked ADA access or ingress and egress if they posed an immediate threat to public health or safety.

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