

Subject: Fw: Ideas for a motion

From: Greig Smith <citycouncilguy@yahoo.com>

Date: 3/19/2019, 10:33 PM

To: Stephanie Uy <stephanie.uy@lacity.org>, Colin Crews <colin.crews@lacity.org>, Eric Moody <eric.moody@lacity.org>, Erich King <erich.king@lacity.org>

----- Forwarded Message -----

From: Eric Rose <eric@ekapr.com>

To: Greig Smith <citycouncilguy@yahoo.com>

Sent: Tuesday, March 19, 2019, 6:59:12 PM PDT

Subject: Ideas for a motion

Maintain the Ability to Enforce Parking Laws Through Appropriate Towing

AB 516 (Chiu) purports to address the impacts of three categories of towing identified in “Towed Into Debt: How Towing Practices in California Punish Poor People” (Public Law Center, et al, March 2019). The report makes – as it acknowledges – conclusions and recommendations based on incomplete data and analysis. One of the report’s conclusions that relates to AB 516 is: “Once a car is towed, many California families do not have the money to retrieve the car and cannot borrow the money.” While this may be true, the cause of towing is not actually poverty, but the repeated, intentional acts of the vehicle owner/operator to not comply with specific parking and vehicle registration laws, as discussed below.

[the # is ~80% but need to confirm with LADOT or delete and say “Most...”; unclear if LADOT will provide the figure...]

Both state and municipal parking laws promote public safety and ensure fair and equitable access to on-street parking that supports the economy and our populace. Persons with five or more parking tickets are scofflaws who repeatedly and intentionally violate parking laws (California Vehicle Code Section 22651(i)). Scofflaws do not represent a significant proportion of parking citations issued in the City of Los Angeles. Over ___% of vehicles cited for a parking violation are not cited again for another parking violation. The current threshold of towing for five or more unpaid parking citations means that a driver – regardless of his or her financial situation – did not simply make a mistake or two. It means he or she violated parking laws repeatedly (which is unrelated to poverty) and subsequently did not pay the associated fines.

Likewise, CVC Section 22651(o)(1)(A) allows for towing unregistered vehicles. A vehicle with an expired vehicle registration for more than six months has an owner that has intentionally decided not to comply with the law. It is not simply a late or delinquent payment and six months provides ample time to identify funds so that the registration can be paid or make alternative transportation arrangements. By not

complying with vehicle registration requirements, vehicle owners also avoid having to provide evidence of vehicle insurance to the Department of Motor Vehicles. Lack of legally required vehicle insurance poses a public safety and financial risk to other motorists, cyclists, and pedestrians.

Finally, CVC Section 22651(k) authorizes the City Council to adopt 72-hour parking limits, as codified in Los Angeles Municipal Code Section 80.73.2. Vehicles parked illegally for more than 72 hours – regardless if they were parked legally for the first 72 hours – constitute an unfair utilization of on-street parking assets that should be available to the public at large, not just to an individual vehicle owner who intentionally breaks the law. In cases where the vehicle is inoperable and the reason the vehicle has not been moved is because the owner may not have the resources to pay for a repair, AB 516 would enable that owner to permanently occupy an on-street parking space and make that asset unavailable to the rest of the public in perpetuity. Such a vehicle that is not moved by the owner for an extended period of time becomes a de facto abandoned vehicle, a contributing factor to neighborhood blight and conditions identified by George L. Kelling and James Q. Wilson in their seminal essay “Broken Windows” (1982).

[decision point: include description of data analysis and report critique of City of Los Angeles?]

For context, the report highlights data analysis from eight of “approximately 20 different agencies” based on data supposedly received under the California Public Records Act (CPRA). The report does not base any of its analysis on the City of Los Angeles and speciously characterizes the City of Los Angeles as unresponsive. The report’s contributor organizations and staff all are well-funded and sophisticated. It is unclear why the report would be rushed if the City of Los Angeles and other agencies’ data was important. If the City of Los Angeles did not comply with the CPRA, as the report insinuates, the contributor organizations have the resources to secure any data that the City is legally required to provide.

Owning a vehicle is not a right and the City of Los Angeles is making extensive efforts to make the City more accessible and livable through expanded transit, cycling, pedestrian, and other transportation modes. Owning a vehicle comes with responsibilities, both legal and financial. Vehicle ownership has legally required costs (e.g. vehicle registration) and avoidable costs when the owner/operator behavior complies with parking laws (i.e. does not violate parking laws and/or pays citations in a timely manner when they do).

AB 516 (Chiu) may be a well-intentioned bill that attempts to address the financial impacts of some categories of towing, but it actually creates unwarranted incentives and rewards for scofflaws and lawbreakers that will result in negative impacts on the broader community.

I THEREFORE MOVE that Council adopt an OPPOSE position on AB 516 (Chiu) related to changes to California law that would reduce the City of Los Angeles’ ability to tow the vehicles of scofflaws and

lawbreakers.

Subject: Re: Fw: This legislation will hurt LA

From: Erich King <erich.king@lacity.org>

Date: 3/19/2019, 9:59 AM

To: Greig Smith <citycouncilguy@yahoo.com>

CC: Stephanie Uy <stephanie.uy@lacity.org>, Colin Crews <colin.crews@lacity.org>, Eric Moody <eric.moody@lacity.org>

On it

Erich King

Legislative Deputy

Office of Councilmember Greig Smith

Community Service Center: 818-882-1212

City Hall: 213-473-7012

e: Councilmember.Smith@lacity.org | w: cd12.org

On Tue, Mar 19, 2019 at 9:56 AM Greig Smith <citycouncilguy@yahoo.com> wrote:

Lets get on this

----- Forwarded Message -----

From: Eric Rose <eric@ekapr.com>

To: Greig Smith <citycouncilguy@yahoo.com>

Sent: Tuesday, March 19, 2019, 8:49:59 AM PDT

Subject: This legislation will hurt LA

Greig,

The proposed legislation by Assemblymember David Chiu to “eliminate poverty-related towing.” The OPG’s can’t oppose this because it will be viewed as self-serving. I hope the City will oppose this legislation. Can you imagine the outrage from residents if the City can’t tow motorhomes or cars that are parked for more than 72 hours? Below is the press release that Assemblymember Chiu put out. I am also attaching the “fact sheets” he issued.

Can I draft a motion for your consideration to have the City oppose this bill?

PRESS RELEASE

For Immediate Release

March 18, 2019

Jen Kwart, jennifer.kwart@asm.ca.gov, 714.749.2001 (Chiu)

Assemblymember David Chiu Introduces Bill to Eliminate Poverty-Related Towing

Legislation ensures towing is conducted to improve public safety and traffic flow rather than as a debt collection tool that harms low-income people

SAN FRANCISCO—Assemblymember David Chiu (D-San Francisco) introduced a bill today that seeks to end towing practices that harm low-income people. Assembly Bill 516 would eliminate towing conducted as a debt collection tool to compel payment for unpaid parking tickets or expired vehicle registrations.

“Taking someone’s car away for the sole reason of collecting a debt is not going to help that person pay that debt,” said Assemblymember Chiu. “Towing should be used to ensure proper traffic flow and public safety, not to push poor people further into poverty.”

For the tens of thousands of middle- and low-income Californians who have had their vehicles towed every year, it is more than a stressful, expensive inconvenience. A vehicle tow can lead to not only the permanent loss of a car, but also the loss of employment, access to school and medical care, and for some, their only shelter.

In California, it typically costs a minimum of \$500 to retrieve a car that has been impounded. If the car was towed in order to collect a debt such as unpaid parking tickets or vehicle registration fees, the owner must first pay off those debts and cover daily vehicle storage fees before they can pay to get their car back from a tow yard, which can approach \$1,500.

Many people do not have the means to pay for such large costs. A recent federal report showed that 40 percent of Americans lack the savings necessary to cover an unexpected expense of \$400. As documented by [Towed Into Debt](#), what this often means is a tow can lead to the permanent loss of a car by the original owner.

When a car owner is unable to pay debts or towing fees, the local government and towing company try to

recover those debts by selling the car at a lien sale. However, the costs associated with the tow, storage, and lien sale fees are often far greater than the amount the vehicles are sold for. Data from municipalities around California show that towed vehicles are usually sold for an average of \$2,000 less than what it costs to tow and store the vehicles.

In San Francisco, half of all vehicles towed for debt collection are sold at lien sales, meaning that half of debt collection tows result in no debt collection. The inability to recover the true cost of the tow -- combined with the fact that a majority of debts are never collected -- makes towing as a debt collection tool incredibly ineffective.

This results in a no-win situation for all parties involved. The car owner has lost one's largest economic asset and is pushed deeper into poverty. The tow yard owners must operate at a loss. The local government is unable to collect the original debt that caused the tow.

AB 516 seeks to eliminate the three most common types of poverty-related tows that disproportionately impact low-income people and result in financial losses for local governments and towing companies. Specifically, the bill would prohibit tows where the owner has five or more unpaid parking tickets, where the car registration is more than six months out of date, or where a car has been legally parked for over 72 hours. These tows harm low-income people far more than those with the means to pay parking tickets and registration fees.

This bill leaves intact two dozen other statutory grounds that a local government can rely on to tow a car, ensuring that localities are still able to enforce traffic laws and maintain public safety.

Additionally, if AB 516 is enacted, many other enforcement mechanisms will remain to ensure that Californians who are able to afford to pay parking tickets and registration fees are compelled to do so. Local agencies and state government would still be able to intercept tax refunds, suspend a person's license, enter a civil judgment against an offender, or use bank levies and wage garnishments to compel a person to pay parking tickets and vehicle registration.

The ACLU of California, Lawyers' Committee for Civil Rights, and Western Center on Law and Poverty are co-sponsoring AB 516.

"California's existing towing practices push people deeper into poverty, while doing nothing to benefit local governments," said Maya Ingram, Legislative Attorney with the ACLU of California. "It's time California put an end to this cruel and devastating practice."

“Half of Americans can’t afford an emergency \$500 expense, but cities across California regularly saddle low-income people with thousands of dollars in unconstitutional towing fees,” said Elisa Della-Piana, Legal Director of the Lawyers’ Committee for Civil Rights. “These tows violate the Fourth Amendment by robbing people of their ability to get to work - and often their only financial asset - solely on the basis of economic status.”

“Towing is an unnecessarily harmful way for local governments to enforce non-safety related laws,” said Mike Herald, Director of Policy Advocacy of Western Center on Law and Poverty. “It is the equivalent of using a sledgehammer to crack an egg.”

AB 516 is expected to be heard in policy committee in April.

###

Assemblymember David Chiu (D–San Francisco) is the Chair of the Housing & Community Development Committee of the California State Assembly. He represents the 17th Assembly District, which encompasses eastern San Francisco. Learn more at: <https://a17.asmdc.org/>