



California's protection & advocacy system

LEGAL ADVOCACY UNIT

530 B Street, Ste. 400
San Diego, CA 92101
Tel: (619) 239-7861
TTY: (800) 719-5798
Fax: (619) 239-7906
Intake Line: (800) 776-5746
www.disabilityrightsca.org

December 11, 2020

Sent via email

City Attorney Mara W. Elliott
Office of the City Attorney
1200 Third Ave., Suite 1620
San Diego, CA 92101
cityattorney@sandiego.gov

RE: Urgent Demand for City to Transfer Convention Center Residents to Hotel Rooms

Dear Counsel:

Disability Rights California writes with urgency to demand the immediate transfer of Convention Center residents who have CDC-recognized underlying health conditions that place them at high risk of complications and death from COVID-19 from the inherently dangerous Convention Center to County-procured hotel rooms. At the time of this letter, our region is experiencing a deadly surge in infections and the rate of infection for asymptomatic individuals at the Convention Center is skyrocketing – increasing from 27 to 120 in less than a week.¹

¹ *San Diego County COVID-19 Update* (Dec. 10, 2020), County of San Diego Communications Office. Available online at: https://www.countynewscenter.com/san-diego-county-covid-19-update-12-10-2020/?utm_source=rss&utm_medium=rss&utm_campaign=san-diego-county-covid-19-update-12-10-2020; *Coronavirus outbreak detected at San Diego Convention Center homeless shelter* (Dec. 11, 2020), San Diego Union Tribune. Available online at: <https://www.sandiegouniontribune.com/news/health/story/2020-12-10/coronavirus-outbreak-detected-at-san-diego-convention-center-homeless-shelter>.

We understand the City has allocated millions in COVID-19 funds intended to protect the health and safety of unhoused individuals to the City's Convention Center. However, as detailed in our pending lawsuit against the City, the process is unlawful. As we warned the City in April, the failure to protect spread in the unhoused population undermines the entire region's health and safety:

The protection of unhoused people is essential to the long-term effectiveness of the order to shelter in place. ... [T]he long-term success of this strategy will be decreased if [people experiencing homelessness] do not receive adequate and timely resources to decrease their contact rate and probability of transmission. This population could become a reservoir for the virus that would enable the virus to spread amongst the entire population after the shelter-in-place order has concluded, which has been previously demonstrated with bacterial infections in unhoused communities.²

To date, the City has prevented unhoused individuals from being able to exercise the very public health measures the City urges on the general population in contradiction to its own policies and CDC guidelines. Since April, we have urged the City to cease pushing unsheltered individuals – most of whom have CDC-recognized health conditions that place them at higher risk of complications and death from COVID-19 — to the Convention Center, and to connect them to County-procured hotel rooms.

Since day one of the Convention Center's use as a homeless shelter, the City should have directed high risk unsheltered individuals to the hotel rooms – the vast majority of which remained empty during the pandemic. The City's contract regarding the use of its Convention Center as a homeless shelter explicitly incorporates the 2,000 hotel rooms, and a plan to transfer high-risk individuals to the rooms. The City purported to offer the hotel rooms at all times during the pandemic, and directed unhoused

² Demand to Stop Unlawful Discrimination Against Homeless Individuals with Disabilities and Request for Reasonable Modifications at 75 (April 28, 2020), Disability Rights California, <https://www.disabilityrightsca.org/system/files/file-attachments/Amended%20Complaint.pdf>. *For the Good of Us All: Addressing the Needs of Our Unhoused Neighbors During the COVID-19 Pandemic* at 14 (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>.

individuals to contact the City's Homeless Outreach Team.³ However, the City's Homeless Outreach Team has been pushing all unsheltered individuals to one place – the City's Convention Center. In addition, the City issued multiple press releases and played a lead role at numerous joint press conferences with the County – many held at the City's Convention Center – stating that the County-procured hotel rooms were part of the City's COVID-19 homelessness response.

Moreover, the City has a process to transfer people to the hotel rooms since the City has been transferring symptomatic people from the Convention Center to the hotel rooms for months and testing these individuals off-site. We understand this has also effectively deflated the number of infections tracked at the Convention Center.

Despite the hotel rooms being an integral part of the plan to use the Convention Center as a homeless shelter, San Diego County's occupancy rate for its procured hotel rooms was – and continues to be – one of the lowest in the State.⁴ In fact, the County received millions less than it should have in recently State-allocated Project Roomkey funds because so many of the County-procured hotel rooms sat empty between July and November.⁵ The hotel rooms should have been used for unhoused individuals who were pushed to the Convention Center despite being categorically eligible for the hotel rooms on account of having the CDC-recognized underlying medical conditions that place them at higher risk of complications and death from COVID-19. The hotel rooms would be FEMA-reimbursable if used as shelter and less COVID-19 funds would have been allocated to the mass shelter at the Convention Center. There is no justification for the City having placed

³ "The San Diego Convention Center may not be the appropriate 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... Connect someone to City of San Diego Homeless Outreach Teams." Available online at: <https://www.sandiego.gov/coronavirus/shelkertohome>.

⁴ *COVID-19 Homeless Impact*, State of California, <https://public.tableau.com/views/COVID-19HomelessImpactDashboard/HomelessImpact?%3Aembed=y&%3AshowVizHome=no> and <https://data.ca.gov/dataset/covid-19-homeless-impact/resource/235466b6-0eb9-4ff7-a4b4-8138f474ce83>.

⁵ *Letter to All County Welfare Directors and Federally Recognized Tribal Governments* (Nov. 18, 2020), California Department of Social Services. Available online at: [Resources/Letters-and-Notices/ACWDL/2020/ACWDL-PRK-111820.pdf](https://resources.letters-and-notice/acwdl/2020/acwdl-prk-111820.pdf).

high risk unsheltered individuals in its Convention Center.

Given COVID-19's high propensity for rapid community spread and the inherent danger of the Convention Center, confirm immediately that all unsheltered individuals in the Convention Center will be immediately transferred to hotel rooms. Contact (619) 814-8518 or Parisa.Ijadi-Maghsoodi@disabilityrightsca.org by noon on Monday, December 14, 2020.

Sincerely,



Parisa Ijadi-Maghsoodi
Lili Graham
Nichole Mendoza
Tiffany Nocon
Ann Menasche
Disability Rights California

Cc: Ms. Elizabeth Atkins
Office of the City Attorney
1200 Third Ave. #1620
San Diego, CA 92101
ELAtkins@sandiego.gov

Mr. Thomas Deak
San Diego County Counsel
1600 Pacific Hwy #355
San Diego, CA 92101
Thomas.Deak@sdcounty.ca.gov