

What: Judge allows unhoused residents' civil rights lawsuit against the City of San Luis Obispo to move forward.

When: February 9, 2022.

Who: Plaintiffs Hope's Village of SLO and Edward Marquez, California Legal Rural Assistance (CRLA), Public Interest Law Project and Law Office of Babak Naficy

Federal Judge Cormac J. Carney resoundingly rejected the City of San Luis Obispo's motion to dismiss, allowing a case brought by unhoused residents and Hope's Village SLO to move forward.

Five unhoused and low-income Plaintiffs, along with Hope's Village SLO, filed the lawsuit challenging the City's pervasive and consistent practice of citing, fining, arresting, and moving unhoused people to different locations in the absence of adequate and available shelter. They also allege that the City takes and destroys the personal belongings of unhoused persons, including tents, tarps, blankets, and life-saving medication. The City's behavior has been particularly cruel during the pandemic, as the constant moving of people contributes to heightened risk of the spread of COVID-19.

Instead of trying to resolve Plaintiffs' claims, the City expended wasteful resources trying to fight the case, filing a motion to dismiss, asking the Court to dismiss all of the Plaintiff's claims, and alleging that Hope's Village did not have standing to bring a lawsuit. However, on February 7, 2022, Judge Carney denied the motion in its entirety, allowing the Plaintiffs' case to move forward and requiring the City to file an answer to their Complaint. With respect to the lawsuit's claim that the City's practice of punishing people for living outdoors when adequate shelter is unavailable violates the 8th Amendment's ban on cruel and unusual punishment, the court stated: "[The City] may not, consistent with the Eighth Amendment, criminalize resting outside on public property when there is insufficient sleeping space practically available in any shelter" and that "Plaintiffs plausibly allege that [the City] has done so."

After hearing about the ruling, Becky Jorgensen, the Director of Hope's Village SLO said, "We have tried for 10 years to get more help for our homeless people who have little or no income or chance of getting housing. We have tried to persuade the City to follow the law. Someone has to break the chain. Let it be us" – Becky Jorgeson, Hope's Village SLO. Hope's Village of SLO is a local nonprofit organization that provides services to individuals experiencing homelessness.

“I hope that this will result in good things happening and more awareness of homelessness issues in the City, and more understanding that what has been happening has been wrong and things have to change.” said plaintiff Edward Marquez.

“We believe this is a positive ruling. We are excited to continue to move forward in litigation and fight for the rights of our clients and the unhoused community in SLO.” said Frank Kopcinski, Directing Attorney of CRLA-SLO.

“We hope that this ruling causes the City to rethink fighting Plaintiffs’ well-founded claims, and instead come to the table to find real solutions to the homelessness crisis in San Luis Obispo.” said Lauren Hansen, Staff Attorney at PILP.

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Link to the ruling on the motion to dismiss can be found [here](#)