



NATIONAL LAW CENTER
ON HOMELESSNESS & POVERTY



April 9, 2020

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Dear Mayor, Vice Mayor, Councilmembers, and Supervisors:

Disability Rights California, the National Law Center on Homelessness & Poverty, and the ACLU of Northern California write to request that you take the following actions to protect unhoused people in the City of Santa Cruz and the County of Santa Cruz (“City and County”) from the COVID-19 public health crisis. **First**, we ask that you issue a formal policy to leave intact homeless encampments that do not pose immediate public health or safety risks throughout the COVID-19 State of Emergency, consistent with the U.S. Centers for Disease Control and Prevention’s Interim Guidance for Responding to Coronavirus Disease 2019 Among People Experiencing Unsheltered Homelessness (“CDC Interim Guidance”). **Second**, we ask that you immediately obtain hotel and motel rooms and trailers to provide individual housing units to unhoused people who want to practice physical distancing and/or self-quarantine, without limitation to people who have tested positive for COVID-19. **Third**, we ask that you suspend enforcement of parking regulations unrelated to traffic safety and cease vehicle tows and impoundments during the COVID-19 pandemic.

Committing to Halt Encampment Sweeps

The City and County should issue a formal, written commitment not to conduct encampment sweeps during this time, consistent with the CDC Interim Guidance that dislocating existing encampments during this public health emergency endangers the entire community. The CDC urges governments not to clear encampments during community spread of COVID-19. Sweeps cause people to disperse throughout the community, elevating the risk of disease being spread to

those new areas. Sweeps furthermore sever connections with service providers by displacing people to areas where they cannot be found or from which they cannot access needed services.

Likewise, seizure of tents, tarps, medications, and other survival gear makes homeless individuals, who are already five times more likely than members of the general public to be hospitalized, even more vulnerable to hospitalization due to COVID-19. Instead of clearing encampments, the CDC advises governments to instruct people staying in encampments to set up sleeping areas with at least twelve feet of space per person and to provide hygienic services such as portable latrines and handwashing stations. The only adequate alternatives for such individuals, per the CDC Interim Guidance, are “individual housing units,” such as hotels and motels.

Providing Individual Housing Units to Unhoused People

The most critical prevention measure in the CDC Interim Guidance is physical distancing, a measure that is directly undermined by the forced relocation of people from encampments into congregate shelters. The conditions of traditional homeless shelters make physical distancing and isolation impossible, and maintaining adequate hygiene and sanitation is impracticable. A single case of coronavirus among shelter residents could rapidly multiply, infecting a large number of residents and staff – increasing the risk of spread throughout the City and County. Congregate shelters are especially problematic for the large number of people experiencing homelessness who have disabilities, such as being immunocompromised. Such people have a much higher risk of contracting COVID-19 in a congregate shelter and may be safer living unsheltered in their own tent.

Given the risks of living in congregate shelters at any time, but especially now, we are deeply concerned that the City and County have not taken decisive, expansive steps to move unhoused people into non-congregate housing as part of your response to the COVID-19 public health crisis. At most, only a few vouchers have been distributed, and those were for a short duration. This failure must be remedied immediately to avoid worsening this crisis. The City and County should immediately use all available resources to provide consistent, reliable shelter to those who need it.

The City and County should prioritize providing individual housing units to people in high-risk categories for COVID-19 exposure and people with disabilities but should work quickly to procure sufficient units to house every unhoused person in need of shelter during this crisis. Providing individual housing units now will allow unhoused people who are healthy to reduce their risk of exposure; diminish the chance that people who are asymptomatic but carry the disease transmit it to other people; and make it possible for those who are sick but do not require hospitalization to self-quarantine and recover. This will also reduce the spread of other communicable diseases and enable unhoused people to appropriately manage their chronic health conditions, decreasing the likelihood that they will need to be treated and hospitalized for reasons unrelated to COVID-19 – an important measure for reducing the burden on our health care system.

The City and County’s failures to date to move unhoused people into vacant hotel/motel units or trailers are a dereliction of their duty to protect public health for everyone in the community.

These failures cannot be justified by a lack of resources. The City and County have both the resources and the emergency authority to put in place an immediate plan to begin offering individual housing units to people who want them.

The State of California has made available almost \$390,000 to the County of Santa Cruz and approximately \$420,000 to the Watsonville/Santa Cruz City & County Continuum of Care.¹ We understand that vacancy rates for hotels and motels in Santa Cruz at present range from 90 – 95%. Given the available funding and hotel and motel vacancies, the City and County should be rapidly moving unhoused people who want individual housing units into them as quickly as possible.

We understand that the County very recently signed a lease with a motel for the purpose of providing housing, but that it is prioritizing placement of individuals who have tested positive for COVID-19. Even if there were enough available tests to make such prioritization useful, which there are not, the County could not administer them quickly enough to effectively curb the spread of the virus. Providing individual housing units for any unhoused people who need or want them is imperative for protecting the health of the community at large. Limiting them to people with positive COVID-19 diagnoses will make it harder for asymptomatic people to practice the social distancing that is necessary to reduce the risk of transmission. The City and County's eligibility criterion of a positive test furthermore ignores the lived reality for many unhoused people, who will be unable to obtain and prove positive test results for a variety of reasons – even when they are exhibiting symptoms of COVID-19 infection. For example, an unhoused person might not be able to go to the doctor because she lacks a primary care doctor or health insurance, has no cell phone or online access to contact a doctor's office, is undocumented, and/or because visiting a doctor would risk loss of her critical belongings due to sweeps or theft.

It is estimated that absent physical distancing and other preventive measures, a person carrying COVID-19 on average will infect 2.5 additional people, and people who carry the disease without symptoms can still transmit to others. **There is no time to wait.** To protect the health of the entire community, the City and County must commit *immediately* to providing individual housing units to any unhoused person or family who wants or needs it during this public health crisis. The City and County's obligation to do so arises, *inter alia*, under their state-law mandate to protect public health, *see* Cal. Health & Safety Code §§ 101025, 101450, and their obligation under the federal Constitution's Fourteenth Amendment not to place their unhoused residents at risk of serious harm by leaving them unsheltered or forced into unsanitary hygienic facilities, when the resources and authority exist to protect them and the community as a whole during this crisis.

Suspending Ticketing and Towing

Finally, we urge you to temporarily suspend enforcement of certain parking rules during this time, such that Santa Cruz residents including vehicle residents are not subjected to vehicle ticketing, towing, and impoundment. Specifically, we request that you suspend enforcement of street sweeping restrictions in residential areas; suspend ticketing and towing for all parking

¹ This is in addition to the CalWORKs Homeless Assistance funds that provide very short-term motel vouchers.

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violations that do not directly threaten traffic safety or block ingress and egress to roadways, including but not limited to: parking in metered spaces, 72-hour and other time-limited parking, prohibitions against parking within 18 inches of the curb, and any restrictions against parking between 2 a.m. and 6 a.m.; freeze parking fine increases and extend all deadlines for payment until 60 days after the termination of the State of Emergency; and recognize 2019 residential parking permits. This suspension should remain in effect until at least 60 days after the termination of the State of Emergency.

This relief would be consistent with the practices in several other Bay Area cities—including San Francisco, Oakland, and San Jose—and the City of Los Angeles. These and other cities have taken actions to suspend or reduce parking enforcement, towing, and impoundment in order to minimize potential exposure to COVID-19 for traffic enforcement staff and vehicle owners. Such measures also recognize that the already devastating economic impact of the COVID-19 crisis will make it difficult if not impossible for the City and County's poorest residents to timely pay parking tickets or towing and impound fees necessary to recover their lost vehicle homes.

In addition, Santa Cruz is home to a number of residents whose only shelter is their vehicles. By living in their cars or RVs parked on public streets, these individuals are able to shelter in isolation from others. Ticketing, towing, and impoundment puts these individuals at risk of losing their sole source of private shelter and transportation, potentially forcing them to live outdoors or in congregate shelters when they would have otherwise been able to self-isolate consistent with public health recommendations. This result is absurd – particularly in light of the State of California's simultaneous effort to provide local governments with RVs and trailers to increase private housing unit capacity.

In sum, we urge you to act immediately to protect the public health of the entire Santa Cruz community by implementing these three measures. Please contact Jamie Crook (jcrook@aclunc.org, (415) 293-6311) if you could like to discuss the issues raised in this letter.

Sincerely,



Zeenat Hassan
DISABILITY RIGHTS CALIFORNIA



Lili Graham



Tristia Bauman
NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY



Jamie Crook



Abre' Conner

ACLU FOUNDATION OF NORTHERN CALIFORNIA