

NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

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Lawsuit Challenging Ban on Living in Vehicles Moves Forward

(Washington, DC—June 12, 2018) On Friday, June 8, a U.S. District Court denied the City of San Diego’s motion to dismiss in a lawsuit challenges the ticketing of homeless people living in RVs and other vehicles.

The class-action lawsuit, *Bloom et al. vs. City of San Diego*, filed in November of 2017 by the National Law Center on Homelessness & Poverty, Disability Rights California, Fish & Richardson P.C, and others, alleges that the ticketing of homeless individuals, many with disabilities, under two ordinances—one prohibiting nighttime parking of RVs on city streets, and another prohibiting using a vehicle as living quarters—violates the plaintiffs’ constitutional rights and discriminates against people with disabilities under the Americans with Disabilities Act (ADA) and the Rehabilitation Act.

“Ticketing people experiencing homelessness, simply for living in the only shelter they have left, is cruel and inhumane,” said Maria Foscarinis, executive director of the National Law Center on Homelessness & Poverty. “Disability and unemployment can happen to anyone, and piling on unaffordable fines and fees will only worsen the problem.”

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.”

“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 the 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 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.

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

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[The National Law Center on Homelessness & Poverty](#) (the Law Center) is the only national organization dedicated solely to using the power of the law to prevent and end homelessness. With the support of a large network of pro bono lawyers, we address the immediate and long-term needs of people who are homeless or at risk through outreach and training, advocacy, impact litigation, and public education.

[Disability Rights California](#) is a non-profit organization founded in 1978, protecting the rights of people with disabilities.