



1831 K Street
Sacramento, CA 95811
Tel: (916) 504-5800
TTY: (800) 719-5798
Intake Line: (800) 776-5746
Fax: (916) 504-5901
www.disabilityrightsca.org

News Release

For Immediate Release

Contact: Pat McConahay, Communications Director
Disability Rights California
(916) 504-5938
Pat.McConahay@disabilityrightsca.org

Federal Judge orders city of San Diego to stop ticketing homeless people living in vehicles

(Sacramento, CA – August 24, 2018) A federal judge issued a preliminary injunction Tuesday halting all ticketing and enforcement of a San Diego ordinance affecting homeless people who use their RVs or other vehicles as shelter.

The class action law suit, *Bloom et al. vs. City of San Diego*, seeks to end the ticketing and impoundment of vehicles of homeless people under two ordinances, one ordinance prohibiting vehicle habitation (San Diego Municipal Code § 86.0137(f)); and the second prohibiting parking of RVs anywhere on city streets and lots between 2:00 a.m. and 6:00 a.m.

“This is an important victory for many hundreds of people in San Diego who have been forced into homelessness due to the city’s rising rents and whose only shelter is their vehicle,” said Ann Menasche, senior attorney for Disability Rights California and one of the attorneys representing the Plaintiffs.

The Honorable U.S. District Court Judge Anthony J. Battaglia ruled that San Diego's Vehicle Habitation Ordinance was unconstitutionally vague because there was no way to know what is required to violate the ordinance.

"Parking an RV or camper truck on public property during lawful hours whilst engaging in lawful activities appears to be enough to violate the Ordinance," Judge Battaglia declared.

The court further found that the ordinance was arbitrarily enforced against homeless people. Plaintiffs would likely suffer irreparable harm, including possible loss of their vehicles through impoundment, if enforcement continues. The court concluded that a homeless person's interest in their safety and rights, including their interest in avoiding the "dangerous and unsanitary conditions" of living on the streets, outweighed the city's claimed interests.

"Instead of criminalizing homeless people, the city should pursue real permanent solutions to the affordable housing emergency," Menasche said.

The court declined to grant a preliminary injunction to halt enforcement of the nighttime RV parking ordinance "without prejudice," leaving the door open for a renewed motion at a future date.

Other firms on Plaintiffs' legal team are Fish & Richardson, P.C.; the National Law Center on Homelessness and Poverty; Dreher Law Firm; Disability Rights Advocates; and Bonnett Fairbourn Friedman & Balint PC.

Disability Rights California is a non-profit organization founded in 1978. We protect the rights of people with disabilities. Visit disabilityrightsca.org.