

February 15, 2023

Chief Justice Patricia Guerrero and Associate Justices  
California Supreme Court  
350 McAllister Street  
San Francisco, CA 94102-4797

**RE: Disability Rights California v. Gavin Newsom, No: S278330**

Dear Chief Justice Guerrero and Associate Justices:

Centro Legal de la Raza (Centro Legal) writes in support of the writ of mandate filed by Petitioner Disability Rights California in the matter of *Disability Rights California v. Gavin Newsom*. If the CARE Act remains in place, an estimated 7,000-12,000 unhoused Californians will be forced into involuntary treatment and inadequate housing while being subjected to the court system.<sup>1</sup> The CARE Act will disproportionately harm low-income communities and people of color.<sup>2</sup> This program is particularly concerning in the current moment where thousands more people are facing the prospect of homelessness due to the expiration of State and local COVID-19 eviction protections.

### THE AMICI'S INTEREST

Centro Legal is a direct legal services organization located in Oakland, California that serves low-income Northern and Central Californian communities in matters related to housing, immigration, and workers' rights. Centro Legal's Tenants' Rights Program specializes in representing individuals who face housing instability due to harassment, habitability violations, unlawful evictions and the compounding effects of gentrification, disinvestment, discrimination, skyrocketing rent prices, and the COVID-19 Pandemic. Many of our clients are individuals with disabilities who are unhoused, have been unhoused in the past, and face uncertainty about housing in the future.

With the remaining local COVID-19 eviction protections likely to expire in the coming months, thousands of renters face the imminent risk of eviction and the possibility of becoming unhoused.<sup>3</sup> As an organization working closely with individuals experiencing housing instability and homelessness, we have an interest in ensuring that unhoused people with mental health conditions are supported rather than being coerced into a court-ordered treatment system that takes away their right to make decisions about their own lives and makes it even more difficult for them to access permanent housing.

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<sup>1</sup> California Courts: The Judicial Branch of California, *Adult Civil Mental Health, The CARE Act*, <https://www.courts.ca.gov/48654.htm>.

<sup>2</sup> Disability Rights California, *Disability Rights Advocates file petition challenging the constitutional validity of the CARE Act*, <https://www.disabilityrightsca.org/latest-news/disability-rights-california-information-on-care-act>.

<sup>3</sup> See Centro Legal de la Raza, *Our Response to COVID-19: Centro Legal de la Raza's Annual Report FY 20-21*, at 5, [https://www.centrolegal.org/wp-content/uploads/2021/10/Centro-Legal-AR-20-21\\_Full-R3\\_WEB-Spreads.pdf](https://www.centrolegal.org/wp-content/uploads/2021/10/Centro-Legal-AR-20-21_Full-R3_WEB-Spreads.pdf).

## THE IMPORTANCE OF THE ISSUE

### **A. The CARE Act does not address the root of the unhoused crisis: a lack of affordable and accessible housing**

The CARE Act purports to empower Californians in crisis to access housing.”<sup>4</sup> However, CARE legislation “does not appropriate one penny towards building or preserving affordable housing.”<sup>5</sup> This is problematic because the unhoused crisis is not being *caused* by unhoused people; rather, more and more people are becoming unhoused largely due to the lack of available and affordable housing in California.<sup>6</sup> Furthermore, in place of affordable housing, the CARE Act’s proposed housing is inadequate and inconsistent with California’s Housing First Policy. Rather than ensuring individuals receive permanent housing, the CARE Act’s housing solutions include “emergency shelters” and “congregate living arrangements where people share living and sleeping quarters with people they do not know.”<sup>7</sup>

Many of the tenants Centro Legal serves are long-term tenants who are living on a low income and whose units are affordable only because of how long the tenants have lived in the unit. Those who can pay rent are often forced to keep living in unsafe units because they cannot afford to move to a unit that is being rented at market rate. Many of these tenants are pushed out of their homes through unlawful self-help eviction, constructive eviction, and the eviction court process and face the prospect of becoming unhoused. Treating health conditions is extremely challenging for individuals experiencing housing instability and becomes nearly impossible for individuals who are unhoused.<sup>8</sup> Rather than removing the challenges that exacerbate mental health conditions, including the lack of affordable housing, the CARE Act will force individuals into inadequate living situations, where they will continue to face even more obstacles to securing stable housing and healthcare.

### **B. The CARE Act will disproportionately harm communities of color**

The CARE Act will harm the communities Centro Legal seeks to support and invest in, low-income communities of color living with disabilities. Because of California’s long history of discrimination in housing, employment, healthcare and policing, low-income communities of color and specifically Black Californians disproportionately experience housing instability and

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<sup>4</sup> California Health and Human Services, *Funding Backgrounder: California’s Homelessness Approach and Funding*,

<https://www.chhs.ca.gov/wp-content/uploads/2022/08/Funding-Backgrounder-Homelessness-20220818.pdf>.

<sup>5</sup> Disability Rights California v. Gavin Newsom (S27833), Supreme Court of California, Petition for Writ of Mandate and Supporting Memorandum of Points and Authorities, at 20.

<sup>6</sup> Los Angeles Times, Cause of Homelessness: It’s not drugs or mental illnesses experts say, <https://www.latimes.com/california/story/2022-07-11/new-book-links-homelessness-city-prosperity>.

<sup>7</sup> Disability Rights California v. Gavin Newsom (S27833), Supreme Court of California, Petition for Writ of Mandate and Supporting Memorandum of Points and Authorities, at 59.

<sup>8</sup> National Health Care for the Homeless Council, *Homelessness and Health: What’s the Connection? FACT SHEET February 2019*, <https://nhchc.org/wp-content/uploads/2019/08/homelessness-and-health.pdf>.

homelessness.<sup>9</sup><sup>10</sup> Additionally, psychiatry research reviewing empirical literature across a 24-year period shows that Black Americans, Indigenous people, and people of color are more likely to be diagnosed and misdiagnosed with psychotic disorders than white Americans because of clinicians' prejudice and misinterpretation of patient behaviors.<sup>11</sup> Due to the compounding effects of structural inequality, communities of color will be the most impacted by the harmful effects of the CARE Act. One problematic outcome includes an increase in court interactions for Black Californians who are already disproportionately overpoliced.<sup>12</sup> Furthermore, the Court system does not have the resources and infrastructure in place to even offer the mental health support that the legislation purports to provide.<sup>13</sup>

The CARE Act will only make it harder for California's most vulnerable community members to access and preserve stable housing and healthcare treatment. As Centro Legal prepares to fight against mass displacement and increased homelessness due to the nearing end of COVID-19 eviction protections, Centro Legal stands firmly against the CARE Act.

For the foregoing reasons and the reasons stated in the petitioner's writ of mandate, we respectfully request that the Court grant the pending writ of mandate.

Respectfully Submitted,

Centro Legal de la Raza

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<sup>9</sup> Disability Rights California, *Disability Rights Advocates file petition challenging the constitutional validity of the CARE Act*, <https://www.disabilityrightsca.org/latest-news/disability-rights-california-information-on-care-act>.

<sup>10</sup> Cal Matters, *Black people disproportionately homeless in California*, <https://calmatters.org/california-divide/2019/10/black-people-disproportionately-homeless-in-california/>.

<sup>11</sup> World Journal of Psychiatry, *Racial Disparities in Psychotic Disorder Diagnosis: A review of empirical literature*, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4274585/>.

<sup>12</sup> San Francisco Chronicle, *'Are the police capable of changing?': Data on racial profiling shows the problem is only getting worse*, <https://www.sfchronicle.com/projects/2022/california-racial-profiling-police-stops/>.

<sup>13</sup> Los Angeles Times, *Why California's much-touted CARE Court is 'no one-and-done program'*, <https://www.latimes.com/california/story/2023-01-01/care-court-challenges-orange-san-diego-counties>.