



## AGENDA REPORT

**Meeting Date:** December 1, 2009

**Item Number:** E-1

**To:** Honorable Mayor & City Council

**From:** James R. Latta, L.C.S.W. Human Services Administrator

**Subject:**

- A) AN ORDINANCE OF THE CITY OF BEVERLY HILLS AUTHORIZING THE CITY COUNCIL TO ADOPT BY RESOLUTION A PARKING TICKET FORGIVENESS PROGRAM FOR INDIVIDUALS WHO ARE HOMELESS, FORMERLY HOMELESS, OR AT-RISK OF HOMELESSNESS AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE.
- B) RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS APPROVING THE CREATION OF A PARKING TICKET FORGIVENESS PROGRAM FOR INDIVIDUALS WHO ARE HOMELESS, FORMERLY HOMELESS, OR AT-RISK OF HOMELESSNESS

**Attachments:**

- 1. Ordinance
- 2. Resolution
- 3. July 21, 2009 Staff Report

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### **RECOMMENDATION**

Staff recommends that City Council adopt the Parking Ticket Forgiveness Program Ordinance and Resolution.

### **INTRODUCTION**

During the July 21, 2009 informal meeting, City Council supported staffs' recommendation to implement a one-time parking citation dismissal program for homeless and at-risk individuals and families. City Attorney Wiener stated his office will formulate changes needed in the code to make this program possible and bring back the ordinance and resolution for City Council approval.

Public Counsel, the public interest law office of the Los Angeles County and Beverly Hills Bar associations, has asked the City of Beverly Hills for support to build upon the Los Angeles County Homeless Court Program by implementing a forgiveness program for parking citations in Beverly Hills. The program would benefit the homeless and those at risk of homelessness who have demonstrated a commitment to reestablishing permanency in their lives.

The scope of the program is *very* limited. It is a *one-time opportunity* for carefully screened individuals who meet the criteria and demonstrated *commitment to a 90-day program* through a recognized provider. There would be a *nominal loss of money* to Beverly Hills as there is a high likelihood of non-payment of tickets by this target population.

### **DISCUSSION**

The purpose of the Los Angeles County Homeless Court Program is to serve only individuals and families who are homeless, formerly homeless, or at-risk of homelessness by resolving minor traffic and “quality of life” offenses in order to facilitate their efforts to become more stable and self-sufficient. Parking citations, like traffic and quality of life offenses, pose a barrier to stability and self-sufficiency.

For many individuals, who live paycheck to paycheck, parking citations can result in an impounded car which can then result in loss of work and reduction in income, creating a serious threat of homelessness. In addition, unable to retrieve their impounded cars, they may lose all of their possessions and their last form of “shelter,” forcing them to live on the streets. Despite the seriousness of this issue, no participating jurisdiction in the Los Angeles County Homeless Court Program has yet to come forward to address the problem of parking citations for the homeless population.

This proposed program would only be available to those clients who have demonstrated a commitment to improving their circumstances and achieving self-sufficiency. To qualify for this one-time dismissal, clients must commit to a 90-day program through a recognized service provider. The program has been celebrated as “forward-thinking,” recognizing mounting parking citations can cause poor individuals and families to spiral into homelessness. Beverly Hills would be the first to provide a very important remedy at a time when more and more individuals and families are confronted with the threat of homelessness.

### **FISCAL IMPACT**

The fiscal impact to the City of Beverly Hills would be nominal. As stated, the dismissed tickets are tickets that would otherwise remain unpaid. Additionally, the Los Angeles County Homeless Court staff would use its own resources to screen the applicants to ensure compliance with the programmatic criteria. Only cases that meet the criteria for forgiveness as outlined in the resolution would be referred to the City’s designated parking ticket administrative staff for dismissal in the City’s system. Thus, it is anticipated that the City’s expenditure on staff time to serve this program would be minimal.



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Steve Miller

# **Attachment 1**

Ordinance

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF BEVERLY HILLS  
AUTHORIZING THE CITY COUNCIL TO ADOPT BY  
RESOLUTION A PARKING TICKET FORGIVENESS  
PROGRAM FOR INDIVIDUALS WHO ARE HOMELESS,  
FORMERLY HOMELESS, OR AT-RISK OF HOMELESSNESS  
AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE

THE COUNCIL OF THE CITY OF BEVERLY HILLS HEREBY ORDAINS AS  
FOLLOWS:

Section 1. Section 7-5-119 of Chapter 5 of Title 7 of the Beverly Hills Municipal Code is hereby added to read as follows:

“7-5-119: PARKING TICKET FORGIVENESS PROGRAM:

The City Council may adopt by resolution a parking ticket forgiveness program for individuals who are homeless, formerly homeless, or at-risk of homelessness.”

Section 2. The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage, in accordance with Section 36933 of the Government Code; shall certify to the adoption of this Ordinance and shall cause this ordinance and this certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

Section 3. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

Adopted:  
Effective:

\_\_\_\_\_  
NANCY KRASNE  
Mayor of the City of  
Beverly Hills, California

ATTEST:

\_\_\_\_\_  
BYRON POPE  
City Clerk

(SEAL)

[Signatures continue]

APPROVED AS TO FORM:



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LAURENCE S. WIENER  
City Attorney

APPROVED AS TO CONTENT:

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RODERICK J. WOOD, ICMA-- CM  
City Manager



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DAVID D. GUSTAVSON  
Director of Public Works & Transportation

# **Attachment 2**

Resolution

RESOLUTION NO. 09-R-\_\_\_\_\_

RESOLUTION OF THE COUNCIL OF THE CITY OF  
BEVERLY HILLS APPROVING THE CREATION OF A  
PARKING TICKET FORGIVENESS PROGRAM FOR  
INDIVIDUALS WHO ARE HOMELESS, FORMERLY  
HOMELESS, OR AT-RISK OF HOMELESSNESS

The City Council of the City of Beverly Hills does resolve as follows:

Section 1. Parking citations often pose a barrier to stability and self-sufficiency for individuals and families who are homeless, formerly homeless, or at-risk of homelessness. Many of these individuals live paycheck-to-paycheck, and thus parking citations can result in an impounded car that can then result in loss of work and a reduction in income. Those who have already lost their homes and live in their cars are frequently subjected to parking citations, which they often cannot pay, resulting in impoundment. Unable to retrieve their cars, they may lose all of their possessions and their last form of shelter. The City Council of the City of Beverly Hills (the “City”) is aware of this critical problem and is concerned about individuals and families who are homeless, formerly homeless, or at-risk of homelessness.

Section 2. Public Counsel, the public interest law office of the Los Angeles County and Beverly Hills Bar Associations, has requested the City’s support for building on the currently-existing Los Angeles County Homeless Court Program, which serves individuals and families who are homeless, formerly homeless, or at-risk of homelessness by resolving minor traffic and “quality of life” offenses to assist in stability and self-sufficiency. Public Counsel has requested that the City implement a forgiveness program for its parking citations.

Section 3. The City’s Municipal Code Section 7-5-119 authorizes the City Council to adopt by resolution a parking ticket forgiveness program for individuals who are homeless, formerly homeless, or at-risk of homelessness. The City Council now adopts this Resolution pursuant to that authority.

Section 4. To qualify for the program, the applicant must meet four (4) criteria:

1) He or she has committed to ninety (90) days in a skills-building program through a recognized provider, e.g. PATH, Union Rescue Mission, Midnight Mission, the Weingart Center, Ocean Park Community Center, Step Up on Second, with proof from a case manager of meaningful progress towards rehabilitative goals, including drug and alcohol rehabilitation, mental health services, and/or education and employment training;

2) He or she has not received any new quality of life citations (exempting parking tickets) in the past six (6) months, demonstrating a commitment to achieving self-sufficiency and living within the letter of the law;

3) He or she has no unresolved felony warrants; and

4) He or she has not participated in the forgiveness program in the past as it is a once in a lifetime opportunity.

Section 5. If the applicant meets all four (4) aforementioned criteria, he or she may apply for the City's Parking Tickets Forgiveness Program through his or her recognized provider. The recognized provider will screen such applicants carefully and refer applications to the Los Angeles County Homeless Court Program, which will determine eligibility. The Los Angeles County Homeless Court Program will then transfer any eligible application to the City's Transportation Official ("Official") or designee, who hereby has the authority to waive all of the eligible applicant's parking citations issued by the City.

Section 6. The City's Municipal Code Sections 7-3-115 and 7-5-114 state that parking permits issued by the City shall not be issued to any applicant unless all outstanding parking penalties and other related fees are paid in full. If an applicant qualifies for the City's Parking Tickets Forgiveness Program and the Official or designee thereby waives all of the eligible applicant's parking citations issued by the City, the parking penalties and other related fees shall be considered paid in full for the purposes of Sections 7-3-115 and 7-5-114. Thus, parking permits may be issued to such individuals in conformity with the Municipal Code.

Section 7. The City Clerk shall certify to the adoption of this resolution and shall cause this resolution and his certification to be entered in the Book of Resolutions of the Council of this City.

Adopted:

By: \_\_\_\_\_  
NANCY KRASNE  
Mayor of the City of  
Beverly Hills, California

ATTEST:

\_\_\_\_\_ (SEAL)  
BYRON POPE  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
LAURENCE S. WIENER  
City Attorney

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
DAVID D. GUSTAVSON  
Director of Public Works & Transportation

## **Attachment 3**

July 21, 2009 Staff Report



## CITY OF BEVERLY HILLS STAFF REPORT

**Meeting Date:** July 21, 2009  
**To:** Honorable Mayor & City Council  
**From:** James R. Latta, L.C.S.W., Human Services Administrator *J.R.L.*  
**Subject:** Forgiveness Program for Parking Ticket Dismissal for Homeless and At-Risk Homeless Individuals and Families.

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### INTRODUCTION

Public Counsel, the public interest law office of the Los Angeles County and Beverly Hills Bar associations, has asked the City of Beverly Hills for support to build upon the Los Angeles County Homeless Court Program by implementing a forgiveness program for parking citations issued in Beverly Hills. The program would benefit the homeless and those at risk of homelessness who have demonstrated a commitment to reestablishing permanency in their lives.

The scope of the program is *very* limited. For example, in a six-month period, of 1,000 citations reviewed from Los Angeles County, approximately nine were from Beverly Hills. It is a *one-time opportunity* for carefully screened individuals who meet certain *eligibility criteria* including demonstrated *commitment to a 90-day program* through a recognized provider. There would be a *nominal loss of money* to Beverly Hills as there is a high likelihood of non-payment of tickets by this target population.

### DISCUSSION

The purpose of the Los Angeles County Homeless Court Program is to serve only individuals and families who are homeless, formerly homeless, or at-risk of homelessness by resolving minor traffic and "quality of life" offenses in order to facilitate their efforts to become more stable and self-sufficient. Parking citations, like traffic and quality of life offenses, pose a barrier to stability and self-sufficiency.

Approximately 4 in 10 Los Angeles County residents are poor or near poor; that is, earning less than 200% above the federal poverty line. For those individuals, many of whom live paycheck to paycheck, parking citations can result in an impounded car which can then result in loss of work and reduction in income, creating a serious threat of homelessness. In this sense, parking citations can be the final blow to those individuals

and families living at-risk of homelessness. And, for those who have already lost their homes, parking citations provide another, often insurmountable, obstacle to recovering from homelessness. Many homeless individuals and families are forced to live in their cars and are frequently subjected to parking citations, which they cannot pay, resulting in impoundment. Unable to retrieve their cars, they may lose all of their possessions and their last form of "shelter," forcing them to live on the streets.

Despite the seriousness of this issue, no participating jurisdiction in the Los Angeles County Homeless Court Program has yet to come forward to address the problem of parking citations for the homeless population. Simi Valley, in Ventura County, recently adopted a pilot program to allow low-income and homeless residents to pay for parking tickets through community service. The program has been celebrated as "forward-thinking," recognizing mounting parking citations can cause poor individuals and families to spiral into homelessness.

Referring agencies will carefully screen for motivated clients who are in a stable position to take advantage of this one-time opportunity. The program is not applicable to those who ignore recurring citations in anticipation of an "easy fix." Community service hours could impose a burdensome time commitment, leaving clients with limited opportunity to seek employment at this critical turning point. Moreover, for those clients who are still enrolled in rehabilitative programs, community service hours could hinder their ability to dedicate themselves to their program and, thus, compromise their progress.

Only those clients who have demonstrated a commitment to improving their circumstances and achieving self-sufficiency qualify for this one-time dismissal. This proposed program would only be available to those who commit to a 90-day program through a recognized service provider. (e.g., PATH, Union Rescue Mission, Midnight Mission, The Weingart Center, Step Up on Second). The Los Angeles County Homeless Court Program, through which the proposed parking dismissal program would be administered, already requires that certifications be submitted by case managers at the homeless service providers as part of the participant's application process.

#### Criteria for Forgiveness

In order to qualify for the program, the applicant must meet the following criteria:

- (1) S/he has completed ninety (90) days in a skills-building program with proof from a case manager of meaningful progress towards rehabilitative goals, including drug and alcohol rehabilitation, mental health services, and education and employment training;
- (2) S/he has not received any new quality of life citations (exempting parking tickets) in the past six (6) months, demonstrating a commitment to achieving self-sufficiency and living within the letter of the law;
- (3) S/he has no unresolved felony warrants; and,
- (4) S/he has not participated in the forgiveness program in the past as it is a once in a lifetime opportunity.

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There would be a nominal loss of revenue to the City of Beverly Hills as these individuals are unable to pay outstanding tickets and there is a high likelihood of non-payment of the tickets. In addition, these non-payments could appropriately be removed from the books. Instead, Beverly Hills could be the first to provide a very important remedy at a time when more and more individuals and families are confronted with the threat of homelessness.

The proposal has been reviewed and is supported by City Attorney Larry Wiener and Director of Parking Operations Chad Lynn, the Human Relations Commission and the Human Relations Liaison Committee: Vice Chair Delshad and Councilperson Mirisch.

On April 16, 2009, the Human Relations Commission reviewed the purpose of the program and its application to the target population. Representatives from Public Counsel David Daniels, Directing Attorney and Kris Peterson, Homeless Prevention Law Project, BHPD Sgt. Brad Cornelius and Shawn McCormick from Parking Operations were present to answer questions. After a question and answer period that included a proviso from both BHPD and Parking Operations that their support was *contingent* upon the Criteria for Forgiveness remaining without change, as drafted in this report on page 2, the Commission unanimously recommended City Council consideration of the proposal with the proviso that the forgiveness criteria remain as stated.

On June 29, 2009, the Human Relations Commission Liaison Committee met to consider the Commission's recommendation. David Daniels and Kim Peterson were present to answer any questions. The Liaison Committee supported the Commission's recommendation and added that an evaluation with case follow-up be built in to the program and a progress report brought back to the City Council for additional input and periodic evaluation.

### **FISCAL IMPACT**

The fiscal impact to the City of Beverly Hills would be nominal. As stated, the dismissed tickets are tickets that would otherwise remain unpaid. Additionally, the Los Angeles County Homeless Court staff would use its own resources to screen the applicants to ensure compliance with the programmatic criteria. Only cases that meet the criteria for forgiveness would be referred to the City's designated parking ticket administrative staff for dismissal. Thus, it is anticipated that the City's expenditure on staff time to serve this program would be minimal.

### **RECOMMENDATION**

Staff recommends adoption of a forgiveness program for parking ticket dismissal for homeless and at-risk homeless individuals and families per the criteria for forgiveness as stated in the staff report. In addition, an evaluation of the program to include a review of who was served and how they fared over a six-month period be brought back to the City Council for review.

  
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Steve Miller