



CALIFORNIA RURAL LEGAL ASSISTANCE, INC.
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March 9, 2018

Sonoma County Board of Supervisors
575 Administration Drive, Room 100 A
Santa Rosa, CA 95403-2815

Sonoma County Community Development Commission, Sonoma County Housing
Authority

Margaret Van Vliet, Executive Director
1440 Guerneville Road
Santa Rosa, CA 95403

Bruce D. Goldstein, County Counsel
Alegria De La Cruz
Deputy County Counsel County of Sonoma
575 Administration Drive, Room 105-A
Santa Rosa, CA 95403-2815

City of Santa Rosa Mayor and City Councilmembers
100 Santa Rosa Avenue
Santa Rosa, CA 95404

Sue A. Gallagher, City Attorney
100 Santa Rosa Avenue
Santa Rosa, CA 95404

Re: Camp Michela and Last Chance Remembrance Village

BY EMAIL AND U.S. MAIL

Gentlepersons:

Please be advised that we represent Homeless Action!, as well as Steven R. Singleton, Merry E. Potter, Preston Boswell, Nichole Vannucci and Samantha Jenkins, residents of Camp Michela and Last Chance Remembrance Village encampments, regarding the Notice to Vacate Illegal Campsite/Lodging (a copy of which is attached), which was served on residents of the encampments. Per the Notice to Vacate, we understand that after March 23, 2018 residents of the encampments who are still at the property will be forcibly removed and subject to arrest. While the Sonoma County Community Development Commission (CDC) and the City of Santa Rosa have utilized various programs to try to assist the

residents at these encampments, the fact remains that our individual clients and many other residents of the encampments will in all likelihood not have viable shelter alternatives by the March 23, 2018 deadline. A vast majority of the residents of the camp will not have alternative housing or place to camp despite current efforts - there simply is not enough alternative housing and no identified alternative place to camp. We write to request that the March 23 eviction date be postponed immediately to avoid unnecessary hardship, harm and loss of property.

As you know, the two homeless encampments are located behind the Dollar Tree Store at 779 and 665 Sebastopol Road, in the Roseland neighborhood in the City of Santa Rosa, on property we understand is owned by the CDC. With the County's permission and assistance, Camp Michela was moved from the vacant Sonoma County Water Agency property to its current location on or about November 17, 2015.¹ The other encampment, Last Chance Remembrance Village, was established on or about November 15, 2017 after the City forcibly dispersed persons from Highway 101 underpasses on 5th, 6th and 9th Streets, pursuant to its Homeless Encampments Assistance Pilot Program.²

The looming forcible removal comes despite the general awareness of the longstanding and chronic absence of affordable housing for thousands of homeless persons in the Santa Rosa area. As noted in the City's Housing Element, the 2013 point-in-time homeless count found 4280 homeless persons countywide, 1681 unsheltered in Santa Rosa alone. (p. 4-22) The 2017 homeless census count, which was before the Sonoma County fires, showed at least 2835 homeless in the County. (p. 13) Yet, there were only 500 beds in emergency shelters in the city. And at this time, County and City officials have noted that there are *only 20* shelter beds available.

The forced eviction and arrest of the residents of these camps without an alternative place to live violate the rights of the residents under the Eighth Amendment to the U.S. Constitution to be free from cruel and unusual punishment. The seizing and destruction of personal property from residents of encampments violates their rights to be free from unlawful searches and seizures under the 4th Amendment to the U.S. Constitution. Further, unsheltered persons, as everyone else, have a First Amendment Right to be present in a public space and not be excluded from that space by threat, intimidation or coercion because they are

¹ See Press Democrat article: Homeless protestors move camp to Roseland district in Santa Rosa: <http://www.pressdemocrat.com/news/4775872-181/homeless-protesters-move-camp-to?sbA=AAS>. See Sonoma County Board of Supervisors meeting of December 5, 2017, Agenda item number 40. Starting at 3:44:44 in the YouTube video, Chairwoman Zane in response to CDC director Margaret Van Vliet's comment that the encampment "kind of developed on its own...", Zane stated: "Well I wouldn't say it developed on its own." "Because there was some County assistance, because Mr. Leddy did and other's did provide transportation over to that site from the Water Agency site. There was assistance." http://sonoma-county.granicus.com/MediaPlayer.php?view_id=&clip_id=750&meta_id=233791

2 See Press Democrat article dated 11-17-17 Santa Rosa cleans up downtown homeless camps under Highway 101: <http://www.pressdemocrat.com/news/7654296-181/santa-rosa-cleans-up-downtown?ref=related>
And Press Democrat Article dated 11-24-17 Tent village in southwest Santa Rosa expands after downtown homeless camps cleared out: <http://www.pressdemocrat.com/news/7671361-181/tent-village-in-southwest-santa?ref=related>

homeless.³ The dispersal will effectively penalize them for being homeless as they have no other alternatives other than to remain at these encampments and as such their behavior in this respect is unavoidable.

In order to assure viable alternative housing or shelter arrangements can be made for our clients as well as the other residents at the encampments, time will be needed beyond the limited time remaining before the proposed evictions. We thus request that the CDC and the City postpone any further attempts to evict the residents at the Roseland Encampments until such time as sufficient alternative arrangements can be made.

We are prepared to enter into discussions with you in order to reach a just solution to this matter. But, if the County, CDC and City continue to move forward with the plans to evict the residents of the encampments, we will have no choice but to seek relief in court to enjoin the eviction of the Encampment residents.

We propose the following necessary actions by the City, CDC in order to adequately resolve this matter:

1. A written commitment from the County and CDC that it will rescind its Notice to Vacate Illegal Campsite/Lodging posted on February 19, 2018, to vacate Roseland Village on March 23, 2018, until permanent alternative housing can be located for each of the residents or a sufficient alternative camp site is provided with lighting, security, water and porta-potties.
2. A written commitment from the City, CDC and County that it will not conduct sweeps of additional encampments unless and until permanent alternative housing can be located for each of the residents or a sufficient alternative camp site is provided with lighting, security, water and porta-potties.
3. A written commitment from the City and County that it will cease and desist from citing and/or arresting folks for doing things such as sleeping on public property, sleeping on private property, sleeping in vehicles, and other quality of life citations for being homeless.

³ In addition to the threatened removal, residents of the Roseland Encampments, other homeless persons, including our clients, have had their personal property seized and destroyed by Santa Rosa Police and have been subject to being stopped, interrogated, cited and arrested, sometimes several times, as a result of the City's enforcement of its anti-camping and related ordinances as well as its enforcement of various provisions of the Penal Code and its Homeless Encampments Assistance Pilot Program, in an effort to remove them.

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Santa Rosa City Council, City Attorney
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Please contact us as soon as practicable to schedule an in person meeting and to discuss this matter. We look forward to working with the City and CDC for solutions in lieu of litigation.

Truly Yours:

A handwritten signature in blue ink, appearing to be 'Jeffery Hoffman'. The signature is stylized with large, sweeping loops and is positioned above the printed names of the signatories.

Jeffery Hoffman, California Rural Legal Assistance
Michael Rawson, Melissa Morris, Public Interest Law Program
Alicia Roman