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AMERICAN CIVIL LIBERTIES UNION
FOUNDATION

Northern
California



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Northern
California
Sacramento Area
Chapter



NATIONAL LAW CENTER
ON HOMELESSNESS & POVERTY

April 7, 2020

Sacramento City Council
915 I Street
Sacramento, CA 95814

Dear Mayor Steinberg and Councilmembers:

To help prevent the spread of the Novel Coronavirus and the rate of infection of COVID19 in Sacramento, we request that you issue an executive order placing a moratorium on all vehicle tows and impoundments, other than those necessary for public safety. In addition, we request that you put a moratorium on all fines and fees practices, such as ticketing cars at parking meters, as many of these practices may lead to tows, ticketing, debt, and hardships for families across Sacramento. We understand that the City has suspended parking fees in the evening; however, given the crisis the City and state is in, the suspension should apply 24-hours a day. While we applaud the City for taking steps to reduce the impact of towing and parking meter enforcement on residents, moratoriums would further benefit public health, ensure marginalized communities retain access to reliable transportation without falling into debt, and simplify enforcement measures for actions not included in the moratorium.

For many unhoused Californians, vehicles are the only safe shelter option for quarantine, and for many health care workers in the state, a car is the only transport they have to get to work. While shelter-in-place is in effect, all residents still must attend medical appointments, seek medical help if sick, and access grocery stores and pharmacies. Both affected individuals and the public at large benefit from individuals accomplishing these tasks from the isolated confines of a personal vehicle instead of via public transportation.

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These issues disproportionately impact Black individuals across California, as nearly 40 percent of unhoused people in the United States are Black.¹ In addition, in Sacramento County, Black and Native individuals are “disproportionately represented” within the unhoused population compared to the overall County population.² People of color comprise nearly half of unhoused individuals in Sacramento County. Across the state, people of color are more likely to live in areas where there is a lack of public transportation investment.³ Racial disparities in car ownership already deepen problems surrounding access to employment and healthcare for people of color, a problem which towing worsens.⁴ Several cities across the state have already announced towing moratoriums, including ensuring that other fines and fees practices that could lead to tows are suspended.⁵

Analysts estimate that public agencies towed nearly one million cars in 2016.⁶ Recent reports have documented the extent to which these tows push individuals further into debt and reinforce systemic inequality.⁷

The most minor reasons for tow are some of the most common: over one fourth of all tows in 2016 were for unpaid parking tickets, unpaid registration, or a car being legally parked in one place for more than 72 hours. Because the average cost to retrieve a vehicle after it has been towed is \$1,100, many Californians lose their vehicle completely after a tow because they cannot afford to pay⁸; more Californians will be unable to pay as their hours and jobs are cut during the pandemic. We are aware that individuals are still being ticketed across Sacramento, and the City has an obligation to do something to stop this.

¹ See U.S. Department of Housing and Urban Development, 2019 Annual Homeless Assessment Report to Congress, 10 (2020) available at <https://files.hudexchange.info/resources/documents/2019-AHAR-Part-1.pdf>.

² See Baiocchi, A., Curry, S., Williams, S., Argüello, T., Price Wolf, J., & Morris, J., Homelessness in Sacramento County: Results from the 2019 Point-in-Time Count. Sacramento, CA: Institute for Social Research and Sacramento Steps Forward, 9 (2019) available at <https://sacramentostepsforward.org/wp-content/uploads/2019/06/2019-Final-PIT-Report-1.pdf>.

³ See Western Center on Law and Poverty et al., Towed into Debt: How Towing Practices in California Punish Poor People, 30 (2019), available at <https://wclp.org/wp-content/uploads/2019/03/TowedIntoDebt.Report.pdf>.

⁴ See *id.* at 29.

⁵ See Santa Monica Order available at <https://www.santamonica.gov/press/2020/03/18/city-emergency-orders-suspend-parking-restrictions-big-blue-bus-fares-late-penalties-on-city-bills-covid-19-related-commercial-and-residential-evictions-and-ellis-act-evictions>; City of Fresno available at <https://www.fresno.gov/coronavirus/>; City of Oakland available at <https://www.oaklandca.gov/news/2020/city-of-oakland-works-to-maintain-essential-government-functions-in-response-to-alameda-county-shelter-in-place-order>; City of San Jose available at <https://www.sanjoseca.gov/news-stories/news/emergency-notifications>; City of San Francisco available at <https://www.sfmta.com/projects/covid-19-developments-response>.

⁶ See Western Center on Law and Poverty et al., *Towed into Debt: How Towing Practices in California Punish Poor People*, 4 (2019), available at <https://wclp.org/wp-content/uploads/2019/03/TowedIntoDebt.Report.pdf>.

⁷ See Western Center on Law and Poverty et al., *Towed into Debt: How Towing Practices in California Punish Poor People*, 4 (2019), available at <https://wclp.org/wp-content/uploads/2019/03/TowedIntoDebt.Report.pdf>.

⁸ Western Center on Law and Poverty et al., *Towed into Debt: How Towing Practices in California Punish Poor People*, 4 (2019), available at <https://wclp.org/wp-content/uploads/2019/03/TowedIntoDebt.Report.pdf>.

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The loss of a family's key economic asset, transport to work or medical care, or shelter, is devastating in the best of times. In a time of required social distancing and self-quarantine, it presents a significant public health problem. Specifically:

- More than 16,000 Californians live in their vehicles. If the vehicle is towed, those Californians will be on the street, with no options for self-quarantine. A person with COVID-19 moving around without any shelter could infect dozens of other people, and would be at much greater risk of serious health consequences themselves.
- Over 75% of Californians drive to work.¹ Without vehicles, many health care workers will not be able to get to their shifts, or will be more exposed to catching or spreading COVID-19 on public transportation.
- Vehicles are a primary form of transport to health care for many Californians. If public agencies continue to tow hundreds of thousands of cars, people with severe COVID-19 symptoms who need to get to the hospital will similarly not have a safe means of transport. Family members who need their car to care for a sick relative will also be left vulnerable, as will their relative. They will also lose access to transport needed for essential household activities such as obtaining groceries and regular medicine.
- Many of the current tow laws require people to go into public sphere.
 - Towing laws require towing companies to send their workers into the community to physically remove people's cars from the streets.
 - To comply with the 72-hour rule, people must leave their homes to move their cars. In a time of self-quarantine, this is simply an unnecessary and potentially dangerous act.
 - To retrieve a towed car, the owner must go in person to a tow yard (either on public transportation or having another person drive them in their car), then interact in person with representatives of the tow yard to process payment for the tow and retrieve physical custody, and drive home.
- Access to a vehicle is also key to accessing and maintaining employment. One study indicated that car ownership plays a bigger role in getting a job than having a high school diploma.² With unemployment projected to reach levels not seen since the Great Depression – Governor Newsom stated that 1 million unemployment insurance claims were filed between March 13 and March 25 in California alone³ – the ability to drive is more important than ever for low-income Californians hoping to obtain and keep employment. This is especially true for low-wage workers, people of color, and women, who are all more likely to have lost their jobs due to COVID-19.⁴

¹ See Lawyers' Committee for Civil Rights of the San Francisco Bay Area et al., *Paying More for Being Poor: Bias and Disparity in California's Traffic Court System*, 8 (2017), available at <https://www.lccr.com/wpcontent/uploads/LCCR-Report-Paying-More-for-Being-Poor-May-2017.pdf>.

² Paul Ong (2001) "Car Ownership and Welfare-To-Work," *UCTC No. 540*, p. 17 – 18.

³ Jobless claims expected to spike to a record-breaking number in the millions, CNBC, <https://www.cnn.com/2020/03/25/jobless-claims-expected-to-spike-to-a-record-breaking-number-in-the-millions.html>.

⁴ A third report a job loss, half a pay cut as coronavirus crisis grips the economy, ABC News, <https://abcnews.go.com/Politics/report-job-loss-half-pay-cut-coronavirus-crisis/story?id=69811808>.

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State law governs the circumstances when local governments can tow vehicles. The United States and state of California state of emergencies gives you the authority to limit tows. At the City level, you authorize or can choose not to authorize towing that is currently available under the California Vehicle Code. In addition, you can suspend parking enforcement. We request that you issue an order, as several other cities across the state did, suspending all tows that are unnecessary for public safety. We also request that you waive citations associated with the tows as well as parking citations that people have already received since the pandemic began to significantly impact California, at least March 19, 2020. This will prevent individuals from being forced to find ways to appeal a citation in addition to the myriad of unrelated considerations that families and individuals already have.

In addition, it has come to our attention that City-operated garages are penalizing individuals for freezing their garage memberships. The City is advising that once the pandemic ends, individuals who do not keep their garage membership are not guaranteed their parking spot. This rule will cause clear undue hardship and will disproportionately impact low-income communities who cannot afford to maintain memberships during the emergency. The City should not penalize individuals for making hard decisions regarding parking garage spaces, and no penalty of any form should be considered until at least September 1, 2020.

Attached hereto is a draft order that would:

1. Suspend the authority of local agencies to tow cars for reasons other than public safety or criminal enforcement.
2. Cease enforcement of parking meters 24 hours a day and ensure that individuals are not penalized for receiving tickets during this time.
3. Ensure there is no penalty for freezing or suspending parking garage memberships owned or operated by the City.
4. Specify that when agencies tow vehicles to clear roadways, driveways, or disabled parking spots, they will move the vehicles to the nearest legal parking place – not a tow lot – and give owners notice about where they find the car.
5. Require agencies to release, without charging a fee, any vehicle currently impounded for non-public safety reasons upon a showing that the owner is homeless, indigent, or a health care worker.
6. The draft order leaves in place all laws related to towing vehicles as part of a criminal enforcement action.

We request this moratorium remain in place at least until May 31, 2020, and for so long the duration of either the National or State emergency, whichever is longer.

We appreciate your leadership in this difficult time. We thank you for your consideration of this public health measure.

Sincerely,

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Abre' Conner, Staff Attorney, ACLU Foundation of Northern California

Bob Erlenbusch, Executive Director, Sacramento Regional Coalition to End Homelessness

Elisa Della-Piana, Legal Director, Lawyers Committee for Civil Rights of the San Francisco Bay Area

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Sacramento Chapter of the ACLU

Safe Ground Sacramento

Enclosure

CC:

Susana Alcala Wood, Sacramento City Attorney