

# Agenda Report



**Date:** December 10, 2013  
**To:** Jeffrey W. Collier, City Manager  
**From:** Nancy Mendez, Assistant City Manager  
**Subject:** Homeless Issues in Whittier

## **RECOMMENDATION**

It is recommended the City Council receive and file a report on homeless issues and activities in Whittier.

## **BACKGROUND**

For several months, City representatives have met regularly with Whittier's First Day to identify and assess the apparent increase in homeless activity in Whittier (Attachment A). With input from non-profit providers of homeless services, the working group identified several factors that may have contributed to the increase in homeless individuals in this area:

- Whittier is primarily perceived by the homeless population as safe and compassionate.
- PIH is a regional medical center; patients are released and may stay in the area.
- Other law enforcement agencies may have dropped off individuals in Whittier.
- Prison realignment with low or no reporting requirements has increased the single male homeless population.

Over the years, the City has provided significant support for homeless services in Whittier in both direct financial support to homeless services agencies and subsidies for affordable housing units. As the Whittier Daily News reported on August 18, 2012, "Whittier is on track to eliminate homelessness in four years among the chronic and vulnerable (people who are in danger of dying or have been on the street for a long time) according to a national nonprofit organization." Whittier is now among 44 communities in the nation poised to do so, according to the 100,000 Homes Campaign, a national initiative to end chronic and vulnerable homelessness. "On track" is defined as moving at least 2.5 percent of the community's medically vulnerable and chronically homeless people into permanent housing each month.

## **FINANCIAL SUPPORT**

The City has provided direct financial support to a number of homeless shelters and programs for many years. In addition, the City provides direct services through the information and referral office that helps homeless persons to find services they

need. City Council members and City staff also serve on boards of directors for social services agencies to provide leadership and support.

### Social Services Funding

The City Council annually tasks its Social Services Commission with recommending the distribution of funds to local social service agencies. In recent years, the Council allots approximately \$182,000 annually for this purpose. The recipients are often homeless shelters and other agencies that provide social services to homeless individuals and families. Ted Knoll, Executive Director of Whittier's First Day, will report to the Social Services Commission at their December 12, 2013 meeting to update them on homeless issues prior to their consideration of recommendations for social services funding for 2014-15. In total, the City has contributed approximately \$3,600,000 over the last ten years directly to such agencies. Some of these agencies include:

- Intercommunity Counseling Center
- Interfaith Food Center
- LA Centers for Alcohol and Drug Abuse
- Rio Hondo Temporary Home
- Salvation Army Hospitality and Shower
- Salvation Army Transitional Living Center
- Southeast Area Counseling Center
- Southern California Alcohol and Drug Programs
- Southern California Rehab Services
- St. Matthias Episcopal Church
- Whittier Area First Day Coalition
- Whittier Area Interfaith Council
- The Whole Child

### Homeless Shelters

In addition to the social services funding distributed through the Commission, the City Council has directly allocated annual funding to several key homeless shelters. Unfortunately, in 2011-12 the State's elimination of redevelopment also eliminated the largest funding source for housing programs for homeless individuals and families. During 2012-13, the City Council backfilled these grants with \$184,000 from the General Fund to sustain housing grant levels to three primary providers. During 2013-14, the City Council provided housing grants to these three providers at half the historic levels, using \$92,000 from the General Fund.

*Rio Hondo Temporary Home:* City Council members or City staff served on the RHTH board of directors from its inception through its dissolution in 2011. The City contributed \$50,000 each year.

*Whittier's First Day:* City Council members and City staff have served on First Day's board of directors from its inception to the present. The City has contributed \$100,000 annually since 2002. In FY 2012-13, the City contributed \$100,000 from General Fund reserves after the state's elimination of redevelopment eliminated that historic funding source and another \$15,000 for social services. In addition, the City contributed \$227,550 for the acquisition of First Day's Newlin apartments for family transitional housing. Executive Director Ted Knoll has expressed his strong positive opinion of City support regarding homeless in our community. In FY 2013-14, the City donated \$50,000 for housing and \$15,000 for social services.

*Women's and Children's Crisis Shelter:* The City has contributed \$34,000 annually to support the Women's and Children's Crisis Shelter. In FY 2012-13, this contribution came from the City's General Fund reserves after redevelopment was eliminated by the state. In FY 2013-14, the City granted the Crisis Shelter \$17,000 for housing and another \$7,400 for social services.

*The Whole Child:* In 2011, The Whole Child joined the family housing arena. The City has contributed \$50,000 per year since then to aid in the provision of permanent, affordable housing to homeless families, along with \$12,000 for social services. The Whole Child's family housing system gives families time to receive other critical social services that, when combined with housing, stabilize families and allow them to build long-term success and establish permanency. In FY 2013-14, the City granted \$25,000 for housing and \$12,000 for social services.

*Salvation Army Transitional Living and Shower Programs:* In FY 2013-14, the City granted \$4,800 to the Transitional Living Center on Washington Boulevard to provide housing and comprehensive support services to homeless woman and their children. Most of their clients arrive due to domestic violence and/or substance abuse. The City granted an additional \$8,250 for a shower program, originally instituted at the Pickering Avenue facility at the City's request to address concerns at the Community Center. Shower Program services include shelter referrals, food distribution, and other basic necessities. This is the only such shower program in the area, providing an opportunity to maintain personal hygiene at an easily accessed, safe, and clean facility.

## HOUSING PROJECTS

Before the state abolished redevelopment, the City provided financial assistance to numerous affordable housing projects through its former redevelopment agency.

### Very Low Income Projects

*Lutheran Towers:* This very low-income development on Bright Avenue was completed in 1973 with 154 units for senior citizens 62 years old and older. In 2013, the project will be acquired by a new affordable housing developer, who will recapitalize the project with 9% low income housing tax credits and other sources including a HOME funds loan from the City. The affordability covenants on the project will be extended for an additional 55 years.

*Whittier Springs:* This 1985 development on Santa Fe Springs Road just south of Five Points has 12 very low-income units for individuals with developmental disabilities.

*William Penn Manor:* In the late 1980s, the Agency entered a residential loan agreement with William Penn Manor, a non-profit corporation, for the development of a 75 unit property that includes 74 units restricted to very low income seniors and one manager unit. In 2014, a new affordable housing developer will be acquiring the project. Similar to Lutheran Towers, the project will be recapitalized using 4% low income housing tax credits, tax exempt bonds and other sources, including continuation of a \$600,000 note held by the City's Housing Authority. Affordability covenants on the project will be extended for an additional 55 years.

*Habitat for Humanity:* This four-unit residential project was constructed on land donated by the Agency. Completed in 1997, it now houses four very low income families.

*Seasons at the Hoover:* The Agency assisted a developer in acquiring and rehabilitating the historic Hoover Hotel into a 49 unit (plus one managers unit) very low-income senior housing project. The project includes a gated basement parking area, residents lounge, laundry room, and on-site manager and other amenities in the heart of Uptown Whittier at 7035 Greenleaf Avenue. The project, completed in July 2001, layered seven funding sources, including a historic preservation grant, for a total of \$7,700,000.

*Newlin Housing:* The Agency participated with the City and Los Angeles County in funding a loan to Whittier Area First Day Coalition for their acquisition and rehabilitation of a three-unit property on Newlin Avenue. The project was completed in 2010 and

provides very low-income families that are homeless or threatened with homelessness a place to live while they transform their lives towards independence.

### Low Income Projects

*Whispering Fountains:* The 167 low-income units on Washington Boulevard were completed in 1989 for senior citizens 55 years old and older.

*Mosaic Gardens at Whittier:* The Agency and City jointly participated in an agreement with LINC Community Development Corporation for the development of a 21-unit affordable apartment project at the southwest corner of Philadelphia and Pickering. This high-quality project was completed in 2012 on a site that was vacant for over 22 years. More than \$5,000,000 in loans was provided to the project.

### Moderate Income Projects

*First Time Homebuyer Loan Program:* The City used low- and moderate-income housing set-aside tax increment funds to fund first time homebuyer loans. The program was originated in Fiscal Year 1997-98 and assisted 73 families from its inception through its suspension in June 2006. In its place, the Agency Board approved the Affordable Home Ownership Program (AHOP). The AHOP provides silent second loans to moderate-income first time buyers. Under the AHOP, the designated units will remain affordable for a full 45-year term. In addition to the AHOP, the City Council approved an Inclusionary Zoning Ordinance on June 10, 2008, that requires affordable housing units to be developed as a part of all new residential development projects that include seven or more total units.

*CARE Program:* In 1999, the Agency and City, with the assistance of the Los Angeles County District Attorney's Office, launched a program to improve residential neighborhoods using beautification and security improvement loans. In return, property owners brought their buildings up to code and participated in property management and neighborhood watch programs. The program assisted 45 building owners from 1999 to 2007.

*Penn/Union Affordable Housing Project:* An Agency-owned parcel was sold for the development of six two-story owner occupied Craftsman style detached homes with common area and access. The homes were sold to low and moderate income families in Fiscal Year 2001-02.

*Gables at Whittier:* The Agency entered an affordable housing agreement with the developer of this 96-unit townhome project. Under the agreement, the Agency provided more than \$3 million as silent second loans to moderate-income first-time home buyers. A total of 24 affordable units were completed at the project, which was the first housing project approved under the Whittier Boulevard Specific Plan.

*Alpha Beta Site:* This is one of two potential affordable housing sites that were affected by the State's elimination of redevelopment. In response to redevelopment dissolution, the City Council designated the Whittier Housing Authority to retain the housing assets and functions previously performed by the Whittier Redevelopment Agency. The Housing Authority was thus able to maintain control of housing assets collected under the prior redevelopment agency. The Agency purchased 3.4 acres at the southeast corner of Hadley and Milton from the City after plans to construct a new Central Library with housing at the site proved infeasible. The site may be developed into a mixed use development that includes a large affordable housing component.

*Comstock/Penn Site:* This is the second of two potential affordable housing sites retained by the Whittier Housing Authority during the redevelopment dissolution process. The Agency acquired approximately 28,000 square feet at the southeast corner of Comstock Avenue and Penn Street, north of the Transit Depot parking lot. In August 2013, the Housing Authority executed an agreement with Heritage Housing Partners (HHP) to develop nine affordable units in a bungalow court configuration there to sell to moderate and low-income households. HHP will thoroughly evaluate their ability to relocate the Guilford House from the Whittier College campus to the Comstock Site for additional rehabilitation.

## **DISCUSSION**

The City has taken steps to address community concerns that have arisen recently in response to homeless activity. An internal working group meets regularly with representatives from Administration, Police, and Parks, Recreation and Community Services, joined by Ted Knoll from Whittier's First Day. The group is coordinating the following activities:

*Outreach*—A Police Department night shift patrol officer has First Day's outreach coordinator ride along twice monthly. The officer and First Day staff member contact homeless individuals together to offer homeless services and address public safety issues.

*Senior Center*—Several homeless seniors have become regulars at the Uptown Senior Center. A First Day staff member visits regularly and when called by City staff to offer these individuals housing services and to mitigate impacts on other Senior Center users.

*Encampments*—The City and First Day are using a joint strategy to eliminate homeless encampments. When the Police Department identifies an encampment, they will notify First Day and notify the campers by posting the area. First Day will offer services and assist in relocation, if the individuals are willing to accept help. In an associated December 10, 2013 agenda item, the Police Department is requesting City Council approval of an ordinance amendment to address storage and disposal of property, allowing the Police Department to use a separate bin to store encampment materials safely prior to owner claim or disposal.

*Court Parking Structure*—After the County court closure, Los Angeles County blocked access to electrical outlets to limit homeless activity in the parking structure. The County still needs to repair water pipes to avoid misuse. First Day, with support from the Police Department, will conduct outreach activities to those sleeping in the structure. The Police Department will post encampments as they are created to start the removal process.

*Saturday Inspections*—Code Enforcement officers inspect vacant buildings during weekend shifts to check for occupation by homeless individuals.

*Chronic Homeless*—The internal working group is discussing strategies to serve those who are resistant to assistance. Unfortunately, there are gaps in service and there are needs for more housing, for mental health services, and for detox facilities. While PIH Health is able to provide medical attention to a homeless person with a medical issue, the hospital is able only to provide detox services as a secondary condition rather than solely the primary issue. Since jail often doesn't work as a deterrent and just shuffling people around town is ineffective, one idea is a "homeless court" run by a retired judge who could mandate individuals into services rather than jail. The Police Department might write citations requiring an appearance in homeless court, for example, if such a system could be established.

*Kennedy Park*—The Parks, Recreation and Community Services Commission invited Kennedy Park neighbors to its October 16, 2013 meeting to provide input on possible park amenities and design for a grant application. The neighbors also spoke about their concerns regarding homeless individuals in the park and surrounding areas. They felt the park was not safe for families. Police Officer White attended the meeting and

encouraged the neighbors to form a Neighborhood Watch group so that the Police Department could address those concerns.

*Whittier Historic Depot*—Since the Whittier Historic Depot was completed in 2002, it has been a magnet for homeless use, with a number of people using the adjacent open space for many hours each day and night. As the number of homeless individuals loitering at the Depot escalated, the City worked with First Day to provide outreach teams to the Depot on a regular basis to contact individuals and offer services. The open space was ultimately designated as a City park, which made it subject to park rules disallowing overnight camping and enforcing hours of operation. Police patrols were increased to enforce these regulations. The Transit Depot Park has become less attractive for loitering with this regulation, along with addition of fencing and seating replacement. These measures with the assistance of the Police Department and First Day have nearly eliminated the homeless problem at this location.

*Gateway COG Effort*—The City is a member of the Gateway Council of Governments (COG), which has contracted with People Assisting the Homeless (PATH) to comprehensively address homeless issues in the region. PATH is a family of agencies working to end homelessness for individuals, families, and communities by building housing and providing supportive services in 22 locations in Southern California. The City is advertising PATH services and help line on Channel 3 and placing their postcards at City buildings so residents can request help for homeless people they see around town. A City representative meets regularly with other COG area representatives to track progress and direct outreach efforts.

*Aggressive Panhandling*—The City is emulating other Gateway COG cities and producing brochures to educate the public on the issue of aggressive panhandling and misplaced donations. The material suggests that it is “OK to say NO” to panhandlers and to consider instead making a donation to charities that provide services to the homeless population.

*Veterans Vouchers*—In connection with the COG efforts, First Day is distributing housing vouchers to homeless veterans in the COG. They report many veterans have been served in the COG area and in Whittier (Attachment A). Other assistance for veterans is available at the Whittier Public Library, which was one of seven California libraries to receive a new State Library grant for their “Library Outreach to Veterans” initiative. The Library is receiving resources and training to provide a comprehensive targeted outreach guiding veterans to resources and benefits. The grant provides a laptop, chrome book, and printer so veterans and their families can use online resources and complete employment applications and other veteran-related




applications. The Library will distribute California Veteran's Resource Books free of charge to veterans.

Ted Knoll, Executive Director of Whittier's First Day, is available to present additional information on the homeless population in Whittier (Attachment B).

**FISCAL IMPACT**

There is no fiscal impact associated with the recommendation of this report.

Submitted by:

  
Nancy Mendez  
Assistant City Manager

Attachments: A – Homeless Statistics  
B – Whittier's First Day Presentation



September 2012- June 2013

## WHITTIER


Gender	Total	% City Total	%LCA Total
Male (Adult)	195	64.36%	50.91%
Female (Adult)	88	29.04%	51.46%
Male (<18)	10	3.30%	76.92%
Female (<18)	9	2.97%	90.00%
Transgendered	1	0.33%	100.00%
<b>Total</b>	<b>303</b>		<b>52.42%</b>

Age	Total	% Total	% LCA Total
Under 5	0	0.00%	0.00%
6-12 yo	7	2.31%	70.00%
13-17	10	3.3%	83.33%
18-24	13	4.29%	59.09%
25-29	6	1.98%	25.00%
30-34	18	5.94%	47.37%
35-39	23	7.59%	44.23%
40-44	47	15.51%	49.47%
45-49	54	17.82%	56.25%
50-54	38	12.54%	55.07%
55-61	31	10.23%	48.44%
62+	25	8.25%	73.53%
Unknown	31	10.23%	50.82%
<b>Total</b>	<b>303</b>		<b>52.42%</b>






Clients Housed within City	LCA 2%
59	78.67%

Demographic	Total	%LCA Total
Veterans (Vet)	19	37.25%
Families with Children (Fam)	10	71.43%
Substance Abuse (SA)	94	64.38%
Alcohol Abuse (AA)	75	61.48%
Mental Health (MH)	71	58.20%
Chronic Medical Health (CM)	78	58.65%
HIV/AIDS (HIV)	0	0.00%
Developmental Disability (DD)	2	40.00%
Physical Disability (PD)	21	70.00%
Victim of Domestic Violence (VDV)	3	100.00%
Chronic Homeless (CH)	5	45.45%
Clients Served	266	57.95%
Total Services Provided	362	60.84%
Clients Refused	73	50.67%

Ethnicity	Total	% City Total	%LCA Total
White	98	32.34%	52.97%
Latino/Hispanic	138	45.54%	46.31%
Black/African American	15	4.95%	60.00%
Asian	6	1.98%	60.00%
Middle Eastern	2	0.66%	100.00%
Native American	0	0.00%	0.00%
Hawaiian/Pacific Islander	1	0.33%	100.00%
Multiple Race	13	4.29%	92.86%
Don't Know/Refused	30	9.90%	71.43%
<b>Total</b>	<b>303</b>		<b>52.42%</b>

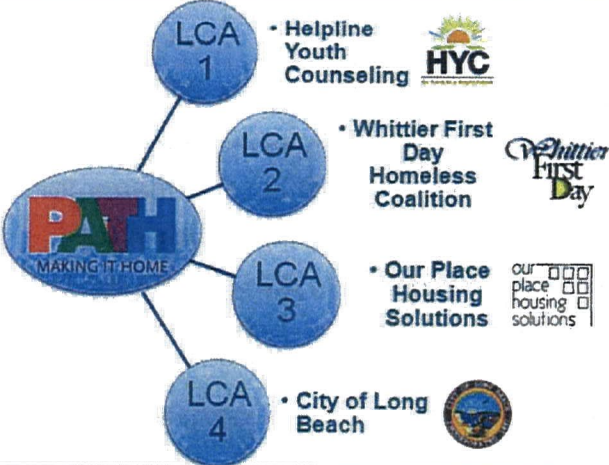






## Making it home: Solutions for ending homelessness in the GCCOG



October 2013

## LEAD AGENCIES



- LCA 1 • Helpline Youth Counseling 
- LCA 2 • Whittier First Day Homeless Coalition 
- LCA 3 • Our Place Housing Solutions 
- LCA 4 • City of Long Beach 

## Gateway Connections

### GOALS

- Serve 500 people living on the streets
- Help 665 households move into permanent supportive housing by the end of 2017



## Gateway Connections

### Progress Update (October 2012 - June 2013)

- Served +20K homeless individuals
- Provided +6,500 with case management
- Provided +200 with medical services
- Linked nearly 200 to emergency shelter
- Permanently housed +225



## LCA 2 ANNUAL STATISTICS

### LCA 2                      WHITTIER

#### Total served - 578

- Male (Adult) - 383
- Female (Adult) - 171
- Male (<18) - 13
- Female (<18) - 10
- Transgender - 1

#### Total served - 303

- Male (Adult) - 195
- Female (Adult) - 88
- Male (<18) - 10
- Female (<18) - 9
- Transgender - 1



## LCA 2 ANNUAL STATISTICS

### LCA 2                      WHITTIER

#### DEMOGRAPHICS

- Veterans - 51
- Families/Children - 14
- Alcohol/Drug - 268
- Mental Health - 133
- Chronic Medical - 125
- Physical Disability - 30
- Victim DV - 3
- Chronic Homeless - 11

#### DEMOGRAPHICS

- Veterans - 19
- Families/Children - 10\*
- Alcohol/Drug - 169
- Mental Health - 71
- Chronic Medical - 78
- Physical Disability - 21
- Victim DV - 3
- Chronic Homeless - 3



## LCA 2 OUTCOMES

### October 2012 - June 2013

- Served more than 652 homeless individuals
- Provided more than 160 with case management
- Provided more than 10 with employment
- Linked 59 to emergency shelter
- Permanently housed 75
- Permanently housed 8 veterans



## 2013 Greater LA Homeless Count

### Whittier Total - 82

- 18 single adults
- 8 youth
- 7 persons in cars
- 16 persons in vans
- 25 persons in campers/RVs
- 6 persons in tents
- 2 persons in encampments



## VETERANS STATISTICS

### November 2011 - October 2013

- Whittier – 23 served (20 male + 3 female)
- Total veterans served - 69
- Permanent housing - 35
- Chronic homeless veterans receiving VA service (VASH, vet benefits, family services) - 13
- Chronic homeless veterans receiving NON-VA service (medical substance abuse, mental health, education, employment & case management) - 16



## LCA 2 OUTCOMES

### HOTLINE

(562) 373 – 5264





# Agenda Report

**Date:** December 10, 2013  
**To:** Jeffrey W. Collier, City Manager  
**From:** Jeff A. Piper, Chief of Police  
**Subject:** Camping and Storage of Personal Property in Public Areas

## **RECOMMENDATION**

It is recommended the City Council:

- Introduce an ordinance repealing and replacing Whittier Municipal Code Section 12.42 relating to camping and storage of personal property; and
- Authorize staff to do a Summary Publication of the Ordinance

## **BACKGROUND**

In 2010, City Council adopted Ordinance No. 2946 establishing regulations governing camping and storage of personal property. The purpose of the ordinance was to ensure the public areas within the City could be readily accessible and available to the residents and the public at large. The use of these areas for camping purposes or storage of personal property interferes with the rights of others to use the areas for which they were intended. This ordinance was codified under Whittier Municipal Code 12.42.

## **DISCUSSION**

Various amounts of personal property are being left unattended in public places throughout the City, giving rise to competing interests. On one hand, unattended personal property in public areas interferes with access to such public areas and could not only constitute a threat to the health and safety of residents but interfere with safe passage for pedestrians and disabled individuals across public rights-of way. On the other hand, the individual owners of the unattended personal property have a protectable possessory interest in property they leave unattended in public places because the property may include important items such as identification, heirlooms, medications, toiletries and clothing.

After consideration and analysis of these issues, City staff worked with the City Attorney's office to develop an ordinance that balances, addresses, and clarifies the competing concerns noted above while ensuring compliance with State and Federal Law. In summary, the proposed ordinance accomplishes the following:



- It clarifies and expands certain definitions including personal property, abandoned personal property, and storage of personal property.
- It includes detailed provisions relating to notice and post-impound due process for personal property that is impounded.
- It modifies the provisions that relate to the handling of found property in compliance with state and federal law.
- It allows for the destruction of dangerous or perishable property; contraband or evidence of a crime is subject to confiscation pursuant to state and federal law.
- It provides that abandoned property may be destroyed only when such property is clearly and unmistakably abandoned as defined.
- Violations of any provisions of this ordinance may be punished pursuant to the provisions of Chapter 1.08 of the Whittier Municipal Code.

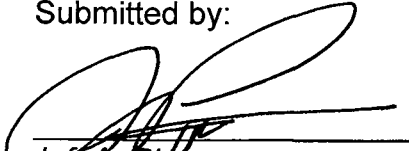
Ted Knoll, Executive Director of First Day, reviewed the proposed ordinance and concluded that it provides an equitable balance between the public's interest and the possessory interest in the personal property of those who leave such property unattended.

### **FISCAL IMPACT**

While additional revenue may be generated as a result of this ordinance, those amounts are anticipated to be negligible and depend on the frequency of violations in any given period.

There is an estimated fiscal impact of \$2,385 if the ordinance is published in its entirety. The estimated cost of Summary Publication is \$1,416 for a savings of approximately \$969. There is \$19,805 available in account 100-15-151-641000 Clerk-Advertising and Publications.

Submitted by:



\_\_\_\_\_  
Jeff A. Piper  
Chief of Police

Attachment: A – Ordinance

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, REPEALING AND REPLACING CHAPTER 12.42 OF THE WHITTIER MUNICIPAL CODE REGARDING CAMPING AND STORAGE OF PERSONAL PROPERTY IN PUBLIC AREAS

WHEREAS, pursuant to Article XI, Section 7 of the California Constitution the City of Whittier has the authority to enact and enforce ordinances for the protection of the health, safety and welfare of its residents;

WHEREAS, Article II, Section 200 of the City of Whittier's Charter empowers the City to make and enforce all laws and regulations with respect to municipal affairs;

WHEREAS, the City Council of the City of Whittier finds that large amounts of personal property are being left unattended in public places throughout the City, and that such personal property creates blight within the City, and obstructs the public rights-of-way;

WHEREAS, the City Council finds that unattended personal property in public areas interferes with access to such public areas and to businesses, and thereby negatively affects quality of life, as well as the profitable operation of such businesses;

WHEREAS, the City Council finds that unattended personal property in public areas constitutes a threat to the health and safety of the people, as such personal property may attract vermin and interfere with safe passage for pedestrians and disabled individuals across public rights-of-way;

WHEREAS, the City Council finds that individuals have a protectable possessory interest in personal property that they leave unattended in public places and parks, and that such property may include important items such as identification papers, heirlooms, medications, toiletries and clothing;

WHEREAS, the City Council finds that the public's interest in having blight-free parks and public rights-of-way is outweighed by the more immediate interests of individuals in not having their personal belongings summarily destroyed;

WHEREAS, Section 2080 et seq. of the California Civil Code provide for the disposition and care of lost and unclaimed property, and Section 2080.4 authorizes the City of Whittier to enact its own provisions;

WHEREAS, the City Council finds that unlawful camping in public areas, streets and parks causes blight, obstructs the public rights-of-way, prevents public areas from being used for their intended purposes, and obstructs access to businesses and public facilities;

WHEREAS, the City Council finds that unattended property in public areas and unlawful camping are different problems that cause blight in the City of Whittier, and should be addressed in ways that are specifically tailored to each problem;

WHEREAS, the City Council finds that the publication of the entire text of this ordinance in a newspaper of general circulation would cost significantly more than the cost of publishing other ordinances and it is infeasible to prepare a fair and accurate summary of the ordinance; and

WHEREAS, pursuant to subdivision (c) of Section 36933 of the California Government Code, the City Council may publish a summary of the ordinance in lieu of the entire text.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 12.42 - Camping and Storage of Personal Property - of Title 12 (Streets, Sidewalks and Public Places), of the Whittier Municipal Code is hereby repealed and replaced in its entirety with the following text:

Chapter 12.42 – CAMPING AND STORAGE OF PERSONAL PROPERTY IN PUBLIC AREAS

12.42.010 - PURPOSE.

- A. The public streets and areas within the city should be readily accessible and available to residents and the public at large. The use of these areas for camping purposes and/or storage of personal property interferes with the rights of others to use the areas for which they were intended. The purpose of this chapter is to maintain the public streets and public areas in blight-free conditions, to secure access to public areas and to businesses, and to ensure that public property is used for its intended purposes and remains accessible to all citizens, businesses and visitors in the City of Whittier.
- B. Large amounts of personal property are being left unattended in public areas throughout the City, and such personal property creates blight, obstructs the public rights of way, interferes with access to the public areas and to businesses, and thus negatively affects quality of life in the city, and negatively affects the profitable operation of such businesses.

12.42.020 - DEFINITIONS.

Unless the particular provisions or the context otherwise requires, the definitions contained in this section shall govern the construction, meaning and application of words and phrases used in this chapter.

- A. "Abandoned personal property" means personal property that the owner surrenders, relinquishes, or disclaims. Indicia of abandoned personal property shall include, but not be limited to: personal property that its owner has indicated he/she does not want; and personal property left on private real property for any period of time without the permission of the real property owner or current tenant.
- B. "Alley" shall have the same meaning as Section 110 of the California Vehicle Code.
- C. "Camp" means to pitch or to occupy camp facilities; to use camp paraphernalia.
- D. "Camp facilities" include, but are not limited to, tents, huts or temporary shelters.
- E. "Camp paraphernalia" includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, hammocks or noncity designated cooking facilities and similar equipment.
- F. "Chief of Police" or "Police Chief" means the Chief of Police of the Whittier Police Department, and shall include his/her designee.
- G. "City clerk-treasurer" shall mean the Whittier City Clerk-Treasurer and shall include his/her designee.
- H. "City manager" shall mean the Whittier City Manager and shall include his/her designee.
- I. "House trailer" shall include any motor vehicle, boat, recreational vehicle or other vehicular device designed for use as a human habitation but shall not include a manufactured home, as that term is defined in 42 U.S.C. § 5402, or its successor provisions.
- J. "Park" means a park, reservation, playground, recreation center or any other area in the city owned, maintained or used by the city for the purpose of public rest, play, enjoyment, active or passive recreation, or assembly, and shall include all buildings and structures located thereon or therewith.
- K. "Public area" means and includes, but is not limited to, any street, alley, park, public right-of-way, recreational area, any place open to the public view or other

place to which the public has access. A public area can be privately or publicly owned.

- L. "Public works director" means the Public Works Director of the City of Whittier or his/her designee.
- M. "Personal property" means tangible personal belongings. Tangible personal belongings include any movable or tangible thing that is subject to ownership; property or chattels that can be seen, weighed, measured, felt, or touched, such as furniture, cooking utensils, money and books. For the purposes of this chapter, personal property shall not include real property, vehicles, bicycles or animals.
- N. "Real property" means land and anything growing on, attached to, or erected on it, excluding anything that may be severed without injury to the land. Real property includes land, buildings and easements.
- O. "Storage of personal property in public areas" means accumulating or putting aside personal property, placing it for safekeeping, or leaving it in public areas; or personal property that is left unattended in any public area lacking a guard, escort, caretaker, or other watcher.
- P. "Street" shall have the same meaning as Section 591 of the California Vehicle Code.
- Q. "Unclaimed personal property" means personal property that has been turned in to the chief pursuant to Section 12.42.040, and that has not been claimed within a period of ninety (90) days by its true owner or finder.

#### 12.42.030 - CAMPING IN PUBLIC AREAS PROHIBITED.

- A. It shall be unlawful for any person to camp, occupy camp facilities or use camp paraphernalia in the following areas, except as otherwise designated by the city manager or his/her designee:
  - 1. Any street or alley;
  - 2. Any public parking lot or public area, improved or unimproved;
  - 3. Any park.
- B. The prohibition of this section shall not apply:
  - 1. In the event of emergencies, such as may be caused by flooding, fire, earthquake or any other natural or man-made condition.
  - 2. To events that are approved or sponsored by the city.

3. To camping grounds and parks designated for mobile home or recreational vehicle use.
4. Occasional camping on residential properties, with the property owner's express permission, not to exceed three consecutive days in any ninety-day period.
5. Events on private property, for which the owner(s) or person(s) in lawful possession of the property has obtained a temporary use permit or conditional use permit from the city, which specifically allows the activity.

12.42.040- UNLAWFUL CAMPING – LIVING IN VEHICLES PROHIBITED.

- A. The use of a house trailer, whether on wheels or a foundation, for habitation purposes, either temporary or permanent, other than one located in a regularly established trailer park and in areas designated for such use, is declared to be a nuisance and is prohibited.
- B. The use for habitation purposes of any motor vehicle, operative or nonoperative, including but limited to any automobile, sport utility vehicle or van, which has a designed primary purpose of transportation, and which is parked on any street or public place or anywhere open to public view, is declared to be a public nuisance and is prohibited.

12.42.050 - STORAGE OF PERSONAL PROPERTY IN PUBLIC AREAS PROHIBITED.

- A. It shall be unlawful for any person to store personal property in any public area, except as otherwise approved in writing by the city manager or his/her designee. Personal property stored in public areas in violation of this section shall be impounded pursuant to Sections 12.42.050 through 12.42.110 of this chapter.
- B. Any personal property left in any city park while the park is closed to the public, whether or not the personal property is unattended, may be immediately impounded, pursuant to Sections 12.42.050 through 12.42.110 of this chapter.
- C. Violations of this section may be punishable pursuant to the provisions of Section 1.08.010 of this code.

12.42.060 - POLICE CHIEF TO RECEIVE STORE/UNATTENDED PERSONAL PROPERTY.

The chief of police shall make provisions for receiving and safekeeping of personal property found unattended and coming into his or her possession. A receipt shall be issued to the person delivering such personal property, unless the personal property was found in the course of employment by an employee of the city. The police department shall notify the owner, if his or her identity is reasonably ascertainable, that it possesses the personal property and where it may be claimed. The police department

may require the owner to pay a reasonable charge to defray the costs of storage and care of the personal property.

12.42.070 - NOTICE.

- A. In the event that the personal property is found in the course and scope of employment by an employee of the city, the employee shall leave a notice in a prominent place of any personal property taken, including advising where the personal property is being kept and when it may be claimed by its rightful owner.
- B. The city shall determine what, if any, areas of the city suffer from blight due to storage of personal property in public places, parks or streets and alleys, and erect signs in those areas so as to provide additional notice.

12.42.080 - HOLDING AND DISPOSAL OF STOLEN/UNATTENDED PERSONAL PROPERTY.

Found personal property shall be deposited in a safe place for a period of at least ninety (90) days, and found money shall be deposited with the city clerk-treasurer for a period of not less than ninety (90) days, unless sooner claimed by the true owner. In the event the property or money is not claimed within ninety (90) days, it shall be deemed to be unclaimed personal property, subject to disposal as provided in this chapter.

12.42.090 - TRUE OWNER MAY CLAIM PERSONAL PROPERTY.

During the time that any found personal property is held by the city, it may be delivered or paid to the true owner as follows:

- A. The personal property shall be delivered upon proof of ownership satisfactory to the chief of police after ten (10) days' notice by mail to any others who have asserted a claim of ownership, at any address given by such persons.
- B. If the personal property consists of money, it shall be paid to the true owner upon written order from the chief of police to the city clerk-treasurer. The chief of police shall make such order upon the same proof of ownership and with the same notice as prescribed in the case of property.
- C. If ownership cannot be determined to the satisfaction of the chief of police, he or she may refuse to deliver the personal property or order the payment of such money to anyone until ordered to do so by a court of competent jurisdiction.

12.42.100 - FINDER MAY RECLAIM PROPERTY OR MONEY.

- A. If the reported value of the personal property is \$250.00 (two-hundred fifty dollars) or more, and the true owner does not appear and prove his or her ownership of the personal property within ninety (90) days, the chief of police



shall cause notice of the personal property to be published once in a newspaper of general circulation. If, after seven (7) days following the publication of the notice, no owner appears and proves his or her ownership of the personal property, and the person who found or saved the personal property pays for the cost of publication of the notice, the title shall vest in the person who found or saved the personal property, unless the personal property was found in the course of employment by an employee of the city, wherein the personal property shall be sold at auction as provided in Section 12.42.060.

- B. In the event the reported value of the personal property is less than \$250.00 (two-hundred fifty dollars) and no owner appears to prove his or her ownership of the personal property within ninety (90) days, the title shall vest in the person who found or saved the personal property, unless the personal property was found in the course of employment by an employee of the city, in which case the personal property shall be sold at auction as provided in Section 12.42.060.

#### 12.42.110 - UNCLAIMED PERSONAL PROPERTY TO BE USED BY CITY OR SOLD AT AUCTION – NOTICE.

- A. Upon expiration of the ninety (90) day period, any personal property received by the city and not delivered to the true owner or finder may be appropriated to the use of the City of Whittier upon order of the city manager or his or her finding that the personal property is needed for a public use, and any personal property not appropriated to city use may be sold at public auction to the highest bidder.
- B. All unclaimed money received by the chief of police, and not delivered to the true owner or finder during the ninety (90) day period shall thereafter be deposited in the general fund.
- C. Notice of sale at auction of unclaimed personal property shall be given by the city clerk-treasurer at the direction of the chief of police at least five (5) days before the time fixed therefor by publication at least once in a newspaper of general circulation.

#### 12.42.120 - CONDUCT OF AUCTION.

An auction for the sale of unclaimed personal property shall be in accordance with Civil Code 2080.3, 2080.4 and city policy.

#### 12.42.130 - PROCEEDS TO BE DEPOSITED IN GENERAL FUND.

After any auction for unclaimed personal property is completed, the proceeds of the auction shall be delivered to the city clerk-treasurer for deposit in the general fund.

#### 12.42.140 - UNSALABLE AND UNUSUAL PERSONAL PROPERTY.

Any personal property advertised and offered for sale but not sold and not suitable for appropriation to the use of the city shall be deemed to be of no value and shall be disposed of in such a manner as the city manager deems appropriate.

#### 12.42.150 - DANGEROUS OR PERISHABLE PERSONAL PROPERTY – EVIDENCE.

Any personal property coming into the possession of the chief of police may be disposed of immediately and without notice, in a manner that the chief of police determines to be in the public interest, when such personal property is perishable, contraband pursuant to state or federal law, evidence in a criminal investigation, or constitutes an immediate threat to the public health or safety.

#### 12.42.160 - PROVISIONS NOT APPLICABLE.

- A. The provisions of this chapter shall not apply to real or personal property or money subject to confiscation pursuant to state or federal law, to personal property that constitutes evidence in an ongoing criminal investigation and/or civil proceeding pursuant to state or federal law.
- B. The provisions of this chapter shall apply to personal property or money held as evidence only where the same is unclaimed by any person and no other provisions of law are applicable concerning its disposition.
- C. The provisions of this chapter shall not apply to personal property that has been abandoned by its owner. Abandoned property personal property shall be disposed of forthwith.

#### 12.42.170 - PENALTIES.

- A. Any violation of the provisions of this Chapter may be punished pursuant to the provisions of Chapter 1.08 of the Whittier Municipal Code.
- B. The remedies set forth in subsection A of this Section shall be in addition to any other existing remedies for code enforcement and nuisance abatement actions, including but not limited to, administrative citations or any action at law or equity.

SECTION 2. Any provision of the Whittier Municipal Code or appendices thereto inconsistent with the provisions of the Ordinance, to the extent of such inconsistencies and no further, are repealed or modified to that extent necessary to affect the provisions of this Ordinance.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Whittier hereby declares that it would have adopted this Ordinance and each section, subsection,

sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

SECTION 4. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause a display advertisement of at least one-quarter of a page to be published once in the official newspaper within 15 days after the adoption of the Ordinance, which advertisement indicates the general nature of the Ordinance and information about the Ordinance, including how to obtain copies of the complete text of the Ordinance. This Ordinance shall become effective 30 days from its adoption.

APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2013.

\_\_\_\_\_  
BOB HENDERSON, Mayor

ATTEST:

\_\_\_\_\_  
KATHRYN A. MARSHALL  
City Clerk-Treasurer