



R-23

Date: September 14, 2021

To: Mayor and Members of the City Council

From: Councilmember Al Austin II, Eighth District
Councilwoman Mary Zendejas, First District
Councilwoman Cindy Allen, Second District
Councilwoman Suzie Price, Third District

Subject: Prohibition on picketing within 300 feet of intended target's residence

RECOMMENDED ACTION:

Recommendation to request City Attorney to draft an ordinance that would prohibit protests within 300 feet of the target's residence.

BACKGROUND:

Public protest is a protected and fundamental right in the United States. Citizens have the cherished right to freedom of speech. However, our constitutional rights are not unlimited.

Some groups and individuals have used tactics that include targeting an individual's home for the protest, often utilizing harassment and intimidation that can be traumatizing for children and neighbors. This has occurred in several cities, including Long Beach and Los Angeles.

Elected officials undertake the responsibilities of office knowing that there will likely be dissent and protest regarding positions they take and policies that are debated. However, there are numerous opportunities for this protest and dissent to take place in public spaces, without targeting a private residence and an individual's family. These targeted protests have affected both public officials and private citizens.

The City of Los Angeles voted 13-1 on August 31 to have their City Attorney draft an emergency ordinance to ban protests within 300 feet of the target's residence.

The City of San Jose has a similar ordinance that has been in place since 1993. That law prohibits targeted residential picketing that is targeted at and is within 300 feet of a residential dwelling. It is limited to those situations where the picketing proceeds on a definite course or route in front of a residential dwelling and is directed at that residential dwelling.

San Jose's law was upheld by a state appeals court, which ruled that the ordinance is a valid time, place or manner regulation of speech narrowly tailored to protect residential privacy. The California Supreme Court and the U.S. Supreme Court both allowed the appeals court ruling to stand without comment.

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While Long Beach continues to respect and protect the right to free expression, including protest, it is appropriate to enact some safeguards that have been previously ruled as constitutional to also protect the right to residential privacy.

FISCAL IMPACT: No fiscal impact was conducted due to the time sensitivity of this item.