

Case No. A164180

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA FIRST
APPELLATE DISTRICT
DIVISION 5

COALITION ON HOMELESSNESS

Plaintiff and Appellant,

vs.

CITY AND COUNTY OF SAN FRANCISCO; SAN FRANCISCO MUNICIPAL
TRANSPORTATION AGENCY; SAN FRANCISCO POLICE DEPARTMENT;
TEGSCO LLC dba SAN FRANCISCO AUTO RETURN,

Defendants and Respondents.

Appeal from the Superior Court of the County of San Francisco,
Case No. CPF-18-516456
The Honorable Ethan P. Schulman

**APPLICATION FOR LEAVE TO FILE AMICI CURIAE BRIEF AND AMICI
CURIAE BRIEF OF SAN FRANCISCO PUBLIC DEFENDER'S OFFICE,
DISABILITY RIGHTS CALIFORNIA, WESTERN CENTER ON LAW AND
POVERTY, UNITE HERE LOCAL 11, FREEFROM, AND NATIONAL
HOMELESSNESS LAW CENTER, IN SUPPORT OF APPELLANT**

MILBANK LLP

Mark Shinderman (SBN 136644)
Asena Baran (SBN 342626)
Mohammad Tehrani (SBN 294569)
2029 Century Park East, 33rd Floor
Los Angeles, CA 90067
Telephone: (424) 386-4000

LAW FOUNDATION OF
SILICON VALLEY

Jeremy Chen (SBN 325520)
4 North Second Street, Suite 1300
Telephone: (408) 293-4790

PUBLIC COUNSEL

Nisha Kashyap (SBN 301934)
610 Ardmore Avenue
Los Angeles, CA 90005
Telephone: (213) 385-2977

LEGAL AID FOUNDATION
OF LOS ANGELES

Shayla Myers (SBN 264054)
7000 S. Broadway
Los Angeles, CA 90003
Telephone: (213) 640-3850

Attorneys for Amici Curiae

Document received by the CA 1st District Court of Appeal.

CERTIFICATE OF INTERESTED ENTITIES OR PERSONS

Attorney for *Amici Curiae*, San Francisco Public Defender’s Office, Disability Rights California, Western Center on Law and Poverty, UNITE HERE Local 11, FreeFrom, and National Homelessness Law Center, certify that there are no interested entities or persons that must be listed in this certificate under the California Rules of Court, rule 8.208.

Dated: December 20, 2022

Respectfully Submitted,

/s/ Mark Shinderman

Mark Shinderman (SBN 136644)

MILBANK LLP

2029 Century Park East, 33rd Floor

Los Angeles, CA 90067

Telephone: (424) 386-4000

Attorney for *Amici Curiae*

Document received by the CA 1st District Court of Appeal.

TABLE OF CONTENTS

AMICI CURIAE BRIEF 12

I. INTRODUCTION..... 12

II. ARGUMENT 13

 A. Poverty Tows, Including Those Performed By Respondents,
 Disproportionately Impact Low-Income People..... 13

 1. Poverty tows disproportionately target low-income
 communities. 13

 2. The fees and costs of towing often result in the permanent
 deprivation of the vehicle. 15

 3. Cities often do not fully recover the debt owed—and in some
 cases do not recover any money at all. 17

 4. Cities have other effective and less damaging methods to
 recover citation debt. 18

 B. Poverty Tows Further Marginalize the Most Vulnerable..... 19

 1. Poverty tows can decrease employment opportunities. 20

 2. Poverty tows can decrease access to education. 22

 3. Poverty tows can lead to negative health outcomes 23

 4. Poverty tows can reduce democratic representation..... 24

 5. Poverty tows can exacerbate the negative impacts of street
 homelessness. 25

 6. Poverty tows can further impair access to resources,
 employment, and housing for people with disabilities..... 27

 C. Poverty Tows Do Not Have A Deterrent Effect on the People They
 Are Most Likely to Impact..... 28

 D. The Real-World Impact of Poverty Tows..... 30

 1. Mary Lovelace 31

 2. Steve Venegas 31

3. Gary Welch32
4. Couper Arona.....32
5. Kimberly Brown33
III. CONCLUSION33

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Bloom et al. v. City of San Diego</i> , Case No. 3:17-cv-02324-AJB-NLS, U.S.D.C. Southern District, Filed Nov. 15, 2017	27
<i>Clement v. City of Glendale</i> , 518 F.3d 1090 (9th Cir. 2008)	19
<i>Grimm v. City of Portland</i> , 971 F.3d 1060 (9th Cir. 2020)	20
<i>Miranda v. City of Cornelius</i> , 429 F.3d 858 (9th Cir. 2005)	28
<i>People v. Torres</i> , 188 Cal. App. 4th 775, 116 Cal. Rptr. 3d 48 (2010)	28
<i>Rivera v. Orange County Prob. Dept.</i> , 832 F.3d 1103 (9th Cir. 2016)	20
<i>Sandoval v. County of Sonoma</i> , 912 F.3d 509 (9th Cir. 2018)	28
<i>Stypmann v. San Francisco</i> , 557 F.2d 1338 (9th Cir. 1977)	19
Statutes	
Civ. Code § 3073	17
Code of Civ. Proc. § 703.510 <i>et seq.</i> , 706.105	18
Code of Civ. Proc. § 704.220	18
Code of Civ. Proc. § 706.050	18
Gov. Code § 12419.10	18
Veh. Code § 22650(b)	12
Veh. Code §§ 22850.5, 22851.1, 22651.07	17

Veh. Code § 40220..... 18

Other Authorities

Adolfo Guzman-Lopez, *Homeless College Students Are Sleeping In Their Cars. What Should Schools Do About It?* (May 17, 2019) 26

Akiko Kamimura et al., *Transportation and Other Nonfinancial Barriers Among Uninsured Primary Care Patients*, HEALTH SERV. RSCH. & MANAGERIAL EPIDEMIOLOGY (2018) 24

California Demographic Labor Force 21

Charles L. Baum, *The Effects of Vehicle Ownership on Employment*, 66 J. OF URB. ECON. 151 (2009)..... 22

Christopher Giamarino, et. al., “*Who Lives in Vehicles and Why? Understanding Vehicular Homelessness in Los Angeles,*” HOUSING POLICY DEBATE (2022). 26

Daniel S. Nagin, *Deterrence in the Twenty-First Century*, 42 Crime & Just. 199 (2013)..... 29

David King et al., *The Poverty of the Carless*, J. OF PLAN. EDUC. & RSCH. (2019). 22

DESMOND O’NEILL ET AL., *TRANSPORTATION EQUITY, HEALTH, AND AGING* (2019). 23

Evelyn Blumenberg & Gregory Pierce, *A Driving Factor in Mobility*, 80.1 J. OF AM. PLAN. ASS’N 52, (2014). 22

Foster Kamanga et al., *Costs and Consequences of Traffic Fines and Fees*, 10 SOC. SCI. 440, (2021). 30

GINA SCHAAK ET. AL., *PRICED OUT: THE HOUSING CRISIS FOR PEOPLE WITH DISABILITIES* (2017)..... 28

JORGE ALVARADO, PUBLIC LAW CENTER, ET. AL., *TOWED INTO DEBT: HOW TOWING PRACTICES IN CALIFORNIA PUNISH POOR PEOPLE* (2019). 15, 16, 31, 32

Joshua F. J. Inwood, *Where Do We Go From Here?*, 55.4 SE. GEOGRAPHER 417 (2015). 20

JUSTIN DE BENEDICTIS-KESSNER & MAXWELL PALMER,
DRIVERS TURNOUT (2021). 24, 25

Kate Cimini, *What Happens When The Car You're Living In
Is Towed?* (Aug. 17, 2019) 26

KATIE FITZPATRICK & MICHELE VER PLOEG, ON THE ROAD
TO FOOD SECURITY? (2010). 23

KATIE FITZPATRICK, LACK OF A CAR IS MORE IMPORTANT TO
ELDERLY RESIDENTS OF FOOD DESERTS THAN LACK OF A
NEARBY SUPERMARKET (2015). 23

M. Nolan Gray, *Thousands of Californians Live Out of Their
Cars. Now What?* (Apr. 29, 2022) 25

Mariah Woodson, *Driving on the Edge: How Municipal Fines
for Traffic Violations Negatively Affect Marginalized
Communities*, 24 PUB. INT. L. REP. 87 (2018). 29, 30

Nicholas J. Klein et. al., “*Desperately Need a Car,*”
21 TRAVEL BEHAV. & SOC’Y 247 (2020). 22

Nicholas J. Klein, *Subsidizing Car Ownership for Low-
Income Individuals and Households*, J. OF PLAN. EDUC. &
RSCH. 2 (2020). 22

NOLI BRAZIL, THE UNEQUAL SPATIAL DISTRIBUTION OF CITY
GOVERNMENT FINES: THE CASE OF PARKING TICKETS IN
LOS ANGELES (2018). 14, 15

OFF. OF THE CITY AUDITOR, CITY OF SAN DIEGO,
PERFORMANCE AUDIT OF THE CITY’S TOWING PROGRAM
(2022). 16, 17

Response to San Francisco Public Records Request,
NextRequest No. 21-5471 (October 2021) (on file with
author). 16

Robert D. Bullard et al., *Dismantling Transportation
Apartheid in the United States Before and After Disasters
Strike*, 34 HUM. RTS. 2 (2007). 21, 25

ROLF PENDALL ET AL., DRIVING TO OPPORTUNITY (2014). 20, 21, 22, 25

RYAN KESSLER, DOES PUNISHMENT COMPEL PAYMENT?
(2020)..... 29

San Francisco Claim No. 23-00587 (2022)..... 32

Sandra Rosenbloom, *Transportation Patterns and Problems
of People with Disabilities, in The Future of Disability in
America 519* (Marilyn J. Field & Alan M. Jette ed., 2007)..... 27

STEVEN MELLO, FINES AND FINANCIAL WELLBEING (2021). 14, 15

Steven Raphael & Lorien Rice, *Car Ownership, Employment,
and Earnings*, 52 J. OF URB. ECON. 109 (2002)..... 21

Tami Gurley & Donald Bruce, *The Effects of Car Access on
Employment Outcomes for Welfare Recipients*, 58 J. OF
URB. ECON. 250 (2005)..... 20

Tawanna R. Dillahunt & Tiffany C. Veinot, *Getting There:
Barriers and Facilitators to Transportation Access in
Underserved Communities*, 25.5 ACM TRANSACTIONS ON
COMPUT.-HUM. INTERACTION 1 (2018)..... 19, 23, 24

U.S. COMM’N ON CIV. RTS., TARGETED FINES AND FEES
AGAINST LOW-INCOME COMMUNITIES OF COLOR: CIVIL
RIGHTS AND CONSTITUTIONAL IMPLICATIONS (2017). 14, 15

APPLICATION FOR LEAVE TO FILE *AMICI CURIAE* BRIEF

Under California Rules of Court, rule 8.200(c), the San Francisco Public Defender’s Office, Disability Rights California, Western Center on Law and Poverty, UNITE HERE Local 11, Free From, and National Homelessness Law Center, (collectively, the “*Amici Curiae*” or “*Amici*”), respectfully seek leave to file the accompanying brief in support of the Plaintiff and Appellant, Coalition on Homelessness, a California non-profit corporation (the “Appellant”).

This application is timely. It is being submitted within fourteen days of the December 6, 2022 filing of Appellant’s reply brief.

San Francisco Public Defender’s Office is a department of the City and County of San Francisco that provides free legal representation to indigent individuals charged with criminal violations under California state law who are unable to afford an attorney.

Disability Rights California (“DRC”) is the State of California’s designated protection and advocacy agency mandated under state and federal law to advance the rights of Californians with disabilities. DRC was established in 1978 and is the largest disability rights legal advocacy organization in the nation. As part of its mission, DRC works to ensure that people with disabilities have access to housing with services and supports necessary so they can thrive in their communities. As people with disabilities are disproportionately represented in the unhoused population, DRC seeks to challenge practices which criminalize houselessness and create barriers for people to access essential community-based services.

Western Center on Law and Poverty (“WCLP”) advocates on behalf of low-income Californians in every branch of government—from the courts to the Legislature. Through the lens of economic and racial justice, WCLP litigates, educates and advocates around health care, housing, public benefits and economic justice. Reducing the economic

harm that vehicle tows for unpaid parking tickets impose on low-income Californians and ensuring their constitutional rights are protected is critical to WCLP’s anti-poverty mission.

UNITE HERE Local 11 (“Unite Here”) is a labor union for more than 32,000 hospitality workers in Southern California and Arizona who work in hotels, restaurants, universities, convention centers, and airports. Unite Here fights poverty by organizing to win family-sustaining, living wage jobs and public policies that reflect the needs of the working poor, immigrants, and communities of color.

FreeFrom is a national non-profit based in Los Angeles, California, creating pathways to financial security and long-term safety for survivors of intimate partner violence. FreeFrom envisions a world where survivors have sustaining income, savings and credit with which to build wealth and the resources to support individual, intergenerational and community healing—enabling them to thrive. FreeFrom is building an ecosystem in which survivors can thrive through the use of data, technology, peer-to-peer networks, training programs for shelters, policy advocacy, social enterprise models and cross-sector solutions.

National Homelessness Law Center (the “Law Center”)—a nonprofit organization founded more than thirty years ago—is a national legal organization based in Washington, D.C. with the mission to prevent and end homelessness. In connection with this objective, the Law Center employs impact litigation, policy advocacy, and public education strategies to safeguard the legal rights of homeless people. The Law Center also gathers information about state and local policies from across the country that impact homeless people and identifies best practices to address root causes of homelessness.

Amici have a substantial interest in the Court’s resolution of this matter because this Court’s ruling will have a significant impact on the

communities they serve, namely, low-income people, people with disabilities, communities of color, and survivors of domestic violence. As such, this *Amici Curiae* Brief sets forth *Amici*'s considered understanding that the practice of towing safely and legally parked vehicles for outstanding parking tickets without a warrant is not only unconstitutional, but also seriously harms tens of thousands of Californians, disproportionately impacts low-income people, and is not a deterrent. As counsel to *Amici*, we offer this *Amici Curiae* Brief, based our analysis of the record and extensive academic research, to aid this Court's evaluation of the pending appeal.

Pursuant to the California Rules of Court, rule 8.200(c)(3), no party or counsel for any party in the pending appeal authored the proposed *Amici Curiae* Brief in whole or in part, or made a monetary contribution intended to fund the preparation or submission of the brief. No person or entity made a monetary contribution intended to fund the preparation or submission of the proposed *Amici Curiae* Brief.

For the foregoing reasons, *Amici* respectfully request permission to file the *Amici Curiae* Brief in support of Appellant in this action.

Dated: December 20, 2022

Respectfully Submitted,

/s/ Mark Shinderman

Mark Shinderman (SBN 136644)

MILBANK LLP

2029 Century Park East, 33rd Floor

Los Angeles, CA 90067

Telephone: (424) 386-4000

Attorney for *Amici Curiae*

AMICI CURIAE BRIEF

I. INTRODUCTION

Respondents have a practice of towing safely and legally parked vehicles—without a warrant—if the vehicle’s owner has not paid outstanding parking tickets (“poverty tows”). The Court should not allow Respondents to continue performing poverty tows. These tows harm, in particular, low-income people, people of color, people who are unhoused, and people with disabilities. In fact, they can be a net economic loss for municipalities, and do not serve as a deterrent.

Despite justifying poverty tows as “community caretaking,”¹ there is no evidence that removal of these vehicles is necessary to achieve a community caretaking need, such as ensuring the safe flow of traffic or protecting property from theft or vandalism. Respondents instead focus on the value of this practice as a debt collection tool and a deterrent to prevent parking and traffic violations and defaults on municipal debt.² These arguments ignore the reality of poverty tows and the detrimental impact they have on local communities. This brief outlines data and research showing that poverty tows: (A) disproportionately impact low-income people and people of color; (B) further marginalize the most vulnerable members of the community by impeding their access to: (1) employment;

¹ Under state law, tows must be “necessary to achieve [a] community caretaking need, such as ensuring the safe flow of traffic.” Veh. Code § 22650(b); Appellant’s Op. Br. at 34 citing *Smith v. Reiskin*, 2018 WL 7820727, at *2-3 (N.D. Cal. Oct. 10, 2018) (Under § 22650(b), a vehicle cannot be “seized as a result of the community caretaking doctrine [if] it was not parked in a manner that would jeopardize public safety or the efficient movement of vehicular traffic”).

² Although this brief does not focus on Respondents’ legal arguments, it is worth noting that Respondents argue (without evidence) that poverty tows fit the community caretaking exception because they have a deterrent effect—even though deterrence is not a legitimate community caretaking rationale as a matter of law. AR 580.

(2) education; (3) healthcare; (4) democratic representation; (5) shelter; and (6) transportation; and (C) do not deter future parking violations or defaulting on municipal debt. Finally, this brief highlights the detriment of poverty tows with stories of people who have suffered the cascading harms of these tows. Taken together, this brief shows that poverty tows are the antithesis of community caretaking.

Therefore, the *Amici* respectfully request that this Court reverse the trial court’s ruling and declare that poverty tows cannot be justified by the community caretaking exception to the warrant requirement.

II. ARGUMENT

A. Poverty Tows, Including Those Performed By Respondents, Disproportionately Impact Low-Income People

1. Poverty tows disproportionately target low-income communities.

Poverty tows occur most frequently in low-income communities. As a result, their effects are disproportionately borne by low-income people who cannot afford to pay parking tickets. Respondents, for example, conduct poverty tows most frequently in lower-income neighborhoods with the largest populations of people of color: Bayview, Hunter’s Point, SOMA, Tenderloin, and Western.³

³ AR 37.

percent decline in neighborhood per-capita income is associated with a four percent increase in the [traffic] citation rate.”⁷

This disparity is no accident: “[parking] fines are unequally distributed across neighborhoods . . . due to policies that explicitly target certain areas or implicit bias in the enforcement practices of parking officers.”⁸ Such targeted enforcement in marginalized neighborhoods is apparent in data and research showing that “[m]unicipalities that rely heavily on revenue from fines and fees have a higher than average percentage of African American and Latino populations relative to the demographics of the median municipality.”⁹ Moreover, studies show that “claims of unlawful bias are not unfounded” because “[i]f bias [were] not present . . . racial and socioeconomic differences [would not be obvious once] parking supply and demand factors and the neighborhood built environment and structural characteristics that are associated with illegal parking” are discounted.¹⁰ Given this data, commentators have suggested that municipalities “target poor citizens and communities of color for fines and fees.”¹¹

2. The fees and costs of towing often result in the permanent deprivation of the vehicle.

Before a person can retrieve their vehicles after it has been subject to a poverty tow, they must pay retrieval fees, including towing, storage, and administrative fees. On average, these fees add up to \$500.¹² This is in

⁷ MELLO, *supra* note 4, at 5.

⁸ BRAZIL, *supra* note 5, at 27.

⁹ U.S. COMM’N ON CIV. RTS., *supra* note 6, at 3.

¹⁰ BRAZIL, *supra* note 5, at 27.

¹¹ U.S. COMM’N ON CIV. RTS., *supra* note 6, at 3; *see also* MELLO, *supra* note 4, at 5.

¹² JORGE ALVARADO, PUBLIC LAW CENTER, ET. AL., TOWED INTO DEBT: HOW TOWING PRACTICES IN CALIFORNIA PUNISH POOR PEOPLE 7 (2019).

addition to the outstanding parking ticket debt, which must be resolved before the vehicle is released. Vehicle owners do not have long to come up with the extra cash. Cars that are not retrieved within thirty days may be sold at auction.¹³

For low-income vehicle owners, these additional fees are often overwhelming and act to permanently deprive them of their towed vehicle.¹⁴ Data shows that vehicles towed for poverty tows, compared to other types of tows, are disproportionately sold, instead of released after the vehicle owner pays the accrued fees. In San Francisco, half of all vehicles towed for debt collection were sold at auction, even though only 15% of the total vehicles towed for all reasons were sold instead of recovered by their owners.¹⁵ Similarly, in San Diego, vehicles towed for unpaid parking tickets are three times more likely to be sold at lien sale.¹⁶

Even with Respondents' newly instituted changes to their towing program, over 6,000 cars in San Francisco remain at imminent risk of a poverty tow as of October 2021.¹⁷ Low-income San Franciscans are not alone: in cities throughout the state, vehicle owners face the potential loss of their vehicle at any time, from any location, as a result of a poverty tow.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ AR 469; ALVARADO, *supra* note 12, at 25.

¹⁶ OFF. OF THE CITY AUDITOR, CITY OF SAN DIEGO, PERFORMANCE AUDIT OF THE CITY'S TOWING PROGRAM 16 (2022).

¹⁷ Response to San Francisco Public Records Request, NextRequest No. 21-5471 (October 2021) (on file with author) (Respondents have changed the monetary threshold for tow, but still expressly identify each and every vehicle they can and will target for a poverty tow going forward).

3. Cities often do not fully recover the debt owed—and in some cases do not recover any money at all.

Poverty tows also often do not result in a full financial recovery for cities of the cost of the tows, let alone the underlying parking ticket debt. In some instances, the process results in a net loss to the city.

Part of the reason for this net loss is transaction costs. Under state law, towing companies recover their tow and storage fees before any remaining proceeds are passed on to the city.¹⁸ Coupled with the low sale price typically received from distressed sales, a poverty tow's proceeds often do not even cover the towing company's fees. Consequently, a poverty tow sale's proceeds often do not even partially satisfy the underlying parking debt.

For example, a recent city audit of San Diego's towing practices found that the average sale price of a vehicle towed for unpaid parking tickets was \$811. However, towing fees alone averaged \$1,347.¹⁹ So, on average, the City of San Diego receives nothing from tows. In fact, the city audit estimated that San Diego subsidized its overall towing program by approximately \$2 million, and that the city stood to lose approximately \$808,000 in fiscal year 2023.²⁰

In San Francisco, vehicles towed for debt collection sell for \$558 on average, even though the average amount owed is \$1,599.²¹ Although San Francisco's data does not disaggregate the fees owed to the city and the towing company, what is clear is that the City recovers at most a fraction of the amount owed to the city from a sale after a poverty tow.

¹⁸ Veh. Code §§ 22850.5, 22851.1, 22651.07; Civ. Code § 3073.

¹⁹ OFF. OF THE CITY AUDITOR, *supra* note 16, at 22. The average fees accrued—excluding the underlying citations—was \$1,497. *Id.*

²⁰ *Id.* at 19, 21.

²¹ AR 469, 500.

This paltry recovery (and often loss) is dwarfed by the harms inflicted upon the person who has lost their car, as outlined herein.

4. Cities have other effective and less damaging methods to recover citation debt.

Importantly, poverty tows are not necessary for cities to recover outstanding parking tickets. Cities can collect unpaid parking ticket debt from a vehicle owner's bank account or garnish wages through civil debt collection.²² Further, cities even have the power to collect citation debt from vehicle owners' tax refunds.²³

Unlike when a vehicle is towed to collect municipal debt, these existing statutory protections protect debtors from falling below the income and assets necessary to meet their basic needs. For instance, California law automatically exempts from bank levy "the minimum basic standard of adequate care," an amount set annually by the State.²⁴ Automatic limits on wage garnishment similarly ensure that a garnishment does not push debtors' earnings below minimum wage.²⁵ Significantly, these collection practices have an automatic \$3,325 personal vehicle to help prevent the loss of vehicles. Debtors whose income or assets exceed these automatic exemptions may file a claim of exemption and have a court determine whether, based on the debtor's individual financial circumstances, their income or assets should be subject to collection.²⁶

The incongruence between statutory debt collection laws and poverty tows is striking. One contains a series of protections for low-income residents, including protection of vehicles. By contrast, poverty

²² Veh. Code § 40220.

²³ Gov. Code § 12419.10.

²⁴ Code of Civ. Proc. § 704.220.

²⁵ Code of Civ. Proc. § 706.050.

²⁶ Code of Civ. Proc. § 703.510 *et seq.*, 706.105.

tows can deprive a debtor of their main—or sometimes only—asset and primary means of earning an income, without any forewarning, court oversight, or opportunity to assert a financial hardship.²⁷

As a result, low-income vehicle owners who owe citation debt are subjected to the sudden and often permanent loss of their vehicle, a draconian penalty with no parallel in state debt collection law.

B. Poverty Tows Further Marginalize the Most Vulnerable

Permanently losing a vehicle to a poverty tow has life-altering consequences for the most vulnerable members of the community. Experts have found that the “[l]ack of transportation contributes to social inequality and exclusion as well as health-related disparities in the United States.”²⁸ Courts have also recognized that “a person’s ability to make a living and his access to both the necessities and amenities of life may depend upon the availability of an automobile when needed.”²⁹ Indeed, courts have

²⁷ Respondents assert that the alternate methods of debt collection outlined above are inadequate because these methods “presume that a vehicle owner pays state income taxes or has sufficient wages or bank balances to cover the amounts owed.”²⁷ This is a staggering admission: there is no question that most vehicle owners who are subject to poverty tows cannot afford the citation debt—indeed, this is precisely why Respondents tow their vehicles. Rather than allow their constituents to benefit from the protections afforded by the Legislature for indigent debtors, Respondents use poverty tows. Respondents’ Brief at 32, FN 11.

²⁸ Tawanna R. Dillahunt & Tiffany C. Veinot, *Getting There: Barriers and Facilitators to Transportation Access in Underserved Communities*, 25.5 ACM TRANSACTIONS ON COMPUT.-HUM. INTERACTION 1 (2018).

²⁹ *Stypmann v. San Francisco*, 557 F.2d 1338, 1342-43 (9th Cir. 1977); *See e.g., Clement v. City of Glendale*, 518 F.3d 1090, 1094 (9th Cir. 2008) (“Normally, of course, removal of an automobile is a big deal, as the absence of one’s vehicle can cause serious disruption of life in twenty-first century America.”).

recognized that municipal towing practices can create a “debt trap for the poor.”³⁰

Loss of a vehicle to a poverty tow has particularly devastating consequences for low-income people of color. The loss of a car “in many central cities and metropolitan regions exacerbate[s] social, economic, and racial isolation, especially for low-income African Americans.”³¹ In turn, because it frequently results in the vehicle owner losing their car entirely, poverty tows create “unjust access to the resource of mobility, [and causes] immobility among working class communities of color.”³²

As explained in detail below, poverty tows further marginalize the most vulnerable members of the community by depriving them of: (1) employment; (2) education; (3) healthcare; (4) participation in the democratic process; (5) shelter; and (6) transportation. Deprivation of these vital rights and resources is simply not community caretaking.

1. Poverty tows can decrease employment opportunities.

Poverty tows have a significant impact on employment and other wide-ranging economic consequences. Cars are the main form of transportation to work for many individuals. Access to personal automobiles “plays an important role in shaping” the “economic outcomes of low-income households.”³³

Studies show a stark difference in the employment rates of people with automobiles and those without.³⁴ Automobile ownership “increase[s]

³⁰ *Grimm v. City of Portland*, 971 F.3d 1060, 1064 (9th Cir. 2020); *Rivera v. Orange County Prob. Dept.*, 832 F.3d 1103, 1112 n.7 (9th Cir. 2016).

³¹ ROLF PENDALL ET AL., *DRIVING TO OPPORTUNITY* 5 (2014).

³² Joshua F. J. Inwood, *Where Do We Go From Here?*, 55.4 SE. GEOGRAPHER 417, 430 (2015).

³³ PENDALL *supra* note 31, at i.

³⁴ Tami Gurley & Donald Bruce, *The Effects of Car Access on Employment Outcomes for Welfare Recipients*, 58 J. OF URB. ECON. 250, 251 (2005).

the likelihood of finding and retaining employment” and “reduces . . . unemployment duration” by “facilitat[ing] searching for and commuting to jobs.”³⁵ In fact, having a car “raises the probability of finding a job by a factor of two” and “the probability of being employed” by a “factor of four.”³⁶ Particularly for low-income and minority adults, automobile ownership is not only “associated with higher employment rates,” but also higher “weekly hours worked, and hourly earnings.”³⁷ On the other hand, because the sudden, unexpected loss of a car caused by poverty tows can result in job loss and unemployment, “losing access to a car is equivalent to a reduction in income.”³⁸

Studies also show that the economic impact of losing a personal automobile is most detrimental to people of color. While automobile ownership “reduces racial disparities in employment rates,”³⁹ the lack of a car disconnects people of color “from many jobs for which they may be suited, thereby increasing their employment difficulties.”⁴⁰

Moreover, reduced automobile ownership is detrimental to employment rates even if an impacted neighborhood is not otherwise isolated from employers. The effect of automobile ownership on employment is “considerably greater” than that of proximity to employers

³⁵ PENDALL *supra* note 31, at 3.

³⁶ *Id.* at 50.

³⁷ *Id.* at 3.

³⁸ Steven Raphael & Lorien Rice, *Car Ownership, Employment, and Earnings*, 52 J. OF URB. ECON. 109, 112 (2002).

³⁹ PENDALL *supra* note 31, at 3; *see also* California Demographic Labor Force https://www.labormarketinfo.edd.ca.gov/specialreports/CA_Employment_Summary_Table.pdf (As of May 2022, the unemployment rate of black adults was almost double that of white adults in California.).

⁴⁰ Robert D. Bullard et al., *Dismantling Transportation Apartheid in the United States Before and After Disasters Strike*, 34 HUM. RTS. 2, 5 (2007).

or public transit.⁴¹ Including in “cities considered to have ample transit service such as . . . San Francisco,”⁴² personal “automobiles better facilitate job acquisition and job retention than public transit.”⁴³ Therefore, “[k]eeping or gaining access to automobiles is positively related to the likelihood of employment”⁴⁴ “in almost all neighborhoods.”⁴⁵

In short, “carlessness is increasingly associated with economic distress.”⁴⁶ Instead of encouraging payment of past due citations, losing a vehicle to a poverty tow can push a vehicle owner further into debt and financial distress.

2. Poverty tows can decrease access to education.

Data shows that carless households also have less access to schooling, which leads to “lower educational attainment” and therefore, “less likelihood of being employed, and lower earnings.”⁴⁷ In contrast, as confirmed by a study of ten metropolitan areas including Los Angeles, people with “access to automobiles [tend to] move to neighborhoods with higher levels of school performance.”⁴⁸ As such, people with access to automobiles have “improved access to high-opportunity and more livable

⁴¹ PENDALL *supra* note 31, at ii; *see also* Charles L. Baum, *The Effects of Vehicle Ownership on Employment*, 66 J. OF URB. ECON. 151, 160 (2009).

⁴² Evelyn Blumenberg & Gregory Pierce, *A Driving Factor in Mobility*, 80.1 J. OF AM. PLAN. ASS’N 52, 54-55 (2014).

⁴³ *Id.*

⁴⁴ PENDALL *supra* note 31, at ii.

⁴⁵ Nicholas J. Klein et. al., “*Desperately Need a Car*,” 21 TRAVEL BEHAV. & SOC’Y 247, 2 (2020).

⁴⁶ David King et al., *The Poverty of the Carless*, J. OF PLAN. EDUC. & RSCH. 14 (2019).

⁴⁷ Nicholas J. Klein, *Subsidizing Car Ownership for Low-Income Individuals and Households*, J. OF PLAN. EDUC. & RSCH. 2 (2020).

⁴⁸ PENDALL *supra* note 31, at ii.

neighborhoods” with better schools.⁴⁹ Meanwhile, carless households are less likely to escape poverty through education.⁵⁰

3. Poverty tows can lead to negative health outcomes.

Studies show that “owning a car provides greater accessibility to health-enhancing resources” “such as employment, healthy food, and health care.”⁵¹ On the other hand, restricted access to a personal vehicle reduces life expectancy.⁵² Access to health-enhancing resources is particularly vital to people with disabilities who need specific resources, like regular access to medical treatment for chronic health conditions.

Low-income individuals without a personal automobile are at a “higher risk for food insecurity either due to limited access to full-service grocery stores or higher food prices at smaller stores in their neighborhood.”⁵³ Indeed, these individuals are “12 percentage points more likely to experience food insufficiency and may be more likely to skip meals than [people] who own[] a vehicle.”⁵⁴ In turn, losing access to a personal vehicle “exacerbates diseases and conditions related to poor diet, such as obesity and diabetes.”⁵⁵

The impacts of unemployment—which also can be caused by poverty tows—only adds to this outcome. Unemployment or insecure employment leads to “worse self-rated health,” “more illness,” and an

⁴⁹ *Id.* at iii.

⁵⁰ *Id.* at iii.

⁵¹ Dillahunt & Veinot, *supra* note 28, at 2.

⁵² DESMOND O’NEILL ET AL., TRANSPORTATION EQUITY, HEALTH, AND AGING 1 (2019).

⁵³ KATIE FITZPATRICK & MICHELE VER PLOEG, ON THE ROAD TO FOOD SECURITY? 1 (2010); *see also* Dillahunt & Veinot, *supra* note 28, 3.

⁵⁴ KATIE FITZPATRICK, LACK OF A CAR IS MORE IMPORTANT TO ELDERLY RESIDENTS OF FOOD DESERTS THAN LACK OF A NEARBY SUPERMARKET (2015).

⁵⁵ FITZPATRICK & PLOEG, *supra* note 53, at 8.

“increased risk of death,” as well as “mental health challenges, such as depression and anxiety.”⁵⁶

While access to a personal automobile “is associated with timely health-care visits for those with chronic illness,” “the lack of transportation impedes primary care access,” and reduces “medication adherence because those who have limited transportation tend to delay picking up medications.”⁵⁷ Unsurprisingly, of the “approximately 3.6 million Americans [who must forgo] medical care each year due to a lack of non-emergency transportation,” “transportation [is particularly] a barrier to healthcare access among people with lower incomes . . . [and] people who are racial or ethnic minorities.”⁵⁸ These facts highlight the compounding effects poverty tows have on people who are multiply-marginalized: people of color with disabilities in low-income neighborhoods have a significant need for health-enhancing resources, but the fewest options for obtaining those resources.

4. Poverty tows can reduce democratic representation.

Poverty tows may lead to lower voter representation. The “[l]ack of access to a car is a substantial obstacle to voting”⁵⁹ while access to a car “increase[s] the probability of a voter participating by at least a third.”⁶⁰

Ownership of a vehicle is a “race- and class- based barrier[] to [voter] participation.”⁶¹ A decline in automobile ownership exacerbates “demographic and socio-economic differences in rates of voting

⁵⁶ Dillahunt & Veinot, *supra* note 28, at 3.

⁵⁷ Akiko Kamimura et al., *Transportation and Other Nonfinancial Barriers Among Uninsured Primary Care Patients*, HEALTH SERV. RSCH. & MANAGERIAL EPIDEMIOLOGY (2018).

⁵⁸ Dillahunt & Veinot, *supra* note 28, at 3.

⁵⁹ JUSTIN DE BENEDICTIS-KESSNER & MAXWELL PALMER, DRIVERS TURNOUT 10 (2021).

⁶⁰ *Id.* at 1.

⁶¹ *Id.* at 1.

participation.”⁶² “[P]eople who lack reliable transportation are more often people of color and less affluent.”⁶³

A personal automobile also promotes an individual’s capacity for self-determination. “People with private automobiles [also] have a greater chance of ‘voting with their feet.’”⁶⁴ Families with access to cars tend to move to “neighborhoods where environmental and social quality consistently and significantly exceed[] that of the neighborhoods of households without cars.”⁶⁵ In contrast, depriving a household of its car traps the family in neighborhoods “with lower density of aggregate income and housing and less diverse housing stock—and with worse measured school performance.”⁶⁶

5. Poverty tows can exacerbate the negative impacts of street homelessness.

Poverty tows can exacerbate the impact of homelessness for people who are unhoused and living in their vehicles, which includes approximately 100,000 Californians.⁶⁷ People who are unhoused are most likely to lack the resources to retrieve their vehicles after they have been impounded. When that happens, they lose not only a form of transportation, but also, their only form of secure shelter, which can exacerbate the harsh conditions facing people who are unhoused. Without this shelter, unhoused people are “much more likely to be assaulted physically or sexually, lose their possessions or be exposed to the

⁶² *Id.* at 1-5.

⁶³ *Id.* at 1-5.

⁶⁴ Bullard, *supra* note 40, at 3.

⁶⁵ PENDALL *supra* note 31, at i.

⁶⁶ *Id.*

⁶⁷ M. Nolan Gray, *Thousands of Californians Live Out of Their Cars. Now What?* (Apr. 29, 2022) <https://www.pacificresearch.org/thousands-of-californians-live-out-of-their-cars-now-what/>.

elements.”⁶⁸ The safety risks are particularly acute for people experiencing or fleeing domestic violence. “For women who are unhoused due to domestic violence, vehicles can provide safety for themselves and their children while allowing them the mobility necessary to take care of their families.”⁶⁹

People who live in their vehicles are also much more likely to lose their jobs after a tow because their shelter often doubles as “their only mode of transportation to get to work.”⁷⁰ Loss of a vehicle also can be a barrier for unhoused people to pursue an education; “nearly 1 in 5 students in the state’s community college system face housing insecurity” and “[m]any of them have found refuge in their cars.”⁷¹

Rather than “community caretaking,” poverty tows expose the State’s most vulnerable to death, disease, assault, rape, hypothermia, and the loss of personal property, and hinder their ability to achieve financial security through work or education. Permitting poverty tows would exacerbate homelessness across the state by allowing cities to push individuals sheltered in cars onto the street.

⁶⁸ Kate Cimini, *What Happens When The Car You're Living In Is Towed?* (Aug. 17, 2019).

<https://www.thecalifornian.com/story/news/2019/08/17/homelessness-in-salinas-ca/1628906001/>.

⁶⁹ Christopher Giamarino, et. al., “*Who Lives in Vehicles and Why? Understanding Vehicular Homelessness in Los Angeles*,” HOUSING POLICY DEBATE 3 (2022).

⁷⁰ Cimini, *supra* note 68.

⁷¹ Adolfo Guzman-Lopez, *Homeless College Students Are Sleeping In Their Cars. What Should Schools Do About It?* (May 17, 2019) <https://laist.com/news/homeless-students-are-sleeping-in-their-cars-should-community-colleges-allow-overnight-access-to-par>

6. Poverty tows can further impair access to resources, employment, and housing for people with disabilities.

Many people with disabilities rely on cars as their primary—and often only accessible—form of reliable transportation. Two-thirds of people with disabilities under age 65 report driving “every day or occasionally.”⁷² People with disabilities especially rely on driving for medical treatment: for those between ages 25 and 65, “almost 9 out of 10 travelers reported using a personal vehicle to travel to the doctor and drove that vehicle almost 70 percent of the time.”⁷³ In many cases, a tow leaves a person with a disability without access to any other mode of transportation. About a third of people with disabilities lack access to public transit.⁷⁴ And not every person with access to public transit can use it. “[A] significant number of people with disabilities so serious that they cannot . . . use public transit,” however, they “can and do drive.”⁷⁵ Poverty tows rob these people of their only way of navigating their communities and accessing the social, economic, and medical resources they need to thrive.

Vehicles also provide people with disabilities a safe, private place to manage their symptoms. For example, between health appointments, an individual with a physical disability could rest on a mattress that accommodates back pain, isolate if immunocompromised from the public, or find a quiet place to manage mental health disabilities.⁷⁶ This is

⁷² Sandra Rosenbloom, *Transportation Patterns and Problems of People with Disabilities*, in *The Future of Disability in America* 519, 522 (Marilyn J. Field & Alan M. Jette ed., 2007).

⁷³ *Id.* at 525.

⁷⁴ *Id.*, at 526.

⁷⁵ *Id.* at 521.

⁷⁶ Declarations of Class members in support of Preliminary Injunction Granted (Dkt. #s 26-10, 26-14, 26-15, Order Dkt. # 44) in *Bloom et al. v. City of San Diego*, Case No. 3:17-cv-02324-AJB-NLS, U.S.D.C. Southern District, Filed Nov. 15, 2017.

especially true for people with disabilities who are unhoused, which accounts for a disproportionate number of unhoused people in California.⁷⁷ A vehicle provides them a safe and sanitary place to store their medications, tend to their private medical needs, and rest and recuperate.

C. Poverty Tows Do Not Have A Deterrent Effect on the People They Are Most Likely to Impact

Summarily accepting the Respondents' arguments,⁷⁸ the trial court wrongly concluded⁷⁹ that poverty tows fall within the community caretaking exception because the practice deters parking infractions and overdue penalties. Even if deterrence were a legitimate community caretaking rationale as a matter of law, which it is not,⁸⁰ the available data and research demonstrates that poverty tows do not have a deterrent effect.

Towing vehicles for unpaid parking tickets is not actually calculated to deter parking infractions. A penalty serves as a deterrent only when it is related to the conduct it seeks to prevent. In this case, poverty tows address

⁷⁷ GINA SCHAAK ET. AL., PRICED OUT: THE HOUSING CRISIS FOR PEOPLE WITH DISABILITIES 9 (2017).

⁷⁸ See AR 582.

⁷⁹ See Supp AR 60.

⁸⁰ The Ninth Circuit has expressly rejected deterrence as a valid community caretaking rationale with respect to poverty tows. See *Miranda v. City of Cornelius*, 429 F.3d 858, 866 (9th Cir. 2005) (“The need to deter a driver’s unlawful conduct is by itself insufficient to justify a tow under the ‘caretaker’ rationale.”); see also *Sandoval v. County of Sonoma*, 912 F.3d 509, 516 (9th Cir. 2018) (holding that “a deterrence or administrative penalty rationale . . . do[es] not permit the continued warrantless seizure of a vehicle once the community caretaking function is discharged”). “[I]f the community caretaking function extended so broadly as to include the deterrence of future illegal activity, it ‘would expand the authority of the police to impound regardless of the violation, instead of limiting officers’ discretion to ensure that they act consistently with their role of ‘caretaker of the streets.’” *People v. Torres*, 188 Cal. App. 4th 775, 792, 116 Cal. Rptr. 3d 48, 61 (2010) (citing *Miranda*, 429 F.3d at 866).

an individual’s past failure to *pay* parking tickets—not a current parking violation. Notably, there is no penalty for *receiving* numerous parking tickets, only for not paying those tickets once received. Individuals who can afford to pay the fines associated with parking tickets can violate parking laws without ever being subject to a poverty tow. Even if towing were aimed at targeting individuals who routinely violated parking laws instead of those who cannot pay their debts, evidence suggests that increased or dramatic punishment—here, tow and total loss of vehicle, is simply not as effective a deterrent as the fear of getting caught—in this case, receiving a parking ticket.⁸¹

Nor does towing a vehicle because of the owner’s failure to pay outstanding parking ticket debt serve as a deterrent to people defaulting on this debt. Towing for unpaid parking tickets disproportionately affects individuals who literally cannot afford to pay; given “the inability of many [] individuals to pay the fines,” the penalty cannot further deter such individuals from such conduct.⁸² Studies confirm that additional fines and penalties for the failure to pay preexisting parking tickets are not effective deterrents against low-income individuals for this very reason.⁸³ In fact, “[t]ickets that are too costly lead to non-compliance,” rather than deter the

⁸¹ See, e.g., Daniel S. Nagin, *Deterrence in the Twenty-First Century*, 42 *Crime & Just.* 199, 252-254 (2013).

⁸² Mariah Woodson, *Driving on the Edge: How Municipal Fines for Traffic Violations Negatively Affect Marginalized Communities*, 24 *PUB. INT. L. REP.* 87, 87 (2018).

⁸³ RYAN KESSLER, *DOES PUNISHMENT COMPEL PAYMENT?* 5 (2020); Appellant’s Op. Br. at 20 (Peter Hess, an economics expert, testified that tows for unpaid parking tickets disproportionately affected low-income individuals who could not afford to pay those tickets).

non-payment of traffic tickets.⁸⁴ In turn, poverty tows actually “result[] in a continuous debt spiral for the most marginalized.”⁸⁵

On the other hand, vehicle owners who *can* afford to pay parking tickets—but choose not to—face full accountability through ordinary debt collection, which allows cities to garnish disposable wages, levy bank accounts, and intercept tax refunds.

Poverty tows are not calculated to deter parking infractions nor can they be reasonably expected to deter low-income people from defaulting on their municipal debt. Even if deterrence were a legitimate community caretaking rationale, which it is not, poverty tows amount to poverty discrimination, not community caretaking.

D. The Real-World Impact of Poverty Tows

Although the data and research powerfully demonstrate why poverty tows are harmful, the damage caused by poverty tows is made clearest by the stories of individuals subjected to them. The following stories were collected by the various nonprofit organizations, including *Amici*'s attorneys, Public Counsel and Legal Aid Foundation of Los Angeles. Many of these stories were shared with the authors of *Towed into Debt*—a report published in 2019 that analyzed data from numerous California cities and found that poverty tows commonly result in the permanent loss of the vehicle, which has devastating impacts on the lives of vehicle owners.

Amici and their counsel have collected these stories to exemplify the cascading harms of poverty tows on low-income individuals. Such devastating experiences are emblematic of the consequences of poverty tows. These stories, and the stories of thousands of other Californians like them, underscore data and research showing that poverty tows

⁸⁴ Foster Kamanga et al., *Costs and Consequences of Traffic Fines and Fees*, 10 SOC. SCI. 440, 4 (2021).

⁸⁵ Woodson, *supra* note 82, at 87-94.

disproportionately target low-income vehicle owners, can be a net economic loss for municipalities, and do not have a deterrent effect.

1. Mary Lovelace⁸⁶

Mary Lovelace is an interior designer who relied on her vehicle to visit her clients' homes. She was laid off from her job and struggled to pay the bills. While she was out of work, she received parking tickets she couldn't pay. As a result, the city booted and then towed her car, charging over \$500 in boot and tow fees. Ms. Lovelace eventually needed at least \$1,800 to retrieve her car. Because she could not afford this cost, the tow yard sold her car at auction and filed a lien against her for the balance, damaging her credit. The city, after towing her car and causing severe trauma in her life, never collected any money Ms. Lovelace owed from the tickets. Without a vehicle, it became impossible to find a new job as an interior designer, and Ms. Lovelace found her options restricted. She declared bankruptcy, remains unemployed and is still without a car needed to do her job.

2. Steve Venegas⁸⁷

In 2018, Steve Venegas lost his job and was evicted from his apartment. With no place to go, he began living in his car in the Koreatown neighborhood of Los Angeles. Although it was challenging to live in his car, he felt safe and secure, and his belongings stayed relatively clean and dry. But in quick succession, Mr. Venegas received a number of parking tickets for violating one of the many parking restrictions in the neighborhood. Without a job, he could not afford to pay the \$68 tickets.

In November 2018, while he was sleeping in his car, parking enforcement officers came to tow it away. When he could not pay the

⁸⁶ ALVARADO, *supra* note 12, at 6.

⁸⁷ *Id.* at 20.

outstanding fines and fees, the towing company auctioned the car off. Mr. Venegas was left living in a tent on the sidewalk, next to where he used to park his car. Living on the sidewalk during the wettest and coldest winter in decades has made it a daily struggle just to keep his belongings dry, let alone make himself presentable enough to look for a new job.

3. Gary Welch⁸⁸

In 2017, Gary Welch was suddenly hospitalized because of a brain hemorrhage. When he woke up in a Daly City hospital unable to leave his hospital bed, an administrator told him the city had ordered his car towed. He called the tow company to ask if they could release his car, but they refused to release it unless Mr. Welch paid \$9,000 in fees. Even though Mr. Welch told them he was indigent and hospitalized, the city's tow company repeatedly harassed him with phone calls between Christmas and New Year's, demanding that he pay tow and storage fees. By the time he was released from the hospital, they had sold his car at lien sale.

4. Couper Arona⁸⁹

Couper Arona is a former firefighter who was living out of an RV in San Francisco after going through a divorce. Ms. Arona volunteered as a street medic, providing medical assistance to unhoused residents of San Francisco. Earlier this year, Ms. Arona was out performing emergency medical services when she learned from a friend that her RV was being towed. Ms. Arona rushed back, but her RV was gone, along with all of her belongings.

Although it was safely and lawfully parked at the time it was towed, San Francisco towed Ms. Arona's RV because of unpaid parking ticket debt. When Ms. Arona attempted to retrieve her home, she was told

⁸⁸ *Id.* at 13.

⁸⁹ *See* San Francisco Claim No. 23-00587 (2022).

that she had to pay the outstanding parking tickets and additional tow fees, which she could not afford. She also was prohibited from retrieving her belongings from the RV. Ms. Arona describes permanently losing her home and everything in it as her worst nightmare.

5. Kimberly Brown⁹⁰

Finally, the record includes the story of Kimberly Brown, a domestic violence survivor and mother, whose vehicle was towed for unpaid parking tickets while she was unhoused in San Francisco.⁹¹ Ms. Brown's vehicle had accrued parking tickets as a result of her abuser's misconduct but, even after she challenged the impound, she was unable to prevent her vehicle from being sold at auction.⁹² Losing her vehicle cost Ms. Brown her job as the supervisor at a private security company, and prevented her from working as a supervisor at her next job.⁹³ As a result of the poverty tow, Ms. Brown now makes half of what she used to make.⁹⁴ Worse yet, without her vehicle, Ms. Brown and her young child were left vulnerable to further abuse from their abuser with no way to flee when he tracked them down.⁹⁵

III. CONCLUSION

The data and research show that: (A) parking enforcement and poverty tows are concentrated in low-income neighborhoods and neighborhoods of color, (B) that defaults on parking tickets are typically due to the vehicle owner's inability to pay, (C) that people lose their cars permanently when they are subject to poverty tows; and (D) the loss of a

⁹⁰ AR 569-572.

⁹¹ AR 569.

⁹² AR 569-70.

⁹³ AR 571.

⁹⁴ *Id.*

⁹⁵ *Id.*

vehicle, can exacerbate and entrench poverty that led to the citation debt in the first place, particularly for already marginalized communities. Moreover, poverty tows can be a net economic loss for municipalities, while depriving debtors of the protections embedded in the other methods of debt collection available to cities. Accordingly, Respondents’ stated aim of “community caretaking” is not supported by the data or any sound public policy rationale and fails to address how these tows actually impact lower-income residents. On the contrary, the practice of seizing cars for unpaid parking tickets reduces the socioeconomic wellbeing of a community, and is the antithesis of community caretaking. *Amici* ask this Court to reverse the trial court and hold that Respondents’ towing practice does not fit the community caretaking exception to the warrant requirement of the Fourth Amendment.

Dated: December 20, 2022

Respectfully Submitted,

/s/ Mark Shinderman

Mark Shinderman (SBN 136644)

MILBANK LLP

2029 Century Park East, 33rd Floor

Los Angeles, CA 90067

Telephone: (424) 386-4000

Attorney for *Amici Curiae*

CERTIFICATE OF COMPLIANCE

Counsel of Record hereby certifies pursuant to Rule 8.74 of the California Rules of Court that the enclosed *Amici Curiae* Brief is produced using proportionally spaced serif face font style; 13-point font-size, including footnotes; 1.5 spacing; 1.5-inch margins on the left and right; 1-inch margins on the top and bottom; left-aligned paragraphs; and contains 6,199 words, as determined by Microsoft Word, and therefore complies with the 14,000-word limit.

Dated: December 20, 2022

Respectfully Submitted,
/s/ Mark Shinderman
Mark Shinderman (SBN 136644)
MILBANK LLP
2029 Century Park East, 33rd Floor
Los Angeles, CA 90067
Telephone: (424) 386-4000

Attorney for *Amici Curiae*

Document received by the CA 1st District Court of Appeal.