

FOR IMMEDIATE RELEASE

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MEDIA CONTACTS

Jeffrey Hoffman, Directing Attorney, California Rural Legal Assistance (CRLA)
(707) 528-9941, jhoffman@crla.org

Alicia Roman, Staff Attorney, CRLA
(707) 528-9941, aroman@crla.org

Melissa Morris, Attorney, Public Interest Law Project
(510) 891-9794 x 111 ; mmorris@pilpca.org

FEDERAL ORDER LIMITS CITY, COUNTY IN CLEARING OF HOMELESS ENCAMPMENTS

Santa Rosa, CA — After several months of negotiations, Sonoma County and the City of Santa Rosa have agreed to enter into a Stipulation and Order for Preliminary Injunction [URL for hyperlink:] with homeless individuals and advocates that prohibits certain local law enforcement agencies, including the Santa Rosa Police Department and both City and County parks departments, from enforcing anti-camping and lodging laws against homeless people who are living on public property in tents, cars, or other dwellings, without first providing reasonable notice and offering those individuals adequate alternative shelter.

The injunction will be overseen by U.S. District Judge Vince Chhabria, who will be able to enforce any violations and/or to clarify the terms of the injunction. The injunction will be in effect from August 12, 2019 to June 30, 2020, and halts a lawsuit filed by homeless individuals and the advocacy organization Homeless Action! in March 2018 after County officials notified a homeless encampment behind the Dollar Tree Store in the Roseland neighborhood of Santa Rosa that they would be closing the encampment. Attorneys at California Rural Legal Assistance, Inc., and the Public Interest Law Project, represent Plaintiffs in the action.

The lawsuit argued that the County and City failed to provide reasonable accommodations in shelter placement for encampment residents with disabilities prior to displacing them from public property. It alleged that punishing homeless individuals for living outdoors without first offering them shelter placements that met their disability-related needs violated their rights under the 8th and 14th Amendments to the U.S. Constitution, as well as other laws. Plaintiffs also sought an order to stop the County and City from seizing and destroying homeless individuals' property without prior notice and an opportunity for a hearing, in violation of their 4th Amendment rights.

“Criminally punishing homeless individuals for sleeping on the street when they have nowhere else to go is inhumane,” said Adrienne Lauby, a founding member of Homeless Action!. “This agreement will help to ensure that the City and County will offer adequate placements instead of simply arresting and citing people for camping or conducting other life sustaining activities which they must do in order to survive.”

The injunction, which applies to enforcement actions against homeless persons within the city of Santa Rosa (including County owned property within Santa Rosa city limits), requires that, before the City or County takes an enforcement action against a homeless individual who has established a dwelling outdoors, they must first provide that individual reasonable notice and make an offer of adequate shelter. The injunction defines adequate shelter based on a variety of factors, including an individual's specific, disability-related needs, their having a service animal or pet, and their religious or ethical views. Adequacy will also depend on the conditions of the facility, including a requirement that the shelter be immediately available for 30 consecutive days or more, and that the shelter must be open days and nights.

The injunction does not include the Sonoma County Sheriff's office but Homeless Action! is hopeful that the Sheriff's Office will take similar steps to safeguard the rights of homeless individuals.

The injunction also establishes requirements for the preservation and storage of homeless individuals' personal property, including a prohibition against destroying homeless individuals' unattended (as opposed to abandoned) property and a requirement to store personal property for 90 days.

According to Sonoma County's 2019 Homeless Census, nearly 3,000 residents of Sonoma County are homeless. Two thirds of homeless individuals in the County are unsheltered, and 42% are living with disabilities. (Data available at <https://sonomacounty.ca.gov/CDC/Homeless-Services/Homeless-Count/>)

"This agreement is a good starting point, and we are optimistic that our government officials will go beyond the agreement to provide greater rights for those facing homelessness," said Gregory Fearon, a member of Homeless Action!.

"This stipulated preliminary injunction will help to protect the rights of homeless individuals with disabilities, and to promote meaningful access to homeless services in Sonoma County." said Melissa Morris, staff attorney at the Public Interest Law Project.

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CALIFORNIA RURAL LEGAL ASSISTANCE, INC.

Founded in 1966, CRLA's mission is to fight for justice and individual rights alongside the most exploited communities of our society. Through a network of regional offices and cross-cutting programs, CRLA provides legal services to nearly 50,000,000 low-income people annually. Our work impacts farmworkers, individuals with disabilities, immigrant populations, LGBT communities, women, children and families in rural areas. For more information on CRLA, please visit: www.crla.org.

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