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23 UNITED STATES DISTRICT COURT  
24 NORTHERN DISTRICT OF CALIFORNIA

25 Nicholle Vannucci, Ellen Brown, and  
26 Shannon Hall, *individuals*; and  
27 Homeless Action!, *an unincorporated  
28 association,*

Plaintiffs,

v.

County of Sonoma, Sonoma County  
Community Development Commission,  
City of Santa Rosa, Does 1 to 10,

Defendants.

Case No.: 3:18-cv-01955-VC

**SUPPLEMENTAL COMPLAINT FOR  
DECLARATORY AND INJUNCTIVE  
RELIEF**

**DEMAND FOR JURY TRIAL**

**INTRODUCTION**

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1. Plaintiffs are an unincorporated association advocating for the rights of homeless individuals and three former residents of the Roseland Encampments, two homeless encampments that, until April 20, 2018, were located in Santa Rosa, California, on a site owned by Defendant Sonoma County Development Commission (CDC).

2. Plaintiffs brought this action to enjoin the planned sweep of the site by Defendants until every resident of the encampments had been offered the opportunity to be assessed and offered a suitable shelter placement.

3. Many residents of the Roseland Encampments, including the named individual Plaintiffs, have disabilities that limit their ability to stay in large, crowded homeless shelters; for some individuals, staying in such a setting is impossible for them because of the symptoms of their disabilities.

4. Plaintiffs asked Defendants to delay the sweep of the Roseland site so that Defendants and their contract agencies that assess homeless individuals for shelter placement would have sufficient time to ensure that all individuals with disabilities were offered placements that were truly accessible to them, rather than relying on “one-size-fits-all” shelter referrals for encampment residents who, due to the dearth of affordable housing options in the community, could not be placed in permanent supportive housing.

5. Defendants denied Plaintiffs’ request, and Plaintiffs filed this action prior to the planned sweep of the Roseland Encampments to protect the constitutional and statutory rights of Roseland Encampments residents. Plaintiffs filed a motion for a Temporary Restraining Order seeking to halt the forced closure of the encampments at the Roseland site until sufficient shelter options were made available for the residents of the encampments.

6. The Court denied Plaintiffs’ Motion for a Temporary Restraining Order, and Defendants removed residents and closed the Roseland site on April 19 and 20, 2018.

7. Plaintiffs file this Supplemental Complaint to incorporate facts that occurred between the filing of this action and Friday, June 22, 2018; to reflect the voluntary

1 dismissal of Plaintiffs Deborah Drake, Samantha Jenkins, and Steven Robert Singleton;  
2 and to add a Plaintiff identified since the filing of the VAC.

3 **JURISDICTION AND VENUE**<sup>1</sup>

4 8. The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1343,  
5 42 U.S.C. § 12132 and 42 U.S.C. § 1983 because Plaintiffs' claims arise under the laws  
6 and Constitution of the United States.

7 9. Pursuant to 28 U.S.C. § 1367, this Court has supplemental jurisdiction over  
8 Plaintiffs' state law and state constitutional claims because Plaintiffs' state claims are  
9 related to Plaintiffs' federal claims, arise out of a common nucleus of operative facts, and  
10 form part of the same case or controversy under Article III of the U.S. Constitution.

11 10. Venue is proper in the Northern District of California because the events and  
12 conduct complained of herein all occurred in Sonoma County.

13 **PLAINTIFFS**

14 11. Plaintiffs Nicholle Vannucci and Ellen Brown are former residents of the now-  
15 closed Roseland Encampments, homeless encampments located on the Roseland site  
16 located within the City of Santa Rosa. Ms. Vannucci and Ms. Brown, who were  
17 previously identified in the VAC, are currently homeless, living in Sonoma County  
18 California.

19 12. Shannon Hall joins this lawsuit as an individual Plaintiff. Ms. Hall resides in  
20 Sonoma County, California. Ms. Hall is homeless and was a resident of both the Roseland  
21 Encampments and the Joe Rodota Trail Encampments (described below).

22 13. Ms. Vannucci's, Ms. Brown's, and Ms. Hall's interest in the sweep of the Roseland  
23 Encampments, enforcement of the City of Santa Rosa's Anti-Camping Ordinance, and  
24 administration of the Sonoma County Coordinated Entry System extends beyond a  
25 personal interest in their own housing, safety, and wellbeing; they have a beneficial

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27 <sup>1</sup> This section reproduces verbatim paragraphs 14 to 16 of the VAC and is included here  
28 for the Court's ease of reference.

1 interest in ensuring that the constitutional and statutory rights of other former Roseland  
2 Encampments residents, who are their friends and their community, are also protected.

3 14. Plaintiff Homeless Action! (hereinafter HA), an unincorporated association, is a  
4 group of grassroots activists in Northern California working towards ending the suffering  
5 of people who do not have a home. HA works with and for homeless people in Sonoma  
6 County.

7 15. The members of HA include students, church members, people who are homeless  
8 or have been homeless, and concerned individuals working to obtain housing and better  
9 conditions for people without homes. HA has helped create the safe parking program,  
10 held events, protests, and marches, educated the public, done emergency response work,  
11 lobbied county and city official, and published articles in local papers.

12 16. HA is beneficially interested in ensuring that Defendants' treatment of homeless  
13 individuals and administration of the Coordinated Entry System are consistent with  
14 Defendants' obligations under state and federal law.

15 17. Deborah Drake, Samantha Jenkins, and Steven Robert Singleton were previously  
16 identified as individual plaintiffs in the VAC. Ms. Drake, Ms. Jenkins, and Mr. Singleton  
17 have since voluntarily dismissed their claims without prejudice. (ECF Nos. 65-67)

18 **DEFENDANTS**

19 18. Defendant CDC is in part an agency of Sonoma County and is also the independent  
20 successor agency to the County's redevelopment agency. It is a government entity with  
21 the capacity to sue and be sued.

22 19. The CDC "houses the Sonoma County Housing Authority and administers all  
23 affordable housing finance programs for the unincorporated County of Sonoma. The  
24 Commission also hosts and staffs the Sonoma County Continuum of Care and is the  
25 largest funder of homeless services county-wide," including the administration of federal  
26 housing funds on behalf of the County.

27 20. CDC, together with its contract agencies, including Catholic Charities, is  
28 responsible for administering the County's Coordinated Entry System, a countywide,

1 multi-agency centralized intake system for individuals experiencing homelessness whose  
2 purpose is increasing “the efficiency of local crisis response systems and improving  
3 fairness and ease of access to resources, including mainstream resources.” Coordinated  
4 Entry is the system by which homeless individuals access the County’s shelter system and  
5 other services, including housing placement. The Continuum of Care must operate a  
6 “centralized or coordinated assessment system that provides an initial, comprehensive  
7 assessment of the needs of individuals and families for housing services” as a condition of  
8 receiving HUD funds. 24 C.F.R. § 578.7(a)(8).

9 21. CDC holds the Roseland site in trust pursuant to the California Dissolution Law  
10 that dissolved California redevelopment agencies and placed much of the real property  
11 owned by the agencies in the Community Redevelopment Property Trust Fund  
12 administered by the successor agency to the former redevelopment agency. (California  
13 Health & Safety Code § 34191.4)

14 22. CDC posted the Notice to Vacate the Roseland Encampment site.

15 23. CDC requested that the police department of Defendant City of Santa Rosa remove  
16 the Roseland Encampments’ residents and their belongings from the Roseland site if those  
17 residents had not vacated by April 3, 2018.

18 24. CDC, its employees and agents participated in the unlawful conduct challenged  
19 herein. To the extent they did not personally participate, they authorized, acquiesced, set  
20 in motion, or failed to take necessary steps to prevent the acts that resulted in the unlawful  
21 conduct and harm suffered or that will be suffered by the Plaintiffs. The acts complained  
22 of herein constitute policies, practices and customs of the CDC.

23 25. Defendant Sonoma County (County) is a government entity organized under the  
24 laws of the State of California with the capacity to sue and be sued. It is the larger  
25 government entity affiliated with Defendant CDC.

26 26. Defendant City of Santa Rosa (hereinafter City) is a municipal corporation  
27 organized under the laws of the state of California and the Santa Rosa City Charter, with  
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1 the capacity to sue and be sued. The Departments of the City include the Department of  
2 Housing and Community Services and the Police Department.

3 27. The Santa Rosa Police Department, together with CDC staff and contractors, was  
4 the agency responsible for performing the eviction of the Roseland Encampments.

5 28. Defendant City of Santa Rosa is a recipient of federal funds, including Community  
6 Development Block Grant Funds.

7 29. Defendant City of Santa Rosa participates in the Sonoma County Continuum of  
8 Care and has a representative on the Continuum of Care board.

9 30. The City, the Urban (Sonoma) County, and the City of Petaluma, are Sonoma  
10 County's three "entitlement jurisdictions" for purposes of HUD funding in Sonoma  
11 County; they jointly fund the Continuum of Care and have seats on its governing body.

12 31. The City, its employees, and its agents participated in the unlawful conduct  
13 challenged herein. To the extent they did not personally participate, they authorized,  
14 acquiesced, set in motion, or failed to take necessary steps to prevent the acts that resulted  
15 in the unlawful conduct and harm suffered or that will be suffered by the Plaintiffs. The  
16 acts complained of herein constitute policies, practices and customs of the City.

17 **PROCEDURAL HISTORY**

18 32. Plaintiffs filed this action on March 30, 2018.

19 33. Plaintiffs filed a Motion for Temporary Restraining Order on March 31, 2018,  
20 seeking a temporary and permanent injunction to prevent Defendants from forcibly  
21 removing the residents and closing (or sweeping) the Roseland Encampments until all  
22 residents of the encampments had the opportunity to complete assessments for emergency  
23 shelter placement, and had been offered sufficient shelter placements. Plaintiffs further  
24 sought a temporary and permanent injunction to prevent Defendants from enforcing the  
25 City's anti-camping ordinance in a manner that violates the constitutional rights of  
26 Plaintiffs and other homeless individuals, and from seizing or destroying encampment  
27 residents' personal property without pre-deprivation process of law.  
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1 34. The Court entered a Temporary Restraining Order on March 31 staying  
2 enforcement of the City's Anti-Camping Ordinance against residents of the Roseland  
3 Encampments through April 5, 2018, and ordered the Parties to appear for the hearing on  
4 the Temporary Restraining Order on April 5.

5 35. The Court asked Defendants during the April 5 hearing whether they would agree  
6 to voluntarily postpone the sweep of the Roseland Encampments for 21-days if the Court  
7 would order Plaintiff Homeless Action! to assist encampment residents in accessing  
8 assessment and placement through the County's Coordinated Entry System.

9 36. Defendants declined the Court's proposal, and scheduled the sweep for April 19,  
10 2018.

11 37. The Court denied Plaintiffs' Motion for Temporary Restraining Order on April 7,  
12 2018, allowing the sweep of the Roseland Encampments to move forward.

13 38. Plaintiffs filed an Amended Complaint on June 1, 2018, but, pursuant to Rule 15 of  
14 the Federal Rules of Civil Procedure, that Amended Complaint did not include allegations  
15 of facts that occurred after the filing of the initial Complaint on March 30.

16 39. The Court granted leave to file this Amended and Supplemental Complaint at the  
17 July 3, 2018, Case Management Conference (ECF No. 64).

18 **STATEMENT OF FACTS PREVIOUSLY PLED IN THE VERIFIED AMENDED**  
19 **COMPLAINT<sup>2</sup>**

20 **Homelessness in Sonoma County**

21 40. In recent years, the problem of homelessness in Sonoma County, as in many parts  
22 of the state and the country, has become more visible and has reached crisis proportions.  
23 The 2014 update to the 10-Year Homeless Action Plan for the County of Sonoma states  
24 that the regional rate of homelessness for Sonoma County is almost four times the national  
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27 <sup>2</sup> This section reproduces paragraphs 35 to 118, 142 to 157, and 169 to 189 of the VAC  
28 and is included here for the Court's ease of reference. Facts specific to former Plaintiffs  
Deborah Drake, Samantha Jenkins, and Steven Robert Singleton have been omitted.

1 rate.<sup>3</sup> As the problem has become more acute and visible, the City and County have taken  
2 more restrictive actions to enforce their anti-camping and related ordinances.<sup>4</sup>

3 41. According to the 2014 update to the County’s 10-Year Homeless Action Plan, there  
4 are shelter beds and housing available for fewer than 1 in 4 homeless persons.<sup>5</sup>

5 42. On August 9, 2016, the Santa Rosa City Council declared that “there exists within  
6 the territorial limits of the City of Santa Rosa conditions of extreme peril to the safety of  
7 persons and property caused by homelessness and the lack of available affordable  
8 housing, which conditions are likely to be beyond the control of the services, personnel,  
9 equipment and facilities of the City and require the combined forces of other political  
10 subdivisions to combat.” Based on that declaration, the City proclaimed “a state of local  
11 homeless emergency within the City of Santa Rosa.”

12 43. The emergency declaration further states that “a significant number of persons  
13 within the jurisdiction of Santa Rosa are without the ability to obtain shelter, and that the  
14 situation has resulted in a threat to the health and safety of those persons.” In its  
15 declaration, the City acknowledged that, “there is a shortage of available and affordable  
16 housing units in Santa Rosa due to the very low rental vacancy rate (approximately one  
17 percent) . . . .”<sup>6</sup>

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20 <sup>3</sup> Sonoma County Continuum of Care 10- Year Homeless Action Plan 2014 Plan Update  
21 (pg. 7) <http://www.sonoma-county.org/cdc/pdf/cofctenyearactionplan.pdf>.

22 <sup>4</sup> Santa Rosa Press Democrat Article- August 9, 2017-Santa Rosa to take stronger stance  
23 on nuisance crimes associated with homeless population,  
24 <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=newssearch&cd=1&cad=rja&uact=8&ved=0ahUKEwidp9ylk5LaAhUUH2MKHevGBkwQqQIIJigAMAA&url=http%3A%2F%2Fwww.pressdemocrat.com%2Fnews%2F7283835-181%2Fsanta-rosa-to-take-stronger&usg=AOvVaw3ZIRMuvj1-JcDJyqluGRj9>.

25 <sup>5</sup> Sonoma County Continuum of Care 10- Year Homeless Action Plan 2014 Plan Update  
26 (pg. 2), <http://www.sonoma-county.org/cdc/pdf/cofctenyearactionplan.pdf>.

27 <sup>6</sup> City of Santa Rosa Resolution Number 28838 – [http://santa-  
28 rosa.granicus.com/DocumentViewer.php?file=santa-  
rosa\\_cc41ae53c890fc32b88b1234997568c6.pdf&view=1](http://santa-rosa.granicus.com/DocumentViewer.php?file=santa-rosa_cc41ae53c890fc32b88b1234997568c6.pdf&view=1)

1 44. In its declaration, the City noted that, pursuant to Sonoma County’s 2016 point-in-  
2 time homeless count, on a given night there were 2,906 homeless persons in the County,  
3 66% of whom were unsheltered.<sup>7</sup> Of that count, 63 percent of the total homeless persons  
4 were in the central area of the City, including its unincorporated areas, and 65 percent of  
5 those the homeless persons within the City were unsheltered.<sup>8</sup>

6 45. The City has continued to extend its declaration of a homeless emergency to the  
7 present date.

8 46. The 2017 Sonoma County Homeless Point-In-Time Census & Survey, conducted  
9 in January 2017, identified 2,835 homeless individuals living in Sonoma County. Of  
10 those, 1847—65 percent—were unsheltered.<sup>9</sup>

11 47. People with disabilities are disproportionately homeless in Sonoma County, and  
12 homeless individuals with disabilities are more likely to live outside than to be sheltered.  
13 Per the County’s 2017 Homeless Point-In Time Census, 41 percent of the homeless  
14 individuals surveyed identified as having a physical or mental disability.<sup>10</sup> Moreover,  
15 according to the County’s Homeless Action Plan, the population of “disabled single adults  
16 . . . living outside” is “five times the sheltered population.”

17 48. Sonoma County’s high rate of homelessness is directly related to the absence of  
18 sufficient affordable housing in the community. According to the National Low Income  
19 Housing Coalition’s 2017 “Out of Reach” report on housing affordability, a renter in  
20 Sonoma County needs to earn nearly \$63,000 annually, over \$30 an hour, to afford the  
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22 <sup>7</sup> 2016 Sonoma County Homeless Point-In-Time Census & Survey Comprehensive Report  
23 (pg.16) [http://www.sonoma-county.org/cdc/pdf/2016\\_Sonoma\\_County\\_Homeless\\_Point-  
24 In-Time\\_Survey\\_Census.pdf](http://www.sonoma-county.org/cdc/pdf/2016_Sonoma_County_Homeless_Point-In-Time_Survey_Census.pdf)

25 <sup>8</sup> 2016 Sonoma County Homeless Point-In-Time Census & Survey Comprehensive Report  
(pg.17).

26 <sup>9</sup> 2017 Sonoma County Homeless Census & Survey Comprehensive Report (pg.13)  
27 <https://sonomacounty.ca.gov/CDC/News/2017-Homeless-Census-and-Survey/>

28 <sup>10</sup> 2017 Sonoma County Homeless Census & Survey Comprehensive Report (pg.43).

1 average two-bedroom rent of \$1572.<sup>11</sup> Also in 2017, the California Housing Partnership  
2 reported that “[m]edian rent in Sonoma County has increased 16% since 2000 while  
3 median renter household income decreased 6%, when adjusted for inflation.”<sup>12</sup>]

4 49. Seventy-one percent of homeless people surveyed during the 2017 Homeless Point-  
5 In Time Census “cited affordable rent as the primary obstacle to obtaining permanent  
6 housing.”<sup>13</sup>

7 50. The above estimates regarding housing affordability and homelessness in Sonoma  
8 County predate the October 2017 wildfires, which destroyed 6,600 structures, including  
9 5,130 homes, countywide. These fires displaced thousands of Sonoma County residents  
10 from their homes, and the median rent in Sonoma County rose 36 percent in a weeklong  
11 period following the fires, according to online real estate site Zillow.<sup>14</sup>

### 12 **The County’s Lack of Available Shelter**

13 51. Sonoma County lacks sufficient accessible, appropriate shelter options to meet  
14 the needs of its approximately 3,000 homeless residents.

15 52. In the Sonoma County Continuum of Care’s 2017 report to the federal  
16 Department of Housing and Urban Development (HUD) it reported the existence of  
17 936 total year-round beds for “emergency, transitional, and safe-haven” shelter, less  
18 than a third of the total number of homeless individuals identified in 2017’s point-  
19 time-census.

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23 <sup>11</sup> 2017 Out of Reach: The High Cost of Housing-National Low Income Housing  
24 Coalition (pg.39) [http://nlihc.org/sites/default/files/oor/OOR\\_2017.pdf](http://nlihc.org/sites/default/files/oor/OOR_2017.pdf)

25 <sup>12</sup> May 2017 Sonoma County Renters In Crisis: Call for Action (pg. 1)  
26 [https://1p08d91kd0c03rlxhmhtydpr-wpengine.netdna-ssl.com/wp-  
content/uploads/2017/05/Sonoma-County-2017.pdf](https://1p08d91kd0c03rlxhmhtydpr-wpengine.netdna-ssl.com/wp-content/uploads/2017/05/Sonoma-County-2017.pdf)

27 <sup>13</sup> 2017 Sonoma County Homeless Census & Survey Comprehensive Report (pg.60).

28 <sup>14</sup> Santa Rosa Press Democrat Article- October 24, 2017 *Rents rise after Sonoma County  
fires as luxury vacation homes come on the market*  
<http://www.pressdemocrat.com/business/7559748-181/rents-rise-after-sonoma-county>

1 53. The dearth of shelter to meet the community's need is longstanding, and local  
2 policymakers have acknowledged that the County's shelter system lacks sufficient  
3 capacity to accommodate residents of the Roseland Encampments.

4 54. During a November 14, 2017, City Council meeting, Santa Rosa City  
5 Councilmember Julie Combs acknowledged that there were only 20 shelter beds available  
6 to house the unsheltered residents of the City and that there were more than 70 people at  
7 the Roseland Encampments.

8 55. Weeks later, on December 5, 2017, Sonoma County Board of Supervisors  
9 Chairperson Shirley Zane during the Board's regular open meeting confirmed CDC  
10 Director Margaret Van Vliet's statement that there were only 20 shelter beds currently  
11 available at Samuel Jones Hall, the largest shelter in the County, and that number  
12 incorporated the winter shelter beds, which are not available year-round.

13 56. Supervisor Lynda Hopkins during that same meeting acknowledged that shelter  
14 beds are not adequate for some people who live at the Roseland Encampments, citing pets  
15 and mental health disabilities among the reasons why some encampment residents might  
16 not be able to access shelters.<sup>15</sup>

17 57. According to the County's shelter and other unit data as of March 1, 2018, the  
18 available shelter and alternative housing units available were: a) zero family shelter  
19 vacancies with 37 families in need of family shelters; 6 transitional housing units for  
20 single persons; c) 90 emergency shelter beds; 2 mental health units; 2 non-coordinated  
21 entry spaces; 10 respite units; zero units for veterans; 12 units for teens/former foster  
22 youth.

<b>Unsheltered</b>	<b>Emerg. Shelter Beds</b>	<b>Family Shelter Rooms</b>	<b>Transitional Housing for Singles</b>	<b>Mental Health Units</b>	<b>Non-Coord Entry</b>	<b>Respite Units</b>	<b>Units for Vets</b>	<b>Total Available</b>
<b>1847</b>	90	0	6	2	2	10	0	<b>110</b>

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<sup>15</sup> Sonoma County Board of Supervisors meeting of December 5, 2017, Agenda item number 40. Starting at 3:41:27 regarding confirming 20 shelter beds and starting at 3:47:00 regarding Hopkins acknowledgement of disabilities of folks. [http://sonoma-county.granicus.com/MediaPlayer.php?view\\_id=&clip\\_id=750&meta\\_id=233791](http://sonoma-county.granicus.com/MediaPlayer.php?view_id=&clip_id=750&meta_id=233791)

1 58. Further, on information and belief, the majority of the County's approximately 200  
2 winter shelter beds closed on March 30, 2018, and that the remainder of the winter shelter  
3 beds were scheduled to close on April 30, 2018, adding to the population of homeless  
4 persons in need of shelter.

5 **Sonoma County's Coordinated Entry System and Its Inaccessibility to People with**  
6 **Disabilities**

7 59. Sonoma County's Coordinated Entry System includes intake, assessment, and  
8 placement for homeless individuals. The primary assessment tool is the VI-SPDAT  
9 (Vulnerability Index - Service Prioritization Decision Assistance Tool) a survey of  
10 standardized questions that is designed to be administered in 7 minutes or less and, upon  
11 completion, can be used to generate a numerical score that is intended to reflect a  
12 individual's level of "vulnerability".

13 60. The Coordinated Entry System uses the VI-SPDAT to determine whether an  
14 individual will be placed on the waitlist for emergency shelter and/or transitional housing,  
15 for rapid rehousing services, or for permanent supportive housing.

16 61. The Coordinated Entry System provides for individuals to be referred directly to  
17 emergency shelter or other stabilization services while they await longer-term placement.

18 62. However, while the VI-SPDAT includes questions about disability, the Sonoma  
19 County's Coordinated Entry assessment process is not designed to identify, evaluate, or  
20 accommodate individuals' disability-related needs with respect to emergency shelter  
21 placement.

22 63. CDC and its contract agencies have a policy and practice of referring unsheltered  
23 homeless individuals to emergency shelters, primarily Samuel Jones Hall in Santa Rosa,  
24 without inquiring as to whether individuals have disability-related symptoms or  
25 impairments that would make such a referral inappropriate for them.

26 64. According to the Continuum of Care's 2017 report to HUD, Samuel Jones Hall is a  
27 170-bed co-ed homeless emergency shelter for individual adults operated by Catholic  
28 Charities in Santa Rosa. Samuel Jones Hall is a project of the City of Santa Rosa, the

1 County of Sonoma, and the Community Foundation Sonoma County and is the largest  
2 full-service shelter in northern California for individuals or couples without children.  
3 Samuel Jones Hall consists of two co-ed dormitories, two women-only dormitories, and  
4 two men-only dormitories. Except for some “Nightingale” beds that are set aside for  
5 individuals referred by local hospitals, nearly all the beds at Samuel Jones Hall are bunk  
6 beds. On information and belief, as of March 30, 2018, Samuel Jones Hall did not have a  
7 means of erecting individualized partitions between residents; and it had not established  
8 any other method for accommodating individuals who, for disability-related reasons, need  
9 to have a private space that is physically separate from other residents and staff.

10 65. CDC and its contract agencies categorize many individuals who do not accept  
11 placement at Samuel Jones Hall as “rejecting placement” or “not cooperating with  
12 placement”, regardless of whether those individuals have disabilities that make Samuel  
13 Jones Hall, and other large, crowded shelters inaccessible to them.

14 66. Individuals who have experienced severe or sustained trauma often have  
15 flashbacks, panic attacks, or other mental health symptoms triggered by crowded, loud  
16 environments. Similarly, many individuals who are homeless have agoraphobia, anxiety,  
17 or certain other mental health impairments that make staying at shelters like Samuel Jones  
18 Hall impossible for them.

19 67. There is a strong correlation among trauma, the lifelong effects of trauma,  
20 disability, and homelessness. According to one study, 92% of homeless women surveyed  
21 experienced severe physical and / or sexual assault at some point in their lives—60% of  
22 whom experienced the assault by the age of 12. This childhood trauma often contributes  
23 to their experience of mental health disabilities, and causes severe mental health  
24 symptoms throughout their lives.<sup>16</sup>

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26 <sup>16</sup> A. Browne, SS. Bassuk, Intimate Violence in the Lives of Homeless and Poor  
27 Housed Women: Prevalence and Patterns in an Ethnically Diverse Sample, *Am. J.*  
28 *Orthopsychiatry* 67(2): 261–278 (1997); Health Care for the Homeless Clinicians’  
Network, National Health Care for the Homeless Council, *Trauma and Homelessness*  
at 1 (1999).

1 68. Plaintiff Nicholle Vannucci and several other former residents of the Roseland  
2 Encampments, have experienced sexual assault or other traumas at shelters in the past;  
3 staying at—or even visiting—a shelter can cause them to experience that trauma again.

4 69. As such, while a shelter like Samuel Jones Hall may be a viable temporary shelter  
5 option for some homeless individuals, it is not accessible for many individuals who have  
6 certain physical or mental health disabilities.

7 70. The Sonoma County Continuum of Care Coordinated Entry Policies and  
8 Procedures references participating agencies' duty to provide reasonable accommodations  
9 to individuals with disabilities, but only with respect to communication “such as assisted  
10 listening devices, etc.”

11 71. CDC and its contract agencies are aware that many homeless individuals, including  
12 individuals living in encampments like the Roseland Encampments, have severe mental  
13 health disabilities, and that many of the mental health impairments are initially “invisible.”  
14 They are also aware that many homeless individuals have developed distrust of CDC, its  
15 contract agencies, and homeless-serving systems in general based on their experience of  
16 interacting with these systems over years—and sometimes decades—of homelessness.

17 72. Nevertheless, CDC does not have a policy or practice of advising people with  
18 disabilities participating in Coordinated Entry of their right to reasonable accommodations  
19 in its policies or procedures, including policies and procedures with respect to placement.

20 73. Rather, the current Coordinated Entry System requires individuals to accept a  
21 shelter placement, without knowing whether it will be appropriate for them, prior to  
22 evaluating the individual's need for a reasonable accommodation. In the placement  
23 process, the burden is generally on the individual to request an accommodation only after  
24 accepting a placement in a shelter, without assurance that the shelter will accommodate  
25 the individual's disability-related needs.

26 74. As such, CDC and its contract agencies actually or effectively deny adequate,  
27 appropriate shelter placements to many individuals with disabilities living in  
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1 encampments who go through the Coordinated Entry intake process on the basis of those  
2 individuals' disabilities.

3 **Defendants' Response to Homelessness and Forcible Removal of Homeless**  
4 **Encampments**

5 75. Thirteen percent of Sonoma County's homeless population lives in encampments  
6 throughout the County.<sup>17</sup> In 2017, Defendant City of Santa Rosa estimated that it had 44  
7 homeless encampments of sizes varying from 2 to 75 persons within its City limits.<sup>18</sup>

8 76. In October 2016, the City approved a Community Homeless Assistance Program  
9 (CHAP), an extension of a previous pilot program that had existed during the winter of  
10 2015-2016. CHAP allows private "property owners to use their properties or facilities for  
11 safe parking, safe camping, the placement and maintenance of portable toilets and access  
12 to existing bathroom facilities, provision of temporary overnight shelter, and storage for  
13 personal belongings."<sup>19</sup>

14 77. However, CHAP has generated very few, if any, alternative shelter arrangements.  
15 One church had attempted to secure approval to install campsites or small huts for up to  
16 20 persons on its property, but the proposal was ultimately abandoned following intense  
17 opposition to the proposal from the church's neighbors.

18 78. Since its declaration of a homeless emergency in 2016, the City has made  
19 approximately 50 to 75 new shelter beds available. However, the addition of these beds is  
20 far short of what is necessary to meet the community's need.

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24 <sup>17</sup> 2017 Sonoma County Homeless Census and Survey Comprehensive Report (pg.13)  
25 <https://sonomacounty.ca.gov/CDC/News/2017-Homeless-Census-and-Survey/> (last  
accessed Mar. 27, 2018).

26 <sup>18</sup> City of Santa Rosa Homeless Encampment Cleanup Pilot Program Frequently Asked  
27 Questions <https://srcity.org/DocumentCenter/View/16346>

28 <sup>19</sup> Press Release, Santa Rosa Approves Community Homeless Assistance Program  
(CHAP) (Oct. 12, 2016), <https://srcity.org/DocumentCenter/View/4145>.

1 79. At the same time, Defendants have failed to provide adequate appropriate shelter to  
2 their homeless residents, they have increased enforcement against homeless encampments,  
3 particularly within the City of Santa Rosa.

4 80. The City of Santa Rosa has an “Anti-Camping Ordinance,” which makes it illegal  
5 to camp on public property, or to camp on private property without the permission of the  
6 property owner.

7 81. The City’s anti-camping ordinance provides as follows:

8 Chapter 11-22 CAMPING ON PUBLIC STREETS AND PUBLIC PROPERTY

9 11-22.010 Definitions.

10 For purposes of this chapter, the following definitions shall apply:

11 (A) “Camp” means to place, pitch or occupy camp facilities: to live  
12 temporarily in a camp facility or outdoors; to use camp paraphernalia.

13 (B) “Camp facilities” include, but are not limited to, tents, huts, vehicles,  
14 vehicle camping outfits, or temporary shelters.

15 (C) “Camp paraphernalia” includes, but is not limited to, bedrolls,  
16 tarpaulins, cots, beds, sleeping bags, hammocks or cooking facilities and similar  
17 equipment.

18 11-22.020 Camping on public streets and public property.

19 It is unlawful for any person to camp, occupy camping facilities, or use  
20 camp paraphernalia in any public park, or on any public street or any other public  
21 property.

22 11-22.030 Camping on private property.

23 It is unlawful for any person to camp on any private property without first  
24 obtaining written permission of the owner.

25  
26 82. In September 2013, the City amended its anti-camping ordinance to broaden the  
27 circumstances under which it would be illegal to camp in the City. The City broadened  
28

1 the definition of camp facilities under the ordinance, and eliminated its discretion to allow  
2 for public camping. The ordinance prohibits all forms of camping, including sleeping in  
3 vehicles. The ordinance also prohibits camping on private property.

4 83. On information and belief, in the past two years the City has increased its  
5 enforcement of the ordinance and related local “quality of life” laws, using these laws to  
6 cite and displace homeless individuals living outside in public places or in view of the  
7 public. Plaintiffs are aware of homeless individuals receiving citations for alleged  
8 violations of: City Code Section 10-12.020: Obstructing tunnel, overpass by loitering;  
9 10-12.030: Obstructing tunnel or overpass by sitting or lying on a street or sidewalk; 10-  
10 08.010: Public Excretion; and 9-12.050: Littering.

11 84. The County of Sonoma also has an anti-camping ordinance that makes it illegal to  
12 camp on public property or to camp on private property without the permission of the  
13 property owner.

14 85. The County’s anti-camping ordinance provides as follows:

15 Sec. 19-15. – Camping prohibited on public property, etc.

16 (a) Definition of “Camping.”, For the purposes of this section, the term  
17 “camping” means residing in the outdoors for living accommodation  
18 purposes, including sleeping or making preparations to sleep (such as laying  
19 down bedding for the purpose of sleeping), storing personal belongings  
20 (including but not limited to clothing, sleeping bags, bedrolls, blankets,  
21 luggage, backpacks, kitchen utensils, cookware and similar items), cooking  
22 or consuming meals, pitching a tent or other temporary shelter; includes the  
23 verb to “camp”.

24 (b) Camping on Public Property Prohibited. It shall be unlawful for any person  
25 or persons to camp in any public park, on any public street or on any other  
26 public property, except in a designated public campground or by authority of  
27 a written permit issued by the county.  
28

1 (c) Camping on Private Property Prohibited Absent Owner Permission. It shall  
2 be unlawful for any person or persons to camp on any private property  
3 without first obtaining the written permission of the owner or other person(s)  
4 in lawful possession of the property.

5 (d) Exceptions. Notwithstanding the prohibition against camping on public or  
6 private property, it is not the intent of this section to prohibit persons, when  
7 necessary for their safety or the safety of others, to pull off the public road  
8 and sleep, whether inside or outside their vehicles.

9 (e) Penalty for Violation. Any person who violates this section is guilty of a  
10 misdemeanor. Except where other penalties are specified, each offense may  
11 be punished by a fine of not less than one hundred dollars (\$100.00) nor  
12 more than five hundred dollars (\$500.00), or by the imprisonment in the  
13 county jail not to exceed sixty (60) days, or by both such fine and  
14 imprisonment.

15 86. In February 2014, the County amended its anti-camping ordinance to broaden the  
16 definition of unlawful camping to include “residing in the outdoors for living  
17 accommodation purposes” and the storing of personal belongings.

18 87. While there are legal campgrounds within Sonoma County, all of these charge a  
19 daily fee, and many are located far away from the City of Santa Rosa, businesses, and  
20 social services and are therefore not accessible to homeless persons who lack reliable  
21 transportation. Additionally, most legal campgrounds, including campgrounds at state and  
22 county parks, impose limitations on how long campers may stay. As such, the only viable  
23 camping option for most homeless people who lack shelter is to camp in “unsanctioned”  
24 encampments on public or private land.

25 88. In July 11, 2017, the City approved the “Homeless Encampment Assistance Pilot  
26 Program” (HEAPP). HEAPP’s stated purpose is, in part, “mitigating the impacts to the  
27 surrounding community” of the various encampments and “addressing the health, safety  
28 and shelter needs” of the encampment residents. The program utilizes the Homeless

1 Outreach Services Team (HOST) funded by the City and County, which includes a street  
2 outreach team working to engage unsheltered homeless into services and housing.

3 However, the effect of HEAPP has been the City's more aggressive enforcement of its  
4 anti-camping and related ordinances, and the forcible displacement of homeless  
5 encampments and their residents.

6 89. The first encampment targeted by HEAPP was the encampment located at the  
7 "Farmers Lane Extension" (aka "Homeless Hill"), which had been at that site for many  
8 years. The Farmers Lane Extension encampment had grown to 50 people as of the  
9 summer of 2017.

10 90. The residents of the Farmers Lane Extension encampment had begun receiving  
11 notices to vacate their encampment starting at the end of June 2017.

12 91. On July 10, 2017, City staff held a community meeting with the residents of the  
13 Farmers Lane Extension encampment in which residents were notified of the pending  
14 closure of the encampment and the services available through the Homeless Outreach  
15 Services Team (HOST) staffed by Catholic Charities. A few days later, the residents of  
16 the encampment received a notice to vacate the encampment set to expire on or about  
17 August 13, 2017.

18 92. On or about August 13, 2017, the City, through its Police Department, forcibly  
19 cleared the Farmers Lane Extension Encampment. Many of the residents there were  
20 unable to remove their personal belongings prior to leaving the premises. Plaintiffs are  
21 informed and believe and thereon allege that, when closing the Farmers Lane Extension,  
22 and without a notice and an opportunity for a hearing nor related process, the Santa Rosa  
23 Police Department made a general determination that all the personal property left behind  
24 by the residents of the encampment was deemed a health and safety risk, regardless of the  
25 nature of the property.<sup>20</sup> A subcontractor was hired to destroy all the property left behind.

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27 <sup>20</sup> Cleanup at Homeless Hill in Santa Rosa- August 15, 2017-Santa Rosa Press Democrat  
28 YouTube Video  
[https://www.youtube.com/watch?v=EAV\\_NN0NMzU](https://www.youtube.com/watch?v=EAV_NN0NMzU)

1 93. While the City created new shelter beds (some of the same described in  
2 paragraph 78) and placed approximately 28 individuals who had been forced out of the  
3 Farmers Lane Extension Encampment in shelters, many people from the Farmers Lane  
4 Extension instead moved to existing encampments at a Highway 101 underpass in Santa  
5 Rosa. On information and belief, the encampments under Highway 101 underpasses grew  
6 significantly in 2017; that growth occurred in part because of Defendants' sweeps of other  
7 encampments, and in part due to the October 2017 wildfires.

8 94. The residents of the Highway 101 Underpass encampments received several  
9 written Notices to Vacate Illegal Campsite during the course of 2017. These Notices  
10 indicated personal property deemed a health and safety risk would be destroyed and that  
11 remaining property would be stored for 90 days during which time it could be retrieved.  
12 According to the notices, if the property was not retrieved it would be deemed abandoned  
13 and would be disposed of pursuant to California Civil Code sections. 2080 et. seq. Due to  
14 the different notices provided, the Residents at the encampment were not sure when the  
15 actual date of closure would be.

16 95. Under HEAPP, the City forcibly cleared the 101 Underpass encampments on or  
17 about November 15, 2017. Plaintiffs and other residents of these encampments were not  
18 able to arrange to move all of their possessions at the time they vacated the area. Plaintiffs  
19 are informed and believe and thereon allege that the Santa Rosa Police made a general  
20 determination that all personal property left behind by the encampment residents was a  
21 health and safety risk, regardless of the nature of the property, after which point the  
22 property was confiscated and immediately destroyed. The City did not provide the  
23 residents with further notice, nor opportunity to be heard, before seizing and destroying  
24 their personal property.

25 ///

1 96. While the City provided placements for some of the Highway 101 Underpass  
2 residents when it swept their encampments, many of the residents relocated to other  
3 encampment locations, including the Roseland Encampments, discussed below.

4 **The Roseland Encampments**

5 97. The two encampments at “Roseland” site, located at 665 to 883 Sebastopol Road,  
6 in Santa Rosa, were among the largest encampments in the County at the time of filing.  
7 Over 100 people, including the individual the Plaintiffs in this matter, lived at the  
8 Roseland site, in two encampments (the Roseland Encampments).

9 98. The Roseland site is held by Defendant CDC, and is located Santa Rosa. The City  
10 annexed the site on November 1, 2017.

11 99. Other businesses and structures occupy the Roseland site, including a Dollar Tree  
12 retail store.

13 100. The first Roseland encampment located at the Roseland site in November 2015,  
14 when approximately 20 people moved to the Roseland site from another encampment  
15 within the Santa Rosa city limits.

16 101. CDC indicated in early 2016 that it would assist the encampment residents in  
17 locating a more suitable location for their encampment.<sup>21</sup> In the two-plus years that have  
18 passed since the Roseland Encampments began, the CDC provided fencing, porta-toilets  
19 and water to residents there, and other community members have also donated fencing and  
20 porta-potties. The CDC also allowed a security team to patrol the area.

21 102. On February 21, 2017, the County approved an extension of the lease for the Dollar  
22 Tree store located adjacent to the Roseland Encampments, which would allow the  
23 business to continue until July 2018. In addition, the County also authorized the CDC to  
24 approve an additional extension of the lease, if warranted, for up to 12 months.

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26  
27 <sup>21</sup> See Santa Rosa Press Democrat Article—Feb. 14, 2016—Homeless activists ask county  
28 to sanction Roseland camp (available at <http://www.pressdemocrat.com/news/5205093-181/homeless-activists-ask-county-to>).

1 103. A second encampment formed at the location in November 2017 after the eviction  
2 of the Highway 101 Underpass encampments, and others have relocated to Roseland  
3 following the closure of other, smaller encampments throughout the City. When the  
4 residents of other encampments asked the police where they were supposed to go when  
5 their encampments were swept, the police told some to go to the Roseland Encampments.

6 104. At least 10 individuals sought shelter at the Roseland Encampments after losing  
7 their housing in the North Bay Wildfires in October 2017.

8 105. As with the homeless population more broadly, Roseland Encampments residents  
9 were disproportionately living with disabilities relative to the general population.

10 106. As of the date of filing, the CDC had not located or proposed an alternative spot for  
11 the residents of the Roseland Encampments to go, as it had promised in 2015.

12 107. In the report to the Board of Supervisors on December 5, 2017, the CDC indicated  
13 there were insufficient shelter or housing resources available to assist all of the persons at  
14 the Roseland area encampments. At that December 5, 2017, meeting, the CDC also cited  
15 the need to begin remediation work at the Roseland Encampment site as part of a pending  
16 development plan that commendably would include affordable housing. CDC reported  
17 that this remediation work could continue with the ongoing businesses at the site, but the  
18 remaining areas of the site would need to be closed off. The developer's plans, however,  
19 show that there is a large window for doing the remediation work—extending well into  
20 2019, and that the affordable housing units are not scheduled to be completed until the  
21 period of 2020-2022. The report was informational only, and the Board of Supervisors  
22 took no action at that meeting regarding the Roseland Encampments.

23 108. On or about February 21, 2018, the CDC posted a written Notice to Vacate at the  
24 Roseland Encampments. The Notice provided a deadline of March 23, 2018, to vacate the  
25 encampments or face possible arrest and prosecution for the violation of California Penal  
26 Code Sec. 647(e) (unlawful lodging), Cal. Penal Code Sec. 602(m)(trespass) and Santa  
27 Rosa City Ordinance 11-22-.030 (prohibited camping on private property without  
28 permission). The Notice indicated the CDC was revoking any prior authority it may have

1 granted for the occupants to reside at the encampment site. The Notice goes on to state  
2 that other violations to which persons may be subject to arrest and prosecution include  
3 “unlawful storage of property”, “unlawful refuse disposal”, “unlawful failure to restrain an  
4 animal” and “unlawful fire.”

5 109. On or about February 27, 2018, after posting the notice of its intent to sweep the  
6 Roseland Encampments, the CDC opened a “Navigation Center (NC)” in an unoccupied  
7 building near the encampment site. The NC was run and staffed by the Homeless  
8 Outreach and Services Team (HOST) program through Catholic Charities. The NC was  
9 open 5 days a week in order to provide assessment services to residents through the  
10 encampments to place them in alternative living situations.

11 110. On or about March 7, 2018, the CDC posted a new Notice to Vacate, still dated  
12 February 21, 2018. This new Notice to Vacate contained substantially the same language  
13 as the previous February 21, 2018, notice, but changed the deadline to vacate to April 3,  
14 2018. A copy of that Notice is attached to this Complaint as Exhibit A.

15 111. In a public meeting on March 12, 2018, CDC staff stated that the CDC planned to  
16 use the City police to enforce the Notice to Vacate on April 3, 2018.

17 112. According to CDC reports from mid-March, approximately 16 residents from the  
18 Roseland Encampments had been assessed by the HOST program staff at the Navigation  
19 Center and had accepted shelter placements, and five have been assessed and referred to  
20 permanent housing.

21 113. However, as of March 30, 2018, Defendants had not identified adequate alternative  
22 placements for all of the residents of the Roseland Encampments.

23 114. The primary—and, in some instances, only—placement that Defendants offered to  
24 the Roseland Encampments’ residents is a shelter bed in an emergency shelter. Placement  
25 in such a shelter is not appropriate for many residents of the Roseland Encampments who  
26 are living with mental health disabilities or other disabilities that limit their ability to live  
27 in a crowded shelter setting. For example, many residents have mental health disabilities  
28 that cause them to experience fear and anxiety in situations where they are in close

1 quarters with others, or where they must give up their privacy. As such, it is not possible  
2 for them to stay—even for a short time—in a shelter setting.

3 115. Plaintiffs sent letters to Defendants on March 9, 2018, and March 12, 2018,  
4 requesting that Defendants temporarily postpone the sweep of the Roseland Encampments  
5 until adequate alternative shelter placements, or an alternative encampment site, was  
6 available for the residents to be displaced by the sweep and inviting Defendants to enter  
7 into a dialogue about possible solutions.

8 116. Over the next ten days, Defendant CDC and Plaintiffs entered into a dialogue  
9 process to discuss the situation. Defendant CDC provided Plaintiffs documentation it  
10 alleged supported its claim it had adequate grounds to close the Roseland Encampments.

11 117. Plaintiffs also met with the City of Santa Rosa during this time.

12 118. On March 26, 2018, Plaintiffs requested that Defendants postpone their planned  
13 sweep of the Roseland Encampments temporarily, until adequate alternative shelter had  
14 been offered to all residents as a reasonable accommodation<sup>22</sup> under federal and state  
15 disability rights laws.

16 119. While Defendant CDC offered to entertain specific accommodation requests from  
17 individual encampment residents if they could make them by April 3, CDC refused to  
18 delay the sweep.

19 120. On March 28, 2018, Plaintiffs requested that the sweep be temporarily postponed  
20 for 14 days to ensure that the Roseland Encampments' residents were not forcibly  
21 removed from the site without first having been offered appropriate shelter placements or  
22 alternative housing.

23 121. However, on March 29, 2018, Defendants responded that they would proceed with  
24 the sweep on April 3, as planned.

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25  
26 <sup>22</sup> The Americans with Disabilities Act uses the term “reasonable modification” with  
27 respect to necessary changes in government policies or programs rather than the term  
28 “reasonable accommodation”, which appears in other statutes, such as the Fair Housing  
Act. However, courts have recognized that these terms create identical standards. *See*  
*McGary v. City of Portland*, 386 F.3d 1259, 1266, fn. 3 (9th Cir. 2004).

1 122. As of the date of the filing of this action, Defendants had not withdrawn the Notice  
2 to Vacate, nor postponed the planned sweep of the Roseland Encampments.

3 123. Based on the City's seizure and destruction of personal property in previous  
4 encampment sweeps, Plaintiffs expected that, in addition to forcibly removing Roseland  
5 Encampments residents from the site where they have been living, the City would likely  
6 seize and destroy their personal property without providing any pre-deprivation hearing,  
7 even where such property does not pose a threat to health and safety.

8 **Nicholle Vannucci**

9 124. Plaintiff NICHOLLE VANNUCCI is 30 years old.

10 125. Ms. Vannucci is part-Native American and has lived in Santa Rosa since she was  
11 eight years old.

12 126. As of the date of filing, Ms. Vannucci had lived at the Roseland Encampments for  
13 approximately 10 months.

14 127. As of the date of filing, Ms. Vannucci had no income but had applied for CalFresh  
15 (aka Food Stamps).

16 128. Ms. Vannucci is a survivor of domestic violence. Because of her experience in a  
17 violently abusive relationship, Ms. Vannucci has post-traumatic stress disorder (PTSD).

18 129. The symptoms of Ms. Vannucci's PTSD make it extremely difficult for her to be  
19 around other people and to secure suitable work.

20 130. Ms. Vannucci became homeless in November 2016 after her husband attacked her  
21 and she fled her home. She was on the streets for several weeks, spending time in Marin  
22 County and Sacramento.

23 131. Around April 2017, Ms. Vannucci returned to Sonoma County and sought services  
24 from Catholic Charities through their Homeless Services Center. She has received mail at  
25 the Homeless Services Center, and has taken an occasional shower there, but she did not  
26 receive an appropriate temporary or permanent housing placement from the Homeless  
27 Services Center. Ms. Vannucci continued to live on the streets for several months but  
28 eventually moved into the Roseland Encampments.

1 132. Living at the Roseland Encampments provided Ms. Vannucci with a sense of safety  
2 and stability that she had not been able to find elsewhere while she had been homeless.  
3 Having her own tent, which she shared with her partner, made her feel secure and gave her  
4 a place where she could find some degree of peace when she was experiencing extreme  
5 symptoms of PTSD. Having the ability to zip up her tent and be alone made her feel more  
6 secure than she had felt in other settings, including homeless shelters. She felt her  
7 possessions were safe at the Roseland Encampments, and she slept better there than she  
8 had slept in many months.

9 133. Ms. Vannucci previously tried to stay at a homeless shelter, but, after being  
10 sexually assaulted during her first night there, she left. Because of this experience, her  
11 past history of abuse, and the symptoms of her mental health disability, Ms. Vannucci  
12 does not feel safe at homeless shelters.

13 134. As of March 30, 2018, Ms. Vannucci was unemployed. She had worked some  
14 service jobs in Sonoma County, but the symptoms of her PTSD made it hard to stay in a  
15 job, especially a job where she had to interact with other people.

16 135. During the time Ms. Vannucci was with her abusive husband, she was not able to  
17 work, due to his controlling behavior.

18 136. Ms. Vannucci does not have reliable transportation, and her credit rating is very  
19 low; it is hard for her to search for housing.

20 137. Ms. Vannucci sought assistance through the Navigation Center adjacent to the  
21 Roseland Encampments several weeks prior to the scheduled eviction of the  
22 encampments. Ms. Vannucci completed an assessment with the Navigation Center staff.  
23 At the time she did her assessment, Ms. Vannucci informed HOST as to the nature of  
24 disabilities and her needs regarding a shelter placement. The Navigation Center staff  
25 offered her a referral to a shelter bed at Sam Jones Hall, but Ms. Vannucci declined that  
26 offer as she cannot stay at a shelter due to her PTSD symptoms.

27 138. As of the date of filing this lawsuit, neither Defendants nor their agents had offered  
28 Ms. Vannucci a placement that met her disability-related needs.

1 139. Ms. Vannucci has no other place to go at this time. Ms. Vannucci is concerned  
2 that, until she is able to locate better shelter, she will not be able to find a place she would  
3 be able to reside without possible harassment by the authorities. She is also concerned  
4 about the well-being of the other encampment residents. If they are scattered to other  
5 locations, they will face additional hardship and difficulty in accessing services and obtain  
6 shelter placements.

7 **Ellen Brown**

8 140. Plaintiff ELLEN BROWN is 52 years old and is a native of Sonoma County.

9 141. As of March 30, 2018, Ms. Brown resided at the Roseland Encampments, where  
10 she had been living since November 2017 with her partner Jacoby.

11 142. Ms. Brown unable to work due to physical and mental disabilities. She receives  
12 some benefits based on her disability, but does not have enough income to afford housing.

13 143. Ms. Brown applied many years ago for Section 8 housing assistance, but has not  
14 received the benefit. Ms. Brown has also tried many times to apply for other types of  
15 affordable housing without success.

16 144. Ms. Brown was diagnosed with a mental disability at age 20 but was able to work  
17 for about 9 years as a Certified Nurse's Assistant. More recently, she has suffered strokes  
18 and how has difficulty communicating because of the strokes' effects.

19 145. Ms. Brown has been homeless since 2000. Ms. Brown lived in the area of the  
20 Highway 101 Underpasses for about two years before the City forcibly closed that  
21 encampment in November 2017.

22 146. At one point during the time she lived at the Highway 101 Underpass, Ms. Brown  
23 had all her possessions seized by the police. The possessions were dumped in a large pile  
24 with all the other possessions from the area. Ms. Brown was not able to retrieve her  
25 possessions.

26 147. The property Ms. Brown lost at that time included, but was not limited to, her  
27 identification, her purse, all her clothes, her phone and her medications. Ms. Brown  
28

1 needed to take her medications every day, and so was required to go to the doctor  
2 immediately to have her prescriptions refilled.

3 148. Ms. Brown received no advance written notice as to the seizure of her possessions  
4 at that time.

5 149. After the City swept the Highway 101 encampments, Ms. Brown relocated to the  
6 Roseland Encampments.

7 150. Ms. Brown went to the NC shortly after it opened. After several attempts, she was  
8 able to do an assessment with a staff person at the Center.

9 151. Ms. Brown did not want to be split up from her partner, who helps her with tasks  
10 that she has difficulty with because of her disability. One of her fears about going to a  
11 shelter is the fear of being separated from her partner.

12 152. Defendants' decision to shut down the Roseland Encampments and evict all the  
13 encampment residents exacerbated the symptoms of Ms. Brown's disabilities, causing her  
14 to feel a great deal of anxiety and depression related to uncertainty about where she would  
15 go next, and whether she would be harassed by police if she had to find another location to  
16 camp.

17 **Homeless Action!**

18 153. Ensuring that homeless residents of Sonoma County are not forcibly removed from  
19 the encampments without alternative shelter, that their personal possessions are not seized  
20 and destroyed without pre-deprivation process of law, and that residents with disabilities  
21 are offered referrals appropriate to their disability-related needs is consistent with the  
22 mission and purpose of HA. Defendants' actions and omissions described in this  
23 Complaint frustrate that mission.

24 154. Additionally, responding to the proposed sweep of the Roseland site has caused HA  
25 to divert considerable resources away from its efforts to address homelessness in other  
26 parts of Sonoma County and Northern California more broadly.

27 155. Starting in November 2017 (when the second encampment at the Roseland site  
28 began to form) and continuing through the filing of this action, HA has focused at least 70

1 percent of its time and financial resources in supporting the Roseland Encampments  
2 residents.

3 156. These efforts have included attending weekly meetings with residents at the  
4 encampments, attending meetings with local officials to discuss logistics and issues  
5 related to the encampments, and holding weekly meetings with members of Catholic  
6 Charities regarding support and available shelter resources for encampment residents.

7 157. HA and its members have also performed various tasks to support individual  
8 encampment residents, such as assisting residents in accessing assessments and  
9 placements through the Navigation Center, making arrangements for storage of Roseland  
10 Encampments residents' personal property to prevent or mitigate the destruction of  
11 residents' property by Defendants, and arranging for a volunteer Registered Nurse to visit,  
12 examine and assist individual encampment residents.

13 158. HA has also devoted the majority its own regular meeting time to the issue of  
14 support for the Roseland Encampment residents since November 2017.

15 159. During this same time, HA has expended over 50% of its financial resources  
16 towards the support of the Roseland Encampment residents, including the funding of a  
17 portable toilet, trash disposal, and transportation costs for assistance of individual  
18 residents; HA has also expended funds on fliers and other office supplies related to the  
19 proposed eviction of the Roseland Encampments.

20 160. Starting in November 2017, in order to focus its limited resources on supporting  
21 Roseland Encampments residents and addressing the impending sweep of the  
22 encampments, HA significantly reduced its participation in other efforts related to its  
23 mission. It stopped participating in a local countywide coalition of housing advocates  
24 working on various county-wide housing issues and suspended its work on an ongoing  
25 collaborative local outreach project involving focus group discussions to gather  
26 information on homelessness throughout the County.

27  
28

**SUPPLEMENTAL STATEMENT OF FACTS**

1  
2 161. Defendant CDC closed the Navigation Center adjacent to the Roseland  
3 Encampments on April 2, 2018.

4 162. Plaintiffs are informed and believe and so allege that HOST staff were not on the  
5 Roseland site between the TRO hearing on April 5 and Monday, April 9.

6 163. Plaintiffs are informed and believe and so allege that from April 10 to April 20,  
7 2018, HOST staff visited the Roseland Encampments to conduct assessments and offer  
8 placements. HOST staff were not there every day, and their schedule was not always  
9 predictable to encampment residents.

10 164. Representatives of Plaintiff Homeless Action! (HA) made efforts to assist  
11 encampment residents in obtaining assessments for shelter placement with HOST between  
12 the TRO on April 5 and the sweep of the Roseland Encampments on April 19. HA  
13 volunteers located encampment residents who had not yet been assessed, encouraged them  
14 to complete assessments, brought them to assessment appointments, and, when residents  
15 requested, attended assessments to provide support to residents going through the  
16 assessment process.

17 165. HA also notified encampment residents of their right to request reasonable  
18 accommodations in the assessment and placement process and attempted to facilitate those  
19 requests to HOST and CDC.

20 166. Plaintiffs' Counsel forwarded 22 encampment residents' written requests for  
21 reasonable accommodations in the assessment and shelter placement process to Counsel  
22 for CDC on April 12, 2018. Additional residents requested accommodations from CDC  
23 and HOST in the days leading up to the sweep.

24 167. Many of these individuals requested alternatives to the generally offered placement  
25 at Samuel Jones Hall or requested partitioned beds or other accommodations at Samuel  
26 Jones Hall because their disabilities make placement in a large emergency shelter  
27 inappropriate for their health and wellbeing  
28

1 168. Reasonable accommodations offered in Samuel Jones Hall described by  
2 representatives of the CDC and HOST included possible partitions around beds, or  
3 placement with familiar persons located near each other. Plaintiffs are informed and  
4 believe and so allege that individualized partitions in Samuel Jones Hall were still being  
5 assembled on April 19, 2018, the day the sweep of the Roseland site began.

6 **Defendants' Sweep of the Roseland Encampments**

7 169. Defendants evicted the residents of the Roseland Encampments on April 19 and 20,  
8 2018, seized and destroyed personal property, and cleared the site.

9 170. The Santa Rosa Police Department, staff from CDC and HOST, and counsel for all  
10 Defendants participated in the removal of the Roseland Encampments.

11 171. CDC workers and contractors used bulldozers and other heavy machinery to  
12 "clean" the site and destroy personal property that CDC identified as abandoned.

13 172. HA volunteers and Plaintiffs' counsel were during this time present to assist and  
14 support residents.

15 173. Defendants removed all the portable toilets and hand washing stations on or before  
16 April 19, while many encampment residents remained on the site, some of which had been  
17 provided by Defendants County and/or CDC, and some by HA.

18 174. Defendants fenced off the Roseland Village site at approximately 3:00 p.m. on  
19 April 20, 2018; residents were not allowed to return to the site after that time.

20 175. Plaintiffs are informed and believe and so allege that persons seeking to store items  
21 through the CDC at the site of the former Navigation Center were only allowed two 16" x  
22 18" x 18" cardboard boxes for storage. Plaintiffs are informed and believe and so allege  
23 that only one person from the Roseland Encampments stored belongings according to this  
24 process.

25 176. Plaintiffs are informed and believe and so allege that workers employed by  
26 Defendant CDC destroyed large amounts of personal property remaining on the site.  
27 Many of the encampment residents lost valuable personal property as part of the closure of  
28 that encampment, and many filed claims with the County and City for the loss.

1 177. HOST offered temporary motel placements on April 19 and 20 to approximately 9  
2 persons who had requested placements in settings other than a large shelter as reasonable  
3 accommodations of disabilities. Approximately 15 persons who had made such requests  
4 were not placed by HOST and were forced to vacate the Roseland Encampments without  
5 having been offered temporary or permanent shelter placements that met their disability-  
6 related needs. Plaintiffs are informed and believe and so allege that other residents  
7 requested reasonable accommodations in shelter placement during the sweep of the site  
8 but were not provided such accommodations prior to Defendants' forcing them to leave  
9 the Roseland site.

### 10 **The Joe Rodota Trail Encampment**

11 178. Approximately 60 residents of the Roseland Encampments, many of whom had  
12 requested reasonable accommodations in their shelter placements but who had not been  
13 offered placements that met their needs, relocated to the Joe Rodota Trail, an 8.5-mile-  
14 long public hike-and-bike-trail in Defendant Sonoma County's regional parks system  
15 when Defendants closed the Roseland Encampments. Plaintiffs are informed and believe  
16 and so allege that the individuals whom Defendants forced to leave the Roseland site  
17 without alternative shelter were overwhelmingly people with disabilities.

18 179. The Joe Rodota Trail Encampment grew to nearly 100 people, including both  
19 former Roseland Encampments residents and other homeless individuals.

20 180. Plaintiffs are informed and believe and so allege that the Roseland Encampments  
21 residents who had been placed by HOST in local motels with motel vouchers had all been  
22 removed from the motels, by May 6, 2018, some without advance notice from the motel  
23 management, HOST, or CDC. Many returned to living on the streets after being ejected  
24 from the motels.

25 181. HA alerted HOST and Defendants that approximately 12 additional former  
26 Roseland Encampments residents with disabilities residing in the Joe Rodota Trail area  
27 had identified need for reasonable accommodations in shelter placement.  
28

1 182. Plaintiffs are informed and believe and so allege that, between April 23 and May  
2 30, 2018, HOST staff met with encampment residents along the Joe Rodota Trail and  
3 provided a hotline number to call. Many encampment residents experienced difficulty  
4 connecting with HOST workers, either in person or by telephone.

5 183. Members of HA rented porta-potties on or about May 5, 2018 providing them to  
6 homeless individuals living on the Joe Rodota Trail.

7 184. Defendant Sonoma County removed the porta-potties on or about May 7, 2018,  
8 depriving encampment residents of facilities necessary to promote the health and safety of  
9 encampment residents, and the park more generally, and to prevent the spread of disease.

10 185. HA requested orally and in writing that the County allow installation and  
11 maintenance of the porta-potties at Homeless Action!’s expense. HA described to the  
12 County the ways in which the absence of sanitary facilities caused injury to the health and  
13 well-being of encampment residents; for example, female residents who were  
14 menstruating were forced to tend to their hygiene needs in the bushes.

15 186. The County refused to allow the sanitary facilities on grounds that Sonoma County  
16 Parks and Recreation had not authorized portable toilets or water on the Joe Rodota Trail  
17 and cited County Code Section 20-18. This section states in part: “No person shall  
18 deposit, place, throw, or in any manner dispose of any rubbish, trash, garbage, or any  
19 decaying or putrid matter, or any material or substance which is or might become  
20 injurious to the health of any person, in or upon any park, except containers provided for  
21 such purposes by the park authority and no person shall import and deposit any rubbish  
22 upon or in any area of the park from other places.” The County also stopped providing  
23 trash pickup services, allowing garbage to pile up.

24 187. HA volunteers also attended camp meetings, spoke at Board of Supervisors and  
25 City Council meetings in support of transitional villages, surveyed camp residents  
26 regarding their needs for storage and shelter, serviced the garbage cans, paid for trash  
27 bags, purchased garbage cans with lids to help keep rodents away, delivered food, water  
28

1 and helped to pack and move residents' personal property during the week of May 26 to  
2 June 1.

3 188. HA also requested delay in the eviction until a new location for encampment  
4 residents to live safely and without fear of prosecution could be obtained.

5 **Defendants' Sweep of the Joe Rodota Trail Encampment**

6 189. Defendant County of Sonoma, through its Regional Parks Department, served a  
7 Notice to Vacate on the residents of the encampment on the Joe Rodota Trail on or about  
8 May 8, 2018. The Notice did not provide a date by when residents were required to  
9 vacate the encampment, but it threatened that, if residents did not vacate the area, they  
10 would be subject to arrest and possible prosecution for violation of California Penal Code  
11 §§ 602 and 647(e) as well as Santa Rosa City Code § 11-22.030 (prohibiting camping on  
12 public land). The notice also stated all that personal property needed to be removed from  
13 the area, that property that posed a risk to health and safety would be destroyed, and that  
14 the remaining property would be stored for a period of up to 60 days. The Notice did not  
15 provide a deadline for the removal of property.

16 190. Defendant County of Sonoma, through its Regional Parks Department, served  
17 another Notice to Vacate on the residents of the encampment on the Joe Rodota Trail on  
18 or about May 16, 2018. This Notice to Vacate contained the same language as the  
19 previous Notice.

20 191. The notices caused encampment residents to live in fear that, at any time, the  
21 encampment would be swept and that their belongings would be seized and destroyed.

22 192. The County announced through a press release dated May 23, 2018, that it would  
23 close a section of the Joe Rodota Trail on May 30, 2018, to remove the encampment.

24 193. The County's Regional Parks Department posted a Notice to Vacate Illegal  
25 Campsite/Lodging (Notice) that same day. The Notice, which states that it expires May  
26 30, 2018, at noon, is attached as Exhibit B.

27 194. The Notice threatens arrest and prosecution of any person who has not vacated the  
28 property by May 30, 2018. It cites California Penal Code section 647 (unlawful lodging),

1 California Penal Code 602 (trespass), Santa Rosa City Code section 11-22-020 (unlawful  
2 camping on public property), Santa Rosa City Code section 11-22-030 (unlawful camping  
3 on private property), Sonoma County Code section 20-25 (illegal camping).

4 195. The Notice states that personal property “must be removed immediately or it will  
5 be removed by Regional Parks.” The notice states that personal property that does not  
6 “pose a risk to public health or safety” will be stored by the County for 60 days.

7 196. Approximately 32 of the former Roseland Encampments residents identified by  
8 Homeless Action! as needing reasonable accommodations continued to reside in the Joe  
9 Rodota Trail Encampment as of May 30, 2018 and had not been placed in temporary or  
10 permanent shelter that met their disability-related needs.

11 197. Defendants erected fences around the entire area surrounding the Joe Rodota Trail  
12 Encampment from May 30, 2018, to June 1, 2018.

13 198. Entrance to the area during that time was restricted to County and City personnel,  
14 encampment residents, and limited others who had been pre-authorized by the County.  
15 Only four Homeless Action! volunteers who were specifically pre-authorized by the  
16 County were allowed into the area where HOST was conducting assessments. The  
17 County also allowed only volunteer attorneys whom the County had pre-authorized to be  
18 present.

19 199. HOST was on the site for two or three hours each day to facilitate assessments and  
20 shelter placements. Many encampment residents felt pressured by HOST to accept  
21 placements at Samuel Jones Hall, even where they had already explained to HOST that  
22 they were unable to stay at Samuel Jones Hall for disability-related reasons.

23 200. Santa Rosa Police Department officers, Sonoma County Regional Parks  
24 Department rangers, HA and CDC staff assisted in storing personal possessions for people  
25 in the building that housed the former Navigation Center. Each day, Santa Rosa Police  
26 Department officers told all residents they would need to leave as soon as possible or face  
27 possible arrest.  
28

1 201. The Santa Rosa Police pressured the remaining residents during the morning of  
2 June 1, 2018, ordering them to leave as soon as possible. All remaining people were  
3 forced out of the area by the end of that day, and some had been arrested. Crews began to  
4 remove and destroy any remaining personal property.

5 **Defendants' Continued Enforcement of Anti-Camping Ordinances Against Former**  
6 **Roseland Encampments Residents and Residents of Other Homeless Encampments**

7 202. Defendants County of Sonoma and City of Santa Rosa have continued to rigorously  
8 enforce their anti-camping and related ordinances since the closure of the Joe Rodota Trail  
9 encampment. Enforcement has included forced removal, arrest or threat of arrest, seizure  
10 of personal property, and failure to provide reasonable accommodations.

11 203. Other smaller encampments that formed along the Joe Rodota trail also have been  
12 forcibly closed by the Santa Rosa Police Department and County park rangers.

13 **Nicholle Vannucci**

14 204. Ms. Vannucci and her partner Bryan actively participated in the County's  
15 placement process and sought alternative housing following the TRO hearing in this case.

16 205. Neither Ms. Vannucci nor her partner had been offered any placement that met  
17 their disability-related needs when the sweep of the Roseland Encampments began on  
18 April 19 and they were still living at the Roseland site at that time.

19 206. Ms. Vannucci visited Samuel Jones Hall to view the partitions on April 19, 2018,  
20 and broke down in tears. She was terrified of staying there because she had been  
21 previously assaulted there. She concluded that she could not stay at Samuel Jones Hall,  
22 even with individualized partitions.

23 207. On April 20, HOST placed Ms. Vannucci and her partner in a local Motel 6 with a  
24 motel voucher; the placement was for a maximum of 14 days. HOST then extended the  
25 placement to May 9, 2018.

26 208. Motel 6 management forced Ms. Vannucci to leave her motel room with less than a  
27 day's notice on May 4, 2018, before Ms. Vannucci's hotel voucher expired.

28

1 209. She did not have alternative shelter, so Ms. Vannucci returned to living outside and  
2 joined the Joe Rodota Trail Encampment.

3 210. HOST provided Ms. Vannucci with a temporary motel placement when Defendants  
4 closed the Joe Rodota Trail Encampment, but she continues to be homeless.

5 211. Ms. Vannucci also is concerned that Defendants' continuing practices to force  
6 removal, seize property, arrest or threaten to arrest, and fail to provide reasonable  
7 accommodations of persons experiencing homelessness harms the well-being of the other  
8 homeless encampment residents in addition to her well-being. The practices cause Ms.  
9 Vannucci and others experiencing homelessness to be scattered to other locations and face  
10 additional hardship and difficulty in accessing services and obtaining appropriate shelter  
11 or housing placements.

12 **Ellen Brown**

13 212. Plaintiff Ellen Brown engaged with the HOST team in the hope of securing an  
14 appropriate placement between the TRO hearing and the sweep of the Roseland site on  
15 April 19, 2018.

16 213. Ms. Brown agreed to go into Samuel Jones Hall when Defendants closed the  
17 Roseland site, but was too afraid to go to the shelter, so she relocated to another  
18 encampment. That encampment was closed, so she relocated to another encampment,  
19 which also was closed.

20 214. HOST placed Ms. Brown in a motel room on April 22, 2018.

21 215. Ms. Brown experienced a transient ischemic attack (TIA) on April 24 and was  
22 briefly hospitalized.

23 216. Ms. Brown was evicted from her motel room by the management on May 6, 2018,  
24 on less than a day's notice. She then went back to the streets and eventually ended up at  
25 the encampment located on the Joe Rodota Trail.

26 217. Ms. Brown accepted a placement in Samuel Jones Hall on May 11, 2018.

27 218. Ms. Brown currently resides in Samuel Jones Hall in the women's section nearest  
28 the restrooms. This placement is exacerbating Ms. Brown's symptoms of depression and

1 anxiety. Having people and dogs around without privacy and accompanied by constant  
2 noise has made her extremely anxious.

3 219. Plaintiff SHANNON HALL is 37 years old. Ms. Hall was born in San Francisco  
4 but has lived most of her life in Sonoma County.

5 220. Ms. Hall was diagnosed as a child with attention deficit disorder (ADD). She was  
6 later diagnosed with depression. Plaintiff's mother died when she was 19; within a week  
7 after Ms. Hall's mother died, her father was diagnosed with cancer, and he died 15 months  
8 later.

9 221. Ms. Hall has two children aged 7 and 11. She was divorced in 2014, and the court  
10 awarded custody of her children to her ex-husband. Ms. Hall lost her home in the divorce  
11 and then became homeless. Ms. Hall stayed with family and friends for a time but has  
12 lived on the streets since 2017. Ms. Hall was raped while living on the streets.

13 222. Ms. Hall has no income. Ms. Hall is licensed as a dental assistant but has not  
14 worked in that field since 2015. Ms. Hall is living with depression and ADD, as well as a  
15 panic disorder and PTSD, and the symptoms of these disabilities limit her ability to work.

16 223. Ms. Hall moved to the Roseland Encampments at the end of November 2017. She  
17 went to the Navigation Center shortly after it opened in March 2018 and participated in an  
18 assessment by HOST. HOST offered Ms. Hall a bed in Samuel Jones Hall, but Ms. Hall  
19 is not able to stay in a large, crowded shelter due to her past experience of trauma and the  
20 symptoms of her mental health disabilities. Ms. Hall previously had stayed in Samuel  
21 Jones Hall but had to leave because the environment exacerbated her symptoms of anxiety  
22 and depression. HOST did not offer Ms. Hall alternative shelter placements when she met  
23 with HOST staff at the Navigation Center.

24 224. Ms. Hall affirmatively requested a reasonable accommodation in shelter placement  
25 on April 19, 2018, because of her mental health disabilities. She again explained to HOST  
26 why she could not stay in Samuel Jones Hall. HOST offered her a placement in Samuel  
27 Jones Hall that would be in an area near people she knew, possibly with a partition around  
28 her bed. Ms. Hall did not feel comfortable with the placement offer of HOST and she

1 asked to have a chance to see the inside of the shelter and the partitions before she  
2 accepted the placement. Ms. Hall was unable to view the arrangements in the shelter  
3 before Defendants closed the Roseland Encampments.

4 225. Ms. Hall temporarily left the area on April 20, 2018 during the closure of the  
5 Roseland Encampment and returned to complete her move, but many of her personal  
6 possessions, including her tent, her bedding, her clothes, and her shoes had been removed  
7 and destroyed. Plaintiffs are informed and believe and so allege that one or more  
8 Defendants were responsible for the confiscation and destruction of Ms. Hall's  
9 temporarily unattended personal property. Ms. Hall then moved a short distance to the Joe  
10 Rodota Trail area where she remained until May 31, 2018.

11 226. Ms. Hall spoke with representatives from HOST on May 30, 2018. HOST again  
12 offered Ms. Hall a bed in Samuel Jones Hall with a partition, but Ms. Hall concluded that  
13 the placement, even with a partition, would exacerbate the symptoms of her disabilities,  
14 and that she could not stay there.

15 227. Fearing arrest if she remained on the Joe Rodota Trail, Ms. Hall left the area and  
16 has since been staying on the street at various locations within Sonoma County.

17 228. Ms. Hall provided a letter from her treating health care provider to HOST on or  
18 about June 12, 2018 in support of her request for reasonable accommodation. HOST  
19 informed Ms. Hall that there are no shelter options available that meet her disability-  
20 related needs, and Plaintiff continues to live on the streets.

21 **CAUSES OF ACTION**

22 **(Restated and Including Supplemental Allegations)**

23  
24 **FIRST CAUSE OF ACTION**

25 Violation of Prohibition Against Cruel and Unusual Punishment  
26 Eighth Amendment to the United States Constitution  
27 California Constitution, Article I Section 17  
28 [42 U.S.C. §§ 1983; Cal. Const. art. XI, § 9]  
(against all Defendants)

1 229. Plaintiffs reallege and incorporate by reference all preceding paragraphs as if fully  
2 set forth herein.

3 230. Both the United States and California Constitutions protect individuals from being  
4 subjected to cruel and unusual punishment.

5 231. CDC' Notice to Vacate the Roseland Encampments and enforcement of that notice  
6 on April 19 and 20, 2018, along with Defendants' threatened and actual enforcement of  
7 the City's anti-camping ordinance and other laws restricting where persons may reside,  
8 effectively punish Plaintiffs and other homeless individuals by virtue of their  
9 homelessness.

10 232. Defendants' continuing unlawful conduct also has frustrated Plaintiff Homeless  
11 Action!'s mission and caused it to increase the resources and time expended to assist and  
12 serve homeless individuals.

13 233. The City's anti-camping ordinance specifically prohibits the use of "camp  
14 paraphernalia," which includes blankets and sleeping bags, and "camp facilities," defined  
15 as "any form of cover or protection from the elements." By enforcing this law,  
16 Defendants have deprived a portion of its citizens of protection from the rains, floods, and  
17 the cold.

18 234. The City's anti-camping ordinance broadly defines camping to include using  
19 property for living accommodation purposes such as sleeping and includes using tents or  
20 living in a parked vehicle.

21 235. The County's Notice to Vacate the Joe Rodota Trail Encampment and enforcement  
22 of that Notice, along with Defendants' threatened and actual enforcement of the County's  
23 anti-camping ordinance and "quality of life" laws, effectively punish Plaintiffs and other  
24 homeless individuals because of their homelessness.

25 236. The County's anti-camping ordinance makes it illegal to "resid[e] in the outdoors  
26 for living accommodation purposes, including sleeping or making preparations to sleep  
27 (such as laying down bedding for the purpose of sleeping), storing personal belongings  
28 (including but not limited to closing, sleeping bags, bedrolls, blankets, luggage,

1 backpacks, kitchen utensils, cookware and similar items), cooking or consuming meals,  
2 pitching a tent or other temporary shelter.” The only articulated exception to this  
3 prohibition is for drivers “when necessary for their safety or the safety of others, to pull  
4 off the public road and sleep, whether inside or outside their vehicles.”

5 237. The emergency beds and shelter housing available in the County for the homeless  
6 population are insufficient for the size of the homeless population in Sonoma County. A  
7 large portion of County’s homeless population therefore must sleep outdoors. Defendants  
8 have criminalized camping in this manner, thus Defendants are preventing their homeless  
9 population from carrying out one of the basic functions of survival, sleeping and staying  
10 dry and warm while doing so, without breaking the law.

11 238. Many of the available shelter beds are not appropriate for or accessible to certain  
12 individuals with disabilities, including Plaintiffs Nicholle Vannucci, Ellen Brown, and  
13 Shannon Hall, who are unable to stay in a large, crowded shelter due to disability-related  
14 mental health symptoms.

15 239. The homeless population in the City and County, including those who lived in the  
16 Roseland Encampments on CDC land and the Joe Rodota Trail Encampments on County  
17 land, must choose between sleeping outdoors exposed to the elements, significantly  
18 increasing the risk to health, or breaking the law and using “camping” paraphernalia such  
19 as blankets or tents to survive.

20 240. Defendants’ actions and threatened actions are with deliberate indifference to the  
21 danger individual Plaintiffs have and will suffer.

22 241. An actual controversy exists between Plaintiffs and Defendants as to whether  
23 Defendants have violated and/or are imminently threatening to violate the law.

24 242. Plaintiffs have no adequate remedy at law and are therefore entitled to injunctive,  
25 declaratory, and other equitable relief. Plaintiffs are also entitled to attorneys’ fees and  
26 costs.

27 **SECOND CAUSE OF ACTION**  
28 **Unreasonable Search and Seizure**

1 Fourth Amendment to the United States Constitution  
2 California Constitution Article 1, Section 13  
3 [42 U.S.C. §§ 1983; Cal. Const. art. XI, § 9]  
4 (against all Defendants)

5 243. Plaintiffs reallege and incorporate by reference all preceding paragraphs as if fully  
6 set forth herein.

7 244. The individual Plaintiffs possess property that holds both monetary and personal  
8 value. Plaintiffs have an expectation to be free from meaningful interference with those  
9 their property rights, even if their property is stored on public property.

10 245. The City's anti-camping ordinance contains no limitations, and provides for no  
11 limits on those enforcing the ordinance when determining which property poses a health  
12 and safety risk. The Ordinance, as enforced by Defendants, therefore permits seizure and  
13 destruction of private property even if the property poses no threat to public health and  
14 does not constitute evidence of a crime.

15 246. Defendants' enforcement of the Ordinance also increases the resources and time  
16 expended by Plaintiff Homeless Action! to assist and serve homeless individuals.

17 247. The written Notices to Vacate the Roseland Encampments and the Joe Rodota Trail  
18 Encampment provide authority for officials removing the property to unilaterally  
19 determine whether it constitutes a risk to public health and safety and then destroy the  
20 property without any form of process or input from encampment residents.

21 248. The Notices were issued with specific intent to deprive individual Plaintiffs and  
22 other encampment residents of their rights to their personal property.

23 249. Seizure of private property without a warrant or an exception to the warrant  
24 requirement constitutes an infringement upon Plaintiffs' Fourth Amendment rights.

25 250. Defendants unlawfully seized and destroyed the personal property of encampment  
26 residents in enforcing the closure of the Roseland Encampments, including the personal  
27 property of Plaintiff Shannon Hall.  
28

1 251. As of result of Defendants' unlawful seizure and destruction of homeless  
2 individuals' personal property, Plaintiffs have suffered and will continue to suffer the loss  
3 of their personal property without adequate due process unless enjoined.

4 252. Defendants' continuing unlawful conduct has frustrated Plaintiff Homeless  
5 Action!'s mission and caused it to increase the resources and time expended to assist and  
6 serve homeless individuals.

7 253. An actual controversy exists between Plaintiffs and Defendants as to whether  
8 Defendants have violated and/or are imminently threatening to violate the law.

9 254. Plaintiffs have no adequate remedy at law and are therefore entitled to injunctive,  
10 declaratory, and other equitable relief. Plaintiffs are also entitled to attorneys' fees and  
11 costs.

12 **THIRD CAUSE OF ACTION**

13 Deprivation of Procedural Due Process

14 Fourteenth Amendment of the United States Constitution

15 [42 U.S.C. § 1983]

16 (against all Defendants)

17 255. Plaintiffs reallege and incorporate by reference all preceding paragraphs as if fully  
18 set forth herein.

19 256. The City's anti-camping ordinance, as enforced by Defendants at the Roseland site,  
20 deprives citizens of due process by authorizing the destruction of property without specific  
21 notice and an opportunity to be heard.

22 257. Plaintiff Shannon Hall and other encampment residents have had their property  
23 seized and destroyed without specific notice and the opportunity to be heard.

24 258. The City's anti-camping ordinance contains no provisions regarding disposition of  
25 property owned by individuals who may be cited and arrested for violation of the anti-  
26 camping ordinance. The ordinance fails to provide notice in advance of the seizure of  
27 private property or procedures for return of that property post-seizure. Failure to provide  
28 pre- or post-deprivation procedures violates the Fourteenth Amendment.

1 259. Neither the Notice posted at the Roseland Encampments nor the Notice posted on  
2 the Joe Rodota Trail Encampment included a process to dispute prior to removal or  
3 following removal of the seized property or to challenge the categorization of the property  
4 as a risk to public health and safety.

5 260. The Notice promised encampment residents an opportunity to store their  
6 belongings, but many encampment residents did not receive adequate notice or process  
7 with respect to their personal property on the date of the encampment sweep, and some,  
8 including Plaintiff Shannon Hall, were actually or effectively denied adequate notice or  
9 the opportunity to remove or store their belongings before those belongings were seized  
10 and destroyed by Defendants.

11 261. Plaintiffs are informed and believe and so allege that during the closure of the  
12 Roseland site Defendants restricted the volume of items to be stored to two boxes of less  
13 than three cubic feet each.

14 262. Defendants did not afford homeless individuals whose personal property was  
15 removed or destroyed during the forcible removal residents and closure of the Roseland  
16 site with adequate pre- or post-deprivation process, in violation of the Fourteenth  
17 Amendment.

18 263. Defendants' continuing unlawful conduct has frustrated Plaintiff Homeless  
19 Action!'s mission and caused it to increase the resources and time expended to assist and  
20 serve homeless individuals.

21 264. An actual controversy exists between Plaintiffs and Defendants as to whether  
22 Defendants have violated and/or are imminently threatening to violate the law.

23 265. Plaintiffs have no adequate remedy at law and are therefore entitled to injunctive,  
24 declaratory, and other equitable relief. Plaintiffs are also entitled to attorneys' fees and  
25 costs.

26  
27 ///

28 ///

**FOURTH CAUSE OF ACTION**

State-Created Danger

Fourteenth Amendment of the United States Constitution

[42 U.S.C. § 1983]

(against all Defendants)

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266. Plaintiffs reallege and incorporate by reference all preceding paragraphs as if fully set forth herein.

267. Under the Substantive Due Process Clause of the Fourteenth Amendment, the state deprives a person of a substantive due process right if it affirmatively places the person in a position of danger. *Wood v. Ostrander*, 875 F. 2d 578, 583 (9th Cir. 1989).

268. Seizure of homeless individuals' property when homeless encampments are swept causes them to lose their possessions, including their only shelter from the elements, without adequate provision of appropriate and accessible alternative shelter.

269. Without any other available option for shelter, homeless individuals are forced to live exposed to the elements, including exposure to the cold, wind, and rain. These individuals' physical health will be jeopardized if forced to sleep with no protection from the cold, wind, and rain. Plaintiffs with mental health disabilities are likely to suffer aggravated and heightened mental health symptoms and psychological damage. Without protection, the health of homeless individuals with physical disabilities will be jeopardized and their disabilities exacerbated by exposure to the cold, wet, and wind.

270. Defendants destroyed the necessary camping equipment of Plaintiff Shannon Hall and other Roseland Encampments residents when they performed the sweep of the Roseland site, depriving them of the means to shelter themselves from the elements and secure their belongings.

271. On information and belief, Defendants actions in enforcing the City's and County's anti-camping ordinance, including at the Joe Rodota Trail Encampment, have deprived many other homeless individuals of the means to shelter themselves from the elements and secure their belongings.

1 272. Defendants know that their actions endanger the health and safety of Plaintiffs and  
2 other homeless individuals.

3 273. In knowingly and willfully placing the health and safety of Plaintiffs and other  
4 homeless individuals in danger through their actions, Defendants have violated, and will  
5 continue to violate, Plaintiffs' substantive due process rights under the Fourteenth  
6 Amendment to the U.S. Constitution.

7 274. Defendants' continuing unlawful conduct has frustrated Plaintiff Homeless  
8 Action!'s mission and caused it to increase the resources and time expended to assist and  
9 serve homeless individuals.

10 275. An actual controversy exists between Plaintiffs and Defendants as to whether  
11 Defendants have violated and/or are imminently threatening to violate the law.

12 276. Plaintiffs have no adequate remedy at law for the violations stated herein and are  
13 therefore entitled to injunctive, declaratory, and other equitable relief. Plaintiffs are also  
14 entitled to attorneys' fees and costs.

15 **FIFTH CAUSE OF ACTION**

16 Discriminatory Effect on Persons with Disabilities

17 [42 U.S.C. § 12131 et seq.]

18 (against all Defendants)

19 277. Plaintiffs reallege and incorporate by reference all preceding paragraphs as if fully  
20 set forth herein.

21 278. Title II of the Americans with Disabilities Act (ADA), 42 U.S.C. § 12132, prohibits  
22 discrimination against people with disabilities by state and local governments and their  
23 programs. Title II provides that "no qualified individual with a disability shall, by reason  
24 of such disability, be excluded from participation in or be denied the benefits of the  
25 services, programs, or activities of a public entity, or be subjected to discrimination by any  
26 such entity."

27 279. The City, the County, and CDC are all public entities covered by Title II of the  
28 ADA.

1 280. The actions of Defendants alleged in this Complaint relate to services, programs,  
2 and activities under Title II.

3 281. Individual Plaintiffs are “qualified persons with disabilities” as defined under the  
4 ADA. 42 U.S.C. § 12102; 42 U.S.C. § 12131; 28 C.F.R. § 35.104.

5 282. Likewise, many of the homeless individuals with and on whose behalf Plaintiff HA  
6 members, are people with disabilities.

7 283. Discrimination under Title II of the ADA includes administration of programs in a  
8 way that has a discriminatory effect on people with disabilities, or that has the “effect of  
9 defeating or substantially impairing the accomplishment of the objectives of the service,  
10 program, or activity with respect to individuals with disabilities.” 28 C.F.R. § 35.130 (f).

11 284. Individual Plaintiffs, other former residents of the Roseland Encampments, and a  
12 significant proportion of the homeless population of Sonoma County more broadly have  
13 physical or mental health disabilities at greater rates than the County’s population,  
14 generally, including mobility impairments, mental health disabilities, respiratory ailments,  
15 and cancer. Moreover, in the County’s 2017 Homeless Point-In Time Homeless Census  
16 and Survey, 41 percent of homeless persons surveyed identified as having a disability.

17 285. Defendants’ closure of the Roseland Encampments had a disparate impact on  
18 people with disabilities. The people whom Defendants threatened to forcibly remove  
19 from the place where they had been living, threatened to deprive of their personal  
20 property, and caused to be in fear of imminent incarceration are disproportionately people  
21 with disabilities compared to the general population of the City and the County.

22 286. Defendant’s closure of the Joe Rodota Trail encampment also had a disparate  
23 impact on people with disabilities, including former Roseland Encampments residents  
24 who had requested reasonable accommodation in shelter placement on the basis of their  
25 disabilities.

26 287. Defendants’ enforcement of their anti-camping and related ordinances more  
27 broadly, has a disparate impact on people with disabilities, as these ordinances criminalize  
28

1 the daily activities of homeless people, who are disproportionately people with  
2 disabilities.

3 288. Defendants' practice of placing encampment residents at large emergency shelters  
4 like Samuel Jones Hall is not appropriate for many individuals with disabilities. The  
5 Coordinated Entry System's reliance on such shelters as the primary—sometimes only—  
6 alternative to living at an encampment has a disparate impact on encampment residents  
7 with disabilities.

8 289. Forcibly removing residents and closing encampments without first identifying and  
9 offering alternative shelter that meets the individualized needs of people with disabilities  
10 does not serve any sufficiently compelling or bona fide and legitimate interest of  
11 Defendants.

12 290. The forcible removal and residents and closure of the Roseland Encampments and  
13 the subsequent forcible removal of residents and closure of the Joe Rodota Trail  
14 Encampment discriminated against people with disabilities in violation of Title II of the  
15 ADA.

16 291. The discrimination has caused injury to the individual Plaintiffs, as well as to  
17 Plaintiff HA via the frustration of its mission and the diversion of its resources.

18 292. An actual controversy exists between Plaintiffs and Defendants as to whether  
19 Defendants have violated and/or are imminently threatening to violate the law.

20 293. Plaintiffs have no adequate remedy at law for the violations stated herein and are  
21 therefore entitled to injunctive and declaratory relief, attorneys' fees and costs.

22 **SIXTH CAUSE OF ACTION**

23 Failure to Provide Reasonable Accommodations

24 [42 U.S.C. § 12131 et seq.]

25 (against all Defendants)

26 294. Plaintiffs reallege and incorporate by reference all preceding paragraphs as if fully  
27 set forth herein.  
28

1 295. Defendants’ duty not to discriminate against people with disabilities under Title II  
2 of the ADA includes a duty to provide reasonable accommodations, i.e., modifications in  
3 otherwise neutral policies or practices “when the modifications are necessary to avoid  
4 discrimination on the basis of disability, unless the public entity can demonstrate that  
5 making the modifications would fundamentally alter the nature of the service, program, or  
6 activity.” 28 C.F.R. § 35.130 (b)(7)(i).

7 296. Placement in the Samuel Jones Hall or other congregate emergency shelter settings  
8 is not viable for many of the encampments’ residents for reasons related to disabilities.

9 297. For example, Plaintiffs Nicholle Vannucci and Shannon Hall cannot stay in a  
10 shelter because staying in a crowded space will trigger the symptoms of their PTSD. For  
11 these Plaintiffs and other encampment residents who have similar symptoms, being moved  
12 into a place where they lack privacy, where they cannot control their surroundings, or  
13 where they may be separated from a partner or companion animal, would greatly  
14 exacerbate the symptoms of their disabilities.

15 298. Similarly, the traumatic experience of eviction, including eviction from a homeless  
16 encampment, can greatly exacerbate the symptoms of an individual’s mental health  
17 disability. The sweep of the Roseland Encampments, including the fear caused by posting  
18 the Notice to Vacate, had such an effect on Plaintiffs and many other residents.

19 299. On March 26, 2018, through their counsel, Plaintiffs asked Defendants to provide  
20 reasonable accommodations by postponing the sweep of the Roseland Encampments  
21 temporarily, until all residents with disabilities had been offered placements that met their  
22 disability-related needs.

23 300. Defendants, however, did not postpone the sweep, denying Plaintiff’s request.

24 301. A temporary delay of the scheduled sweep until there is somewhere realistic and  
25 appropriate for Roseland Village encampment residents to go would not have imposed an  
26 undue burden on Defendants or a fundamental alteration in Defendants’ programs.

27 302. By refusing to grant reasonable accommodations Defendants violated the ADA.  
28

1 303. Defendants' actions as alleged demonstrate that Defendants have a policy and  
2 practice of not offering or providing reasonable accommodations in shelter placements for  
3 individuals who participate in intake and assessment through Coordinated Entry.

4 304. Defendants offered alternative placements and/or reasonable accommodations to  
5 Plaintiffs Vannucci and Brown (as well as to former Plaintiffs Drake, Jenkins, and  
6 Singleton) but only *after* Plaintiffs filed a federal lawsuit. Ms. Vannucci's temporary  
7 motel stay lasted for less than two weeks; she then returned to the streets and the threat of  
8 an encampment sweep. Plaintiff Brown's shelter placement is not appropriate for her,  
9 given her disabling conditions.

10 305. Additional Roseland Encampments residents, including Plaintiff Shannon Hall,  
11 requested reasonable accommodations in shelter placement both before and after the  
12 sweep of the Roseland site. Plaintiff HA estimates that approximately 34 of these  
13 individuals have not been offered shelter placements that meet their needs but were  
14 subject to the Roseland sweep, the Joe Rodota Trail sweep, or both.

15 306. Defendants' denial of Plaintiffs' individual and collective requests for reasonable  
16 accommodations, coupled with their failure to adopt and implement a policy of providing  
17 legally required reasonable accommodations, discriminates against individuals with  
18 disabilities, in violation of the ADA.

19 307. Such discrimination has caused injury to the individual Plaintiffs, as well as to  
20 Plaintiff HA via the frustration of its mission and the diversion of its resources.

21 308. An actual controversy exists between Plaintiffs and Defendants as to whether  
22 Defendants have violated and/or are imminently threatening to violate the law.

23 309. Plaintiffs have no adequate remedy at law for these violations and therefore are  
24 entitled to injunctive and declaratory relief, attorneys' fees and costs.

25 **SEVENTH CAUSE OF ACTION**

26 Intentional Discrimination Against Persons with Disabilities  
27 [42 U.S.C. § 12131 et seq.]  
28 (against all Defendants)

1 310. Plaintiffs reallege and incorporate by reference all preceding paragraphs as if fully  
2 set forth herein.

3 311. By forcing the Roseland Encampments' residents to vacate the Roseland site  
4 without first offering alternative shelter that meets their disability-related needs, and by  
5 refusing to postpone the sweep of the Roseland Encampments as a reasonable  
6 modification, Defendants have intentionally discriminated against Plaintiffs on the basis  
7 of their disabilities in violation of the ADA.

8 312. Defendants have intentionally discriminated against Plaintiffs on the basis of their  
9 disabilities in violation of the ADA by forcing Joe Rodota Trail Encampment residents,  
10 many of whom were former residents of the Roseland Encampments, to vacate the Joe  
11 Rodota Trail site without first offering alternative shelter that meets their disability-related  
12 needs, and by refusing to postpone the sweep of the Roseland Encampments as a  
13 reasonable accommodation.

14 313. Defendants knew that the County's homeless population and the residents of the  
15 Roseland Encampments and Joe Rodota Trail Encampments are disproportionately people  
16 with disabilities.

17 314. Defendants knew that many residents of the Roseland Encampments could not go  
18 to a homeless shelter for reasons related to a disability, but Defendants did not provide  
19 appropriate placement to many encampment residents with disabilities.

20 315. Defendants posted a Notice to Vacate the Roseland Encampments by April 3, 2018,  
21 refused to postpone enforcement of that Notice, and proceeded with the sweep of the site.

22 316. Defendants knew that many residents of the Joe Rodota Trail Encampments could  
23 not go to a homeless shelter for reasons related to a disability, but Defendants did not  
24 provide appropriate placements to many encampment residents with disabilities.

25 317. Defendants forcibly removed residents and closed the Joe Rodota Trail site and  
26 continue to enforce their anti-camping ordinances against homeless individuals, including  
27 homeless individuals with disabilities.

28

1 318. Defendants have administered their programs in a way that discriminates against  
2 people with disabilities on the basis of their disabilities.

3 319. The discrimination has caused injury to the individual Plaintiffs, as well as to  
4 Plaintiff HA via the frustration of its mission and the diversion of its resources.

5 320. An actual controversy exists between Plaintiffs and Defendants as to whether  
6 Defendants have violated and/or are imminently threatening to violate the law.

7 321. Plaintiffs have no adequate remedy at law for these violations and therefore have  
8 no adequate remedy at law for these violations and therefore are entitled to injunctive and  
9 declaratory relief, attorneys' fees and costs.

10 **EIGHTH CAUSE OF ACTION**

11 Discrimination Against People with Disabilities in Federally Assisted Programs  
12 (29 U.S.C. § 794)  
(against all Defendants)

13 322. Plaintiffs reallege and incorporate by reference all preceding paragraphs as if fully  
14 set forth herein.

15 323. Section 504 of the Rehabilitation Act of 1973 provides that “[n]o otherwise  
16 qualified individual with a disability in the United States . . . shall, solely by reason of his  
17 or her disability, be excluded from the participation in, be denied the benefits of, or be  
18 subjected to discrimination under any program or activity receiving Federal financial  
19 assistance.” 29 U.S.C. § 794.

20 324. A “program or activity” includes “a department, agency, special purpose district, or  
21 other instrumentality of a State or of a local government” that receives or administers  
22 federal funds. 29 U.S.C. § 794 (b)(1)(A).

23 325. Plaintiffs are informed and believe and so allege that Defendants Sonoma County,  
24 City of Santa Rosa, and Sonoma County Community Development Commission all  
25 receive and/or administer federal funds and, as such, are covered by Section 504.

26 326. Individual Plaintiffs are qualified individuals with disabilities under Section 504.

27 327. Many of the other homeless individuals with and on whose behalf Plaintiff HA  
28 advocates are people with disabilities.

1 328. Section 504 prohibits covered entities from administering their programs in a way  
2 that has a discriminatory effect, or disparate impact, on people with disabilities. See 24  
3 C.F.R. § 8.4 (b)(4).

4 329. Section 504 requires recipients of federal funds to provide people with disabilities  
5 with meaningful access to their programs. To ensure meaningful access, reasonable  
6 accommodations may be required unless the recipient of federal funding can demonstrate  
7 that such modifications would result in a fundamental alteration in the nature of the  
8 program. 29 U.S.C. § 749; *Alexander v. Choate*, 469 U.S. 287, 301 (1985).

9 330. For the reasons described above, Defendants' sweep of the Roseland Encampments  
10 and subsequent sweep of the Joe Rodota Trail Encampment in the absence of appropriate  
11 alternative shelter for its residents discriminated against people with disabilities in  
12 violation of Section 504.

13 331. Such discrimination has caused injury to the individual Plaintiffs, as well as to  
14 Plaintiff HA via the frustration of its mission and the diversion of its resources.

15 332. An actual controversy exists between Plaintiffs and Defendants as to whether  
16 Defendants have violated and/or are imminently threatening to violate the law.

17 333. Plaintiffs have no adequate remedy at law for these violations and therefore are  
18 entitled to injunctive and declaratory relief, attorneys' fees and costs.

19 **NINTH CAUSE OF ACTION**

20 Violation of the Fair Housing Act

21 [36 U.S.C. § 3604]

22 (against all Defendants)

23 334. Plaintiffs hereby reallege and incorporate by reference all preceding paragraphs as  
24 if fully set forth herein.

25 335. The Fair Housing Act (FHA) makes it illegal to discriminate against people with  
26 disabilities in the provision of housing-related services.

27 336. Such discrimination includes "a refusal to make reasonable accommodations in  
28 rules, policies, practices, or services, when such accommodations may be necessary to

1 afford such person equal opportunity to use and enjoy a dwelling.” 42 U.S.C. §  
2 3604(f)(3)(B).

3 337. Emergency shelters, motels, and other housing placements are “dwellings” for  
4 purposes of the Fair Housing Act, and Defendants’ and their contract agencies’ activities  
5 with respect to assessment, prioritization, and placement of homeless individuals are  
6 housing-related services for purposes of the FHA.

7 338. By administering the County’s Coordinated Entry System in a manner that fails to  
8 take into account the disability-related needs of homeless individuals, by limiting  
9 placement options to options that are inaccessible to those individuals, and by their  
10 systematic failure to provide reasonable accommodations, Defendants and their contract  
11 agencies are discriminating against people with disabilities in violation of the FHA.

12 339. Individual Plaintiffs are persons with disabilities as defined by the FHA, as are a  
13 significant number of the individuals with and on whose behalf Plaintiff HA works.

14 340. Plaintiffs are aggrieved persons as defined by the Fair Housing Act because they  
15 have been injured by Defendants’ discriminatory housing actions. 42 U.S.C. § 3602(i).

16 341. An actual controversy exists between Plaintiffs and Defendants as to whether  
17 Defendants have violated and/or are imminently threatening to violate the law.

18 342. Based on the foregoing, Plaintiffs have no adequate remedy at law for these  
19 violations and are entitled to injunctive and declaratory relief, attorneys’ fees, and costs.

20 **TENTH CAUSE OF ACTION**

21 Writ of Mandate Compelling Defendants to Comply with Their Duty  
22 Not to Discriminate on the Basis of Disability  
23 [Cal. Code Civ. Pro. § 1085; Cal. Gov’t Code § 11135]  
(against all Defendants)

24 343. Plaintiffs reallege and incorporate by reference all preceding paragraphs as if fully  
25 set forth herein.

26 344. California Government Code Section 11135 states in relevant part that:

27 No person in the State of California shall, on the basis of . . . mental  
28 disability, physical disability, [or] medical condition . . . be unlawfully  
denied full and equal access to the benefits of, or be unlawfully subjected to

1 discrimination under, any program or activity that is conducted, operated, or  
2 administered by the state or by any state agency, is funded directly by the  
3 state, or receives any financial assistance from the state. Gov't Code §  
4 11135 (a).

5 345. Plaintiffs are informed and believe and so allege that Defendants Sonoma County,  
6 City of Santa Rosa, and Sonoma County Community Development Committee are all  
7 recipients of state funding, and the programs and activities of Defendants described in this  
8 Complaint are administered with the use of state funds. As such, Defendants are subject  
9 to section 11135's prohibition against disability discrimination.

10 346. Section 11135 is intended to prohibit all forms of discrimination prohibited under  
11 Title II of the Americans with Disabilities Act and, where possible, to be more protective  
12 of people with disabilities. Subsection (b) states:

13 With respect to discrimination on the basis of disability, programs  
14 and activities subject to subdivision (a) shall meet the protections and  
15 prohibitions contained in Section 202 of the federal Americans with  
16 Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules  
17 and regulations adopted in implementation thereof, except that if the  
18 laws of this state prescribe stronger protections and prohibitions, the  
19 programs and activities subject to subdivision (a) shall be subject to  
20 the stronger protections and prohibitions.

21 347. Accordingly, all violations of the Title II of the ADA and Section 504 by entities  
22 covered by section 11135 are also violations of section 11135.

23 348. One area in which section 11135 is more protective is the definition of disability,  
24 which is more expansive under California law than under federal law. Mental or physical  
25 conditions need only "limit" a major life activity to be considered disabilities under  
26 California law, whereas a disability under ADA and Section 504 "substantially limits" one  
27 or more major life activities.

28 349. Individual Plaintiffs are persons with disabilities under section 11135, as are a  
significant number of the individuals with and on whose behalf Plaintiff HA works.

350. Accordingly, by administering their programs in a manner that both intentionally  
discriminates against people with disabilities and has a discriminatory effect on people

1 with disabilities, and by failing to provide reasonable modifications, Defendants have  
2 violated, and continue to violate, section 11135.

3 351. Such discrimination has caused injury to the individual Plaintiffs, as well as to  
4 Plaintiff HA via the frustration of its mission and the diversion of its resources.

5 352. An actual controversy exists between Plaintiffs and Defendants as to whether  
6 Defendants have violated and/or are imminently threatening to violate the law.

7 353. Plaintiffs are directly and beneficially interested in having Defendants comply with  
8 all applicable provisions of law and their legal duties, as set forth herein.

9 354. Plaintiffs are without adequate remedy at law and unless compelled by this Court to  
10 refrain from acts as required by law, Defendants will continue to refuse to perform said  
11 duties and continue to violate the law, and Plaintiffs will be injured as a result.

12 355. Plaintiffs are entitled to a writ of mandate compelling Defendants not to  
13 discriminate against people with disabilities in the administration of their programs.

14 356. Based on the foregoing, Plaintiffs are also entitled to injunctive and declaratory  
15 relief, attorneys' fees, and costs.

16 **ELEVENTH CAUSE OF ACTION**

17 **Violation of the California Fair Employment and Housing Act**  
18 **[Gov't Code § 12955]**  
(against all Defendants)

19 357. Plaintiffs hereby reallege and incorporate by reference all preceding paragraphs as  
20 if fully set forth herein.

21 358. The California Fair Employment and Housing Act (FEHA), like the FHA, makes it  
22 illegal to discriminate against individuals with disabilities in the administration of  
23 housing-related services.

24 359. Acts and omissions that constitute discrimination under the FHA likewise  
25 constitute discrimination under FEHA.

26 360. Gov't Code § 11135 is more protective and applies more broadly than its federal  
27 counterpart and includes a broader, more inclusive definition of disability.  
28

1 361. Individual Plaintiffs are individuals with disabilities for purposes of FEHA, as are  
2 many of the individuals with and for whom Plaintiff HA works.

3 362. By administering the County’s coordinated entry system in a manner that fails to  
4 consider the disability-related needs of homeless individuals, by limiting placement  
5 options to options that are inaccessible to those individuals, and by their systematic failure  
6 to provide reasonable accommodations, Defendants and the agencies with which it  
7 contracts to administer the coordinated entry system have discriminated against persons  
8 with disabilities in violation of FEHA.

9 363. An actual controversy exists between Plaintiffs and Defendants as to whether  
10 Defendants have violated and/or are imminently threatening to violate the law.

11 364. Accordingly, Plaintiffs are without adequate remedy at law and are entitled to  
12 injunctive and declaratory relief, as well as attorneys’ fees and costs.

13 **TWELFTH CAUSE OF ACTION**  
14 Failure to Affirmatively Further Fair Housing  
15 [42 U.S.C. §§ 1983, 3608]  
16 (against all Defendants)

17 365. Plaintiffs reallege and incorporate by reference all the preceding paragraphs as if  
18 fully set forth herein.

19 366. The FHA requires local government entities that receive and administer federal  
20 housing funds to operate “in a manner affirmatively to further fair housing.” 42 U.S.C. §  
21 3608(e)(5).

22 367. All Defendants receive and administer federal housing funds, including the  
23 Community Development Block Grant and Emergency Services Grant funds, and are  
24 therefore subject to the FHA’s requirement to affirmatively further fair housing.

25 368. Defendants, by administering their Coordinated Entry System in a manner that  
26 discriminates against people with disabilities, as discussed above, constitutes a breach of  
27 their obligations to affirmatively further fair housing.  
28

1 369. Defendants are therefore liable to Plaintiffs under 42 U.S.C. § 1983, which  
2 provides a private cause of action to any person who is deprived of rights, privileges, or  
3 immunities under the color of law.

4 370. Defendants' breach of these obligations has damaged and will continue to damage  
5 Plaintiffs, including HA members and homeless individuals with disabilities with and on  
6 whose behalf Plaintiff HA advocates.

7 371. Plaintiffs are informed and believe and so allege, that Defendants' discriminatory  
8 acts against Plaintiffs and individuals with and on whose behalf HA works were  
9 malicious, intentional, and recklessly and callously indifferent to Plaintiffs' protected  
10 rights.

11 372. An actual controversy exists between Plaintiffs and Defendants as to whether  
12 Defendants have violated and/or are imminently threatening to violate the law.

13 373. Accordingly, Plaintiffs have no adequate remedy at law for these violations and  
14 therefore are entitled to injunctive and declaratory relief, as well as attorneys' fees and  
15 costs.

16  
17 **PRAYER FOR RELIEF**

18 WHEREFORE, Plaintiffs pray for relief against Defendants as follows:

19 1. For a preliminary and permanent injunction, enjoining and restraining  
20 Defendants from seizing and disposing of homeless individuals' property in violation of  
21 their Fourth and Fourteenth amendment rights.

22 2. For a preliminary and permanent injunction, enjoining and restraining  
23 Defendants from citing or arresting individuals for violation of the City's and County's  
24 anti-camping ordinances.

25 3. For a preliminary permanent injunction ordering Defendants and their  
26 agents to cease actions which discriminate against people with disabilities in the  
27 administration of their programs, and to offer and provide reasonable accommodations to  
28

1 people with disabilities, including reasonable accommodations with respect to emergency  
2 shelter placements.

3 4. For declaratory judgment that Defendant’s policies, practices, and conduct  
4 as alleged herein violate Plaintiffs’ rights under the Americans with Disabilities Act,  
5 Section 504 of the Rehabilitation Act, section 11135 of the California Government Code,  
6 the Fair Housing Act, the California Fair Employment Housing Act, and the Constitutions  
7 of the United States and California.

8 5. For a peremptory writ of mandate commanding Defendants to cease actions  
9 that discriminate against people with disabilities in the administration of their programs.

10 6. For costs of suit and reasonable attorney’s fees as provided by law.

11 7. For such other relief as the court deems just and proper.

12 Dated: July 17, 2018

CALIFORNIA RURAL LEGAL ASSISTANCE  
THE PUBLIC INTEREST LAW PROJECT  
LAW OFFICE OF ALICIA ROMAN

17 By: /s/Jeffery Hoffman  
18 JEFFERY HOFFMAN, Attorneys for Plaintiffs

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**VERIFICATION OF SHANNON HALL**

I, Shannon Hall, am one of the Plaintiffs in the above-entitled action. I am aware of the nature of the [Proposed] Supplemental Complaint being filed on my behalf, the legal bases for the Complaint, and the relief being sought. To the extent that the Petition is based upon facts known to me, I verify them to be true, and otherwise, I am informed and believe that all facts herein are true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 16 day of July, 2018 in Santa Rosa, California.



---

SHANNON HALL

**VERIFICATION OF ADRIENNE LAUBY**

1  
2  
3 I, Adrienne Lauby, am a member of Homeless Action!, one of the Plaintiffs in the  
4 above-entitled action and am authorized to make this verification on its behalf. I am  
5 aware of the nature of the Supplemental Complaint being filed on behalf of Homeless  
6 Action!, the legal bases for the Complaint, and the relief being sought. To the extent that  
7 the Petition is based upon facts known to me, I verify them to be true, and otherwise, I am  
8 informed and believe that all facts herein are true.

9 I declare under penalty of perjury under the laws of the State of California that the  
10 foregoing is true and correct.

11 Executed this 17 day of July, 2018 in Santa Rosa, California.

12  
13  
14  
15   
16 ADRIENNE LAUBY

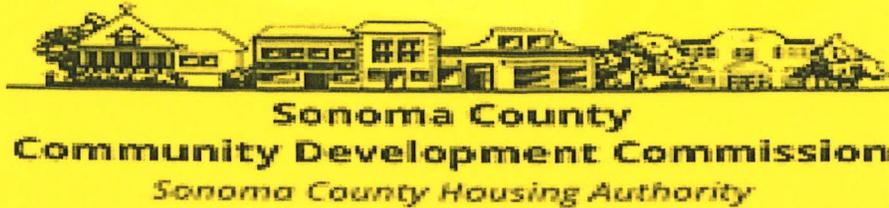
1 (Additional Counsel continued)

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# **EXHIBIT A**

# **EXHIBIT A**



# NOTICE TO VACATE ILLEGAL CAMPSITE/LODGING

POSTING DATE: February 21, 2018 VACATE DATE: April 3, 2018

LOCATION: Property between 779 and 665 Sebastopol Road, Santa Rosa 95407 (Roseland Village)

This Property has been slated for development of affordable housing and requires immediate site remediation. Development CANNOT proceed until the illegal campsite has been vacated to allow remediation to commence. The Community Development Commission, the Owner of the Property, hereby gives all occupants notice that they must immediately vacate the Property.

Any prior permission to occupy the Property, whether express, implied, or perceived, is expressly revoked and terminated by the Owner.

**WARNING: If you do not vacate the Property by the date above, you may be subject to arrest and possible prosecution for any of the following violations, or for violation of any other applicable state or local law. This Property is within the meaning of Penal Codes 647(e) and 602(m) and SR City Ordinance 11-22.030.**

- California Penal Code section 647 (e) – Unlawful lodging. Every person who commits any of the following acts is guilty of disorderly conduct, a misdemeanor: who lodges in any building, structure, vehicle, or place, whether public or private, without the permission of the owner or person entitled to possession or in control of it.
- California Penal Code section 602 – Trespass. Every person who willfully commits a trespass by the following act is guilty of a misdemeanor: (m) Entering and occupying real property or structures of any kind without the consent of the owner, the owner’s agent, or the person in lawful possession.
- Santa Rosa City Code Section 11-22.030 – Camping on private property. It is unlawful for any person to camp on any private property without first obtaining the written permission of the owner.

**Other State and City Code Violations may include, but are not limited to:**

Unlawful storage of property, unlawful refuse disposal, unlawful failure to restrain animal, unlawful fire.

**INSTRUCTIONS:**

1. All personal property and debris must be removed immediately or it will be removed by the Community Development Commission on or after April 3, 2018.
2. Any items that pose a risk to public health or safety will be disposed of promptly. All other personal property will be stored by the Community Development Commission for a period of 90 days. If your personal property has been removed by the Commission, you may contact the Commission at (707) 565-7500 for information on retrieval. Failure to claim and retrieve your property may cause it to be considered intentionally abandoned. Unclaimed property may be disposed of after 90 days per California Civil Code Sections 2080 – 2080.10.
3. For information about housing and other services, please visit the Housing Navigation Center at **883 Sebastopol Rd, Santa Rosa, CA 95407** (adjacent to the Roseland Village property), beginning on **February 23, 2018 until April 3, 2018, from 8:00 am – 4:00 pm, Monday – Friday.**



# **EXHIBIT B**

# **EXHIBIT B**

## NOTICE TO VACATE ILLEGAL CAMPSITE/LODGING

POSTING DATE: 5/23/2018

VACATE DATE: 5/30/2018

LOCATION: Joe Rodota Trail



**WARNING:** You do not have permission or consent to lodge or camp on this Property.

If you do not vacate the Property by the date above, you may be subject to arrest and possible prosecution for any of the following violations, or for violation of any other applicable state or local law. This Property is within the meaning of Penal Codes 647(e) and 602(m), SR City Ordinances 11-22.020 and 11-22.030, and Sonoma County Code 20-25.

- California Penal Code Section 647 (e) - Unlawful lodging. Every person who commits any of the following acts is guilty of disorderly conduct, a misdemeanor: who lodges in any building, structure, vehicle, or place, whether public or private, without the permission of the owner or person entitled to possession or in control of it.
- California Penal Code Section 602 - Trespass. Every person who willfully commits a trespass by the following act is guilty of a misdemeanor: (m) Entering and occupying real property or structures of any kind without the consent of the owner, the owner's agent, or the person in lawful possession.
- Santa Rosa City Code Section 11-22.020 - Camping on public streets and public property. It is unlawful for any person to camp, occupy camping facilities, or use camp paraphernalia in any public park, or on any public street or on any other public property.
- Santa Rosa City Code Section 11-22.030 - Camping on private property. It is unlawful for any person to camp on any private property without first obtaining the written permission of the owner.
- Sonoma County Code Section 20-25 - Illegal camping. No person shall camp in any part of the park except in areas designated and posted for that purpose. Camping is defined as erecting a tent or shelter or arranging bedding, or both, for the purposes of, or in such a way as will permit, remaining overnight.
- Other State and City Code Violations may include, but are not limited to:  
Unlawful storage of property, unlawful refuse disposal, unlawful failure to restrain animal, unlawful fire.

### INSTRUCTIONS:

1. All personal property and debris must be removed immediately or it will be removed by Regional Parks on or after same date, 5/30/2018, 12:00pm.
2. Any items that pose a risk to public health or safety will be disposed of promptly. All other personal property will be stored for a period of 60 days at 883 Sebastopol Rd, Santa Rosa, CA 95407 (adjacent to the Roseland Village property). If your personal property has been removed, you may contact the Community Development Commission at (707)565-7500 for information on retrieval. Failure to claim and retrieve your property may cause it to be considered intentionally abandoned. Unclaimed property may be disposed of after 60 days per California Civil Code Sections 2080 - 2080.10.
3. For information about housing and other services, please contact the Homeless Outreach Services Team at 1-855-707-HOST (4678).