

FOR IMMEDIATE RELEASE

March 20, 2022

Media Contact: Ian Cordova Morales Rogers

Telephone: (510) 575-1158

Email: wheredowegoberk@gmail.com

Website: <http://wheredowegoberk.org>

WHERE DO WE GO BERKELEY RESPONDS TO GOV. NEWSOM'S PRESS RELEASE BLAMING ITS LAWSUIT AGAINST CALTRANS FOR SLOWING PROGRESS IN CLEARING HOMELESS ENCAMPMENTS

On March 17, 2022, Gov. Newsom issued a statement regarding ongoing litigation in *Where Do We Go Berkeley v. Caltrans* (Case No. 21-CV-04435-EMC). Where Do We Go Berkeley ("WDWGB") and eleven disabled residents of encampments located at the Ashby Avenue offramps from Interstate 80 in Berkeley have sued Caltrans preventing their eviction when they had no place to go. In his press release, the governor blamed WDWGB for "slowing progress" and keeping people in "hazardous" and "inhuman" conditions.

On behalf of WDWGB, Ian Rogers, President of WDWGB, issued the following statement:

"It's really unfortunate that the Governor chose to inject himself into this litigation, without talking to any of the homeless people who brought this lawsuit or their representatives, and without understanding all of the facts of the case."

The governor does not seem to be aware that this litigation began when Caltrans evicted an encampment at a site, which, *pursuant to his Executive Order No. 23-20*, had been identified by the General Services Administration as appropriate "on a short-term emergency basis to provide shelter for individuals who are homeless."

This case was brought by homeless people with significant disabilities, many of whom have suffered incomprehensible trauma in their life. They would like nothing more than to get inside. All they are asking is for Caltrans to modify its program for dealing with encampments so they can have the same opportunity to find shelter as people who are not disabled. They ask for accommodations to which they are entitled under the Americans with Disabilities Act.

He does not seem to understand that the plaintiffs were evicted with no accessible place to go, from encampments that were stable, relatively safe, and where there was regular trash pickup, porta potties, wash stations, access to medical and social services providers to encampments that were less safe, with no access to sanitation, wash stations, medical and social service providers, and to a location where Caltrans refuses to provide trash pickup.

Governor Newsom clearly does not know that plaintiffs begged Caltrans to place a dumpster at the encampment to which they had moved so they would have a place to put their trash. The homeless plaintiffs in this case would be surprised to learn that it was they who, according to the Governor, are preventing "Caltrans from delivering important efforts at revitalizing. . . public spaces through litter abatement and local beautification projects." They would be curious to know what beautification

project their existence in their encampment has prevented. They would be curious to learn why the Governor prioritizes beautification projects over their basic need to survive.

The Governor appropriately draws attention to the “unprecedented billions” the state has invested in “local governments to provide housing and implement bold, transformative solutions to move people off our streets and into new urgently needed services.” He might have inquired, before he issued his press release, how many of those “unprecedented billions” were made available to move the 11 individual plaintiffs (there are now only six remaining on Caltrans property) into housing. The answer is not a penny. And there is not a penny to move those six remaining plaintiffs into accessible housing.

The Governor in his statement says that “safer alternative housing had been identified for those currently living at the Ashby-Shellmound encampment.” That’s the first plaintiffs have heard about such housing. They have been working from day one to get into safer alternative housing, to no avail. If the Governor knows where they can get into that “safer alternative housing,” please let them know. That would be very helpful.

Andrea M. Henson, a board member of WDWGB and an attorney representing plaintiffs in the litigation, commented after reading the Governor’s statement, “Who is he talking about when he refers to ‘Those who argue that the status quo is acceptable’ and complains that they ‘leave folks languishing on our roadways to face uncertain, unsafe and overall dire conditions.’ Plaintiffs commenced this litigation precisely because the policies and practices, which were responsible for their dire condition were unacceptable.”

Osha Neumann, advisory board member of WDWGB and also an attorney representing the plaintiffs, added, “The governor issues a press release, announcing that living in encampments on highways is ‘not only hazardous but inhumane.’ As if the plaintiffs still living there don’t know that and have a choice in the matter.”

EmilyRose Johns, Senior Associate at Siegel, Yee, Brunner & Mehta and counsel for plaintiffs, says “The Governor issued his misinformed statement on the eve of an evidentiary hearing in this case to determine whether Caltrans can evict the six remaining plaintiffs when they have no place to go—a move that would be squarely in opposition to the Centers for Disease Control and Prevention’s guidance that homeless encampments should remain in place absent the availability of individual housing for the people displaced. Plaintiffs have asked at every turn, at every status conference, in every motion, for Caltrans to use its considerable funding for homeless encampment services, granted to them in their 2021-2022 budget¹, and its considerable weight and influence, to aid plaintiffs in getting into accessible indoor housing or shelter. It is deeply disappointing that such considerable weight and influence was used instead to issue such a callous statement. I hope that Governor Newsom will come to meet the plaintiffs, learn about them, bear witness to the harms that Caltrans encampment sweeps have caused them, and aid in their earnest efforts to get indoors.”

-END

¹The 2021-2022 California Spending Plan, Housing and Homeless, Legislative Analyst Office.

<https://lao.ca.gov/Publications/Report/4468>.