

## **A Closer Look at LAMC 41.18 (Non-Encampment Zones) for Business Owners.**

Recent hardships faced by business owners on Pico Boulevard due to homelessness issues have drawn attention to Los Angeles Municipal Code (LAMC) [41.18](#). LAMC 41.18 is not a panacea. Its limited scope and the lack of resources for effective police enforcement do little to alleviate the pressing issues faced by business owners on Pico Boulevard.

### **LAMC 41.18 Overview:**

If enforced, LAMC 41.18 restricts individuals from obstructing public rights-of-way by sitting, lying, sleeping or placing personal property in certain manners and areas. It delineates specific restrictions, such as keeping clear of driveways, building entrances, fire hydrants, and certain designated areas around sensitive use properties or designated facilities.

### **Key Issues**

#### **Limited Scope:**

- LAMC 41.18 does not prevent homeless individuals from loitering or walking through the area, nor does it prevent them from using public amenities like bus benches.
- It does not address the behaviors that are disrupting businesses like theft, vandalism, or disruptive behavior.

#### **Insufficient Enforcement:**

- Enforcement of LAMC 41.18 is largely hampered by limited police resources.
- Enforcement is often discouraged by council members, putting police in a difficult position. For example, CM Katy Yaroslavsky stated *"I don't think that if we're forcing 41.18 without credible offers of housing and services, we're doing what's right."*
- Even when enforcement occurs, almost all homeless individuals return to the streets soon after, rendering the efforts ineffective.

#### **Constitutional Questions:**

- The vagueness surrounding how long an individual can sit on public property before action is warranted raises constitutional concerns.
- LAMC 41.18 restrictions have been the subject of several lawsuits.

#### **Dependency on Resource Availability:**

- Without adequate police staffing and deployment, the effect of LAMC 41.18 is negligible.
- The City's "[Outreach Engagement Framework](#)," which governs how the City interacts with homeless under 41.18, contains several interim steps, a new bureaucracy and is dependent on staffing.

- The framework also contained instructions to “include an offer of suitable and available overnight shelter, interim housing, or permanent housing.” While the City is not legally bound to provide this offer, the council embedded the requirement in the Framework.
- The L.A. Times credited CM Katy Yaroslavsky as pointing out “there aren’t enough police to patrol every no-camping site.”

#### **Dependency on the City Council:**

- The City Council has the power to rescind 41.18 at any time and/or prevent enforcement of 41.18 at any time. There has been a concerted effort to get the council to rescind 41.18.
- The council has been taking an increasingly harsh view of 41.18. In fact, per the [L.A. Times](#), “Katy Yaroslavsky has been part of a five-member bloc that routinely votes against new 41.18 locations.”
- The [L.A. Times](#) went on to ask: “Will Yaroslavsky make sure that homeless Angelenos who set up tents outside the new interim housing project on Pico Boulevard receive offers of housing once enforcement of the new no-camping zone begins — even if the facility is full to capacity?”

#### **Conclusion:**

LAMC 41.18 is not the robust and permanent solution it has been portrayed to be. Its limited scope and the lack of resources for effective enforcement do little to alleviate the pressing issues faced by business owners on Pico Boulevard.