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News Release

For Immediate Release

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Court Allows Disability Discrimination Challenge to RV-ban to Go Forward

(Sacramento, CA – June 11, 2018) A U.S. District Court issued a ruling June 8, 2018, denying San Diego's motion to dismiss disability discrimination claims in a lawsuit that challenges the ticketing of homeless people in RVs and other vehicles.

The class action law suit, *Bloom et al. vs. City of San Diego*, filed in November of 2017, alleges that the ticketing of homeless individuals, many with disabilities, under two ordinances - one that prohibits nighttime parking of RVs on city streets, and the second that prohibits using a vehicle as living quarters - violates the plaintiffs' constitutional rights and in addition, discriminates against people with disabilities under the Americans with Disabilities Act (ADA) and the Rehabilitation Act.

“Judge Battaglia understands that with San Diego’s affordable housing crisis, homeless people with disabilities are placed in a situation beyond their control,” said Ann Menasche, senior attorney for Disability Rights California who argued in opposition to the motion on behalf of Plaintiffs. “We hope the city will at some point re-think its punitive and counter-productive ticketing policies and work toward real solutions to homelessness.”

The Honorable Judge Anthony J. Battaglia, in his written decision, rejected the city’s argument that the facially neutral ordinances could not be challenged under disability discrimination laws because they are applicable to everyone regardless of disability status. Instead, the court agreed with Plaintiffs that a program “can violate the ADA and Rehabilitation Act if it disparately impacts or places a disproportionate burden on the disabled.”

The Plaintiffs alleged that there were three ways that they are being harmed disproportionately due to their disabilities by enforcement of these ordinances. First, the city’s homeless shelters were inaccessible to them; second, their preexisting mental and physical health disabilities left them more vulnerable to harms from living on the streets; and third, they were unable to access permanent housing because their disabilities precluded them from working and forced them to rely on government benefits.

Judge Battaglia, noting that “disabled and homeless individuals are amongst those hardest hit by “yearly record-breaking rent increases,” agreed that these allegations were sufficient to state claims.

Stuart Seaborn, managing direct litigation for Disability Rights Advocates, is one of the attorneys for the Plaintiffs.

“We are pleased the court has allowed these critical claims to continue,” Seaborn said. “The city’s RV ordinances do disproportionately impact low-income San Diego residents with disabilities who have very limited housing options in the city due to high rents and a lack of shelter options that meet their needs.”

Fish & Richardson P.C., National Law Center on Homelessness & Poverty, Dreher Law Firm, and Bonnett, Fairbourn, Friedman & Balint PC are also representing the Plaintiffs.

Plaintiffs have filed a Motion for Preliminary Injunction to stop the ticketing pending the resolution of the litigation, which is scheduled to be heard before Judge Battaglia on July 26, 2018 at 2:00 pm.

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