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8 ATTORNEYS FOR PLAINTIFFS

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10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA – SOUTHERN DIVISION

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13 DAVID RAMIREZ, SHARON SWEAT,
 14 STEPHENIE SAINT VINCENT, RAYA
 IVES, DEREK MACARTHUR, KIM
 GRAY, and ERIK TEASLEY, as
 15 individuals; PEOPLE’S HOMELESS
 TASK FORCE, an unincorporated
 16 association;

17 Plaintiffs,

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19 vs.

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21 THE COUNTY OF ORANGE, a
 22 municipal entity;

23 Defendant.

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Case No. 8:18-cv-00220-DOC-KES

Related Case No. 8:18-cv-00155-DOC-KES

**NOTICE TO THE COURT RE ISSUES
 RELATING TO IMPLEMENTATION OF
 STIPULATION IN *ORANGE COUNTY
 CATHOLIC WORKER, ET AL. v. COUNTY
 OF ORANGE, ET AL.***

1 On February 7, 2018, the court related this action to *Catholic Worker, et al. v. County of*
2 *Orange et al.*, Case No. SA CV 18-0155-DOC (KEXs)(hereinafter, "*Catholic Worker*"). On
3 February 6, 2018, the Court issued a temporary restraining order, enjoining Defendants in *Catholic*
4 *Worker* from enforcement of any infraction or misdemeanor against people living along the Santa
5 Ana Riverbed. Case No. SA CV 18-0155-DOC, Dkt. # 53. On February 13, 2018, after a hearing
6 before the Court, the parties in *Catholic Worker* entered into a stipulation ("Stipulation") providing
7 that, among other things, the "County will provide a motel room for a minimum of 30 days for
8 approximately 400 homeless persons presently encamped on the Santa Ana Riverbed." *Id.* at Dkt. #
9 92. On February 15, 2018, the Court issued an order extending the temporary restraining order until
10 February 20, 2018 at 9:00 a.m., at which time the injunction will lift so that the terms of the
11 Stipulation may be carried out. On February 17, 2018, the Court issued an order directing the parties
12 to submit notices to the Court identifying any issues relating to the implementation of the Stipulation.
13 *Id.* at Dkt. # 98.

14 In response to the Court's February 17, 2018 Order, Plaintiffs in *Ramirez, et al. v. County of*
15 *Orange* ("Plaintiffs") submit this notice to the Court. While Plaintiffs are not parties to the
16 Stipulation, implementation of the Stipulation will have a direct and consequential impact on
17 Plaintiffs because Plaintiffs are persons with disabilities as defined by the Americans with
18 Disabilities Act ("ADA") who are currently living at the Santa Ana Riverbed. Plaintiffs have agreed
19 to relocate to a motel. Plaintiffs submit this notice in order to inform the Court of various issues that
20 have already arisen or that Plaintiffs anticipate will arise relating to implementation of the
21 Stipulation. If these issues are not addressed, they have the potential to negatively affect Plaintiffs'
22 health and safety and may prevent the County from complying with its obligations under the
23 Stipulation.

24 **1. The County Should Establish a Process for Individuals with Disabilities to Make**
25 **Reasonable Modification Requests.**

26 The majority of the residents at the Riverbed are individuals with physical and/or mental
27 health disabilities, as documented by the County in a census conducted in 2016. These individuals
28 have a variety of special needs as a result of their disabilities and medical histories.

While Paragraph 2 of the Stipulation identifies the County's commitment to completing a
clinical assessment with individuals to identify their needs and connect them to appropriate resources
after they are relocated to a motel, there is no procedure in place to address accommodations for

1 disabilities *during* the relocation process. Plaintiffs have made two reasonable modification requests
2 in the last week to address accommodations required by Plaintiffs during their relocation to motels,
3 but both of those requests have gone ignored by the County. *See* Exhibits A and B. Plaintiffs and
4 others similarly situated people are extremely vulnerable. Without a process in place that will permit
5 individuals to inform the County of disabilities and to request accommodations for those disabilities,
6 those individuals' medical needs will go unaddressed.

7 Plaintiffs request that a reasonable modification process be put in place, in compliance with
8 the ADA, that would include: (1) a contact person at the County who will be responsible for
9 reviewing reasonable accommodation requests; (2) a process for discussing services and motel
10 housing with the individual making the request in a good faith effort to accommodate the request; (3)
11 accommodations for physical disabilities at motels, such as first-floor motel rooms for those with
12 mobility issues, or other ADA compliant housing options; (4) provision of information to homeless
13 individuals regarding the services the County intends to provide during motel stays, and contact
14 information for individuals who have problems accessing those services or who need to schedule
15 services, including food and transportation services; and (5) an opportunity to seek advice from
16 counsel relating to housing and service options, including, if necessary, the opportunity to use County
17 outreach workers' phones to call counsel.

18 **2. Some of the Motels Offered by the County Have Uninhabitable Conditions That**
19 **Threaten the Health and Safety of Individuals with Disabilities.**

20 Pursuant to Paragraph 1 of the Stipulation, the County will provide a motel room for a
21 minimum of 30 days to homeless persons encamped at the Riverbed. However, some homeless
22 individuals, including Plaintiffs, are being offered motels that have dangerous, unsanitary or
23 uninhabitable conditions. These conditions have the potential to worsen the health conditions of the
24 people being relocated, particularly people with disabilities.

25 For example, Plaintiffs Derek MacArthur and Sharon Sweat were offered rooms at the Corral
26 Motel in Buena Park. Upon investigation, MacArthur and Sweat learned that the motel has bedbugs,
27 infestation of rodents, plumbing problems, and a reputation for harboring illicit activities. *See*
28 Exhibit C (Yelp Reviews for Corral Motel), and Exhibit D (Code Enforcement Report for Corral Motel). In order to protect the health and safety of homeless residents, Plaintiffs requests that the County provide safe and habitable motel rooms to individuals willing to relocate from the Riverbed.

1 **3. Plaintiffs Request Motel Accommodations in Proximity to the Resources That They Rely**
2 **On.**

3 Pursuant to Paragraphs 1 and 4 of the Stipulation, the County will place individuals in motels
4 and make provisions for access to food resources. Access to resources is a crucial component of
5 assisting homeless individuals, particularly those with disabilities, because those individuals have
6 very limited personal resources and limited access to transportation. These individuals typically rely
7 on community-based resources within a limited geographic area.

8 Plaintiffs request that they be placed in motels surrounding the I-5 interchange, which is the
9 area in which they currently live and with which they are familiar. Plaintiffs rely on various
10 resources in this geographic area, including food, medical providers, and community, and their
11 isolation from these resources could be detrimental to their health. Plaintiffs also rely on a network
12 of people in their local communities for emotional support, safety, and assistance with accessing
resources.

13 Despite this need, the County offered Plaintiff MacArthur a motel placement in Brea, CA.
14 MacArthur was unable to accept that placement because his limited mobility means that he would be
15 unable to access the resources he relies on to survive, including medical resources. As another
16 example, the County took Plaintiff Ramirez to a motel in Stanton, CA, even though he has been
17 living between Fountain Valley and Anaheim for the last several years, has been relying on resources
in that area, and does not have a car.

18 Plaintiffs are already being uprooted from the environments to which they are accustomed in
19 order to move to a temporary motel pursuant to the Stipulation. If Plaintiffs were to be moved to
20 unfamiliar surroundings outside of geographic area surrounding the I-5 interchange, Plaintiffs would
21 be isolated from their support system and may be unable to access the resources that they rely on to
22 survive. This could aggravate Plaintiffs' disabilities, causing re-traumatization and deterioration of
23 their health. On the other hand, permitting Plaintiffs to stay close to local resources and their support
24 systems, in an area that they are familiar with, would reduce the trauma caused by requiring Plaintiffs
25 to relocate to yet another unfamiliar and temporary location.

26 **4. The County Should Provide Sufficient Information to Allow Informed Decision Making.**

27 Under Paragraph 2 of the Stipulation, the County has committed to assessing the needs of
28 individuals in order to identify appropriate resources. However, in its haste to comply with the
Stipulation, the County has failed to provide basic information to affected individuals regarding the

1 housing and services that the County is offering. County staff has been approaching individuals with
2 a list of services and housing. However, when individuals ask the County what the services entail or
3 whether the housing is disability accessible, the County can only provide names and locations of the
4 programs and housing.

5 The majority of the individuals living on the Riverbed suffer from physical and mental
6 disabilities. Without specific information regarding these services, these individuals cannot evaluate
7 whether what is being offered will accommodate their disabilities. This lack of information sets these
8 individuals up for failure and puts them at risk of being labeled "service-resistant" by the County.

9 Accordingly, Plaintiffs request that the County provide notice and information regarding the
10 services and housing being offered, including a description of the services and accessibility of the
11 housing, so that Plaintiffs may evaluate whether what is being offered will accommodate their
12 disabilities. In addition, Plaintiffs request the ability to discuss these options with their attorneys at
13 the Legal Aid Society of Orange County in order to assist them in identifying the appropriateness of
14 services and housing options.

15 **5. The County Should Accommodate the Needs of Victims of Trauma by Permitting Them**
16 **to Remain Together in the Same Motel Where Necessary.**

17 Many of the homeless individuals living on the Riverbed, including Plaintiffs, are survivors of
18 severe trauma, such as child abuse, domestic violence and sexual assault. In many cases, the history
19 of trauma has resulted in physical and mental disabilities, including severe stress, anxiety, depression,
20 PTSD, and bipolar disorder. To manage these disabilities, many individuals, including female
21 Plaintiffs, have banded together for protection and support. These close-knit groups rely on each
22 other for survival.

23 Although it would be consistent with Paragraph 2 of the Stipulation for the County to
24 accommodate the needs of these individuals by placing them together in one motel, the County has
25 been separating individuals and placing them in various motels throughout the County, including
26 Stanton and Brea.

27 Plaintiffs request that the County take into consideration Plaintiffs' trauma-based disabilities
28 and the relationships they rely upon to manage their disabilities when offering motel housing.
Specifically, female Plaintiffs Ives, Saint Vincent, Gray, and Sweat request that they be placed in the
same motel.

1 Dated: February 17, 2018

2 Respectfully submitted,
3 LEGAL AID SOCIETY OF ORANGE COUNTY

4 /S/ Lili V Graham
5 By: LILI V GRAHAM

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