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SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN DIEGO

ARTHUR PRICE; CHERRIE DOSIO;
CHRISTOPHER VOELP; PATRICK
QUINONES; KEITH REID; and FOOD
NOT BOMBS – SAN DIEGO,

Petitioners and Plaintiffs,

v.

CITY OF SAN DIEGO; and DOES 1-20,
inclusive,

Respondents and
Defendants,

COUNTY OF SAN DIEGO; REGIONAL
TASK FORCE ON THE HOMELESS;
and SAN DIEGO HOUSING
COMMISSION,

Real Parties in Interest.

Case No.: 37-2020-00019535-CU-MC-CTL

**VERIFIED PETITION FOR WRIT OF
MANDATE AND COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF**

INTRODUCTION

1. The City of San Diego has a history of mishandling infectious diseases for individuals experiencing homelessness. When COVID-19 spread in March 2020, the City of San Diego swiftly acted to *protect* the general population. Yet, it took countervailing efforts for homeless individuals, who are particularly susceptible to life-threatening complications from COVID-19 infection, by placing these individuals *at greater risk* of contracting the virus. The City prevented homeless individuals from being able to exercise the very public health measures the City urged on the general population. These actions are similar to actions the City took during the Hepatitis A outbreak in 2017 that particularly endangered and proved fatal to homeless individuals living in San Diego.

2. The City received millions of dollars in state and federal COVID-19 emergency funds to carry out the public health directives to protect its residents.

3. The City allocated these funds to the City's Homeless Programs, including Operation Shelter to Home, which purportedly provides services to homeless individuals following public health guidelines. The City knew that homeless individuals, especially many individuals with disabilities, were particularly vulnerable to contracting and suffering from severe symptoms of the COVID-19 disease. Under the City's homeless plan, hotel and motel rooms were to be provided to these high-risk homeless individuals.

4. Instead of providing high-risk homeless individuals access to *available* hotel and motel rooms, the City pushed these individuals into a *single*, congregate setting, the San Diego Convention Center. The City deployed law enforcement to threaten and cite homeless individuals with quality of life ordinance violations against the Centers for Disease and Prevention Control (CDC) guidelines, withheld available non-congregate housing options from at-risk homeless individuals—contradicting the City's governing policies, and conditioned access to existing and new homeless programs and services on staying at the Convention Center.

5. While public health reports warned of the dangers congregate settings pose to homeless individuals with underlying health conditions, and outbreaks occurred in congregate living settings throughout the United States, the City continued to deny homeless individuals'

1 requests for hotel and motel rooms and instead kept pushing high-risk homeless individuals to
2 the Convention Center.

3 6. Meanwhile, many hotel and motel rooms leased under Operation Shelter to Home
4 were left empty and remain empty.

5 7. The City touted its infusion of emergency homeless funds into its Convention
6 Center. Under the pretext of public safety, the City continues to divert state and federal COVID-
7 19 funds to its Convention Center despite the risk this congregate setting poses to the health and
8 safety of homeless individuals.

9 8. The City's actions threaten the safety of residents most susceptible to
10 complications and death from COVID-19, including homeless individuals with disabilities and
11 racial minorities. In administering homeless programs and services, the City failed to provide
12 meaningful access to homeless individuals with disabilities, discriminated against homeless
13 individuals with disabilities, violated their constitutional rights, and placed them at higher risk of
14 contracting COVID-19. Because of COVID-19's propensity for rapid community spread, the
15 City's actions threaten public safety. Without court intervention, the City will not cease its
16 harmful actions at any other time in the foreseeable future.

17 **JURISDICTION AND VENUE**

18
19 9. This Court has personal jurisdiction over the Respondent and Defendant because
20 the Respondent and Defendant is located in and conducts business in San Diego.

21 10. This Court has subject matter jurisdiction over the claims asserted because relief
22 is sought under Gov. Code §§ 11135, 12920, 12927, 12955, Cal. Civ. Code §§ 54 *et seq.*, and
23 Code of Civ. Proc. §§ 526, 1060, and 1085.

24 11. Venue is proper in this county as the acts upon which this action is based occurred
25 in this county, and all parties are headquartered in this county.

26 **THE PARTIES**

27
28 12. Petitioner and Plaintiff ARTHUR PRICE (Price) is a 31-year-old African

1 American. Price is a person with a disability as defined in Government Code § 12926 and meets
2 the definition of chronically homeless as defined by HUD regulations. Price was born with a
3 limb deficiency and intellectual disabilities. He takes medication for his high blood pressure and
4 thyroid removal surgery. His thyroid removal surgery places him at higher risk of infection. And
5 he frequently suffers from migraines. Price receives Supplemental Security Income (SSI). His
6 only source of income is SSI, which is insufficient to afford rents in San Diego. Price has been
7 living on and off the streets for over three years. He slept in various locations around the City of
8 San Diego, including motel rooms, city streets, and at friends' homes.

9 13. Price is living out of a motel. But he can't afford to stay in the motel. He cannot
10 stay in a congregate setting because it would exacerbate his disability symptoms. He needs a
11 hotel or motel room because his medical condition and immunocompromised state put him at
12 high risk for complications and death from COVID-19.

13 14. Since the inception of COVID-19, Price has been trying to find long-term
14 adequate housing. He has sought assistance from agencies and providers, including the regional
15 center. He contacted 211 San Diego and the Regional Task Force on the Homeless to request a
16 hotel or motel room. Despite his requests, he was not offered or assessed for placement with a
17 hotel or motel room. The Homeless Outreach Team told Price that his only option was the San
18 Diego Convention Center. On June 2, 2020, Price submitted a written demand to the City
19 Attorney. Price demanded a hotel or motel room under Operation Shelter to Home, or in the
20 alternative, a request for reasonable modification. On June 3, 2020, Price sent a copy of the
21 demand to the City Office of ADA Compliance and Accessibility. Price received no response.

22 15. Petitioner and Plaintiff CHERRIE DOSIO (Dosio) is a 34-year-old homeless,
23 single mother with disabilities. Dosio is a person with a disability as defined in Government
24 Code §12926 and meets the definition of chronically homeless as defined by HUD regulations.
25 Dosio has Crohn's disease and epilepsy. She has active colon and ovarian cancer. As a result of
26 Crohn's disease and subsequent cancer, she uses a colostomy bag and takes high doses of
27 steroids. This leaves Dosio immunocompromised and requiring constant access to sanitation
28 facilities to care for her colostomy bag. Over the last few years, Dosio has been in over 30 comas

1 and has undergone 19 abdominal surgeries. Dosio receives Supplemental Security Income (SSI).
2 Her income is insufficient to enable her to afford market-rate rents in San Diego. On May 28,
3 2020, CalWORKs approved 16 days' worth of hotel vouchers. As before, her family will go back
4 to living in vehicles once the allotted vouchers run out.

5 16. Dosio's physical condition and immunocompromised state put her at high risk for
6 complications and death from COVID-19 infection. She cares for three minor children. Her son
7 has asthma, which puts him at higher risk for complications from a COVID-19 infection. She
8 needs access to a hotel or motel room because her medical conditions make her more vulnerable
9 to contracting COVID-19, and suffering complications.

10 17. Dosio has contacted 211 San Diego and the Regional Task Force on the Homeless
11 and multiple providers to request housing, including hotel and motel rooms. Over 19 providers
12 have already denied her housing, many due to the presence of her support animals. On June 2,
13 2020, Dosio submitted a written demand to the City Attorney. Dosio demanded a hotel or motel
14 room under Operation Shelter to Home, or in the alternative, a request for reasonable
15 modification. On June 3, 2020, Dosio sent a copy of the demand to the City Office of ADA
16 Compliance and Accessibility. Dosio did not receive a response from the City.

17 18. Petitioner and Plaintiff CHRISTOPHER VOELP is a 36-year-old living in a
18 motorhome with his fiancé. Voelp is a person with a disability as defined in Government Code
19 §12926 and meets the definition of chronically homeless as defined by HUD regulations. Voelp
20 has congestive heart failure and is immunocompromised. Both make him physically weak and
21 unable to fight infection. He needs full-time caregiving from his fiancé. His physical conditions
22 put him at high risk for complications and death from COVID-19 infection. The motorhome that
23 Voelp and his fiancé share is old (1978) and dysfunctional. They purchased it for \$500 in April,
24 2020. They are struggling to meet their needs in their motorhome. Because the police continue to
25 enforce against individuals living in their vehicles, they are at constant risk of losing their home.

26 19. Voelp contacted 211, Regional Task Force on the Homeless, and the Homeless
27 Outreach Team for hotel or motel placement due to the pandemic and his health condition that
28 places him in a higher risk of severe illness if he contracts COVID-19. He did not receive a hotel

1 or motel room. He spoke to Alpha Project, explained his health, and was told the only option was
2 the Convention Center or Golden Hall. On June 2, 2020, Voelp submitted a written demand to
3 the City Attorney. Voelp demanded a hotel or motel room under Operation Shelter to Home, or
4 in the alternative, a request for reasonable modification. On June 3, 2020, Voelp sent a copy of
5 the demand to the City Office of ADA Compliance and Accessibility. Voelp did not receive a
6 response from the City.

7 20. Petitioner and Plaintiff PATRICK QUINONES (Quinones) is a 31-year-old
8 living in a motorhome with his fiancé, Voelp. Like Voelp, Quinones is a person with a disability
9 as defined in Government Code §12926 and meets the definition of chronically homeless as
10 defined by HUD regulations. Quinones is a Medi-Cal and food stamp recipient. In addition to
11 looking after Voelp, Quinones manages his own disabilities – schizophrenia and anxiety. The
12 motorhome that Quinones and Voelp share is old (1978) and dysfunctional. They are struggling
13 to meet their needs in their motorhome. Because the police continue to enforce against
14 individuals living in their vehicles, they are at constant risk of losing their home.

15 21. When Quinones asked 211 for hotel or motel options, 211 explained those options
16 were reserved for people who tested positive for COVID-19. According to 211, Quinones's only
17 option is to move into the congregate shelter at the San Diego Convention Center. Quinones also
18 contacted the Regional Task Force on the Homeless and the Homeless Outreach Team for hotel
19 or motel options. On June 2, 2020, Quinones submitted a written demand to the City Attorney.
20 Quinones demanded a hotel or motel room under Operation Shelter to Home, or in the
21 alternative, a request for reasonable modification. On June 3, 2020, Quinones sent a copy of the
22 demand to the City Office of ADA Compliance and Accessibility. Quinones did not receive a
23 response from the City.

24 22. Petitioner and Plaintiff KEITH REID (Reid) is 58-year-old African American
25 man living out of his vehicle. Reid is a person with a disability as defined in Government Code
26 §12926. Reid has gout that attacks his feet and hinders his walking. Reid has heart conditions,
27 high blood pressure, and a sleeping disorder. His physical conditions put him at high risk for
28 complications and death from COVID-19 infection. The stress of living out of his vehicle

1 exacerbates his disability symptoms. He fears the vulnerable position of sleeping out in the open.
2 He sought a hotel or motel room from 211, the Regional Task Force on the Homeless, and the
3 Homeless Outreach Team, and was told that the Convention Center is his only immediate option
4 for housing, despite his disabilities. Reid did not receive a response from the City.

5 23. Petitioner and Plaintiff Food Not Bombs – San Diego (Food Not Bombs) is an
6 association dedicated to nonviolent direct action to assist individuals who experience food
7 insecurities. Food Not Bombs’ mission is to share free vegan meals with the hungry as food is an
8 essential need for the wellbeing of individuals served. Food Not Bombs holds food sharing
9 events at various locations in the City of San Diego, including at parks in City Heights. The
10 majority of the individuals who participate in Food Not Bombs’ food sharing events are
11 unsheltered homeless individuals with disabilities. Food Not Bombs also provides hygiene
12 materials, clothing, and tents for homeless individuals, and works to connect individuals to
13 appropriate service providers.

14 24. During the pandemic, Food Not Bombs has had to divert resources, including
15 volunteer time and money, to counteract the City’s actions against homeless individuals. The
16 City has threatened homeless individuals with arrest or removal to the San Diego Convention
17 Center resulting in the dispersal of homeless individuals into canyons, alleyways, and other more
18 remote locations. Food Not Bombs learned many individuals are unable to stay at the San Diego
19 Convention Center, and the City’s enforcement action increased the needs of individuals the
20 association serves. Food Not Bombs has had to spend additional time and money preparing food
21 that can be carried into these remote locations, and expend additional time and effort to reach
22 individuals in these locations.

23 25. Because homeless individuals have not had access to public restroom facilities—
24 due to the City locking public restrooms based on COVID-19 and protests—Food Not Bombs
25 has had to divert volunteer time and money to obtaining and delivering additional non-food
26 items, like toilet paper and sanitizer to homeless individuals. Because of ongoing threats and
27 harassment from law enforcement, many homeless individuals are fearful to move out of remote
28 locations, and Food Not Bombs has had to navigate difficult terrain, and spend time finding

1 people. Food Not Bombs has diverted time away from preparing and serving food to obtain
2 masks for homeless individuals to allow them to enter places with restrooms, like stores and
3 coffee shops. Food Not Bombs has a beneficial interest in the City complying with state law and
4 administering its Homeless Programs, including Operation Shelter to Home, in a non-
5 discriminatory manner.

6 26. Respondent and Defendant CITY OF SAN DIEGO is now and, at all times
7 mentioned in this Complaint, a local government agency and subdivision of the State of
8 California.

9 27. Respondent and Defendant CITY OF SAN DIEGO, its employees and agents,
10 participated personally in the unlawful conduct challenged herein and, to the extent that they did
11 not personally participate, authorized, acquiesced, set in motion, or otherwise failed to take
12 necessary steps to prevent the acts that resulted in the unlawful conduct and the harm suffered by
13 Petitioners. The challenged acts caused the violation of Petitioners' rights.

14 28. Petitioners and Plaintiffs are informed and believe, and therefore allege, that Real
15 Parties In Interest COUNTY OF SAN DIEGO, REGIONAL TASK FORCE ON THE
16 HOMELESS, and SAN DIEGO HOUSING COMMISSION engaged in providing various
17 homeless programs and services under the direction of CITY OF SAN DIEGO, including under
18 the Memorandum of Agreement (MOA) dated April 1, 2020, to use the Convention Center as a
19 mega-shelter during the COVID-19 pandemic and to provide non-congregate housing options for
20 individuals in higher risk categories for contraction of COVID-19.

21 29. Petitioners and Plaintiffs are ignorant of the true names and capacities of the
22 persons or entities named herein as DOES 1-20, but are informed and believe, and on that basis
23 allege, that each of such respondents and defendants participated personally in the unlawful
24 conduct challenged herein. Petitioners will seek leave to amend this complaint when said
25 respondents' and defendants' true names and capacities have been ascertained.

26 ///

27 ///

FACTS

Homelessness and Disability

30. San Diego's homelessness is the result of the lack of affordable housing. People become homeless because of poverty – they simply cannot afford to pay the high cost of rent. The San Diego Housing Federation reports a shortfall of 135,749 homes affordable to low-income San Diegans, with rents up 32% in the last decade.¹ The demand for affordable housing units and housing subsidies far exceeds supply. The stock of affordable housing units is small and has long waiting lists. Because the City has failed to implement affordable housing preservation efforts, the stock will continue to shrink as units are lost in the coming years. The demand for housing subsidies for use on the private housing market far exceeds supply. The City's largest subsidy program, the Housing Choice Voucher (Section 8) program, helps more than 35,000 people. The program has a 10- to 12-year waiting list, and there are over 60,000 persons on the waitlist.

31. In addition to causing homelessness, poverty links disability and homelessness. People with disabilities are more than twice as likely to face poverty than people without disabilities.² Many people with disabilities are unable to work due to their disabilities and must rely on a rapidly shrinking social safety net to cover the cost of housing and other necessities. The social safety net, including Supplemental Security Income and Social Security Disability Insurance, of which many individuals with disabilities rely on as their own source of income, have not kept pace with rising rents. This is especially true in a city like San Diego, which lacks basic tenant protections such as rent control.

32. The lack of affordable housing has resulted in the ongoing rise of homelessness. The U.S. Department of Housing and Urban Development (HUD) defines "chronically homeless" as an individual with a disability who has been homeless continuously for at least 12 months or on at least

¹ *The Affordable Housing Crisis in San Diego: How Do We Meet the Need?*, San Diego Housing Federation (2017). Available online at: http://docs.sandiego.gov/councilcomm_agendas_attach/2017/sglu_170125_4c.pdf.

² W. Erickson, C. Lee, S. von Schrader, Disability Statistics from the American Community Survey, Cornell University (2017). Available online at: www.disabilitystatistics.org.

1 four separate occasions in the last three years. 24 C.F.R. § 91.5(1). A person is homeless if he or she
2 lacks a fixed, regular, and adequate nighttime residence. This includes persons who use RVs or other
3 vehicles for other than temporary living quarters for recreational use. 42 U.S.C. § 11302(a); 24
4 C.F.R. § 3282.8(g).

5 33. In the City of San Diego, the prevalence of disabilities among those experiencing
6 homelessness is almost five times that of the general population. Within the City of San Diego, 9%
7 of residents have disabilities.³ 39% of homeless people in San Diego reported serious mental health
8 disabilities, 43% reported chronic health conditions, and 40% reported a physical disability.⁴ Some
9 surveys have found even higher rates of disability. For example, of the 1,145 persons attending a
10 one-day resource fair for the homeless individuals in the City, 60.2% reported a long-lasting medical
11 condition and 49.5% reported having a mental illness.⁵

12 34. Because of their disabilities, many homeless individuals with disabilities cannot
13 access shelters. Shelters are temporary, aggravate mental health and/or physical conditions, and pose
14 a risk to those with underlying health conditions and compromised immune systems. Placements in
15 shelters or transitional shelters also result in re-traumatization for homeless individuals with
16 disabilities. Shelters are not meant for long-term occupancy and perpetuate cycles of instability.
17 Homeless individuals are forced to move from shelter to shelter or between street and shelter,
18 resulting in a constant upheaval that aggravates their disabilities, re-traumatizes, and deteriorates
19 health.

20 35. Being homeless and unsheltered is dangerous, especially for women, seniors, and
21

22 ³ *City of San Diego Fiscal Year 2020-2024 Consolidated Plan* at 13 (June 2019), City of San Diego.
23 Available online at: <https://www.sandiego.gov/sites/default/files/cosdfy2024conplan.pdf>.

24 ⁴ *2017 We All Count Annual Report* at 5, Regional Task Force on the Homeless. Available online at:
25 <https://www.rtfhsd.org/wp-content/uploads/2017/07/comp-report-final.pdf>. The methodology for
26 counting individuals experiencing homelessness in San Diego changed in 2019, which artificially
27 reduced the number of individuals counted. Moreover, individuals living in certain vehicles were not
28 counted at all in 2018. For these reasons, we believe that the 2017 data, which is still generally
considered an undercount of the actual homeless population, is the most accurate data set available.

⁵ See *Project Homeless Connect Report* (2015), San Diego Housing Commission. Available online
at: [http://www.sdhc.org/uploadedFiles/Housing_Innovations/Project_Homeless_Connect/
2015Project%20Homeless%20Connect%20Report_04.15.15.pdf](http://www.sdhc.org/uploadedFiles/Housing_Innovations/Project_Homeless_Connect/2015Project%20Homeless%20Connect%20Report_04.15.15.pdf).

1 people with disabilities. In the fiscal year ending September 30, 2017, 117 homeless people died
2 on San Diego streets, double the figure from two years earlier. Adults who are homeless and age
3 50 and older have rates of chronic illness and geriatric conditions similar to or more than adults
4 who are age 65-70 and housed. The City's recent Hepatitis A epidemic highlights the public
5 health dangers, both to homeless individuals and to others, associated with living on the streets
6 without access to affordable, accessible, and permanent housing or proper sanitation.

7 8 Homelessness and Race

9 36. In the City, racial minorities, particularly African Americans, experience
10 homelessness at a higher rate than white individuals. Any policy or protocol that adversely
11 impacts homeless individuals has a disproportionate adverse impact on racial minorities,
12 particularly African Americans.

13 37. Racial minorities are disproportionately adversely impacted by COVID-19. In San
14 Diego County, the rate of infection for Latino or Hispanic individuals is four times the rate of
15 infection for white individuals.⁶ The rate of infection for Black or African American individuals
16 is almost twice the rate of infection for white individuals.⁷ The COVID-19 mortality rate for
17 Black individuals is 2.6 times higher than the rate for white individuals.⁸ As of April 22, 2020,
18 the CDC reported on the disproportionate burden of COVID-19 illness and death among racial
19 and ethnic minorities, with recent data suggesting an “overrepresentation of blacks among
20 hospitalized patients”, and “death rates among black/African American persons (92.3 deaths per
21 100,000 population) and Hispanic/Latino persons (74.3) that were substantially higher than that
22

23
24 ⁶ County of San Diego Daily 2019 Novel Coronavirus (COVID-19) Race/Ethnicity Summary (June
25 5, 2020), County of San Diego. Available online at:
26 <https://www.sandiegocounty.gov/content/dam/sdc/hhsa/programs/phs/Epidemiology/COVID-19%20Race%20and%20Ethnicity%20Summary.pdf>.

27 ⁷ *Id.*

28 ⁸ *The Color of Coronavirus: COVID-19 Deaths by Race and Ethnicity in the U.S.* (May 27, 2020),
APM Research Lab. Available online at: <https://www.apmresearchlab.org/covid/deaths-by-race#reporting>.

1 of white (45.2) or Asian (34.5) persons.”⁹

2 38. The City knows of this disparity. The City’s 2019 Community Action Plan on
3 Homelessness states “Black/African American and American Indian/Alaskan Natives are over-
4 represented in San Diego’s homeless population, with Black/African Americans representing 6%
5 of the general population in the City of San Diego, but 29% of the Emergency Shelter population
6 (2018 [Point in Time Count]).” The 2017 We All Count annual report released by the Regional
7 Task Force on the Homeless states: “Compared to the general population of San Diego, a much
8 higher population of the unsheltered homeless identified as Black or African-American (21
9 percent compared to 5 percent).”

10 39. Based on United States Census Bureau American Community Survey data, the
11 City of San Diego is between 6 and 7% African American and between 60 and 70% white. Based
12 on data relied on by the City, specifically point in time counts published by the Regional Task
13 Force on the Homeless, 21% of unsheltered homeless individuals in San Diego County are
14 African American and 60% are white. African Americans are three times as likely to be impacted
15 by the City’s Homeless Programs, and policies that impact homeless individuals, as white
16 individuals. (However, more granular data on the unsheltered homeless population, particularly
17 City-specific data, is likely to demonstrate an even higher disparity.)

18
19 The City’s Homeless Services and Programs

20 40. The City is responsible for providing programs and services (“Homeless
21 Programs”) to homeless individuals and families in San Diego.

22 41. The City contracts with City agencies and outside entities, including San Diego
23 Housing Commission and the Regional Task Force on the Homeless, to manage and administer
24 Homeless Programs. For example, before COVID-19, through contracts with the City, San Diego
25 Housing Commission operated the City’s four emergency shelters and three bridge shelters that
26

27
28 ⁹ *Coronavirus Disease 2019 (COVID-19) Racial & Ethnic Minority Groups* (June 4, 2020), CDC.
Available online at: <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/racial-ethnic-minorities.html>.

1 provided 1,297 beds on a nightly basis.

2 42. The Regional Task Force on the Homeless is the San Diego region's Continuum
3 of Care, which is responsible for coordinating housing activities and policies within the 18
4 jurisdictions in the region, acting as the lead agency in applying for and administering federal
5 housing funding, administering the Homeless Management Information System and the
6 Coordinated Entry System, and conducting the point-in-time count. The City plays a leading role
7 within the Regional Task Force on the Homeless. A City Councilmember serves as its
8 Governance Board chair.¹⁰

9 43. As stated in the City's 2019 Community Action Plan on Homelessness, the City is
10 the entity that drives housing policy for the region:¹¹

11
12 The City of San Diego is a geographic subset of a larger regional Continuum of Care
13 (CoC), which includes 18 jurisdictions within the County of San Diego. While the City
14 of San Diego contains 46% of the total population of the County, it contains the majority
15 of people experiencing homelessness (63%) as well as the majority of the resources. In
16 many ways, the City of San Diego drives homeless policy, funding and outcomes for the
17 region because of the large share of programs, resources and people located within the
18 City limits. Although the Continuum of Care controls systems like Homeless
19 Management Information System (HMIS) and Coordinated Entry (CES) that underpin
20 the region's approach, when the City takes action and makes positive change it will
21 impact not just the City itself but the region.

18
19 44. The City's fiscal year 2020 budget for Homeless Programs exceeded \$116
20 million.¹² The City's funding includes federal, state, and local sources. The City touted its 2020
21 budget for Homeless Programs as including increased funding for homelessness coordination
22 staff, rapid rehousing efforts, safe parking, storage facilities, and the creation of a flexible

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24 ¹⁰ *City of San Diego Fiscal Year 2020-2024 Consolidated Plan* at 13 (June 2019), City of San
25 Diego. Available online at: <https://www.sandiego.gov/sites/default/files/cosdfy2024conplan.pdf>.

26 ¹¹ *City of San Diego Community Action Plan on Homelessness* at 15 (2019), San Diego Housing
27 Commission. Available online at: https://www.sdhc.org/wp-content/uploads/2019/10/SD_Homeless_CSH_report_final_10-2019.pdf.

28 ¹² *Id.*

¹² *City of San Diego Fiscal Year 2020-2024 Consolidated Plan* (June 2019), City of San Diego.
Available online at: <https://www.sandiego.gov/sites/default/files/cosdfy2024conplan.pdf>.

1 funding pool for housing solutions.¹³

2 45. Through its Homeless Programs, the City administers millions in funding from
3 the Department of Housing and Urban Development (HUD)’s Continuum of Care, a program
4 designed to end homelessness by quickly rehousing homeless individuals and families while
5 minimizing trauma and dislocation.

6 46. The City identified the goals of the Homeless Programs to: “[a]ssist individuals
7 and families to gain stable housing after experiencing homelessness or a housing crisis by
8 providing appropriate housing and service solutions grounded in best practices”; identify health
9 care and mental health resources as vital services for homeless families to achieve stability; and,
10 include as homelessness programs and services – shelters, transitional housing, permanent
11 supportive housing options, outreach and engagement, housing location assistance, medical
12 services, substance abuse recovery, mental health care, veteran services, and storage.¹⁴

13 47. A portion of the City’s Community Development Block Grants (CDBG) funds are
14 allocated to a Housing Navigation Center that the City launched in December 2019. The Center
15 is operated by Family Health Centers of San Diego, one of the City’s partnering agencies and
16 grantees. The Center is to provide homeless individuals with intake, assessment, triage, and
17 referrals for permanent housing options. The City used CDBG funds to purchase a failed
18 skydiving center to house the Housing Navigation Center. The transaction reportedly benefited a
19 financier and former San Diego port commissioner, and the property was allegedly worth half of
20 its price tag.¹⁵ Because of various issues, including the City’s failure to perform an independent
21
22
23

24 ¹³ Adopted Budget Fiscal Year 2020 (March 2019), City of San Diego. Available online at:
https://www.sandiego.gov/sites/default/files/fy20ab_full.pdf.

25 ¹⁴ *City of San Diego Fiscal Year 2020-2024 Consolidated Plan* (June 2019), City of San Diego.
Available online at: <https://www.sandiego.gov/sites/default/files/cosdfy2024conplan.pdf>.

26 ¹⁵ *San Diego real estate deals raise questions about property values, disclosures*, San Diego Union-
27 Tribune (May 25, 2020). Available online at:
28 <https://www.sandiegouniontribune.com/news/watchdog/story/2020-05-25/san-diego-real-estate-deals-raise-questions-about-property-values-disclosures%E2%80%A6>.

1 appraisal for the property, the transaction is under review by HUD.¹⁶

2 48. The City designated its Emergency Solutions Grant (ESG) funds to homeless
3 shelter and service programs, including an integrated program to serve homeless by providing
4 “[v]irtually every resource an individual would need to break the cycle of homelessness”
5 including individual assessments, primary health care, and permanent supportive housing.

6 49. In addition to federal funding, the City is the recipient of state Homeless
7 Emergency Aid Program (HEAP) funds for homeless programs to connect homeless individuals
8 to mental health services through the jurisdiction’s Continuum of Care program. Since July
9 2019, the City received \$22.5 million in state Homeless Housing, Assistant, and Prevention
10 Program (HHAP) funds and the state has notified recipients that these funds could be used to
11 address needs created by the COVID-19 outbreak.¹⁷

12 13 Hepatitis A: The City’s Record of Mishandling Infectious Disease Among Homeless Individuals

14 50. In 2017, the City witnessed the devastation a public health outbreak can wreak on
15 a homeless population. Of the 589 Hepatitis A outbreak-associated cases reported, 49% occurred
16 among people experiencing homelessness, who were at higher risk for infection than housed
17 individuals.¹⁸ The outbreak resulted in at least twenty deaths in San Diego. The City’s failure to
18 provide adequate resources, including housing and sanitation services, to its growing homeless
19 population was both the cause of the City’s 2017 Hepatitis A epidemic and the reason why the
20 epidemic became a national crisis.

21
22 ¹⁶ *Federal housing officials review San Diego’s purchase of failed indoor skydiving facility*, San
23 Diego Union-Tribune (April 28, 2020). Available online at:
24 [https://www.sandiegouniontribune.com/news/watchdog/story/2020-04-28/federal-housing-officials-
review-san-diegos-purchase-of-failed-indoor-skydiving-
facility?utm_source=dlvr.it&utm_medium=twitter](https://www.sandiegouniontribune.com/news/watchdog/story/2020-04-28/federal-housing-officials-review-san-diegos-purchase-of-failed-indoor-skydiving-facility?utm_source=dlvr.it&utm_medium=twitter).

25 ¹⁷ *County to fund more hotel rooms, storage for homeless*, San Diego Union-Tribune (May 19,
26 2020). Available online at: [https://www.sandiegouniontribune.com/news/homelessness/story/2020-
05-19/county-to-fund-more-hotel-rooms-storage-for-homeless?fbclid=IwAR0f%
E2%80%A6](https://www.sandiegouniontribune.com/news/homelessness/story/2020-05-19/county-to-fund-more-hotel-rooms-storage-for-homeless?fbclid=IwAR0f%E2%80%A6).

27 ¹⁸ Wooten, Darcy A., *Forgotten but Not Gone: Learning From the Hepatitis A Outbreak and Public*
28 *Health Response in San Diego*, *Topics in antiviral medicine* (2019),
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6372360/pdf/tam-26-117.pdf>.

1 51. Cases genetically and epidemiologically linked to the San Diego strain included
2 76 in Santa Cruz, 12 in Los Angeles, 12 in Monterey, and 17 in other areas in California. Linked
3 cases were also identified in Arizona, Colorado, Kentucky, Indiana, Rhode Island, West
4 Virginia, and Utah.¹⁹

5 52. Because of the lack of preventative measures, the outbreak cost the region
6 millions of dollars.²⁰ After the fact, the County of San Diego cast the outbreak as “exceptional in
7 scale and transmission characteristics”.²¹ The County stated in its After Action Report:

8
9 Contracting HAV is not usually life-threatening and the great majority of those
10 infected with the virus fully recover. However, those affected in the San Diego HAV
11 outbreak had high rates of hospitalization and death due to age and the presence of
underlying health conditions, particularly chronic liver disease.

12 ...

13 This report addresses actions taken during the HAV outbreak and does not directly
14 relate to the broader issues of homelessness or illegal drug use or poverty; however,
those issues have consequences beyond the obvious impact of affected individuals,
families and the larger community, as witnessed by this HAV event.²²

15 53. Homelessness in and of itself posed the risk of a Hepatitis A outbreak and
16 continues to pose a risk of other infectious diseases.²³ This is especially the case for infectious
17 diseases like Hepatitis A when there is a lack of a sufficient number of public toilets for
18 homeless people to use. The City’s response to the Hepatitis A outbreak was a public health
19 strategy of vaccination, sanitation, and education and temporary shelters (three industrial tents
20 costing \$6.5 million). Since the Hepatitis A outbreak, the City has failed to take steps to provide
21 adequate housing, restroom facilities with functional water taps, and hygiene materials including
22 soap and bath tissue for those on the streets.

23
24 ¹⁹ *Id.*

25 ²⁰ *Hepatitis A Outbreak After Action Report* at 6 (May 2018), County of San Diego. Available online
26 at: <https://www.sandiegocounty.gov/content/dam/sdc/cosd/SanDiegoHepatitisAOutbreak-2017-18-AfterActionReport.pdf>.

27 ²² *Id.*

28 ²³ Wooten, *supra* at note 18.

1 54. While vaccinations and a public health response was the most important strategy
2 to *stop* the outbreak, homelessness was the “root cause of the outbreak.”²⁴

3
4 Homelessness and its association with poor sanitation constituted a root cause of the
5 outbreak. Homelessness was also associated with many challenges in trying to stop
6 the outbreak that differ markedly from those encountered in food-borne outbreaks.
7 Although measures to address homelessness were employed in combating the
8 outbreak (eg, the temporary housing with industrial tents), it is clear that much more
9 needs to be done in addressing the homelessness crisis in San Diego and in many
10 areas throughout the United States. Homelessness and associated poor sanitation
11 threaten to make outbreaks of HAV and other infectious illnesses more common in
12 the future. Attention to this threat and the political will to address the crisis need to be
13 heightened if we are to make any substantial progress in preventing such outbreaks.²⁵

14 55. Before the City’s Hepatitis A outbreak, the CDC and the World Health
15 Organization did not recognize homelessness as an independent risk for the disease.²⁶ However,
16 after the City’s outbreak was studied, the Advisory Committee on Immunization Practices voted
17 to recommend adding homelessness as an indication for Hepatitis A vaccination.²⁷

18 56. Researchers have identified the high number of homeless individuals as possibly
19 contributing to the size and severity of the outbreak.²⁸ The number of individuals dying from
20 Hepatitis A (the case-fatality ratio) was higher than historical outbreaks which may have been
21 due to the population infected, disproportionately homeless individuals, being older than the
22 general population.

23 [People experiencing homelessness], especially those who are unsheltered, may be at
24 increased risk of HAV infection because of high population density and inadequate
25 facilities for sanitation and hygiene and at increased risk of severe outcomes because

26 ²⁴ *Id.*

27 ²⁵ *Id.*

28 ²⁶ Corey M Peak, Sarah S Stous, Jessica M Healy, Megan G Hofmeister, Yulin Lin, Sumathi
Ramachandran, Monique A Foster, Annie Kao, Eric C McDonald, Homelessness and Hepatitis A—
San Diego County, 2016–2018, *Clinical Infectious Diseases* (August 2019),
<https://doi.org/10.1093/cid/ciz788>.

²⁷ *Id.*

²⁸ *Id.*

1 of a high prevalence of associated comorbidities, malnutrition, and alcohol-related
2 liver disease.²⁹

3 57. During the outbreak, homeless individuals were at 3.3 times higher odds of
4 infection, 2.5 times higher odds of hospitalization, and 3.9 times higher odds of death associated
5 with hepatitis A.

6 58. Just as homelessness was a risk factor for Hepatitis A, homelessness is a risk
7 factor for COVID-19 (as discussed below). This City's response to COVID-19 is reminiscent of
8 its actions and omissions during the Hepatitis A outbreak. And just like Hepatitis A, homeless
9 individuals have a higher likelihood of contracting, transmitting, and dying from COVID-19 than
10 the general population.

11
12 State and CDC Guidance for Assisting Homeless During COVID-19

13 59. The state and federal government each released COVID-19 guidance for local
14 authorities to prevent and mitigate the spread of COVID-19 among homeless individuals.

15 60. The State of California set forth its recommendations in its "Recommended
16 Strategic Approaches for COVID-19 Response for Individuals Experiencing Homelessness." The
17 Centers for Disease Control and Prevention (CDC) set forth its recommendations in its "People
18 Experiencing Homelessness and COVID-19 Interim Guidance." Both the State of California and
19 the CDC prioritize infection protection.

20 61. As set forth by the State of California guidance, authorities were to focus on
21 infection prevention efforts, with the primary strategy being the provision of non-congregate
22 housing: "The primary strategy for intensive infection prevention efforts is providing single
23 occupancy housing."³⁰

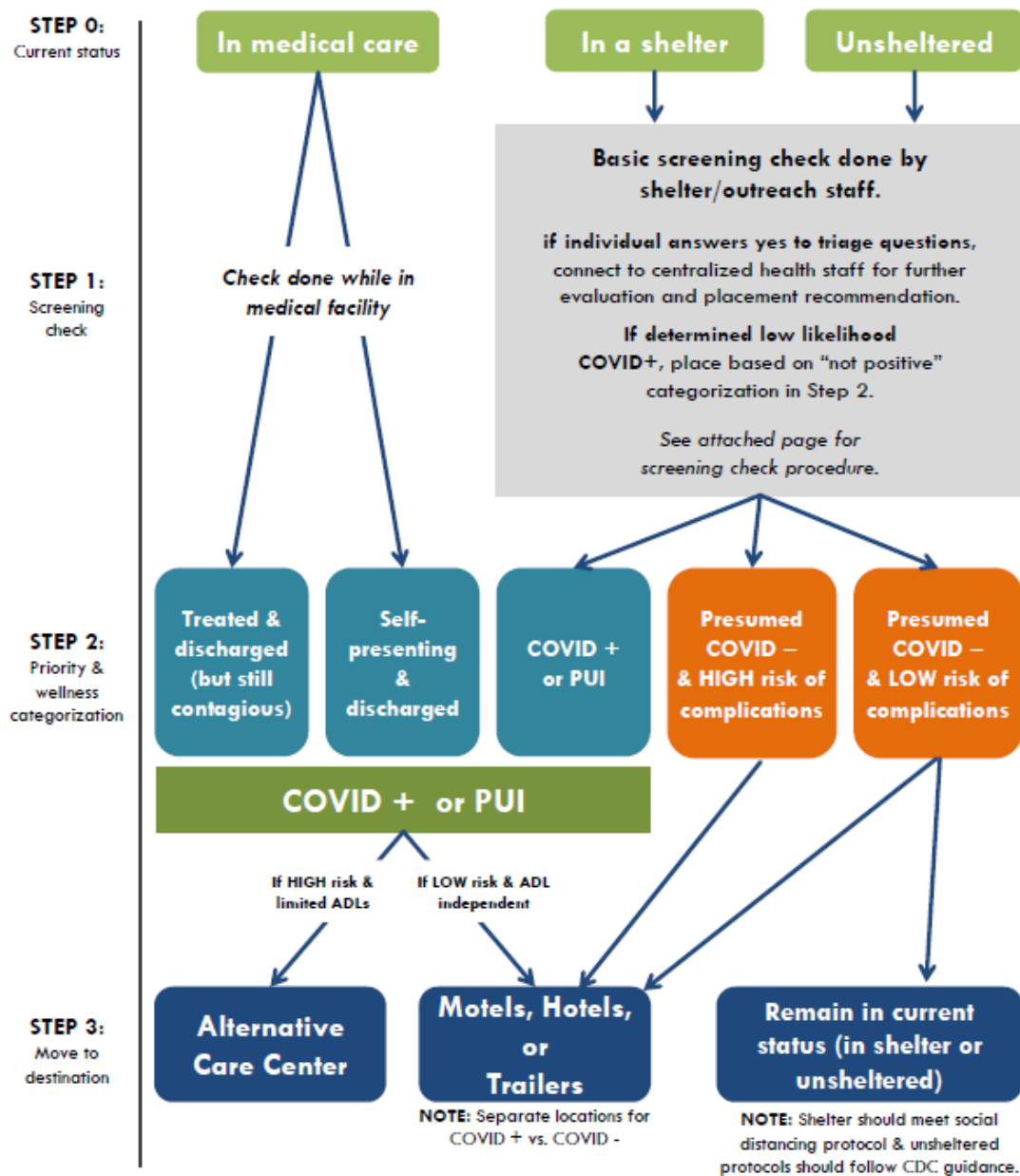
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25 _____
26 ²⁹ *Id.*

27 ³⁰ State of California Recommended Strategic Approaches for COVID-19 Response for Individuals
28 Experiencing Homelessness (March 2020), State of California. Available online at:
<https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/Protocols-Homeless-Pop.pdf>.

1 62. As demonstrated in the flow chart below,³¹ the State of California recommended
2 that low-risk individuals experiencing homelessness: (a) remain in current status (either sheltered
3 or unsheltered) or (b) move into motels, hotels, or trailers where they will not be forced to
4 congregate. The State recommended that high-risk individuals experiencing homelessness
5 individuals: (a) move into motels, hotels, or trailers where they will not be forced to congregate
6 or (b) move into an alternative care center, if they need help performing activities of daily living.
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27 ³¹ State of California COVID-19 Recommended Protocol for People Experiencing Homelessness,
28 State of California. Available online at:
<https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/flowchart-COVID19-homelessness.pdf>.

State of California COVID-19 Recommended Protocol for People Experiencing Homelessness



Developed in partnership with Margot Kushel, MD and the UCSF Benioff Homelessness and Housing Initiative

63. The State defined individuals at high risk of medical complications as individuals “with high risk of POOR OUTCOMES if they were to become COVID +. Specific populations include individuals who are 60 years of age or older and people of any age with preexisting lung disease, heart disease, cancer, diabetes, HIV, or other major medical conditions (if further health screening is possible).”³²

64. The State set forth recommendations for coordinated system decision-making processes. The recommendations state:³³

Potential Pathways for Coordinated System Decision-maker

1. Client is given option of staying where they are or of entering an appropriate shelter environment, if available (presumed COVID-19 negative, and not at high risk of medical complications)
2. Client is at high risk of medical complications, is assessed and is likely COVID-19 negative → transport to a hotel/motel/trailer for population at high risk of medical complications.
3. Client considered a PUI → client should be given a mask, separated from the general population, and transported to a quarantine hotel/motel/trailer, or alternative care center if necessary.

65. In its guidance, the Centers for Disease Control and Prevention (CDC) sets forth key actions local entities, including health departments, homeless service systems, housing authorities, and homeless outreach services, to take “to protect people experiencing homelessness from the spread of COVID-19.”³⁴ Acknowledging homeless individuals’ risk of COVID-19 infection from community spread, the CDC guidance stated:

³² State of California Recommended Strategic Approaches for COVID-19 Response for Individuals Experiencing Homelessness (March 2020), State of California. Available online at: <https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/Protocols-Homeless-Pop.pdf>.

³³ *Id.*

³⁴ Interim Guidance for Responding to Coronavirus Disease 2019 (COVID-19) Among People Experiencing Unsheltered Homelessness, CDC. Available online at: <https://www.cdc.gov/coronavirus/2019-ncov/community/homeless-shelters/unsheltered-homelessness.html>.

1 In the context of COVID-19, the risks associated with sleeping outdoors in an
2 encampment setting are different than with staying indoors in a congregate setting
3 such as an emergency shelter or other congregate living facility. Outdoor settings may
4 allow people to increase distance between themselves and others. However, sleeping
5 outdoors does not provide protection from the environment, quick access to hygiene
6 and sanitation facilities, or connection to healthcare. The balance of risks should be
7 considered for each individual experiencing unsheltered homelessness.

8
9 66. The CDC guidance emphasized the need to clearly communicate plans to partners
10 and stakeholders, including law enforcement and homeless individuals:³⁵

11 **Law enforcement** should be apprised of plans related to protecting people
12 experiencing unsheltered homelessness from COVID-19 in order to best work in
13 coordination with homelessness service systems and state and local health
14 departments.

15 **People experiencing homelessness themselves** are an important resource to help
16 navigate their communities and keep their friends and family members safe. Consider
17 developing an advisory board with representation from people experiencing
18 homelessness to ensure plans are implementable in the community.

19 67. The CDC guidance set forth prevention measures for encampments, which the
20 State of California repeated verbatim in its “Recommended Strategic Approaches for COVID-19
21 Response for Individuals Experiencing Homelessness,” summarized above. The CDC also set
22 forth prevention measures for communications which include providing homeless individuals
23 with “the most recent information about COVID-19 spread in their area” and “[a]dvice to avoid
24 crowded areas if COVID-19 is circulating in their community.”

25 68. The CDC states: “Some people who are experiencing unsheltered homelessness
26 may be at higher risk of severe illness from COVID-19 due to older age or certain underlying
27 medical conditions, such as chronic lung disease or serious heart conditions. Reach out to these
28 clients regularly to ensure they are linked to care as necessary. Prioritize providing individual
rooms for these clients, where available.”³⁶ The guidance links to CDC’s definition of people

³⁵ *Id.*

³⁶ *Id.*

who are at higher risk for severe illness from COVID-19, which includes: “People of all ages with underlying medical conditions, particularly if not well controlled, including:³⁷

- People with chronic lung disease or moderate to severe asthma
- People who have serious heart conditions
- People who are immunocompromised
 - Many conditions can cause a person to be immunocompromised, including cancer treatment, smoking, bone marrow or organ transplantation, immune deficiencies, poorly controlled HIV or AIDS, and prolonged use of corticosteroids and other immune weakening medications
- People with severe obesity (body mass index [BMI] of 40 or higher)
- People with diabetes
- People with chronic kidney disease undergoing dialysis
- People with liver disease”

69. The CDC explains why people who live in nursing home or long-term care facility are at higher risk of COVID-19: “The communal nature of nursing homes and long-term care facilities, and the population served (generally older adults often with underlying medical conditions), put those living in nursing homes at higher risk of infection and severe illness from COVID-19.”³⁸

70. Upon information and believe, the City has not followed CDC guidance for individuals experiencing homelessness, including for those who live in encampments. The City has enforced against individuals living in encampments, and has either forced them to move into the 1,500-person San Diego Convention Center or dispersed them from their encamped location.

COVID-19 Reports on Assisting Homeless During COVID-19

71. Recent reports from the CDC and UC Berkeley School of Public Health illustrate the threat homeless shelters pose to not only homeless individuals, especially people with disabilities with medical conditions that leave them more vulnerable to the virus, but to entire communities’ efforts to prevent rapid community spread. Congregate settings, even those that

³⁷ Coronavirus Disease 2019 (COVID-19) At Risk for Severe Illness (May 14, 2020), CDC. Available online at: <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-higher-risk.html>.

³⁸ *Id.*

1 comply with CDC guidelines, pose significant risks of rapid transmission for homeless
2 individuals and staff. Even in shelters designed to meet CDC guidelines, homeless individuals
3 have tested positive for COVID-19.

4 72. People experiencing homelessness (PEH) frequently have disabilities that cause
5 them to have a higher vulnerability to COVID-19, and evidence-based recommendations stressed
6 the importance of providing non-congregate settings for those who are not infected or sick:³⁹

7
8 **Most people who are not infected or sick should be offered a hotel or single-**
9 **occupancy unit with a private bathroom** so that they can shelter in place in the
10 same way the general population has been instructed. This will minimize their
11 exposure to people who are infected, decrease their likelihood of being infected if
12 exposed through individual access to hygiene, and increase the speed with which they
13 are referred to care if they fall ill. These individuals should be provided face masks to
14 wear if they leave their room. However, we have made more detailed
15 recommendations for individuals by subgroup.

16 73. UC Berkeley School of Public Health provided evidence-based housing
17 guidelines for demographic groups, consistently urging the placement of all homeless individuals
18 in non-congregate settings and explicitly stating that providing shelter to the non-medically
19 vulnerable should not be conditional on sheltering those who are vulnerable.⁴⁰

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27 ³⁹*For the Good of Us All: Addressing the Needs of Our Unhoused Neighbors During the COVID-19*
28 *Pandemic* at 37 (April 2020), UC Berkeley School of Public Health,

<https://publichealth.berkeley.edu/wp-content/uploads/2020/04/For-the-Good-of-Us-All-Report.pdf>.

⁴⁰ *Id.* at 38.

TABLE III-1 | RECOMMENDATIONS BY INFECTION STATUS

	OVERALL RECOMMENDATIONS	ADDITIONAL CONSIDERATIONS
THOSE NOT INFECTED OR SICK	Shelter in place in hotel rooms or similar single-occupancy units with private bathrooms, preferably in a separate hotel from those who have been exposed or are showing symptoms.* Individuals should wear face masks if they leave their room. Specific recommendations apply to demographic subgroups as outlined.	Individuals who choose to stay in tents or cars should receive basic needs, masks, and outreach so they can shelter safely.
THOSE EXPOSED TO PEOPLE WHO ARE INFECTED	Quarantine in hotel rooms or similar single-occupancy units with private bathrooms, preferably in a separate hotel from other groups.* Individuals should wear face masks if they leave their room.	
THOSE WHO ARE SYMPTOMATIC AND PRESUMED INFECTED	Isolation in hotel rooms or similar single-occupancy units with private bathrooms, preferably in a separate hotel from other groups, or transfer to a hospital if necessary.* Individuals should wear face masks if they leave their room.	
THOSE WHO ARE KNOWN CASES	Isolation in a field hospital or COVID-19 ward where they can be monitored for symptoms and receive on-site care.	
THOSE WHO HAVE RECOVERED	Shelter in place in their current housing while having access to supports and resources for meeting basic needs.	Individuals can presumably live safely in congregate settings, but this recommendation may need to be revisited as new research arises.

* The hotels and single-occupancy units should also provide for basic needs, including three meals per a day delivered to each room, daily temperature checks and symptom screening, and ongoing supportive services.

1 74. The Berkeley report stated that “it is likely that a significant percentage of the
2 homeless population is already infected and that the number of cases among [people
3 experiencing homelessness] will continue to soar.”⁴¹ Homeless individuals are more likely than
4 the general population to fall into one of the medically vulnerable categories which render them
5 more likely to have poor outcomes.⁴² Data and models on COVID-19 illustrated that homeless
6 people are not only more likely to become infected, but to require hospitalization (two to three
7 times more likely), to require ICU care (two to four times more likely), and to die (twice as
8 likely).⁴³

9 75. Unlike the general population, homeless individuals, including those in
10 congregate living settings like homeless shelters, cannot comply with the CDC
11 recommendations:⁴⁴

12
13 Unhoused individuals living in congregate settings, encampments, and on the streets
14 do not have the option to follow these recommendations. Rapid measures need to be
15 taken to isolate unhoused individuals who are uninfected or asymptomatic, quarantine
16 and monitor large numbers of individuals with minor or early symptoms to prevent
17 severe illness, and hospitalize those in need of immediate medical attention. For most
18 [people experiencing homelessness], the implementation of this plan will require for
19 most the provision of single-occupancy units with private bathrooms, in hotels or
20 dormitories, with basic needs and with basic needs and appropriate staffing and harm
21 reduction strategies.

22 76. The reports stressed how ensuring homeless individuals are protected from
23 COVID-19 is vital to the long-term effectiveness of shelter in place orders. If homeless
24 individuals are not protected, it “could become a reservoir for the virus that would enable the
25 virus to spread amongst the entire population after the shelter-in-place order has concluded,
26 which has been previously demonstrated with bacterial infections in unhoused communities.”⁴⁵

27 ⁴¹ *Id.* at 9.

28 ⁴² *Id.* at 18.

⁴³ *Id.* at 19.

⁴⁴ *Id.* at 10.

⁴⁵ *Id.* at 14.

1 77. The Berkeley report emphasized how even homeless shelters that comply with
2 CDC guidelines present serious COVID-19 transmission risks.⁴⁶ The report referenced San
3 Diego’s shelter.⁴⁷

4 78. A CDC report released April 22, 2020, provided an assessment of COVID-19
5 infection prevalence in homeless shelters in March and April 2020. The report, which analyzed
6 testing results for residents and staff members of 19 homeless shelters in Seattle, Atlanta, San
7 Francisco, and Boston, illustrated how dangerous the virus is for residents in homeless shelters,
8 with infection identified even among shelters where no cases had been reported.⁴⁸

9
10 When testing followed identification of a cluster, high proportions of residents and
11 staff members had positive test results for SARS-CoV-2 in Seattle (17% of residents;
12 17% of staff members), Boston (36%; 30%), and San Francisco (66%; 16%). Testing
13 in Seattle shelters where only one previous case had been identified in each shelter
14 found a low prevalence of infection (5% of residents; 1% of staff members). Among
15 shelters in Atlanta where no cases had been reported, a low prevalence of infection
16 was also identified (4% of residents; 2% of staff members).

17 ...

18 Homelessness poses multiple challenges that can exacerbate and amplify the spread
19 of COVID-19. Homeless shelters are often crowded, making social distancing
20 difficult. Many persons experiencing homelessness are older or have underlying
21 medical conditions, placing them at higher risk for severe COVID-19–associated
22 illness.

23 79. Another CDC report, released April 22, 2020, assessed COVID-19 spread in
24 Seattle homeless shelters.⁴⁹ First addressing what is already known about the topic, the report
25 stated: “COVID-19 can spread rapidly within and between congregate housing facilities, such as
26 homeless shelters. COVID-19 in homeless shelters, however, has not been well described.” The
27

28 ⁴⁶ *Id.* at 20.

⁴⁷ *Id.*

⁴⁸ Mosites E, Parker EM, Clarke KE, et al. Assessment of SARS-CoV-2 Infection Prevalence in Homeless Shelters — Four U.S. Cities, March 27–April 15, 2020, Morbidity and Mortality Weekly Report (April 22, 2020), <http://dx.doi.org/10.15585/mmwr.mm6917e1>.

⁴⁹ Tobolowsky FA, Gonzales E, Self JL, et al. COVID-19 Outbreak Among Three Affiliated Homeless Service Sites — King County, Washington, 2020, Morbidity and Mortality Weekly Report (April 22, 2020), <http://dx.doi.org/10.15585/mmwr.mm6917e2>.

1 report identified conditions that might have contributed to COVID-19 transmission in homeless
2 shelters. These conditions included “crowding and use of congregate sleeping arrangements” and
3 “possible asymptomatic transmission.”
4

5 Increased COVID-19 Exposure in Congregate Settings: Homeless Shelters

6 80. In early April, a COVID-19 outbreak at a homeless shelter in San Francisco
7 endangered the lives of residents and shelter staff. Over 100 people, 95 homeless individuals and
8 10 staff members, tested positive for the coronavirus.⁵⁰ The infection rate was rapid among the
9 141 residents with five positive cases, followed two days later by 70 positive cases, followed five
10 days later with 92 positive resident cases.⁵¹ 56 percent of the 181 tested guests and staff were
11 positive.⁵² San Francisco scrapped the plans it had in place to turn part of its convention center
12 into a shelter with nearly 400 beds for homeless people.⁵³

13 81. In March 2020, COVID-19 rapidly spread throughout a homeless shelter in
14 Boston with 147 of the 408 homeless individuals testing positive for COVID-19.⁵⁴
15

16 Universal testing of an adult homeless shelter population in Boston shortly after the
17 identification of a COVID-19 case cluster yielded an alarming 36% positivity rate.
18 The vast majority of newly identified cases had no symptoms and no fever on a single
19 point-in-time assessment. Our findings illustrate the rapidity with which COVID-19
20 can be widely transmitted within a homeless shelter setting, even when infection
21 control vigilance is high. Although recommended by the Centers for Disease Control
22 and Prevention and widely implemented in Boston and elsewhere, front-door
23 symptom screening in homeless shelter settings will likely miss a substantial number
24

25 ⁵⁰ *Advocates furious after outbreak at San Francisco shelter*, San Diego Union-Tribune (April 10,
26 2020). Available online at: <https://www.sandiegouniontribune.com/news/california/story/2020-04-10/advocates-furious-after-outbreak-at-san-francisco-shelter>; *A look inside site of San Francisco’s*
27 *largest coronavirus outbreak*, ABC 7 News (April 22, 2020). Available online at:
28 <https://abc7news.com/bay-area-coronavirus-update-california-shelter-in-place-lockdown/6123826/>

⁵¹ UC Berkeley School of Public Health, *supra* note 39, at 19.

⁵² *Id.*

⁵³ *Advocates furious after outbreak at San Francisco shelter*, *supra* note 50.

⁵⁴ Travis P. Baggett, Harrison Keyes, Nora Sporn, Jessie M. Gaeta, COVID-19 outbreak at a large
homeless shelter in Boston: Implications for universal testing, medRxiv (April 12, 2020),
<https://doi.org/10.1101/2020.04.12.20059618>.

1 of COVID-19 cases in this high-risk population.

2 ...

3 The circumstances of homelessness create the potential for rapid transmission of
4 SARS-CoV-2 in this vulnerable population.... COVID-positive individuals were
5 more likely to be male ($p < 0.001$) but did not differ significantly from COVID-
6 negative individuals with respect to other demographic and clinical characteristics.
7 Cough (7.5%), shortness of breath (1.4%), and fever (0.7%) were all uncommon
8 among COVID-positive individuals. Our findings illustrate the rapidity with which
9 COVID-19 can be widely transmitted in a homeless shelter setting and suggest that
10 universal PCR testing, rather than a symptom triggered approach, may be a better
11 strategy for identifying and mitigating COVID-19 among people experiencing
12 homelessness.⁵⁵

13 82. Since the outbreak in Boston, local authorities have made a concerted effort to
14 distance people and have transported all those who tested negative at the shelter with the
15 outbreak to local university dorms to prevent further exposure.⁵⁶

16 83. In New York City, where nearly all homeless individuals are sheltered due to the
17 state's right to shelter, 537 homeless individuals tested positive for COVID-19 and 33 had died
18 as of April 16.⁵⁷ The hospitalization rates for homeless individuals with COVID-19 were
19 between 30 and 40 percent.⁵⁸

20 84. At all times relevant to this complaint, the City knew of the outbreaks in homeless
21 shelters in San Francisco, Boston, and New York City.

22 Increased COVID-19 Exposure in Congregate Settings: Nursing Homes

23 85. According to a CDC report, released April 22, 2020, "Homeless service sites are
24 densely populated environments, similar to long-term care facilities, which can amplify
25 infectious disease outbreaks, including COVID-19."⁵⁹

26 ⁵⁵ *Id.*

27 ⁵⁶ 'We need to fix it quickly.' Asymptomatic coronavirus cases at Boston homeless shelter raise red
28 flag, CNN (April 17, 2020). Available online at: <https://www.cnn.com/2020/04/17/us/boston-homeless-coronavirus-outbreak/index.html>.

⁵⁷ UC Berkeley School of Public Health, *supra* note 39, at 18.

⁵⁸ *Id.*

⁵⁹ Travis, *supra* note 54.

1 86. The California Department of Public Health has released data on COVID-19
2 infections in a skilled nursing facility.⁶⁰ As of April 17, 2020, 258 of the 1224 skilled nursing
3 facilities had reported having one or more COVID-19 case by either a resident or a health care
4 worker. Those who tested positive included 1290 staff and 1740 residents. Of the eleven San
5 Diego based nursing facilities that had reported, each reported COVID-19 positive staff,
6 residents, or both.

7 87. The skilled nursing facility data understates the extent to which COVID-19 has
8 spread through these congregate living settings. As of April 19, 2020, roughly 10% of the state's
9 close to 32,000 confirmed cases were found among staff and patients at care centers for the
10 elderly. The data released by the California Department of Public Health included only 86% of
11 the state's skilled nursing facilities and does not show the number of residents who have died
12 from COVID-19.⁶¹ In late April and May, the number of confirmed cases rose significantly.

13 88. At all times relevant to this complaint, the City knew of the outbreaks in nursing
14 homes and increasing numbers of confirmed cases.

15
16 The City's Plan and Memorandum of Agreement for Assisting Homeless Individuals During
17 COVID-19

18 89. The City has labeled its COVID-19 related programs and services on
19 homelessness "Operation Shelter to Home" (the Operation).

20 90. On March 17, 2020, Governor Gavin Newsom signed Senate Bill 89 which
21 allocated emergency homelessness grant funding to protect the health and safety of individuals
22 experiencing homelessness during the COVID-19 pandemic.

23 91. On or around March 23, 2020, the State awarded the City a grant of
24

25 _____
26 ⁶⁰ California Department of Public Health Skilled Nursing Facilities: COVID-19, California
27 Department of Public Health. Available online at:

https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/SNFsCOVID_19.aspx

28 ⁶¹ *California names nursing homes with coronavirus outbreaks, number of cases*, Los Angeles
Times (April 18, 2020). Available online at: <https://www.latimes.com/california/story/2020-04-18/california-health-officials-publicly-name-nursing-homes-with-coronavirus-outbreaks>.

1 \$3,699,315.81. As stated in the Award Announcement issued to the City by the California
2 Homeless Coordinating and Financing Council within the State Business, Consumer Services
3 and Housing Agency, the purpose of the funding is to “protect the health and safety of people
4 experiencing homelessness and reduce the spread of the COVID-19 outbreak.”

5 92. On or around March 27, 2020, the City requested authorization from its Chief
6 Financial Officer to accept, appropriate, and expend these funds. The City reported that it had
7 leveraged an additional \$3.4 million from allocations made to the County of San Diego and the
8 Regional Task Force on the Homeless, and the agencies had “agreed to pool this money to fund
9 the operations at the Convention Center.” The City did not set forth a timeline for the
10 expenditure of the approximately \$7 million in funds: “Depending on the number of clients
11 served a month, these dollars will be able to be stretched over several months of the emergency
12 response to COVID-19.”⁶²

13 93. On March 27, 2020, the City Council approved the actions. As outlined in City of
14 San Diego Resolution Number R-2020-443, the funds were to be used for “efforts to protect the
15 health and safety of people experiencing homelessness from the COVID-19 outbreak and to
16 reduce the spread of the COVID-19 virus”, and to “provide the necessary resources and support
17 for emergency efforts in protecting individuals in shelters and preventing the spread of the
18 virus”.

19 94. On or around April 1, 2020, the City entered into a Memorandum of Agreement
20 (MOA) with the County of San Diego, the San Diego Housing Commission, and the Regional
21 Task Force on the Homeless to use the Convention Center in a regional plan to slow the spread
22 of COVID-19. The recitals state that the partnering agencies “desire to support the City’s efforts
23 to shelter persons experiencing homelessness at the Premises (Project)”. Under the MOA, the
24 City acts as the fiscal agent.

25 95. The City’s COVID-19 response included plans to place high-risk homeless
26

27 ⁶² City of San Diego Staff Report, COVID-19 Emergency Homelessness Grant Funding (March 27,
28 2020), City of San Diego. Available online at:
<https://onbase.sandiego.gov/OnBaseAgendaOnline/Meetings/ViewMeeting?id=3965&doctype=1#>.

1 individuals non-congregate housing options, including hotels and motels. Under the MOA, the
2 non-congregate housing options were designated for persons who “tested positive or demonstrate
3 symptoms of COVID-19 *or are at particularly high risk of contracting COVID-19*”. Under the
4 MOA, “*high risk* shelter residents” were to be transitioned to hotel rooms.

5 96. At all relevant times mentioned in this complaint, the City had access to non-
6 congregate housing options (hotel rooms and motel rooms). These non-congregate housing
7 options were secured by the City and its partnering entities. Through the City’s own policies and
8 the policies of the City’s partners (which are policies the City endorsed), homeless individuals
9 met the eligibility requirements if they were:

- 10 (i) Experiencing symptoms of COVID-19,
11 (ii) Had contracted COVID-19, or
12 (iii) At increased risk due to their age and presence of underlying health conditions
13 (defined as 65 years of age or older, and/or with chronic medical conditions, or
14 immunocompromised).⁶³

15 97. The section of the City of San Diego’s COVID-19 webpage on homeless services
16 directs visitors to the Regional Task Force on the Homeless which states under Operation Shelter
17 to Home “Any individual exhibiting symptoms that is identified for isolation, , [sic] *or part of a*
18 *vulnerable population who is at greater risk of exposure*, will continue to be placed in various
19 hotel and motel rooms for temporary lodging per San Diego County’s guidance.”⁶⁴ (Emphasis
20 added.)

21 98. On the City’s Operation Shelter to Home webpage, the Mayor describes the non-
22 congregate housing options, “The San Diego Convention Center may not be the appropriate
23

24 ⁶³ Three Temporary Lodging Processes for COVID-19 (March 20, 2020), County of San Diego.
25 Available online at:
26 [https://www.sandiegocounty.gov/content/dam/sdc/hhsa/programs/phs/Epidemiology/covid19/Comm](https://www.sandiegocounty.gov/content/dam/sdc/hhsa/programs/phs/Epidemiology/covid19/Community_Sector_Support/Homeless/COVID-19_Temporary_Lodging_Process.pdf)
27 [unity_Sector_Support/Homeless/COVID-19_Temporary_Lodging_Process.pdf](https://www.sandiegocounty.gov/content/dam/sdc/hhsa/programs/phs/Epidemiology/covid19/Community_Sector_Support/Homeless/COVID-19_Temporary_Lodging_Process.pdf).

28 ⁶⁴ Operation Shelter to Home: Regional Approach to Helping Our Homeless Neighbors, Regional
Task Force on the Homeless: [https://www.rtfhsd.org/convention-center-golden-hall-shelter-](https://www.rtfhsd.org/convention-center-golden-hall-shelter-information/)
[information/](https://www.rtfhsd.org/convention-center-golden-hall-shelter-information/)

option for all individuals. Coordinated outreach teams are engaging with people on the streets to offer them shelter best fit for their condition, whether it be at the convention center, a *motel room or another option*.”⁶⁵ (Emphasis added.)

99. Under the MOA, the City shall “admit persons to the [Convention Center] as follows:

In Phase 1, to relocate approximately 399 persons from the Alpha Project bridge shelter, and then approximately 150 persons from Veterans Village of San Diego's shelter, and then relocate approximately 280 persons from Father Joe's Village shelter and unsheltered homeless to serve a total of approximately 829 individuals in this phase.

Future phases shall be subject to approval of the parties, availability of funding, and determination of financial arrangements among the parties necessary to implement these phases.

In Phase 2, to provide additional opportunities to unsheltered individuals to serve a total of another approximately 750 individuals in this phase.

In Phase 3, to provide additional opportunities to unsheltered individuals to serve a total of another approximately 750 individuals in this phase.”

100. The Operation also included the provision of 24-hour security, meals, showers, bathrooms, laundry services, case managers, housing navigation, mental and behavioral health services, healthcare, health screenings, and Wi-Fi access for work or school.

101. In addition to the use of the Convention Center to house 1,500 sheltered homeless and unsheltered homeless, the City listed “other steps being taken” through the Operation as:

Installation of 257 handwashing stations throughout the region.

Procurement of hotel and motel rooms by the County to temporarily isolate individuals who may have symptoms.

Public health nurses are deployed to shelters across the region including: San Diego Convention Center, Golden Hall, Haven House, La Posada, Operation Hope North County, Rachel's Women's Shelter, San Diego Rescue Mission and Veterans Village of San Diego.

⁶⁵ Operation Shelter to Home, City of San Diego Mayor Kevin F. Faulconer: <https://www.sandiego.gov/coronavirus/sheltertohome>.

1 Public Health [sic] nurses have been assigned to Homeless Outreach Teams to
2 educate individuals living on the streets, in the canyons and in the riverbed about
COVID-19.

3 Assessing supply needs with homeless service providers on a regular basis and
4 assisting when possible to distribute items based on need.

5 102. On April 22, 2020, the City received \$248 million in CARES Act funds for
6 COVID-19 related costs incurred between March 1st and December 30th. The City's Office of the
7 Independent Budget Analyst informed the City that eligible expenses include mitigating COVID-
8 19's effects on the homeless population.⁶⁶

9 103. On May 19, 2020, the Mayor announced plans to apply \$50 million in state and
10 federal relief funds to Operation Shelter to Home at the Convention Center.⁶⁷ On May 21, 2020,
11 the City's Department of Finance released its fiscal year 2020 Third Quarter Budget Monitoring
12 Report allocating \$10.3 million during fiscal year 2020 and \$39.7 million for fiscal year 2021 in
13 COVID-19 state and federal relief funds for Operation Shelter to Home.

14 104. The City directs millions in COVID-19 funding to use the Convention Center as a
15 congregate shelter, despite the risks congregate settings pose to the health and safety of homeless
16 individuals *and* the feasibility of providing hotel and motel rooms instead.

17 105. The City's Homeless Programs include all services and programs associated with
18 the Operation, and all homelessness services and programs provided in response to COVID-19.

19
20 The City's Knowledge of Public Health Directives on Homelessness and Congregate Settings

21 106. The City cited the CDC guidance for assisting people experiencing homelessness
22 during COVID-19 in news releases, press releases, resolutions, and press conferences in March,
23 April, and May.

24
25 ⁶⁶ Review of the Fiscal Year 2021 Proposed Budget at 50 (April 29, 2020), City of San Diego Office
of the Independent Budget Analyst. Available online at:

26 https://www.sandiego.gov/sites/default/files/iba_report_2006_review_of_fy21_proposed_budget.pdf

27 ⁶⁷ Mayor Kevin L. Faulconer. Press Release: Mayor Faulconer Boosts Childcare, Housing for
Homeless and Small Businesses in Budget Update. Dated May 19, 2020. Available online at:

28 <https://www.sandiego.gov/mayor/news/releases/Mayor-Faulconer-Boosts-Childcare-Housing-for-Homeless-and-Small-Businesses-in-Budget-Update>.

1 107. The Memorandum of Agreement the City entered into on April 1, 2020, to
2 effectuate a regional plan to assist persons experiencing homelessness cites to CDC guidance.

3 108. In early April, the City stated the City's response to homelessness during the
4 COVID-19 pandemic. The statement, *Statement from Ashley Bailey, City of San Diego Senior*
5 *Press Secretary & Director of Digital Media*, cited to the CDC's guidance for assisting homeless
6 during COVID-19. The statement repeated CDC's directive to not clear encampments to prevent
7 spreading the illness, but then went on to distinguish San Diego's encampments from the type of
8 encampments in the CDC guidance, stating "San Diego has few of this type of encampment".

9 109. On April 14, 2020, the San Diego City Council passed Resolution Number R-
10 312946 which explicitly acknowledged and cited to the CDC's guidance. The City Council
11 passed another resolution in May again explicitly citing to the CDC guidance.

12 110. The section of the City of San Diego's COVID-19 webpage on homeless services
13 directs visitors to the Regional Task Force on the Homeless which listed and linked to the CDC
14 guidelines and information from the National Law Center on Homelessness & Poverty
15 condemning the use of congregate facilities, including large-scale shelters, during COVID-19.

16 111. On May 10, 2020, the County of San Diego issued its Order of the Health Officer
17 and Emergency Regulations and directed all governmental entities, including the City, to comply
18 with it and disseminate it in venues where gatherings may occur. The Order referenced
19 substantial guidance released from the California Department of Public Health, the CDC, and
20 other public health officials throughout the United States and the world. The Order was
21 superseded by at least two subsequent orders, the latest issued on June 3, 2020. The Orders
22 prevented mass gatherings in one location for extended periods:⁶⁸

23
24 This Order is issued to prevent circumstances often present in gatherings that may
25 exacerbate the spread of COVID-19, such as: 1) the increased likelihood that
gatherings will attract people from a broad geographic area; 2) the prolonged time

26
27 ⁶⁸ Order of the Health Officer and Emergency Regulations (June 3, 2020), County of San Diego
28 Health and Human Services Agency. Available online at:
<https://www.sandiegocounty.gov/content/dam/sdc/hhsa/programs/phs/Epidemiology/HealthOfficerOrderCOVID19.pdf>.

1 period in which large numbers of people are in close proximity; 3) the difficulty in
2 tracing exposure when large numbers of people attend a single event or are at a single
3 location; and 4) the inability to ensure that such persons follow adequate hygienic
practices.

4 112. On May 19, 2020, the County of San Diego issued Congregate Facilities
5 Guidance for COVID-19 directed at long-term care facilities, correctional facilities, and
6 homeless shelters. Recognizing how residents of the facilities may be at higher risk given the
7 congregate settings and the vulnerability of the residents, the letter provided the link for the CDC
8 Interim Guidance for Homeless Service Providers and stated:⁶⁹

9
10 Given the congregate nature and population served, the populations of long-term care
11 facilities (e.g., skilled nursing facilities, intermediate care facilities, residential care
12 facilities for the elderly, adult residential facilities), correctional, and homeless shelters
(Facilities) may be at higher risk of being affected by COVID-19 and at increased risk for
serious illness and complications.

13
14 113. Since May 19, 2020, the City has continued to push unsheltered homeless
15 individuals into the Convention Center and condition access to Homeless Programs on residing
16 in the Convention Center. Yet, hotel and motel rooms made available for high risk homeless
17 individuals under the Homeless Programs have been under-utilized. As of May 19, 2020, there
18 was capacity to house 1,351 persons in County-procured hotel rooms.⁷⁰ This capacity was *in*
19 *addition to* the 222 hotel administered by the Regional Task Force on the Homeless. As of May
20 19, 2020, the County had procured more than 1,700 hotel rooms “for the homeless and other
21 unique case individuals that enhance public health and safety while simultaneously meeting the
22

23 ⁶⁹ Congregate Facilities Guidance for COVID-19 (May 19, 2020), County of San Diego Health and
24 Human Services Agency. Available online at:
25 [https://www.sandiegocounty.gov/content/dam/sdc/hhsa/programs/phs/Epidemiology/covid19/Comm
26 unity Sector Support/LTC and Older Adults/County%20Letter%20re COVID-
27 19%20Congregate%20Facilities%2005%2019%202020.pdf](https://www.sandiegocounty.gov/content/dam/sdc/hhsa/programs/phs/Epidemiology/covid19/Community%20Sector%20Support/LTC%20and%20Older%20Adults/County%20Letter%20re%20COVID-19%20Congregate%20Facilities%2005%2019%202020.pdf).

28 ⁷⁰ County of San Diego Attestation & Containment Plan at 21 (May 19, 2020), County of San Diego.
Available online at:
[https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-
19/San%20Diego%20County%20Attestation.pdf](https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/San%20Diego%20County%20Attestation.pdf).

1 sheltering and physical separation needs of our region’s homeless population and others who
2 need temporary lodging.”⁷¹ The County provided information on the availability of hotel rooms
3 to the State in the County’s May 19, 2020, proposal to accelerate reopening:⁷²

4 Early in the outbreak, the County aggressively acquired hundreds of hotel units to
5 house individuals experiencing homelessness and prevent exposure to COVID-19.

6 Based on the 2020 Regional Homeless Point in Time Count, there are 7,619 homeless
7 individuals living in the County. Of the 7,619 individuals, 15% of this number is
8 1,143 individuals.

9 There is present capacity to house **1,351 persons** at the public health hotel rooms
10 secured by the County. In addition, there are **222 additional hotel rooms** for those
11 who are at risk that are being managed through a contract with the Regional Task
12 Force on the Homeless...

13 114. On June 2, 2020, at a County Board of Supervisors meeting, the County reported
14 “As of June 1, there is temporary shelter available for 42% of the homeless population (3,176
15 beds): Convention Center: 1,579 beds, Public Health Hotels: 1,375 beds, Vulnerable Population
16 Hotels: 222 beds.”⁷³ (Emphasis added.)

17 Funds to the Convention Center and Existing Shelter Contracts

18 115. As stated in the MOA and as proposed by the Mayor in his May 19, 2020, press
19 release regarding the use of federal and state emergency funds, the City is directing millions of
20 dollars in COVID-19 funds to the Convention Center.

21 116. A City Council staff report dated March 27, 2020, stated that uses of the COVID-
22 19 funds include “Convention Center operations and maintenance costs.”⁷⁴ Even after the City
23

24 ⁷¹ *Id.* at 167.

25 ⁷² *Id.* at 21.

26 ⁷³ County Staff Report, Coronavirus Disease 2019 (COVID-19) Item #4: County of San Diego
27 COVID-19 Update (June 2, 2020), County Board of Supervisors Meeting June 2, 2020.

28 ⁷⁴ City of San Diego Staff Report, COVID-19 Emergency Homelessness Grant Funding (March 27,
2020), City of San Diego. Available online at:
<https://onbase.sandiego.gov/OnBaseAgendaOnline/Meetings/ViewMeeting?id=3965&doctype=1#>.

1 moved sheltered homeless individuals from existing homeless shelters to the Convention Center,
2 the City continued to direct funds towards its existing shelter contracts although services were no
3 longer being provided under the existing shelter contracts. Initially, the shelters were used for the
4 limited purposes of intake and screening of unsheltered homeless, and the temporary isolation of
5 individuals.⁷⁵ However, as of May 7, 2020, the shelters were vacant.⁷⁶

6 117. Upon information or belief, one of the motivating factors in directing funds to the
7 Convention Center was to recoup losses the City would have otherwise experienced due to the
8 cancellation of events at the Convention Center.

9 118. Beginning in March 2020, the City announced the financial impact COVID-19
10 would have on the City due to the cancellation of events at the Convention Center. The City
11 reported its estimated economic loss as significant. As stated in the preamble to Ordinance
12 Number 0-21177, passed by City Council on March 25, 2020, “the cancellation of conferences
13 and other large events will likely cause a significant loss of business opportunities locally,
14 including an estimated \$220,000,000 in forecasted regional impact losses attributed to canceled
15 events at the San Diego Convention Center”.⁷⁷

16 119. The City touted its infusion of emergency homeless funds into the Convention
17 Center as helpful in addressing the decimation of the local tourism economy.⁷⁸

18
19 ⁷⁵ *Convention Center homeless shelter expands to 800+*, San Diego Union-Tribune (April 7, 2020).
20 Available online at: <https://www.sandiegouniontribune.com/news/health/story/2020-04-07/convention-center-homeless-shelter-reaches-800>.

21 ⁷⁶ Mayor Kevin L. Faulconer. Press Release: San Diego, Chula Vista to Partner to Replicate Bridge
22 Shelter Program Regionally. Dated May 7, 2020. Available online at:
23 <https://www.sandiego.gov/mayor/news/releases/san-diego-chula-vista-partner-replicate-bridge-shelter-program-regionally>.

24 ⁷⁷ *See also Canceled conventions due to coronavirus costing San Diego \$203M—so far*, San Diego
25 Union-Tribune (April 10, 2020). Available online at:
26 <https://www.sandiegouniontribune.com/business/tourism/story/2020-04-10/canceled-conventions-costing-san-diego-203m-so-far>.

27 ⁷⁸ Mayor Kevin L. Faulconer. Press Release: San Diego Region Secure \$7.1M in State Funds for
28 COVID-19 Homeless Response. Dated April 7, 2020. Available online at:
<https://www.sandiego.gov/mayor/news/releases/san-diego-region-secures-71m-state-funds-covid-19-homeless-response>.

1 120. On May 19, 2020, the Mayor announced plans to apply \$50 million in state and
2 federal relief funds to Operation Shelter to Home at the Convention Center.⁷⁹

3 121. On May 21, 2020, the City’s Department of Finance released its fiscal year 2020
4 Third Quarter Budget Monitoring Report (budget report) allocating \$10.3 million during fiscal
5 year 2020 and \$39.7 million for fiscal year 2021 in COVID-19 state and federal relief funds for
6 Operation Shelter to Home. In April, the City spent \$730,000 on Convention Center operations
7 and maintenance expenses including utilities. The report listed total monthly expenditures for
8 1,500 individuals at the Convention Center as \$4.97 million per month. Fiscal year 2020 year-
9 end projections for expenditures at the Convention Center and funding sources for Convention
10 Center expenditures were still to be determined.

11 122. The budget report listed the various ways in which the City had experienced a
12 decrease in revenue followed by a statement regarding the use of COVID-19 relief funds: “These
13 decreases are offset with an increase of \$3.4 million in Neighborhood Services Department
14 primarily associated with reimbursements for the homeless shelter at the Convention Center
15 supported by CRF funding.”

16 123. The budget report states: “The monthly Convention Center shelter expenditures
17 include discounted rent for the space at the Convention Center of \$1.6 million and operational
18 costs being incurred by the San Diego Convention Center Corporation (SDCCC) as a result of
19 the shelter of \$0.7 million. These costs will cover SDCCC share of operational costs,
20 maintenance, supplies, utilities, and general overhead, as well as funding for essential
21 management and sales efforts while the Convention Center operates as a shelter. These funds
22 will allow SDCCC to remain solvent and maintain operations necessary for the Corporation to
23 quickly transition back to normal operations and start to benefit the local economy.”

24 124. The Convention Center is managed by the San Diego Convention Center
25 Corporation, a non-profit public benefit corporation created by the City of San Diego. The City

26
27 ⁷⁹ Mayor Kevin L. Faulconer. Press Release: Mayor Faulconer Boosts Childcare, Housing for
28 Homeless and Small Businesses in Budget Update. Dated May 19, 2020. Available online at:
<https://www.sandiego.gov/mayor/news/releases/Mayor-Faulconer-Boosts-Childcare-Housing-for-Homeless-and-Small-Businesses-in-Budget-Update>.

1 leases the Convention Center site from the Unified Port of San Diego for \$1 per year.

2
3 The City's Implementation of Homeless Programs during COVID-19

4 125. As of March 18, 2020, San Diego had already experienced two COVID-19
5 outbreak scares at two of the region's largest homeless shelters.⁸⁰

6 126. In early April 2020, the City moved 800 homeless individuals into the mega-
7 shelter, the Convention Center.

8 127. As of April 13, 2020, 15 homeless individuals had tested positive for COVID-
9 19.⁸¹

10 128. By April 15, 2020, the City completed the first phase of its Operation. It had
11 relocated approximately 800 sheltered homeless persons from three homeless shelters (the Alpha
12 Project bridge shelter, Veterans Village of San Diego's shelter, and Father Joe's Village shelter)
13 to the Convention Center.⁸²

14 129. On or around April 16, 2020, the City started implementing on-site testing at the
15 Convention Center on a voluntary basis.⁸³ Testing was limited to less than 150 tests per day.⁸⁴

16 130. In mid-April, the City started carrying out phase two of the Operation through
17 which it planned to relocate unsheltered homeless people to the Convention Center. The City
18

19 ⁸⁰ *Homeless shelter tenants tested for COVID-19*, San Diego Union-Tribune (March 18, 2020).
20 Available online at: <https://www.sandiegouniontribune.com/news/health/story/2020-03-18/homeless-shelter-tenants-tested-for-virus>.

21 ⁸¹ *County Reports 75 New Cases, Three Deaths as Homeless Testing Increases*, KPBS (April 16,
22 2020). Available online at: <https://www.kpbs.org/news/2020/apr/16/county-reports-75-new-cases-three-deaths-homeless-/>.

23 ⁸² Mayor Kevin L. Faulconer. Press Release: Over 800 Moved to San Diego Convention Center as
24 More Homeless Individuals Relocate. Dated April 7, 2020. Available online at:
25 [https://www.sandiego.gov/mayor/news/releases/over-800-moved-san-diego-convention-center-](https://www.sandiego.gov/mayor/news/releases/over-800-moved-san-diego-convention-center-more-homeless-individuals-relocate)
[https://www.sandiego.gov/mayor/news/releases/after-moving-](https://www.sandiego.gov/mayor/news/releases/after-moving-hundreds-shelters-convention-center-outreach-teams-bring-homeless)
[hundreds-shelters-convention-center-outreach-teams-bring-homeless\)](https://www.sandiego.gov/mayor/news/releases/after-moving-hundreds-shelters-convention-center-outreach-teams-bring-homeless)

26 ⁸³ Mayor Kevin L. Faulconer. Press Release: Proactive COVID-19 Testing Begins for Shelter
27 Residents at Convention Center. Dated April 16, 2020. Available online at:
28 [https://www.sandiego.gov/mayor/news/releases/proactive-covid-19-testing-begins-shelter-residents-](https://www.sandiego.gov/mayor/news/releases/proactive-covid-19-testing-begins-shelter-residents-convention-center)
[convention-center](https://www.sandiego.gov/mayor/news/releases/proactive-covid-19-testing-begins-shelter-residents-convention-center).

⁸⁴ *Id.*

1 planned to relocate approximately 750 unsheltered homeless during this phase. Upon information
2 or belief, the City relocated approximately 30 unsheltered homeless individuals into the
3 Convention Center each day during phase two.

4 131. As of April 20, 2020, the City had moved 85 unsheltered homeless individuals to
5 the Convention Center.⁸⁵

6 132. On April 21, 2020, San Diego experienced its largest number of fatalities in one
7 day, and largest one-day increases in new cases.⁸⁶ The region's total deaths from COVID-19
8 numbered 87 and the number of individuals testing positive for COVID-19 was 2,434.

9 133. As of April 23, 2020, the total deaths from COVID-19 numbered 96 with 2,491
10 individuals testing positive.⁸⁷ As of April 23, 2020, the number of cases in San Diego had not yet
11 peaked, and according to Eric McDonald, Medical Director with the County Epidemiology
12 Immunization Branch, the number of people actually infected is likely ten times the reported
13 total.⁸⁸

14 134. As of April 24, 2020, the City announced that it would continue directing
15 unsheltered homeless to the Convention Center and that sleeping on the sidewalks was not
16 allowed.⁸⁹

17 135. As of April 24, 2020, the City had moved 200 unsheltered homeless individuals to
18 the Convention Center.⁹⁰

19 136. On April 26, 2020, two homeless individuals at the Convention Center tested
20

21 ⁸⁵ *Daily Briefing*, San Diego Community Newspaper Group (April 22, 2020). Available online at:
22 http://www.sdnnews.com/view/full_story/27727051/article-DAILY-BRIEFING.

23 ⁸⁶ *Escondido issues 'COVID-19 Action Plan'* (April 23, 2020), The Escondido Grapevine. Available
online at: <https://escondidograpevine.com/2020/04/23/escondido-issues-covid-19-action-plan/>.

24 ⁸⁷ *Id.*

⁸⁸ *Id.*

25 ⁸⁹ *VOSD Podcast: Faulconer Faces Reality*, Voice of San Diego (April 24, 2020) Available online
at: <https://www.voiceofsandiego.org/topics/news/vosd-podcast-faulconer-faces-reality/>. See also *San*
26 *Diego police nearly double illegal lodging tickets issued to homeless during pandemic* Inewsource
27 (May 25, 2020). Available online at: [https://inewsource.org/2020/05/25/san-diego-police-ticket-](https://inewsource.org/2020/05/25/san-diego-police-ticket-homeless-pandemic/)
[homeless-pandemic/](https://inewsource.org/2020/05/25/san-diego-police-ticket-homeless-pandemic/)

28 ⁹⁰ *Id.*

1 positive for COVID-19.⁹¹

2 137. By April 29, 2020, the City had moved nearly 1,100 homeless individuals into the
3 Convention Center.⁹²

4 138. As of April 30, 2020, 30 homeless individuals had tested positive for COVID-
5 19.⁹³

6 139. As of May 8, 2020, the County announced that three homeless individuals
7 residing at the Convention Center had tested positive for COVID-19.

8 140. By May 20, 2020, the County announced that four homeless individuals at the
9 Convention Center had tested positive.

10 141. As of May 22, 2020, the City had moved 1,266 homeless individuals into the
11 Convention Center.⁹⁴

12 142. As of May 29, 2020, the County of San Diego had 77 active outbreaks, and 53 of
13 those outbreaks were in congregate living facilities. Of the County's 266 COVID-19 death total,
14 half were in congregate living facilities.

15 143. As of May 30, 2020, 68 homeless individuals in San Diego County had tested
16 positive for COVID-19, and their hospitalization rate was more than double the hospitalization
17
18

19 ⁹¹ Mayor Kevin L. Faulconer. Press Release: Proactive Testing to Detect and Contain COVID-19
20 Identifies Two Positive Individuals at Shelter to Home Operation. Dated April 26, 2020. Available
21 online at: [https://www.sandiego.gov/mayor/news/releases/proactive-testing-detect-and-contain-](https://www.sandiego.gov/mayor/news/releases/proactive-testing-detect-and-contain-covid-19-identifies-two-positive-individuals-shelter)
[covid-19-identifies-two-positive-individuals-shelter](https://www.sandiego.gov/mayor/news/releases/proactive-testing-detect-and-contain-covid-19-identifies-two-positive-individuals-shelter).

22 ⁹² Press conference. Coronavirus updates. County Operations Center, County of San Diego (April
23 29, 2020). Available online at: <https://www.pscptv.com/SanDiegoCounty/1kvJpXvIXWQJE>; *Officials*
24 *Grapple With What Will Happen to the 1,000 Homeless in the Convention Center*, Voice of San
25 Diego (April 27, 2020). Available online at:
[https://www.voiceofsandiego.org/topics/government/officials-grapple-with-what-will-happen-to-the-](https://www.voiceofsandiego.org/topics/government/officials-grapple-with-what-will-happen-to-the-1000-homeless-in-the-convention-center/)
[1000-homeless-in-the-convention-center/](https://www.voiceofsandiego.org/topics/government/officials-grapple-with-what-will-happen-to-the-1000-homeless-in-the-convention-center/).

26 ⁹³ Press conference. Coronavirus updates. County Operations Center, County of San Diego (April
27 30, 2020). Available online at: <https://www.pscptv.com/SanDiegoCounty/1kvJpXvIXWQJE>.

28 ⁹⁴ *San Diego police nearly double illegal lodging tickets issued to homeless during pandemic*,
Inewsource (May 25, 2020). Available online at: [https://inewsource.org/2020/05/25/san-diego-](https://inewsource.org/2020/05/25/san-diego-police-ticket-homeless-pandemic/)
[police-ticket-homeless-pandemic/](https://inewsource.org/2020/05/25/san-diego-police-ticket-homeless-pandemic/).

1 rate for the general population.⁹⁵

2 144. As of May 30, 2020, San Diego County had the third highest number of
3 coronavirus cases among the state's 58 counties and the third most deaths, averaging 97 new
4 cases and 2.4 deaths each day.⁹⁶

5 145. As of June 4, 2020, 76 homeless individuals in San Diego County had tested
6 positive for COVID-19.⁹⁷

7 146. At all times relevant to this complaint, the City denied requests for non-
8 congregate housing options when homeless individuals who met the eligibility (chronic medical
9 conditions and/or immunocompromised) for non-congregate housing made such requests.

10 147. At all times relevant to this complaint, the City administered its Homeless
11 Programs in a way that provided non-congregate housing options only to individuals who tested
12 positive for COVID-19, and only upon confirmation from a health professional. This is true for
13 those in the Convention Center as well – even after one is screened and determined to be a
14 person with disabilities, underlying health conditions, and immunocompromised, a non-
15 congregate housing option is not provided unless the individual tests positive.⁹⁸

16 148. At all times relevant to this complaint, the City restricted access to Homeless
17 Programs to only individuals residing in the Convention Center.

18 149. At all times relevant to this complaint, the City used law enforcement to create a
19 hostile environment for homeless individuals to force or coerce homeless individuals to move to
20 the Convention Center. The City's law enforcement activities have included: the threat of arrests

21 _____
22 ⁹⁵ Daily 2019 Novel Coronavirus (COVID-19) Summary of Cases Among Persons Experiencing
Homelessness (May 29, 2020), County of San Diego.

23 ⁹⁶ *Tracking coronavirus in San Diego County*, Los Angeles Times (May 30, 2020). Available online
24 at: <https://www.latimes.com/projects/california-coronavirus-cases-tracking-outbreak/san-diego-county/>.

25 ⁹⁷ Daily 2019 Novel Coronavirus (COVID-19) Summary of Cases Among Persons Experiencing
Homelessness (June 5, 2020), County of San Diego.

26 ⁹⁸ Mayor Kevin L. Faulconer. Press Release: Proactive COVID-19 Testing Begins for Shelter
27 Residents at Convention. Dated April 16, 2020. Available online at:
28 <https://www.sandiego.gov/mayor/news/releases/proactive-covid-19-testing-begins-shelter-residents-convention-center>.

1 and citations for failing to disperse from encampments; the threat of encampment sweeps;
2 encampment sweeps that disperse and displace homeless individuals; the threat of citations,
3 tickets, and arrests for violating “quality of life” ordinances; the issuance of citations, tickets, and
4 arrests for violating “quality of life” ordinances; and arrest and misdemeanor charges for illegal
5 lodging.

6 150. During the pandemic, San Diego police continued enforcement actions, including
7 issuing warnings and citations, generally aimed at unhoused individuals for illegal lodging,
8 encroachment, and living in a vehicle.⁹⁹ San Diego police’s priority was getting people to move
9 into the Convention Center.¹⁰⁰

10 151. The City knew that sweeps disperse and displace individuals and encampments,
11 and prevent homeless individuals from sheltering in place and self-isolating. At all times relevant
12 not this complaint, the City directed its agents and entities, including law enforcement, to
13 threaten to conduct sweeps and to conduct sweeps. Upon information or belief, before the
14 pandemic, the City conducted its regular sweeps in the morning and evening, but effective mid-
15 April 2020, started conducting sweeps only in the morning. The San Diego police issue tickets
16 during the morning sweeps.¹⁰¹

17 152. At all times relevant to this complaint, the City has failed to ensure that restroom
18 facilities near to unsheltered homeless individuals have functional water taps, are stocked with
19 hand hygiene materials including soap and bath tissue, and remain open 24 hours per day.

20 153. At all times relevant to this complaint, the City has failed to ensure that
21 encampments of more than 10 people without nearby restroom or handwashing facilities have
22

23 ⁹⁹ *San Diego police nearly double illegal lodging tickets issued to homeless during pandemic*,
24 Inewssource (May 25, 2020). Available online at: [https://inewssource.org/2020/05/25/san-diego-](https://inewssource.org/2020/05/25/san-diego-police-ticket-homeless-pandemic/)
25 [police-ticket-homeless-pandemic/](https://inewssource.org/2020/05/25/san-diego-police-ticket-homeless-pandemic/); See also *Despite pandemic, sheriff continues booking suspects on*
26 *minor, nonviolent offenses*, San Diego Union-Tribune (May 17, 2020). Available online at:
[https://www.sandiegouniontribune.com/news/watchdog/story/2020-05-17/despite-pandemic-sheriff-](https://www.sandiegouniontribune.com/news/watchdog/story/2020-05-17/despite-pandemic-sheriff-continues-booking-suspects-on-minor-nonviolent-%E2%80%A6/18)
[continues-booking-suspects-on-minor-nonviolent-%E2%80%A6/18](https://www.sandiegouniontribune.com/news/watchdog/story/2020-05-17/despite-pandemic-sheriff-continues-booking-suspects-on-minor-nonviolent-%E2%80%A6/18).

27 ¹⁰⁰ *Id.*

28 ¹⁰¹ *San Diego police nearly double illegal lodging tickets issued to homeless during pandemic*,
Inewssource (May 25, 2020). Available online at: [https://inewssource.org/2020/05/25/san-diego-](https://inewssource.org/2020/05/25/san-diego-police-ticket-homeless-pandemic/)
[police-ticket-homeless-pandemic/](https://inewssource.org/2020/05/25/san-diego-police-ticket-homeless-pandemic/).

1 access to portable latrines with handwashing facilities.

2
3 The City Has Refused to Modify Its Discriminatory Policies

4 154. On April 28, 2020, Petitioners submitted reasonable accommodation requests to
5 the City under the ADA, on behalf of homeless individuals with disabilities, a copy of which is
6 attached as Exhibit A. Petitioners' requests asserted Petitioners' need for the City to make
7 reasonable modifications to its Homeless Programs based on their disabilities. Petitioners
8 illustrated how the City's administration of its services and programs directly affected homeless
9 individuals with disabilities that cause them to be more particularly vulnerable to complications
10 and death from COVID-19 and prevented them from having equal access based on their
11 disabilities. Informing the City of the imminent harm COVID-19 posed to many homeless
12 individuals with disabilities, Petitioners urged that the City modify its Homeless Programs to: (1)
13 provide non-congregate housing options to homeless individuals with disabilities upon request
14 for preventative care, without requirement of a positive COVID-19 test or COVID-19 symptoms,
15 (2) provide programs and services to homeless individuals with disabilities in a way that
16 evaluates each person's immediate needs and accommodates their disabilities, and (3) until
17 permanent, accessible, affordable housing is available to homeless individuals with disabilities,
18 cease all law enforcement activity that disperses or displaces homeless individuals or
19 encampments.

20 155. The City confirmed receipt of the requests, but failed to engage in any discussion
21 of Petitioners' requests.

22 156. Between April 28, 2020 through June 5, 2020, Petitioners made multiple demands
23 for access to the City's Operation Shelter to Home and, in the alternative, requests for
24 modification for placement into non-congregate housing due to their higher risk of severe illness
25 for COVID-19.

26 ///

27 ///

1 The City's Administration of Homeless Programs During the COVID-19 Pandemic
2 Discriminates Against People with Disabilities and Disproportionately Adversely Impacts Racial
3 Minorities

4 157. The City knew that a disproportionate number of homeless individuals have
5 disabilities that render them particularly vulnerable. The City's own policies and procedures
6 directed the provision of non-congregate housing, in the form of hotel and motel rooms leased
7 through state and federal funding, to homeless individuals. But, the City did not administer
8 Homeless Programs while COVID-19 continued to spread among homeless individual and did
9 not make the services accessible to people with these disabilities.

10 158. The City knew that many people with disabilities have underlying health
11 conditions that cause them to be more likely than the general population to become infected with
12 COVID-19, to require hospitalization and/or ICU care for COVID-19, and to die from COVID-
13 19. The City knew that a disproportionate number of homeless individuals are disabled and have
14 these underlying health conditions.

15 159. The City knew that that congregate living settings place all people at higher risk
16 of contracting COVID-19. The City knew that this is especially true for people with disabilities
17 which include these underlying health conditions.

18 160. The City knew that the underlying disabling health conditions of many homeless
19 individuals made them more likely than the general population to become infected with COVID-
20 19, to require hospitalization and/or ICU care for COVID-19, and to die from COVID-19.

21 161. The City knew that the congregate nature of a shelter would place homeless
22 individuals with disabilities which include these health conditions at higher risk of contracting
23 COVID-19, because of their underlying health conditions and disabilities. Yet, the City used
24 state and federal COVID-19 funds to carry out plans to amass 1,500 homeless individuals in a
25 single congregate setting – the Convention Center.

26 162. The City knew that shelters were functionally unavailable to many homeless
27 individuals with disabilities because of their disabilities and not a place that they would be able
28 to access because of compromised immune systems. Yet, the City used law enforcement to
create a hostile environment for homeless individuals to push them into a mega-shelter, the

1 Convention Center. The City also conditioned access to Homeless Programs on homeless
2 individuals with disabilities staying in the Convention Center.

3 163. The City knew or should have known that many homeless individuals were
4 unable to tolerate shelters because of their disabilities. Yet, the City did not provide non-
5 congregate housing options to homeless individuals with disabilities. For these individuals, who
6 were eligible under the City's policies for non-congregate housing options, the City's actions
7 caused irreparable harm. The City's actions—including dispersing and displacing homeless
8 individuals with disabilities and preventing them from practicing self-isolation and social
9 distancing—also caused irreparable harm to the greater public by causing community spread.

10 164. The City knew or should have known that homeless people with disabilities were
11 being denied equal access to Homeless Programs, particularly after receiving Petitioners'
12 requests for reasonable modifications under the ADA. Despite this knowledge, the City refused
13 to modify its Homeless Programs to accommodate people with disabilities, instead leaving these
14 individuals unsheltered, without access to non-congregate housing options, and victim to the
15 ongoing harassment by law enforcement.

16 165. The City knew that a disproportionate number of homeless individuals were racial
17 minorities. The City also knew that medical data illustrated a disproportionate burden of
18 COVID-19 infection, hospitalization, and death among racial minorities. Despite this knowledge,
19 the City continued to push homeless individuals—disproportionately racial minorities—into a
20 congregate setting and the City conditioned access to Homeless Programs on residing at the
21 Convention Center.

22 166. The City had many opportunities to take steps to reduce the risk of COVID-19 to
23 homeless individuals with disabilities and racial minorities, yet the City chose to continue to
24 administer its Homeless Programs in a way that disproportionately adversely impacted and
25 threatened the safety of this population.

26 ///

27 ///

1 **CAUSES OF ACTION**

2 **FIRST CAUSE OF ACTION**

3 **Writ of Ordinary Mandate**
4 **(Code of Civ. Proc. § 1085)**

5 167. Petitioners incorporate all previous paragraphs as if fully set forth herein.

6 168. Petitioners are beneficially interested parties entitled to a peremptory writ to “compel
7 the performance of an act which the law specifically enjoins.” Code of Civ. Proc. § 1085.

8 169. Mandamus may issue to compel the performance of an official act required by law or
9 to compel an official to exercise his or her discretion under a proper interpretation of the law.

10 170. Mandamus is available to compel an official to take corrective action when the
11 official has breached a non-discretionary duty. When an official’s conduct violates rights guaranteed
12 by law or the California constitution, the official breaches a non-discretionary duty.

13 171. The City has a ministerial duty to comply with its own policies and procedures,
14 including those that govern the administration of Homeless Programs, including the provision of
15 non-congregate housing options, during the COVID-19 pandemic. The City’s policies and
16 procedures provide for the provision of non-congregate housing options (in the form of hotel rooms
17 and motel rooms) for homeless individuals who are “[a]t increased risk due to their age and presence
18 of underlying health conditions (defined as 65 years of age or older, and/or with chronic medical
19 conditions, or immunocompromised).” Under the MOA, non-congregate housing options were
20 designated for persons “at particularly high risk of contracting COVID-19”, and “high risk shelter
21 residents” were to be transitioned to hotel rooms.

22 172. The City administers its Homeless Programs in a way that provides non-congregate
23 housing options only to individuals who test positive for COVID-19.

24 173. By administering its Homeless Programs in a way that fails to provide non-
25 congregate housing options to homeless individuals with disabilities who meet the criteria, the City
26 is failing, as set forth herein, to comply with its legal, ministerial duties.

27 174. The City has a mandatory legal duty to comply with Article I, Section 7 of the
28 California Constitution.

1 175. The City also has a mandatory legal duty to comply with state law, including the
2 California Disabled Persons Act (Cal. Civ. Code §§ 54 *et seq.*), the Fair Employment and Housing
3 Act (Cal. Gov. Code §§ 12920, 12927, and 12955), and Gov. Code § 11135.

4 176. By administering its Homeless Programs in a way that denies homeless individuals
5 with disabilities meaningful access, the City is failing, as set forth herein, to comply with its
6 mandatory legal duties:

- 7 a. Under Article I, Section 7 of the California Constitution, which requires that the
8 same means and methods be applied impartially to all constituents;
- 9 b. Under the California Disabled Persons Act (Cal. Civ. Code §§ 54 *et seq.*), which
10 requires that individuals with disabilities have the same right as the general public to
11 the full and free use of public facilities and other public places;
- 12 c. Under the Fair Employment and Housing Act (Cal. Gov. Code §§ 12920, 12927, and
13 12955), which declares it unlawful to discriminate by making unavailable or denying
14 access to a dwelling; and
- 15 d. Under Gov. Code. § 11135, which prohibits discrimination based on disability and
16 race in state-funded programs.

17 177. The City has a mandatory duty to comply with these laws.

18 178. The City does not have the legal discretion to administer its Homeless Programs in a
19 way that violates these laws.

20 179. To the extent these obligations require the exercise of discretion, the City has
21 misinterpreted and violated Article I, Section 7 of the California Constitution, the California
22 Disabled Persons Act, the Fair Employment and Housing Act, and Gov. Code § 11135 by failing to
23 exercise its discretion in a non-discriminatory manner.

24 180. The City's actions administering its Homeless Programs in a way that violates these
25 laws constitutes an abuse of discretion.

26 181. At all times relevant to this action, the City has had the ability to comply with these
27 laws and has failed to do so.

1 182. Petitioners are directly and beneficially interested in the City's compliance with all
2 applicable provisions of the law and with all legal duties, as set forth herein. They have standing to
3 bring this claim for writ of mandate, both as a result of their beneficial interest and in the public
4 interest, as set forth herein.

5 183. Unless compelled by this Court to comply with its policies and these laws, and to
6 refrain from administering its Homeless Programs in a way that discriminates based on disability and
7 race, the City will continue to refuse to comply with its policies and these laws and will continue to
8 violate the law. Petitioners and homeless individuals will continue to be injured as a result.

9 184. Petitioners lack a plain, speedy, and adequate remedy at law except by way of
10 peremptory writ of mandate under Civ. Code of Proc. § 1085.

11 185. Petitioners pray for a writ of mandate and for declaratory and injunctive relief, as set
12 forth below.

13
14 **SECOND CAUSE OF ACTION**
15 **Violation of Equal Protection**
 (Art. 1 § 7, California Constitution)

16 186. Petitioners hereby incorporate each and every allegation contained in the
17 foregoing paragraphs as if fully set forth herein.

18 187. Equal protection requires that the same means and methods be applied impartially
19 to all constituents, so that the laws operate equally and uniformly on all persons in similar
20 circumstances, meaning that persons who are similarly situated with respect to a law must be
21 treated alike.

22 188. As a result of the City's unequal treatment of homeless individuals with
23 disabilities, Petitioners are intentionally and arbitrarily denied protections of their rights and have
24 suffered from unequal treatment under the law solely based on their being disabled and
25 homeless.

26 189. Based on the foregoing, Petitioners have suffered severe emotional distress and
27 are entitled to declaratory and injunctive relief, damages, attorneys' fees and costs.
28

THIRD CAUSE OF ACTION
Violation of California Disabled Persons Act
(Cal. Civ. Code §§ 54 *et seq.*)

190. Petitioners hereby incorporate each and every allegation contained in the foregoing paragraphs as if fully set forth herein.

191. The Disabled Persons Act (CDPA) provides that “[i]ndividuals with disabilities or medical conditions have the same right as the general public to the full and free use of...public buildings, medical facilities, including hospitals, clinics, and physicians’ offices, public facilities, and other public places.” Cal. Civ. Code § 54(a).

192. Petitioners are eligible for the City’s Homeless Programs and requested reasonable modifications that would not fundamentally alter the nature of the service provided. The City’s refusal to engage in the interactive process and failure to respond to requests to modify their policies and practices in a way that reasonably accommodates Petitioners’ disabilities and affords them an opportunity to access the benefits of the Homeless Programs, including the provision of affordable, accessible and disability appropriate housing, is a violation of the CDPA.

193. The City’s administration of its Homeless Programs fails to accommodate people with disabilities, including by an absence of a modification or accommodation process that ensures that people with disabilities can access Homeless Programs. As a result, the lack of an accommodation process for people with disabilities discriminates against and imposes disproportionate burdens on people with disabilities based on their disability, screens out such persons that should benefit from Homeless Programs, thereby denying meaningful access to the Homeless Programs benefits compared to that enjoyed by and available to people without disabilities.

194. The City administers its Homeless Programs in a way that discriminates against people with disabilities, violating the CDPA. The City’s actions and omissions have denied Petitioners’ their rights to reasonable modifications, meaningful access to the Homeless Programs, and the amenities that the City offers homeless individuals without disabilities, thereby subjecting them to discrimination based on disability, violating the CDPA.

1 195. The City directly caused homeless individuals with disabilities to be denied
2 access by failing to provide homeless individuals with disabilities non-congregate housing
3 options necessary for them to maintain health and avoid serious complications and death from
4 COVID-19 infection

5 196. The City's duties under the CDPA are mandatory and long-established. The City
6 had knowledge of, and/or is deemed to have known about their duties at all times relevant herein;
7 their failure to carry out said duties was willful and knowing and/or the product of deliberate
8 indifference.

9 197. Through their acts and omissions described herein, the City has violated and will
10 continue to violate Civil Code §54 by unlawfully denying people with disabilities the benefits of
11 its Homeless Programs.

12 198. Petitioners are entitled to declaratory and injunctive relief, damages, attorneys'
13 fees, and costs.

14
15 **FOURTH CAUSE OF ACTION**
16 **Violation of the Fair Employment and Housing Act**
 (Cal. Gov. Code §§ 12920, 12927, 12955)

17 199. Petitioners hereby incorporate each and every allegation contained in the
18 foregoing paragraphs as if fully set forth herein.

19 200. The California Fair Employment and Housing Act (FEHA) prohibits housing
20 discrimination based on race, religious creed, color, national origin, ancestry, physical disability,
21 mental disability, medical condition, genetic information, marital status, sex, gender, gender
22 identity, gender expression, age, or sexual orientation. Gov. Code §§ 12920, 12955. FEHA
23 provides no fewer rights and remedies as that provided by the Federal Fair Housing Amendments
24 Act of 1988. Gov. Code §12955.6.

25 201. Gov. Code § 12955.8(b) authorizes a claim for housing discrimination irrespective
26 of intent, when the alleged act or omission has the effect of discriminating based on disability
27 and/or race.

28 202. Proof of an intentional violation of FEHA includes an act or failure to act that

1 demonstrates an intent to discriminate. Gov. Code § 12955.8(a). There is intentional
2 discrimination when the intent to discriminate is a motivating factor in the commitment of a
3 discriminatory housing practice, even though other factors may also have motivated the practice.
4 *Id.* An intent to discriminate may be established by direct or circumstantial evidence. *Id.*

5 203. Upon finding that a discriminatory housing practice has occurred or is about to
6 occur, FEHA authorizes a court to grant injunctive relief, an order enjoining the defendant from
7 engaging in or continuing to engage in, such unlawful practice. Gov. Code §§ 12989.2, 12900 *et*
8 *seq.*

9 204. FEHA declares it unlawful to discriminate by making unavailable or denying
10 access to a dwelling, based on the handicap of a person residing in or intending to reside in that
11 dwelling after it is made available. Cal. Gov. Code § 12955(k). It is also unlawful to aid, abet,
12 incite, compel, or coerce such acts or practices. *Id.* §12955(g).

13 205. Unlawful discrimination includes making housing opportunities unavailable;
14 denying or withholding housing accommodations; or providing inferior terms, conditions,
15 privileges, facilities, or services in connection with housing accommodations. *Id.* §§12955(g),
16 (k), 12927(c)(1).

17 206. The City has a mandatory legal duty to comply with FEHA and is liable for
18 violations of FEHA.

19 207. Hotel and motel rooms provided through the City's Homeless Programs qualify as
20 "dwellings" within the meaning of FEHA because they are used as residences by one or more
21 individuals. Petitioners have nowhere else to go and have relied on the emergency shelters and
22 motels as their only available housing option. *Auburn Woods I Homeowners Ass'n v. Fair*
23 *Employment and Housing Com'n*, 121 Cal. App. 4th 1578, 1590 (2004) ("Courts often look to
24 cases construing the FHA, the Rehabilitation Act of 1973, and the American with Disabilities
25 Act of 1990 when interpreting FEHA.").

26 208. Homeless individuals with disabilities are within the meaning of FEHA because
27 their respective physical and/or mental impairments substantially limit one or more of their
28 major life activities. *See id.* §§ 12955.3, 12926(j), (m).

1 209. The City discriminated against these individuals because of their handicaps by
2 depriving them, or threatening to deprive them, of the ability to stay at hotels or motels, in
3 essence making these dwellings “unavailable,” and by failing to provide reasonable
4 modifications.

5 210. Petitioners are informed and believe, and based thereon allege, that the City’s
6 administration of its Homeless Programs, particularly its withholding of non-congregate housing
7 options, have a disproportionate impact on disabled individuals and racial minorities.

8 211. Petitioners are informed and believe, and based thereon allege, that the City
9 intentionally discriminated against: homeless individuals with disabilities because of their
10 disabilities, and race. Adversely impacting and harming homeless individuals with disabilities
11 and racial minorities was a motivating factor behind the City’s administration of its Homeless
12 Programs, particularly its withholding of non-congregate housing options.

13 212. The City knew that a disproportionate number of homeless individuals have
14 disabilities and are more likely to become infected with COVID-19, require hospitalization from
15 COVID-19, and die from COVID-19 than the general population.

16 213. The City knew that non-congregate settings allowed individuals to shelter in
17 place, self-isolate, and practice social distancing. The City also knew that congregate settings
18 pose a higher risk of COVID-19 transmission than non-congregate settings. The City knew about
19 the rapid way in which COVID-19 spread through homeless shelters in similarly situated cities.
20 Yet, the City administered Homeless Programs for homeless individuals without affording those
21 with disabilities including underlying medical conditions that result in increased susceptibility to
22 complications and death from COVID-19 meaningful access to the benefits of the Homeless
23 Programs, including housing that accommodates their disabilities and allows them to practice
24 social distancing. The City conditioned access to services on residing in a congregate setting, the
25 Convention Center. The City administered its Homeless Programs in a way that prevented
26 homeless individuals from accessing non-congregate housing options.

27 214. The City failed to modify policies and services as requested by homeless
28 individuals with disabilities. By failing to modify the Homeless Programs to accommodate

1 people with disabilities, the City has subjected homeless individuals with disabilities to dangers
2 that put their health and well-being at risk, including increased risk of contracting and dying
3 from COVID-19, and aggravation of their mental health conditions and physical disabilities.

4 215. Based on the foregoing, Petitioners are entitled to and demand declaratory and
5 injunctive relief, reasonable attorneys' fees and costs.

6
7 **FIFTH CAUSE OF ACTION**
8 **Discrimination in State-Funded Programs**
9 **(Violation of California Government Code § 11135)**

10 216. Petitioners hereby incorporate each and every allegation contained in the
11 foregoing paragraphs as if fully set forth herein.

12 217. All entities receiving financial assistance from the State of California must
13 comply with § 11135 of the California Government Code, which prohibits discrimination based
14 on sex, race, color, religion, ancestry, national origin, ethnic group identification, age, mental
15 disability, physical disability, medical condition, genetic information, marital status, and sexual
16 orientation.

17 218. At all times relevant to this action, the City received financial assistance from the
18 State of California for its services and programs.

19 219. Through their acts and omissions described herein, the City has violated and will
20 continue to violate California Government Code § 11135 by unlawfully denying homeless
21 people with disabilities the benefits of state funding. The City's acts and omissions have the
22 purpose and effect of disproportionately adversely impacting racial minorities, particularly
23 African Americans who are three times more likely than white individuals to be harmed by the
24 City's policies.

25 220. Petitioners are directly and beneficially interested in the City's compliance with
26 all applicable provisions of the law and with all legal duties, as set forth herein.

27 221. At all times relevant to this action, SDHC has had the ability to comply with Gov.
28 Code § 11135 and has failed to do so.

222. Petitioners are entitled to injunctive and declaratory relief, damages, and

attorneys' fees and costs.

SIXTH CAUSE OF ACTION
Waste of Public Funds
(Cal. Civ. Proc. Code § 526a)

223. Petitioners hereby incorporate each and every allegation contained in the foregoing paragraphs as if fully set forth herein.

224. California Code of Civil Procedure section 526a permits private individuals or entities to bring an action to “obtain a judgment, restraining and preventing any illegal expenditure of, waste of, or injury to, the estate, funds, or other property of a local agency.”

225. Petitioners are residents of, and pay taxes in and to, the City of San Diego and therefore having standing to bring an action under section 526a.

226. The City misused and wasted taxpayer funds. The City's actions constitute an illegal expenditure of public funds.

227. The City expended millions of dollars in taxpayer funds on a congregate setting, the Convention Center, as part of a plan to amass 1,500 homeless individuals in one place during the COVID-19 pandemic despite knowing that:

(i) Public health directives mandated social distancing, self-isolation, and the avoidance of mass gatherings during the COVID-19 pandemic;

(ii) Congregate settings pose high COVID-19 exposure and transmission risks to all individuals;

(iii) Individuals with disabilities that have underlying health conditions are more susceptible to contracting COVID-19, and suffering health complications and death from COVID-19;

(iv) Congregate settings are dangerous for and/or inaccessible to individuals with disabilities;

(v) A large portion of homeless individuals have disabilities that include underlying health conditions; and

(vi) The primary strategy for preventing COVID-19 infection is the provision of non-

1 congregate housing.

2 228. By expending taxpayer funds on a congregate setting, instead of non-congregate
3 settings, the City knew that it was effectively excluding homeless individuals with disabilities,
4 who rely on the City's Homeless Programs, from accessing shelter and services during the
5 COVID-19 pandemic and/or placing them at greater risk of contracting COVID-19.

6 229. The City knew that using taxpayer funds on congregate housing, instead of non-
7 congregate housing, would *increase*, rather than prevent, COVID-19 infection among homeless
8 individuals. Yet, the City expended taxpayer funds for this project despite knowing that it had no
9 public benefit and no useful purpose, and would cause harm to homeless individuals and the
10 public health.

11 230. A motivating factor behind the City's use of taxpayer funds for the Convention
12 Center was to recoup losses the City would have otherwise experienced due to the cancellation
13 of events at the Convention Center. Under the pretext of public safety, the City diverted taxpayer
14 funds to the Convention Center to protect the City's own financial interests.

15 231. Petitioners are entitled to injunctive and declaratory relief, damages, and
16 attorneys' fees and costs.

17
18 **SEVENTH CAUSE OF ACTION**
19 **Breach of Fiduciary Duty of Care**
20 **(California Common Law)**

21 232. Petitioners hereby incorporate each and every allegation contained in the
22 foregoing paragraphs as if fully set forth herein.

23 233. The City knowingly undertook to act on behalf of and for the benefit of all
24 residents, Petitioners, and the City's homeless residents by applying for and receiving state and
25 federal COVID-19 funds.

26 234. Because of the public-service functions maintained by the City on behalf of
27 homeless individuals and the trust and confidence placed in the City based on its expertise by the
28 homeless residents, the City owed a fiduciary duty to Petitioners and homeless residents in the
City to act in their best interest.

1 235. The City breached its fiduciary duty to act in Petitioners' best interest as homeless
2 residents of the City by committing gross waste and mismanagement of funds intended for
3 homeless services and programs during the COVID-19 pandemic.

4 236. As described more fully *supra*, the City expended millions of dollars in state and
5 federal COVID-19 funds on a congregate living setting, the Convention Center, despite knowing
6 that congregate living settings increase the risk of COVID-19 exposure and transmission, and
7 would be inaccessible to and/or dangerous for a large portion of homeless individuals. A
8 motivating factor being the City's use of taxpayer funds for the Convention Center was to recoup
9 losses the City would have otherwise experienced due to the cancellation of events at the
10 Convention Center.

11 237. Respondent's breach of its fiduciary duty to act in Petitioners' best interest
12 directly resulted in injury to Petitioners and similarly situated homeless residents with disabilities
13 by preventing them from accessing non-congregate housing during the COVID-19 pandemic,
14 withholding Homeless Programs that are necessary to help them manage their disability
15 symptoms, prioritizing the City's financial interests over their health and perpetuating a cycle of
16 homelessness and deterioration of physical and mental health for them.

17 238. Based on the foregoing, Petitioners are entitled to declaratory, injunctive, and
18 equitable relief, reasonable attorneys' fees and costs.

19
20 **EIGHTH CAUSE OF ACTION**
21 **Declaratory and Injunctive Relief**
 (Code of Civ. Proc. §§ 526 and 1060)

22 239. Petitioners incorporate all previous paragraphs as if fully set forth herein.

23 240. Homeless individuals with disabilities are suffering irreparable injury as a result of
24 the City's administration of its Homeless Programs. The injuries suffered are not easily quantified or
25 compensable. No money damages or other legal regal remedy could adequately compensate or make
26 whole Petitioners and homeless individuals with disabilities for the irreparable harm the City's
27 conduct has caused, continues to cause, and threatens to cause Petitioners and members of the public
28 through its continued violation of state law and the California Constitution. The City, unless

1 enjoined, will continue to discriminate against homeless individuals with disabilities and administer
2 its Homeless Programs in a way that harms Petitioners, other members of the public, and homeless
3 individuals with disabilities.

4 241. Petitioners, other members of the public, and homeless individuals have suffered
5 and/or will continue to suffer from a lack of access to the City's Homeless Programs, which they
6 cannot access as a direct and proximate result of the City's actions.

7 242. There is an actual and justiciable controversy between Petitioners and Respondents
8 regarding whether the City's actions comply with all applicable laws. Petitioners, other members of
9 the public, and homeless individuals with disabilities are deprived, among other things, of their
10 rights under Article I, Section 7 of the California Constitution, the California Disabled Persons Act
11 (Cal. Civ. Code §§ 54 *et seq.*), the Fair Employment and Housing Act (Cal. Gov. Code §§ 12920,
12 12927, and 12955), and Gov. Code § 11135. By administering its Homeless Programs in a way that
13 denies homeless individuals with disabilities meaningful access, the City is failing, as set forth
14 herein, to comply with the law.

15 243. Unless enjoined by this Court, the City will continue to administer its Homeless
16 Programs in a way that disproportionately impacts homeless individuals with disabilities, precluding
17 them from accessing available and medically appropriate, non-congregate housing options during
18 COVID-19, and instead providing only congregate settings options which increase their risk of
19 exposure to COVID-19.

20 244. Petitioners are entitled to a legal declaration of their rights and the City's obligations
21 under applicable state law and the California Constitution as alleged in this petition and complaint.

22 245. Without such a judicial declaration, disputes and controversy will continue over
23 whether the City's actions administering its Homeless Programs comply with all applicable laws.

24 246. Petitioners are entitled to injunctive relief requiring the City to comply with its legal
25 duties as alleged in this petition and complaint.

26 247. Petitioners are directly and beneficially interested in the City's compliance with all
27 applicable provisions of the law and with all legal duties, as set forth herein. As a result, they have
28 standing to bring this claim for declaratory and injunctive relief.

248. At all times relevant to this action, the City has had the ability to perform the legal duties set forth herein and comply with the law, and has failed to perform those duties and comply with the law.

249. Unless compelled by this Court to perform those acts and duties and comply with the law, the City will continue to refuse to carry out those duties and continue to violate the law. Petitioners and homeless individuals with disabilities will continue to be injured as a result.

PRAYER FOR RELIEF

WHEREFORE, Petitioners respectively pray that this Court:

A. For a peremptory writ of mandate and injunctive relief commanding the City to:

- i. Refrain from conditioning homeless individuals’ access to non-congregate housing options only on homeless individual contracting COVID-19 or experiencing COVID-19 symptoms;
- ii. Administer its Homeless Programs under the City’s policies and procedures by providing non-congregate housing options for homeless individuals who are: “at increased risk due to their age and presence of underlying health conditions (defined as 65 years of age or older, and/or with chronic medical conditions, or immunocompromised)” and/or “at particularly high risk of contracting COVID”;
- iii. Comply with Article I, Section 7 of the California Constitution, the California Disabled Persons Act (Cal. Civ. Code §§ 54 *et seq.*), the Fair Employment and Housing Act (Cal. Gov. Code §§ 12920, 12927, and 12955), and Gov. Code § 11135, by administering its Homeless Programs in a way that provides homeless individuals with disabilities meaningful access; and
- iv. Refrain from committing gross waste and mismanagement of funds intended for homeless services and programs during the COVID-19 pandemic by immediately directing funds to non-congregate housing options instead of congregate settings.

///

///

1 B. For a declaration that:

- 2 i. The City has administered its Homeless Programs in a discriminatory fashion
3 based on disability and race, violating state law and the California Constitution;
4 and
5 ii. The City's provision of shelter in the form of congregate settings does not
6 constitute adequate shelter for many homeless individuals with disabilities at
7 higher risk for severe illness from COVID-19 during the COVID-19 pandemic.

8 C. For reasonable attorney's fees and costs under, *inter alia*, Code of Civil Procedure § 1021.5;

9 D. For damages to Petitioners and Plaintiffs in an amount to be determined according to proof;

10 E. For such other and further relief that the Court deems just and proper.
11

12 Date: June 8, 2020



14 **Disability Rights California**

15 Parisa Ijadi-Maghsoodi

16 Lili Graham

17 Tiffany Nocon

Ann Menasche

Attorneys for Petitioners and Plaintiffs

18 **Bremer Whyte Brown & O'Meara, LLP**

19 Keith G. Bremer

20 Jocelyn Russo

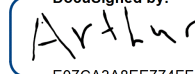
Attorneys for Petitioners and Plaintiffs
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VERIFICATION

I, Arthur Price, am one of the Petitioners and Plaintiffs in the above-entitled action. I have read the foregoing petition for writ of mandate and complaint for declaratory and injunctive relief and know the contents thereof. The same is true of my own knowledge, except as to those matters which are therein alleged on information and belief, and as to those matters, I believe it to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 5th day of June, 2020, in San Diego, California.

DocuSigned by:



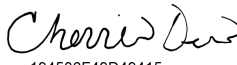
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Arthur Price

VERIFICATION

I, Cherrie Dosio, am one of the Petitioners and Plaintiffs in the above-entitled action. I have read the foregoing petition for writ of mandate and complaint for declaratory and injunctive relief and know the contents thereof. The same is true of my own knowledge, except as to those matters which are therein alleged on information and belief, and as to those matters, I believe it to be true.

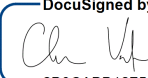
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 7th day of June, 2020, in San Diego, California.

DocuSigned by:

194500F49D49416...
Cherrie Dosio

VERIFICATION

I, Christopher Voelp, am one of the Petitioners and Plaintiffs in the above-entitled action. I have read the foregoing petition for writ of mandate and complaint for declaratory and injunctive relief and know the contents thereof. The same is true of my own knowledge, except as to those matters which are therein alleged on information and belief, and as to those matters, I believe it to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 5th day of June, 2020, in San Diego, California.


DocuSigned by:

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Christopher Voelp

VERIFICATION

I, Patrick Quinones, am one of the Petitioners and Plaintiffs in the above-entitled action. I have read the foregoing petition for writ of mandate and complaint for declaratory and injunctive relief and know the contents thereof. The same is true of my own knowledge, except as to those matters which are therein alleged on information and belief, and as to those matters, I believe it to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 5th day of June, 2020, in San Diego, California.

DocuSigned by:

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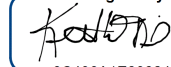
Patrick Quinones

VERIFICATION

I, Keith Reid, am one of the Petitioners and Plaintiffs in the above-entitled action. I have read the foregoing petition for writ of mandate and complaint for declaratory and injunctive relief and know the contents thereof. The same is true of my own knowledge, except as to those matters which are therein alleged on information and belief, and as to those matters, I believe it to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 5th day of June, 2020, in San Diego, California.

DocuSigned by:



6C406A1E8082493...

Keith Reid

VERIFICATION

I, Dash Harlett, am an agent of Food Not Bombs – San Diego, one of the Petitioners and Plaintiffs in the above-entitled action. I am authorized to make this verification on behalf of Food Not Bombs – San Diego. I have read the foregoing petition for writ of mandate and complaint for declaratory and injunctive relief and know the contents thereof. The same is true of my own knowledge, except as to those matters which are therein alleged on information and belief, and as to those matters, I believe it to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 5th day of June, 2020, in San Diego, California.



Dash Harlett

EXHIBIT A

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LEGAL ADVOCACY UNIT

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San Diego, CA 92101
Tel: (619) 239-7861
TTY: (800) 719-5798
Fax: (619) 239-7906
Intake Line: (800) 776-5746
www.disabilityrightsca.org

April 28, 2020

Via E-mail: cityclerk@sandiego.gov

Mayor Kevin Faulconer
City Councilmember Montgomery
City Councilmember Campbell
City Councilmember Cate
City Councilmember Moreno
202 C St, San Diego, CA 92101
San Diego, CA 92101

City Councilmember Gomez
City Councilmember Ward
City Councilmember Kersey
City Councilmember Sherman
City Councilmember Bry

**Re: Demand to Stop Unlawful Discrimination Against Homeless
Individuals with Disabilities and Request for Reasonable
Modifications**

Dear Mayor Faulconer and Councilmembers:

We urgently write on behalf of individuals with disabilities who are experiencing homelessness. The City must stop law enforcement activity against homeless individuals which recklessly threatens the health and safety of individuals experiencing homelessness, and instead provide them the necessary services to manage their disabilities, health, and basic needs.

Homeless individuals with disabilities rely on the City of San Diego's administered "Homeless Programs", city-led programs and services, to manage the symptoms of their disabilities especially during this pandemic. However, the City discriminates and denies homeless individuals from accessing the Homeless Programs as detailed below and as raised by Community Advocates for Just and Moral Governance in their cease and desist letter dated April 13, 2020, which this letter supplements. Attached as Exhibit A.

To enable individuals experiencing homelessness to access the City's Homeless Programs, we ask that the City cease its discrimination against homeless individuals with disabilities and modify its programs, as requested below.¹

These demands are urgent and underscored by the two homeless individuals at the Convention Center who tested positive for COVID-19.² The City is failing to provide non-congregate housing options for its most vulnerable residents and, instead, placing people in congregate housing options which subjects individuals to *higher* risk of exposure to and transmission of COVID-19. At a time when the region is experiencing its highest daily COVID-19 infection and death rates, the City's actions pose a threat to public safety.

The City's administration of its COVID-19 related programs and services discriminates against homeless individuals with disabilities in violation of the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, and the California Disabled Persons Act. The City's actions, including its ongoing law enforcement activity against homeless individuals, violate the constitutional rights of homeless individuals with disabilities, endanger them, exacerbate their disabilities, and risk their lives.

A. The City of San Diego's Homeless Programs Includes Services and Programs That Enable Homeless Individuals to Manage Their Health and Disabilities.

In San Diego, a high number of homeless individuals have disabilities. The Regional Task Force on the Homeless found that 39% of homeless people in San Diego reported mental health disabilities and 40% reported a physical disability.³ Some surveys have found even higher rates of disability. For example, of the 1,145 persons attending a one-day resource fair for the

¹ Disability Rights California's clients, homeless individuals with disabilities, request reasonable modifications as detailed in Section C of this demand.

² Mayor Kevin L. Faulconer. Press Release: *Proactive Testing to Detect and Contain COVID-19 Identifies Two Positive Individuals at Shelter to Home Operation*. Dated April 26, 2020. Available online at: <https://www.sandiego.gov/mayor/news/releases/proactive-testing-detect-and-contain-covid-19-identifies-two-positive-individuals-shelter>.

³ *Regional Task Force on the Homeless 2017 We All Count Results* (2017). Available online at: <http://www.rtfhsd.org/wp-content/uploads/2017/07/2017-PITC-Results-Powerpoint.pdf>.

homeless in the City, 60.2% reported a long-lasting medical condition and 49.5% reported having a mental illness.⁴

1. The City of San Diego's Homeless Programs

The City's fiscal year 2020 budget for homeless services and programs ("Homeless Programs") exceeded \$116 million.⁵ The City's funding includes Federal, State, and local sources. Through its Homeless Programs, the City administers millions in funding from the Department of Housing and Urban Development (HUD)'s Continuum of Care, a program designed to end homelessness by quickly rehousing homeless individuals and families while minimizing trauma and dislocation.

The City identified the Homeless Programs to include: "[a]ssist individuals and families to gain stable housing after experiencing homelessness or a housing crisis by providing appropriate housing and service solutions grounded in best practices"; identify health care and mental health resources as vital services for homeless families to achieve stability; and, include as homelessness programs and services – shelters, transitional housing, permanent supportive housing options, outreach and engagement, housing location assistance, medical services, substance abuse recovery, mental health care, veteran services, and storage.⁶ In addition to federal funding, the City received Homeless Emergency Aid Program (HEAP) funds for homeless programs to connect homeless individuals to mental health services through the jurisdiction's Continuum of Care program.

2. The City's Homeless Programs During COVID-19

During the COVID-19 pandemic, the City expanded its Homeless Programs through Federal, State, and local funding to include programs and services that the City intended to meet the needs of the homeless population and is comprised of various components. The City combined the \$3.7 million it had received in state emergency homelessness grant funding with \$3.4 million

⁴ *San Diego Housing Commission Project Homeless Connect Report* (2015). Available online at: http://www.sdhc.org/uploadedFiles/Housing_Innovations/Project_Homeless_Connect/2015Project%20Homeless%20Connect%20Report_04.15.15.pdf.

⁵ *City of San Diego Community Action Plan on Homelessness* at 15 (2019). Available online at: https://www.sdhc.org/wp-content/uploads/2019/10/SD_Homeless_CSH_report_final_10-2019.pdf.

⁵ *City of San Diego Fiscal Year 2020-2024 Consolidated Plan* (June 2019). Available online at: <https://www.sandiego.gov/sites/default/files/cosdfy2024conplan.pdf>.

⁶ *Id.*

from the County of San Diego and the Regional Task Force on the Homeless to house and provide services to homeless individuals. This plan included the opening of an emergency homeless shelter at the Convention Center that includes a capacity of up to 1,500 people.⁷ Homeless Programs also included placing high risk homeless individuals in non-congregate housing options, including hotels and motels.

The City also set in place plans to complete the following: installation of 257 handwashing stations throughout the region; procurement of hotel and motel rooms by the County to temporarily isolate individuals who may have symptoms; deployment of public health nurses to shelters across the region, including the San Diego Convention Center; and assignment of public health nurses to Homeless Outreach Teams to educate individuals living on the streets, in the canyons and in the riverbed about COVID-19.

Excluding the City's plan to place unsheltered homeless individuals in the Convention Center, the Homeless Programs aimed to follow the guidance set forth by the State of California by focusing on infection prevention efforts, with the primary strategy being the provision of single occupancy housing.⁸ This protocol is demonstrated in the attached flow chart.⁹ Attached as Exhibit B. These protocols are also consistent with CDC guidance.¹⁰

⁷ City of San Diego Staff Report: *COVID-19 Emergency Homelessness Grant Funding*. Dated March 27, 2020. Available online at: <https://onbase.sandiego.gov/OnBaseAgendaOnline/Meetings/ViewMeeting?id=3965&doctype=1#>.

⁸ *State of California Recommended Strategic Approaches for COVID-19 Response for Individuals Experiencing Homelessness* (March 2020). Available online at: <https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/Protocols-Homeless-Pop.pdf>.

⁹ *State of California COVID-19 Recommended Protocol for People Experiencing Homelessness*. Available online at: <https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/flowchart-COVID19-homelessness.pdf>.

¹⁰ *CDC Interim Guidance for Responding to Coronavirus Disease 2019 (COVID-19) Among People Experiencing Unsheltered Homelessness*. Available online at: <https://www.cdc.gov/coronavirus/2019-ncov/community/homeless-shelters/unsheltered-homelessness.html> ("The balance of risk should be considered for each individual experiencing unsheltered homelessness.").

B. The City of San Diego's Actions Deny Homeless Individuals the Ability to Prevent the Contraction of COVID-19 and Discriminate Against Homeless Individuals With Disabilities.

As of March 18, 2020, San Diego had already experienced two COVID-19 outbreak scares at two of the region's largest homeless shelters.¹¹ As of April 13, 2020, 15 homeless individuals had tested positive for COVID-19.¹² On April 26, 2020, two homeless individuals at the Convention Center tested positive for COVID-19.¹³

On April 21, 2020, San Diego experienced its largest number of fatalities in one day, and largest one-day increases in new cases.¹⁴ As of April 23, 2020, the total deaths from COVID-19 numbered 96 with 2,491 individuals testing positive.¹⁵ The number of cases in San Diego has not yet peaked, and according to Eric McDonald, Medical Director with the County Epidemiology Immunization Branch, the number of people actually infected is likely ten times the reported total.¹⁶

Yet, the City continues to force homeless people into congregate shelters, deny housing placement and services as offered in its Homeless Programs, and sweep people living in self-isolated encampments. The City's actions deny homeless individuals the ability to practice the recommended preventative measures during the COVID-19 pandemic.

1. The City plans to shelter 1,500 homeless individuals in a single congregate facility, despite availability of non-congregate housing options, is discriminatory.

Using state and federal COVID-19 funds, the City is carrying out plans to house and serve 1,500 homeless individuals in a *single* congregate setting,

¹¹ *Homeless shelter tenants tested for COVID-19*, San Diego Union-Tribune (March 18, 2020). Available online at: <https://www.sandiegouniontribune.com/news/health/story/2020-03-18/homeless-shelter-tenants-tested-for-virus>.

¹² *County Reports 75 New Cases, Three Deaths as Homeless Testing Increases*, KPBS (April 16, 2020). Available online at: <https://www.kpbs.org/news/2020/apr/16/county-reports-75-new-cases-three-deaths-homeless/>.

¹³ See fn. 2.

¹⁴ *Escondido issues 'COVID-19 Action Plan'*, The Escondido Grapevine (April 23, 2020). Available online at: <https://escondidograpevine.com/2020/04/23/escondido-issues-covid-19-action-plan/>.

¹⁵ *Id.*

¹⁶ *Id.*

despite the availability of non-congregate housing options. By conducting encampment sweeps, citations, tickets, arrests, and impoundments, the City uses law enforcement to disperse homeless encampments, and push homeless individuals into congregate settings or unprotected on the streets. The City's policies and actions defy CDC guidelines, State of California guidelines, and recent COVID-19 reports, including those released by the CDC and UC Berkeley School of Public Health.

Recent medical reports and studies illustrate the threat congregate settings, specifically homeless shelters, pose to not only homeless individuals but to entire communities' efforts to prevent rapid community spread.¹⁷ The reports illustrate how dangerous the virus is for residents in homeless shelters.

Moreover, because homeless individuals with disabilities face higher risk of exposure to and transmission of COVID-19, the City's policy to force individuals into congregate shelters place homeless individuals at higher risk. Homeless individuals are not only more likely to become infected with COVID-19, but are two or three times more likely to require hospitalization, two to four times more likely to require ICU care, and twice as likely to die.¹⁸ Congregate housing, even housing that complies with CDC guidelines on distance between beds, increases the risk of COVID-19 exposure and transmission.¹⁹

Non-congregate housing options should be made available to all homeless individuals with disabilities to protect their health and safety and prevent the contraction of COVID-19. Instead, the City administers Homeless Programs

¹⁷ *For the Good of Us All: Addressing the Needs of Our Unhoused Neighbors During the COVID-19 Pandemic*, UC Berkeley School of Public Health (April 2020). Available online at: <https://publichealth.berkeley.edu/wp-content/uploads/2020/04/For-the-Good-of-Us-All-Report.pdf>; *Assessment of SARS-CoV-2 Infection Prevalence in Homeless Shelters — Four U.S. Cities, March 27–April 15, 2020*, Morbidity and Mortality Weekly Report (April 22, 2020). Available online at: <http://dx.doi.org/10.15585/mmwr.mm6917e1>; *COVID-19 Outbreak Among Three Affiliated Homeless Service Sites — King County, Washington*, Morbidity and Mortality Weekly Report (April 22, 2020). Available online at: <http://dx.doi.org/10.15585/mmwr.mm6917e2>; *COVID-19 outbreak at a large homeless shelter in Boston: Implications for universal testing*, medRxiv (April 12, 2020), <https://doi.org/10.1101/2020.04.12.20059618>.

¹⁸ *For the Good of Us All: Addressing the Needs of Our Unhoused Neighbors During the COVID-19 Pandemic*, UC Berkeley School of Public Health at 19 (April 2020). Available online at: <https://publichealth.berkeley.edu/wp-content/uploads/2020/04/For-the-Good-of-Us-All-Report.pdf>.

¹⁹ *Id.* at 18. (Even in a newly opened shelter in Seattle that complies with CDC guidelines, homeless individuals have tested positive for COVID-19.)

against public health directives – self-isolate only after a homeless person has contracted or displayed symptoms of COVID-19.

2. The City's Homeless Programs fail to provide meaningful access to non-congregate housing placement.

The City's Homeless Programs only allow self-isolation if a homeless individual has contracted COVID-19 or displays symptoms of COVID-19. This is contrary to the public health directive for housed residents of San Diego. The inability for homeless individuals in San Diego to access non-congregate housing – as recommended by the CDC – is disability discrimination.

The City is failing to provide non-congregate housing options to homeless individuals with disabilities. The City has ample resources to facilitate non-congregate housing options for those who cannot utilize shelters through the Homeless Programs, but the City is failing to administer the program in a way that gives meaningful access to homeless individuals with disabilities. The City is enforcing restrictive requirements for placement – conditioned on evidence of symptoms or a COVID-19 positive test – which places homeless individuals with disabilities in a position of having no option for prevention of contracting the coronavirus but instead is only allowed self-isolation upon contracting the disease. Actions that condition access to these programs and services on moving to a congregate setting deny meaningful access to homeless individuals with disabilities.

The City must give every homeless individual an option to prevent the contraction of this disease, not push them into a situation that will increase their chances of contracting the disease.

3. The City's failure to cease law enforcement activity forces homeless individuals into high risk situations during COVID-19.

As described above, CDC and State of California guidelines make clear that encampments should not be cleared unless individual housing units are available. When individual housing units are not available, the guidelines direct the City to ensure access to sanitary and hygiene materials, in the form of accessible restroom facilities or through the provision of portable latrines.

However, in San Diego, law enforcement displaces homeless individuals from encampments by harassing, threatening citations and arrests, and creating a hostile environment for homeless individuals with disabilities based on

“qualify of life” ordinance violations. All with the intent of moving homeless individuals away from encampment or moving them into congregate shelters.

The City’s law enforcement activity discriminates against individuals with disabilities and places them at higher risk of contracting COVID-19. Until such time that permanent, accessible, affordable housing is available to homeless individuals with disabilities, law enforcement activity against homeless individuals will continue to disproportionately impact persons with disabilities.

C. Individuals with Disabilities’ Request for Reasonable Modifications of the City’s Homeless Programs.

We request reasonable modifications on behalf of our individual clients with disabilities, who are not able to access the services and program that will enable them to prevent the contraction of COVID-19. The City’s administration of its services and programs directly affects all homeless individuals with disabilities.

On behalf of our clients and those similarly situated, we request that the City modify its programs and services to: (1) provide non-congregate housing options to homeless individuals with disabilities upon request for preventative care, without requirement of a positive COVID-19 test or COVID-19 symptoms, (2) provide programs and services to homeless individuals with disabilities in a way that evaluates each person’s immediate needs and accommodates their disabilities, and (3) until permanent, accessible, affordable housing is available to homeless individuals with disabilities, cease all law enforcement activity that disperses or displaces homeless individuals or encampments.²⁰

Conclusion

The City’s administration of homeless services and programs during the COVID-19 pandemic excludes and denies access to homeless individuals with disabilities, places homeless individuals with disabilities at greater risk of

²⁰ “A public entity shall make reasonable modifications in its policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program or activity.” 28 C.F.R. Section 35.130(b)(7)(i). Government entities may be required to modify neutral policies if they bear more heavily on people with disabilities than on others, even if there are insufficient grounds for a disparate treatment claim. See *Crowder v. Kitagay*, 81 F.3d 1480, 1484-1485 (9th Cir. 1996); *Fry v. Saenz*, 98 Cal. App. 4th 256, 264 (2002).

COVID-19, and defies medical guidance aimed at mitigating community spread. The City must immediately stop enforcement against homeless individuals and instead provide necessary services.

In addition, the City should grant homeless individuals with disabilities the requested reasonable modifications. Our clients cannot afford housing and, without access to the City's services and programs, cannot manage the symptoms of their disabilities and suffer higher risk of COVID-19 exposure.

If the City fails to provide homeless individuals with disabilities equal access to homeless services and programs, our clients must pursue further action. To further discuss, please contact me at (619) 814-8518 or Parisa.Ijadi-Maghsoodi@disabilityrightsca.org by May 4th.

Sincerely,



Parisa Ijadi-Maghsoodi

Lili Graham

Tiffany Nocon

Ann Menasche

Attorneys

cc: City Attorney Mara W. Elliott, cityattorney@sandiego.gov

Attachment A



Geneviève L. Jones-Wright, Esq., LL.M.

Executive Director

COMMUNITY ADVOCATES FOR
JUST AND MORAL GOVERNANCE

HOLDING GOVERNMENT ACCOUNTABLE TO ALL PEOPLE

4089 Fairmount Ave.

San Diego, CA 92105

Phone (619) 500-7720

Fax (619) 898-9229

director@moralgovernance.org

April 13, 2020

San Diego Mayor Kevin Faulconer
202 C Street, San Diego, CA 92101

San Diego Police Chief David Nisleit
1401 Broadway, MS 700, San Diego, CA 92101

Via Electronic Transmission

Urgent - Demand to Cease and Desist from: Ticketing Unsheltered San Diegans for Illegal Lodging, Sleeping in the Park, Encroachment, Vehicle Habitation, and Other Quality of Life Offenses; Impoundment of Vehicle Shelters; and Sweeps and All Other Displacement of Unhoused Persons During The COVID-19 Crisis

Dear Mayor Faulconer and Chief Nisleit:

I write on behalf of Community Advocates for Just and Moral Governance (MoGo) urging you to immediately (1) cease and desist from engaging in sweeps and clearing homeless encampments and (2) suspend the ticketing of persons who are experiencing unsheltered homelessness for “quality of life” offenses in light of the COVID-19 pandemic that is ravaging our global community. This letter comes on the heels of the San Diego Police Department (SDPD) ordering humans, sheltering under the awning of a closed public building during back-to-back days of torrential downpour, to move off of city property into the rain. *Please see attached.* This letter also comes five days after eight (8) local community organizations sent a letter to Mayor Faulconer and San Diego City Council President Georgette Gomez respectfully asking for a “moratorium on all arrests and ticketing of homeless people for Vehicle Habitation, illegal lodging and encroachment during the Coronavirus outbreak.” They also called for a moratorium on the “impoundment of vehicles used by homeless people for shelter.”

Nonetheless, SDPD has continued to harass unhoused San Diegans. It has been business as usual for the City of San Diego and SDPD, in particular, as it relates to ticketing unsheltered community members for encroachment, illegal lodging, and sleeping in public places - even after a state of emergency was declared by Governor Newsom (on March 4, 2020) and Mayor Faulconer himself (on March 12, 2020). Worse even, within the last few days (and since receiving the letter from community organizations on April 8, 2020), SDPD has continued its sweeps, clearing of encampments, ticketing, and impounding of vehicle shelters. *Please see attached.*



Geneviève L. Jones-Wright, Esq., LL.M.

Executive Director

COMMUNITY ADVOCATES FOR
JUST AND MORAL GOVERNANCE

HOLDING GOVERNMENT ACCOUNTABLE TO ALL PEOPLE

4089 Fairmount Ave.

San Diego, CA 92105

Phone (619) 500-7720

Fax (619) 898-9229

director@moralgovernance.org

In response to its failure to implement a real plan to address our longstanding housing crisis - which fuels our homelessness issue making us fifth in the nation for the largest homeless population - the City of San Diego consistently relies on punitive measures as the remedy. Through its policies and ordinances that target unsheltered individuals for doing acts that are basic human needs, the City of San Diego needlessly ushers unhoused San Diegans into our criminal courts. Targeting unsheltered individuals through the enforcement of ordinances that prohibit encroachment, sleeping, sitting, and resting in public places, and vehicle habitation is terrible public policy on its own. When coupled with the pandemic we now face as a global community, such practices are an even greater affront to the very notions of basic decency and humanity. Moreover, such practices run in clear contravention of what health experts are advising *everyone* - elected and appointed officials, professionals, and laypeople - to do.

The City's policy and practice of breaking up existing homeless encampments directly conflicts with the prevention measures spelled out by the Centers for Disease Control and Prevention ("CDC") to be used as guidelines, which instruct as follows: "Unless individual housing units are available, do not clear encampments during community spread of COVID-19. Clearing encampments can cause people to disperse throughout the community and break connections with service providers. This increases the potential for infectious disease spread." Simply put, by continuing to conduct sweeps on any scale, the City of San Diego is directly endangering the lives of thousands of San Diego residents, housed and unhoused alike. A moratorium on all sweeps is essential to curb the spread of the virus and to protect against preventable hospitalization and death, as it would significantly minimize the risk of exposure to not only unhoused San Diegans but also to the broader public.

Despite Governor Newsom's Executive Order N-33-20, issued March 19, 2020 which "order[s] all individuals living in the State of California to stay home or at their place of residence[,] San Diego police officers continue to conduct sweeps of persons who are experiencing homelessness moving them from one location to another. This, without providing any viable, adequate, or even alternative options for shelter for those displaced. The reality is that San Diego is home to many thousands of persons whose current residences are the streets, homeless encampments, parks, under freeway overpasses (even where the City has placed sharp rocks), and by the riverbed.



Geneviève L. Jones-Wright, Esq., LL.M.

Executive Director

COMMUNITY ADVOCATES FOR
JUST AND **MORAL** GOVERNANCE

HOLDING GOVERNMENT ACCOUNTABLE TO ALL PEOPLE

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These locations *are* the residences of the individuals who live at these sites¹. Therefore, by breaking up existing encampments, i.e. the residences of unhoused San Diegans, under any pretext and sweeping unsheltered persons from location to location, the City of San Diego is violating California State Executive Order No. N-33-20 and is adversely affecting its goal to “bend the curve and disrupt the spread of the virus.”

Accordingly, for the reasons stated above, we are urging police and all other city departments to immediately cease and desist from clearing homeless encampments and to suspend ticketing for the above-listed quality of life offenses and all sweeps of persons who are experiencing unsheltered homelessness, and get in compliance with both Executive Order N-33-20 and the guidelines promulgated by the CDC. The City has had ample time to consider and implement Governor Newsom’s directives, the CDC’s guidelines, and the requests of local organizations; it, however, has yet to act. Under these circumstances, it is more than reasonable to request that the City issue a written order suspending the ticketing of unsheltered community members for “quality of life” offenses along with homeless sweeps and the clearing of encampments by close of business tomorrow, April 14, 2020. For the sake of all members of our community, we look forward to your issuance of the requested order and to receiving a copy of this order upon its issuance.

Be advised that MoGo will continue to work with unhoused persons, other community advocates, and organizational allies to support the broader homeless community, which will include monitoring and documenting the actions of the City and its departments for possible legal action to enjoin your continued endangerment of public safety.

Sincerely,

Geneviève L. Jones-Wright, Esq., LL.M.

Executive Director

Community Advocates for Just and **Moral** Governance (MoGo)

¹ California Voting Rights law permits an unhoused person to register to vote by merely describing streets, parks, or other locations where they live, or, in most cases, are forced to live for lack of affordable housing. (See [Voter Registration Application](#) at California Secretary of State website.)



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Attachments: Screenshot of video footage showing SDPD officers ordering unhoused San Diegans off of city property and into the rain during an early morning sweep on 4/9/20
Citations given to unhoused San Diegans by SDPD after COVID-19 was believed by the mayor to have reached “community spread status” in San Diego County
(7 total pages of attachments)

cc:

Governor Gavin Newsom

San Diego City Council

San Diego County Board of Supervisors

Wilma J. Wooten, M.D., M.P.H., San Diego County Public Health Officer



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Michael McConnell @Ho... · 4h

"You can't stay here, it's city property" - San Diego Police pushing people out into the rainy weather early this morning.



414 views



Geneviève L. Jones-Wright, Esq., LL.M.

Executive Director

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Yr. of Veh. Make P E D Model Body-Style Color

☐ HAZARDOUS MATERIAL (Veh. Code, § 353)

Evidence of Financial Responsibility ☐ Same as Driver

Registered Owner or Lessee ☐ Same as Driver

Address State ZIP Code

City ☐ Booking Required Misdemeanor or Infraction (Circle)

Correctable Violation (Veh. Code, § 40610) Description M I

Yes No Code and Section

☐ ☒ 63.0102(b)(12) SMCT M I

☐ ☐ SLEEPING IN M I

☐ ☐ PARK M I

☐ ☐ M I

Speed Approx. P.F./Max Spd. Veh. Lmt. Safe Radar N

☐ COLLISION W E

COMMENTS: (Weather, Road & Traffic Conditions)

CLR CLDY FOG RAIN DRY SLIPPERY HVY. MED. LIGHT

Location of Violation(s)

at 3200 PARK BL.

☒ CITY OF SAN DIEGO, CA ☐ OTHER

☐ Violations not committed in my presence, declared on information and belief.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.

FIORILLO 7205 MPD-1 531

Arresting or Citing Officer I.D. No. Command/Shift Beat

3/27/20 32720 I.D. No. Command/Shift Beat

DATE Name of Arresting Officer, if different from Citing Officer

WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW.

☒ Signature [Signature] TIME: 9:17 20 ☐ AM ☐ PM

WHEN: ON OR BEFORE THIS DATE: 06/17/20

WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE

WHERE:

☐ JUVENILE COURT, DEPT. 11
2901 MEADOWLARK DRIVE
SAN DIEGO, CA 92123 (858) 634-1600

☒ SAN DIEGO TRAFFIC COURT
8950 CLAIREMONT MESA BOULEVARD
SAN DIEGO, CA 92123 (858) 634-1800
NIGHT COURT-CONTACT COURT FOR INFO

☐ NORTH COUNTY REGIONAL CENTER
325-B MELBOSE DRIVE, SUITE 350
VISTA, CA 92081 (760) 201-8600 INFORMATION

☐ MISDEMEANOR ARRAIGNMENT DEPT.
220 W. BROADWAY
SAN DIEGO, CA 92101 (619) 450-5400

☐ SOUTH BAY COURT
500 3RD AVENUE
CHULA VISTA, CA 91910 (619) 746-8200
NIGHT COURT-CONTACT COURT FOR INFO

☐ EAST COUNTY REGIONAL CENTER
250 EAST MAIN STREET
EL CAJON, CA 92020 (619) 406-4100 INFORMATION

Additional information is available at www.sdcourt.ca.gov

SEE REVERSE

Notice to Appear form approved by the Judicial Council of California.
PD-177 (4/16) PW/PS-42 (Veh. Code, §§ 40500(b), 40513(b), 40522, 40600, Pen. Code, § 853.9)



Geneviève L. Jones-Wright, Esq., LL.M.

Executive Director

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San Diego, CA 92105

Phone (619) 500-7720

Fax (619) 898-9229

director@moralgovernance.org

Registration Number of License: PED

City: _____ State: _____ ZIP Code: _____

Correctable Violation (Veh. Code, § 40610) ☐ Booking Required ☐ Misdemeanor or Infraction (Circle)

Yes	No	Code and Section	Description	M	I
<input type="checkbox"/>	<input checked="" type="checkbox"/>	63.0102(b)(12)-SDMC	(OVER NIGHT SLEEPIN PARK)	M	I
<input type="checkbox"/>	<input type="checkbox"/>			M	I
<input type="checkbox"/>	<input type="checkbox"/>			M	I
<input type="checkbox"/>	<input type="checkbox"/>			M	I

Speed Approx. _____ P.F./Max Spd. _____ Veh. Lmt. _____ Safe _____ Radar _____ N _____

COMMENTS: (Weather, Road & Traffic Conditions) ☐ COLLISION W _____ E _____

CLD CLDY FOG RAIN DRY SLIPPERY HVY. MED. LIGHT

Location of Violation(s) at 2000 NATIONAL AVE S _____

☒ CITY OF SAN DIEGO, CA ☐ OTHER

☐ Violations not committed in my presence, declared on information and belief.
I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.

J.J. ARGUELLES 3/24/20 5259 NPD 511
Arresting or Citing Officer I.D. No. Command/Shift Beat

3/28/20 J.J. GOMEZ 3/24/20 5232 NPD 511
Date Name of Arresting Officer, if different from Citing Officer I.D. No. Command/Shift Beat

WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW.

X Signature Roberto Gomez

WHEN: ON OR BEFORE THIS DATE: 06/23/20 TIME: 0800 ☐ AM ☒ PM

WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE

WHERE:

<input checked="" type="checkbox"/> JUVENILE COURT, DEPT. 11 2901 MEADOWLARK DRIVE SAN DIEGO, CA 92123 (858) 634-1600	<input type="checkbox"/> MISDEMEANOR-ARRAIGNMENT DEPT. 220 W. BROADWAY SAN DIEGO, CA 92101 (619) 450-5400
<input checked="" type="checkbox"/> SAN DIEGO TRAFFIC COURT 8950 CLAIREMONT MESA BOULEVARD SAN DIEGO, CA 92123 (858) 634-1800 NIGHT COURT-CONTACT COURT FOR INFO	<input type="checkbox"/> SOUTH BAY COURT 500 3RD AVENUE CHULA VISTA, CA 91910 (619) 746-6200 NIGHT COURT-CONTACT COURT FOR INFO
<input type="checkbox"/> NORTH COUNTY REGIONAL CENTER 325 S. MELROSE DRIVE, SUITE 350 VISTA, CA 92081 (760) 201-8600 INFORMATION	<input type="checkbox"/> EAST COUNTY REGIONAL CENTER 250 EAST MAIN STREET EL CAJON, CA 92020 (619) 456-4100 INFORMATION

Additional information is available at www.sdcourt.ca.gov

Notice to Appear form approved by the Judicial Council of California.
PD-177 (4/16) PW/PS-42 (Veh. Code, §§ 40500(b), 40513(b), 40522, 40600; Pen. Code, § 853.9)

SEE REVERSE
TR-130



Geneviève L. Jones-Wright, Esq., LL.M.

Executive Director

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HOLDING GOVERNMENT ACCOUNTABLE TO ALL PEOPLE

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San Diego, CA 92105

Phone (619) 500-7720

Fax (619) 898-9229

director@moralgovernance.org

Handwritten: 1500 ISLAND AVE

City: San Diego State: CA ZIP Code: 92105

Correctable Violation (Veh. Code, § 40610)
Yes No Code and Section Description
☐ ☒ 647/2 PC - ILLEGAL U-TURN (M) I
☐ ☒ 54.0110 SOME - ENROUTE (M) I
☐ ☐
☐ ☐

Speed Approx. P.F./Max Spd. Veh. Lmt. Safe Radar COLLISION W N E S

COMMENTS: (Weather, Road & Traffic Conditions)
CLR CLDY FOG RAIN DRY SLIPPERY HVY. MED. LIGHT

Location of Violation(s)
at 1500 ISLAND AVE

☒ CITY OF SAN DIEGO, CA ☐ OTHER

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.
Arresting or Citing Officer: HOFRIETTER I.D. No. 7658 Command/Shift N1 Beat 501
Name of Arresting Officer, if different from Citing Officer: HOFRIETTER I.D. No. 7658 Command/Shift N1 Beat 501

Date: 04/22/20 TIME: 0800 AM PM

WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW.

☒ Signature: [Signature] TIME: 0800 AM PM

WHEN: ON OR BEFORE THIS DATE: 04/22/20
WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE

WHERE:
☐ JUVENILE COURT, DEPT. 11
2901 MEADOWLARK DRIVE
SAN DIEGO, CA 92123 (658) 634-1600
☐ SAN DIEGO TRAFFIC COURT
8950 CLAIREMONT MESA BOULEVARD
SAN DIEGO, CA 92123 (658) 634-1890
NIGHT COURT/CONTACT COURT FOR INFO
☐ NORTH COUNTY REGIONAL CENTER
325 S. MELROSE DRIVE, SUITE 350
VISTA, CA 92081 (760) 201-8600 INFORMATION
☐ MISDEMEANOR ARRAIGNMENT DEPT.
220 W. BROADWAY - 1133 ON 1133
SAN DIEGO, CA 92101 (619) 450-5400
☐ SOUTH BAY COURT
500 3RD AVENUE
CHULA VISTA, CA 91910 (619) 796-6209
NIGHT COURT/CONTACT COURT FOR INFO
☐ EAST COUNTY REGIONAL CENTER
250 EAST MAIN STREET
EL CAJON, CA 92020 (619) 450-4100 INFORMATION

Additional information is available at www.sdcourt.ca.gov

Notice to Appear form approved by the Judicial Council of California
FD-177 (5/78) PDPS-42 (Veh. Code, §§ 40500.01, 40512.01, 40522, 40550 Pen. Code, § 853.9)



Geneviève L. Jones-Wright, Esq., LL.M.

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San Diego, CA 92105

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director@moralgovernance.org

SAN DIEGO POLICE DEPARTMENT ☐ MISDEMEANOR **DEFENDANT'S COPY**
NOTICE TO APPEAR ☐ Traffic ☒ Nontraffic **Y2298827**

Date of Violation: 4.6.20 Time: 6:40 AM Day of Week: SMTWTFSS Case No.:
Responsibility (Veh. Code, § 40001):
Address: 299 17th St City: San Diego State: CA ZIP Code: 92101
Class: ☒ Commercial ☐ Yes ☐ No Age: 32 Birth Date: 4/10/72
Height: 5-4 Weight: 140 Race: H Const. Zone: School Zone:
Make: Model: Body Style: Color: ☐ COMMERCIAL VEHICLE (Veh. Code, § 15210(b))
☐ HAZARDOUS MATERIAL (Veh. Code, § 353)
Registered Owner of Lessee: ☐ Same as Driver
Address: City: State: ZIP Code:
Correctable Violation (Veh. Code, § 40610) ☐ Booking Required
Yes No Code and Section Description Misdemeanor or Infraction (Circle)
☐ ☒ 54.0110 5000 - ENCLOSURE (M) I
☐ ☐ M I
☐ ☐ M I
☐ ☐ M I
Speed Approx. P.F./Max Spd. Veh. Lmt. Safe Radar COLLISION W E
COMMENTS: (Weather, Road & Traffic Conditions) CLR CLDY FOG RAIN DRY SLIPPERY HVY. MED. LIGHT
Location of Violation(s) at 315 16th St
☒ CITY OF SAN DIEGO, CA ☐ OTHER
I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.
Arresting or Citing Officer: 4612 Date: 4.6.20 Name of Arresting Officer, if different from Citing Officer: I.D. No. Command/Shift Beat
WITHOUT ADMITTING GUILT, I AGREE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW.
X Signature:
WHEN: ON OR BEFORE THIS DATE: 7-17-20 TIME: 8:00 AM PM
WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE
WHERE:
☐ JUVENILE COURT, DEPT. 11
2901 MEADOWLARK DRIVE
SAN DIEGO, CA 92123 (619) 634-1800
☐ SAN DIEGO TRAFFIC COURT
8950 CLAIREMONT MESA BOULEVARD
SAN DIEGO, CA 92123 (619) 634-1800
NIGHT COURT-CONTACT COURT FOR INFO
☐ NORTH COUNTY REGIONAL CENTER
325 S. MELROSE DRIVE, SUITE 350
VISTA, CA 92081 (760) 201-8600 INFORMATION
☒ MISDEMEANOR ARRAIGNMENT DEPT.
220 W. BROADWAY
SAN DIEGO, CA 92101 (619) 456-5000
☐ SOUTH BAY COURT
500 3RD AVENUE
CHULA VISTA, CA 91910 (619) 746-6200
NIGHT COURT-CONTACT COURT FOR INFO
☐ EAST COUNTY REGIONAL CENTER
250 EAST MAIN STREET
EL CAJON, CA 92020 (619) 456-4100 INFORMATION

Additional information is available at www.sdcourt.ca.gov
to Appear form approved by the Judicial Council of California.
7 (4/16) PW/PS-42 (Veh. Code, §§ 40500(b), 40513(b), 40522, 40600; Pen. Code, § 853.9) **SEE REVERSE** TR-130



Geneviève L. Jones-Wright, Esq., LL.M.

Executive Director

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director@moralgovernance.org

**SAN DIEGO POLICE DEPARTMENT
NOTICE TO APPEAR**

☐ Traffic ☐ MISDEMEANOR ☒ DEFENDANT'S COPY

Date: 4/11/20 Time: 6:45 AM Day of Week: M T W T F S S Case No: Y2298402

Name (Print Name): [REDACTED]

Address: 299 17TH ST City: SAN DIEGO State: CA

Driver's Lic. No.: NO CDL State: CA

Sex: M Hair: BRN Eyes: HRL Height: 5-9 Weight: 140 Race: W Age: 37 Birth Date: 7/12/82

Veh. Lic. No. or VIN: [REDACTED] State: CA

Model: [REDACTED] Body Style: [REDACTED] Color: [REDACTED]

Evidence of Financial Responsibility: [REDACTED]

Registered Owner of Lessee: [REDACTED]

Address: [REDACTED] City: [REDACTED] State: [REDACTED] ZIP Code: [REDACTED]

Correctable Violation (Veh. Code, § 40610) ☐ Booking Required ☐ Medemeanor or Infraction (Circle)

Yes No Code and Section Description M I

☒ 54.0110 SDMC ENCROACHMENT M ①

☐ ☐ M I

☐ ☐ M I

☐ ☐ M I

Speed Approx. P.F./Max Spd. Veh. Lmt. Safe Radar N

COMMENTS: (Weather, Road & Traffic Conditions) ☐ COLLISION W E

CLD CLDY FOG RAIN DRY SLIPPERY HVY. MED. LIGHT

Location of Violation(s): 1700 IMPERIAL AVE

☒ CITY OF SAN DIEGO, CA ☐ OTHER

☐ Violations not committed in my presence, declared on information and belief.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.

P. MURILLO 4/11/20 6115 W/INV 521

Arresting or Citing Officer I.D. No. Command/Shift Beat

Date Name of Arresting Officer, if different from Citing Officer I.D. No. Command/Shift Beat

WITHOUT ADMITTING GUILT, I AGREE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW

X Signature [REDACTED]

WHEN: ON OR BEFORE THIS DATE: 7/8/20 TIME: [REDACTED] AM PM

WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE

WHERE:

☐ JUVENILE COURT, DEPT. 11
2501 KLEIN AVENUE
SAN DIEGO, CA 92103 (619) 634-1600

☒ SAN DIEGO TRAFFIC COURT
8800 CLAREMONT MESA BOULEVARD
SAN DIEGO, CA 92128 (619) 634-1600
NIGHT COURT CONTACT COURT FOR INFO

☐ NORTHERN COUNTY REGIONAL COURTHOUSE
400 S. MILL PIONEER BLVD. 3RD FLOOR
FARMERSVILLE, CA 95120 (916) 455-4100 INFORMATION

☐ MISDEMEANOR ARRAIGNMENT DEPT
200 W. BROADWAY
SAN DIEGO, CA 92101 (619) 590-6400

☐ SOUTH BAY COURT
500 J. J. AVENUE
CHULA VISTA, CA 91910 (619) 796-0000
NIGHT COURT CONTACT COURT FOR INFO

☐ EAST COUNTY REGIONAL COURTHOUSE
201 EAST MAIN STREET
ESCALON, CA 95320 (916) 455-4100 INFORMATION

Additional information is available at www.sdcourt.ca.gov

Notice to Appear form approved by the Judicial Council of California
PS-177 (03/09) (Rev. Code, §§ 400000.0, 400100.0, 400200.0, 400300.0, 400400.0, 400500.0, 400600.0, 400700.0, 400800.0, 400900.0, 401000.0, 401100.0, 401200.0, 401300.0, 401400.0, 401500.0, 401600.0, 401700.0, 401800.0, 401900.0, 402000.0, 402100.0, 402200.0, 402300.0, 402400.0, 402500.0, 402600.0, 402700.0, 402800.0, 402900.0, 403000.0, 403100.0, 403200.0, 403300.0, 403400.0, 403500.0, 403600.0, 403700.0, 403800.0, 403900.0, 404000.0, 404100.0, 404200.0, 404300.0, 404400.0, 404500.0, 404600.0, 404700.0, 404800.0, 404900.0, 405000.0, 405100.0, 405200.0, 405300.0, 405400.0, 405500.0, 405600.0, 405700.0, 405800.0, 405900.0, 406000.0, 406100.0, 406200.0, 406300.0, 406400.0, 406500.0, 406600.0, 406700.0, 406800.0, 406900.0, 407000.0, 407100.0, 407200.0, 407300.0, 407400.0, 407500.0, 407600.0, 407700.0, 407800.0, 407900.0, 408000.0, 408100.0, 408200.0, 408300.0, 408400.0, 408500.0, 408600.0, 408700.0, 408800.0, 408900.0, 409000.0, 409100.0, 409200.0, 409300.0, 409400.0, 409500.0, 409600.0, 409700.0, 409800.0, 409900.0, 410000.0, 410100.0, 410200.0, 410300.0, 410400.0, 410500.0, 410600.0, 410700.0, 410800.0, 410900.0, 411000.0, 411100.0, 411200.0, 411300.0, 411400.0, 411500.0, 411600.0, 411700.0, 411800.0, 411900.0, 412000.0, 412100.0, 412200.0, 412300.0, 412400.0, 412500.0, 412600.0, 412700.0, 412800.0, 412900.0, 413000.0, 413100.0, 413200.0, 413300.0, 413400.0, 413500.0, 413600.0, 413700.0, 413800.0, 413900.0, 414000.0, 414100.0, 414200.0, 414300.0, 414400.0, 414500.0, 414600.0, 414700.0, 414800.0, 414900.0, 415000.0, 415100.0, 415200.0, 415300.0, 415400.0, 415500.0, 415600.0, 415700.0, 415800.0, 415900.0, 416000.0, 416100.0, 416200.0, 416300.0, 416400.0, 416500.0, 416600.0, 416700.0, 416800.0, 416900.0, 417000.0, 417100.0, 417200.0, 417300.0, 417400.0, 417500.0, 417600.0, 417700.0, 417800.0, 417900.0, 418000.0, 418100.0, 418200.0, 418300.0, 418400.0, 418500.0, 418600.0, 418700.0, 418800.0, 418900.0, 419000.0, 419100.0, 419200.0, 419300.0, 419400.0, 419500.0, 419600.0, 419700.0, 419800.0, 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459900.0, 460000.0, 460100.0, 460200.0, 460300.0, 460400.0, 460500.0, 460600.0, 460700.0, 460800.0, 460900.0, 461000.0, 461100.0, 461200.0, 461300.0, 461400.0, 461500.0, 461600.0, 461700.0, 461800.0, 461900.0, 462000.0, 462100.0, 462200.0, 462300.0, 462400.0, 462500.0, 462600.0, 462700.0, 462800.0, 462900.0, 463000.0, 463100.0, 463200.0, 463300.0, 463400.0, 463500.0, 463600.0, 463700.0, 463800.0, 463900.0, 464000.0, 464100.0, 464200.0, 464300.0, 464400.0, 464500.0, 464600.0, 464700.0, 464800.0, 464900.0, 465000.0, 465100.0, 465200.0, 465300.0, 465400.0, 465500.0, 465600.0, 465700.0, 465800.0, 465900.0, 466000.0, 466100.0, 466200.0, 466300.0, 466400.0, 466500.0, 466600.0, 466700.0, 466800.0, 466900.0, 467000.0, 467100.0, 467200.0, 467300.0, 467400.0, 467500.0, 467600.0, 467700.0, 467800.0, 467900.0, 468000.0, 468100.0, 468200.0, 468300.0, 468400.0, 468500.0, 468600.0, 468700.0, 468800.0, 468900.0, 469000.0, 469100.0, 469200.0, 469300.0, 469400.0, 469500.0, 469600.0, 469700.0, 469800.0, 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Geneviève L. Jones-Wright, Esq., LL.M.

Executive Director

**COMMUNITY ADVOCATES FOR
JUST AND MORAL GOVERNANCE**

HOLDING GOVERNMENT ACCOUNTABLE TO ALL PEOPLE

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Yr. of Veh.	Make	Model	Body Style	Color	<input type="checkbox"/> HAZARDOUS MATERIAL (Veh. Code, § 353)
Evidence of Financial Responsibility					
Registered Owner of Lessee					<input type="checkbox"/> Same as Driver
Address					<input type="checkbox"/> Same as Driver
City		State		ZIP Code	
Correctable Violation (Veh. Code, § 40610)					
Yes	No	Code and Section	Description	<input type="checkbox"/> Booking Required	Misdemeanor or Infraction (Circle)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	54.0110	SDMC ENFORCEMENT		M ①
<input type="checkbox"/>	<input type="checkbox"/>				M I
<input type="checkbox"/>	<input type="checkbox"/>				M I
<input type="checkbox"/>	<input type="checkbox"/>				M I
Speed Approx.		P.F./Max Spd.	Veh. Lmt.	Safe	Radar
COMMENTS: (Weather, Road & Traffic Conditions)					<input type="checkbox"/> COLLISION
CLR CLDY FOG RAIN DRY SLIPPERY HVY. MED. LIGHT					W E
Location of Violation(s)					S
at 1700 IMPERIAL AVE					
<input checked="" type="checkbox"/> CITY OF SAN DIEGO, CA					<input type="checkbox"/> OTHER
<input type="checkbox"/> Violations not committed in my presence, declared on information and belief.					
I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.					
F. MURILLO		4/11/20		6115 W/INV 521	
Arresting or Citing Officer		I.D. No.		Command/Shift	
Date		Name of Arresting Officer, if different from Citing Officer		I.D. No.	
WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW					
<input checked="" type="checkbox"/> Signature: Mary Ann G... 7.8.20					
WHEN: ON OR BEFORE THIS DATE 7.8.20 TIME: 9:00 AM					
WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE					
WHERE:					
<input type="checkbox"/> JUVENILE COURT, DEPT. 11 2901 MEADOWCARK DRIVE SAN DIEGO, CA 92123 (858) 634-1600			<input type="checkbox"/> MISDEMEANOR ARRAIGNMENT DEPT 228 W. BROADWAY SAN DIEGO, CA 92101 (619) 450-0400		
<input checked="" type="checkbox"/> SAN DIEGO TRAFFIC COURT 8950 CLAIREMONT MESA BOULEVARD SAN DIEGO, CA 92123 (858) 634-1800 NIGHT COURT-CONTACT COURT FOR INFO			<input checked="" type="checkbox"/> SOUTH BAY COURT 600 S. AVENUE CHULA VISTA, CA 91910 (619) 746-6200 NIGHT COURT-CONTACT COURT FOR INFO		
<input type="checkbox"/> NORTH COUNTY REGIONAL CENTER 325 S. MELROSE DRIVE, SUITE 350 VISTA, CA 92081 (760) 201-8600 INFORMATION			<input type="checkbox"/> EAST COUNTY REGIONAL CENTER 250 EAST MAIN STREET EL CAJON, CA 92020 (619) 450-4100 INFORMATION		
Additional information is available at www.sdcourt.ca.gov					
SEE REVERSE					

Notice to Appear form approved by the Judicial Council of California
PD-177 (4/16) PW/PS-42 (Veh. Code, §§ 40500(b), 40513(b), 40522, 40600, Pen. Code, § 853.9)

Attachment B

State of California COVID-19 Recommended Protocol for People Experiencing Homelessness

