



Northern
California

May 20, 2020

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The ACLU Foundation of Northern California writes to address ongoing concerns with the suffering of unhoused people in the City of Santa Cruz (“Santa Cruz”) during the COVID-19 pandemic. There are straightforward measures that the City could implement to minimize the hardships of being unhoused during this unsettling and unstable time.

We are appreciative of efforts the City has taken, such as increasing shelter capacity and providing essential services like meals, port-a-potties, and sanitation stations. However, as stated in our April 9, 2020 letter, the City’s stance on sweeps and towing practices has a disparate impact on people of color, unhoused residents, and people experiencing increased financial distress. Now is the time for the City to halt any further encampment sweeps and to suspend vehicle ticketing and towing except when necessary to public health and safety or to remove an obstruction of an ingress or egress. For the reasons outlined below, we renew this request and request a response from the City.

Disbanding Encampments During the Pandemic Is Antithetical to Public Health Recommendations

We understand from sources in Santa Cruz, including a homeless outreach worker and city officials themselves, that a few days ago, the Santa Cruz Police Department, in coordination with the City Manager’s Office and County, disbanded an encampment of approximately 80 people on Coral Street, and the entirety of Coral Street on both sides of the railroad tracks are now fenced off. The City provided tents for up to eighteen people, but did not provide everyone with the opportunity to access individual indoor housing like hotel or motel rooms or trailers. The large majority of people who were living at the encampment have scattered, and some are now camping on the railroad tracks.

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Dismantling encampments during the pandemic contravenes clear guidance from the Centers for Disease Control and Prevention (“CDC”). In a document called “FAQs for Homeless Shelters,” the CDC states that:

Connecting people to stable housing should continue to be a priority. However, if individual housing options are not available, *allow people who are living in encampments to remain where they are.* Encourage people living in encampments to increase space between people and provide hygiene resources in accordance with the [Interim Guidance for People Experiencing Unsheltered Homelessness](https://www.cdc.gov/coronavirus/2019-ncov/community/homeless-shelters/faqs.html).

(Emphasis added.)¹

While sleeping outdoors presents risks such as exposure to the environment, people living in encampments instead of congregate shelters are better able to socially distance. After providing people with individual housing options, the most protective policy is to leave encampments intact, instruct residents how to physically distance, and provide access to hygiene, sanitation, services, and healthcare.² By contrast, clearing encampments “can cause people to disperse throughout the community and break connections with service providers. This increases the potential for infectious disease spread.”³

We renew our request for your commitment not to dismantle encampments during the COVID-19 pandemic. For residents of the Coral Street encampment who have scattered along the railroad tracks, we request that you offer a substantially greater number of tents, port-a-potties, and sanitation stations and conduct additional outreach to provide information on meal services and health care to those living outside. Given the urgency of this matter, we request documents and communication and policies and procedures, regarding the number of tents, port-a-potties, and sanitation stations currently available along with the City’s meal service planning for unhoused individuals.⁴ We also request the public health and safety plans, whether the City’s alone or the City’s in coordination with the County, for helping unhoused individuals safely shelter-in-place, including date information, regarding any upcoming changes to encampment public health and safety measures.

¹ U.S. Centers for Disease Control and Prevention, “FAQs for Homeless Shelters” (Apr. 7, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/community/homeless-shelters/faqs.html>.

² U.S. Centers for Disease Control and Prevention, “Interim Guidance on People Experiencing Unsheltered Homelessness” (May 10, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/community/homeless-shelters/unsheltered-homelessness.html>.

³ *Id.*

⁴ Please consider each of these requests in this letter as Public Record Act Request pursuant to the California Public Record Act. If portions of any documents are exempt from disclosure, please provide the non-exempt portions. Gov’t Code 6253(a). Also, please provide complete documents, even if some of them do not appear to be responsive to this request. When possible, please provide records in electronic format, to avoid copying costs. If you have any questions regarding the scope of this request or anticipate these costs will exceed \$50, or that the time needed to copy the records will delay their release, please contact me so that we can arrange to inspect the documents or that we can decide which documents we would like copied. Gov’t Code 6253.1.

Exercise Your Authority to Suspend Vehicle Ticketing and Towing

We have already provided you with examples of much larger cities with greater numbers of vehicle residents that have made the public health decision to suspend enforcement of parking citations and towing during the pandemic, including San Francisco, Oakland, Los Angeles, and San Jose. The City of Mountain View has likewise embraced a policy suspending enforcement of the 72-hour parking limit *and towing*, all time limit parking, residential permit parking permits, peak-hour tow-away zones, and street cleaning.

We urgently ask the City of Santa Cruz to follow its sister cities' examples. Suspending ticketing and towing has eased extra financial burdens on vehicle owners during this uniquely challenging time and also enable residents to more effectively practice safe social distancing. Suspending parking enforcement furthermore frees up law enforcement resources to focus on essential services during this public health crisis.

Santa Cruz County is home to more than 300 people who live in vehicles, according to the 2019 Point-in-Time County. Because their vehicles are their homes, even under the best of circumstances, Santa Cruz's vehicle residents are frequently cited for violating the 72-hour parking ban and other parking regulations. Such parking violations are virtually impossible to avoid for people who are forced to shelter in their cars and trailers. Low- and very-low income vehicle residents in Santa Cruz have always struggled to pay these citations, which often accrue late fees and interest as well. The already-devastating economic impact of the COVID-19 pandemic means that for Santa Cruz's most vulnerable residents, a parking citation, to say nothing of a towing fee, could be impossible to timely pay.

As a result of the pandemic, the Santa Cruz City Council has already recognized that many of its residents are experiencing "severe loss of income" and an ongoing "homelessness crisis," necessitating a temporary eviction moratorium. The findings supporting the moratorium included the recognition that the public health emergency and precautions recommended by health authorities have caused and will cause sudden and unexpected income loss, layoffs, and business closure, thereby threatening displacement and destabilized living situations, placing increased demands on already strained regional and local health and safety resources. Throughout California, people of color are most at risk of job loss and economic insecurity, because they are overrepresented in hourly-wage and seasonal work that cannot be performed at home. People who are undocumented workers are also uniquely vulnerable during this crisis due to the fact that they cannot access much of the state and federal relief that will tide over other families.

The same factors supporting the eviction moratorium justify relaxing enforcement of parking violations and vehicle tows until a reasonable time after the termination of the State of Emergency. This will ensure that not only vehicle residents but everyone in Santa Cruz is able to minimize disease exposure, reduce exposure for City staff, and reduce some of the anxiety the City's lower-income residents, including its vehicle residents, are facing during this very challenging time.

We therefore renew our request that you suspend enforcement of ticketing and towing for all parking violations that do not directly threaten public safety or ingress/egress, including but not

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limited to 72-hour parking, prohibitions against parking within 18 inches of the curb, and any restrictions against overnight parking, and that you recognize 2019 residential parking permits. In line with this ask, we request all documents and communication and policies and procedures pertaining to the City's policies around towing, impoundment, and citations of vehicles and all documents that indicate the number of tows, citations, and impoundment of vehicles in the City of Santa Cruz since April 1, 2019.

These measures are like those several other California cities have implemented on a temporary basis and will conserve City resources during this public health crisis, minimize exposure for everyone, and reduce the economic burden and threat of losing housing for vehicle residents.

Sincerely,

Abre' Conner, Staff Attorney
ACLU Foundation of Northern California

Peter Gelblum, Chapter Chair
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