

TO ALL CALIFORNIA COUNTY AND STATE AGENCIES & EMPLOYEES

CEASE AND DESIST COUNTY HUMAN RIGHTS VIOLATIONS

THE PUNISHMENT & CRIMINALIZATION OF HOMELESSNESS

“I don’t think homelessness can be solved-

I know homelessness can be solved”

Gavin Newsom

“We’re not in a position to turn away any idea that has merit and is feasible and is implementable, but without locations, staffing, budget, it becomes more of a suggestion than a true proposal “And so, my ears are open. My door is open.”

-Todd Gloria

However How Can Homelessness Be Solved When There’s Not Even Enough Shelter Space for the Current Homeless Population-

Homelessness is the most extreme deprivation of the right to adequate housing. Sheltering oneself is not voluntary conduct; it is a basic human need, is harmless, and an act integral to the status of homelessness. Being homeless is dangerous, especially for women, seniors, and people with disabilities. With more than 1.4 million individuals in the city, San Diego had 3.5 homicides, 40.5 rapes, 98.1 robberies, and 235.1 aggravated assaults per 100,000 people in 2019. This resulted in a total violent crime volume of 377.2 per 100,000 inhabitants.¹

In March of this year, OJO Labs, an Austin, Texas-based AI real estate firm [has decreed](#) San Diego the least affordable metro area. Unable to afford rent, each year in the U.S. at least 13,000 homeless individuals die.² In the fiscal year ending September 30th, 2017, 117 homeless people died on the streets of San Diego, double the figure from two years ago.³ Recent reports show that street homelessness had already [soared by more than 60 percent](#) downtown and areas and [indicate](#) a 44 percent spike in homeless death in the city from 2020 to 2021, however the County failed to account COVID-related deaths and deaths still under review from 2021.

San Diego has a high number of homeless individuals who have disabilities. The Regional Task Force found that 39% of homeless people in San Diego reported mental health disabilities and 40% reported a physical disability. Some surveys have found even higher rates of disability. For example, of the 1,145 persons attending a one-day resource fair for the

¹ Michael McKneely, Criminal Defense Lawyer. “Top 100 Most Dangerous Cities in California: 2018.” Accessed November 16, 2019. <https://www.fresnocriminalattorney.com/most-dangerous-cities-california/>.

² Administrator, NN4Y. “How Many Homeless Youth Are in America?” National Network for Youth -- NN4Y (Blog). Accessed October 20, 2019. <https://www.nn4youth.org/learn/how-many-homeless/>.

³ Wheaton, Daniel. Homeless Deaths Have Doubled Over Two Years, San Diego Union Trib. (Nov. 28, 2016 2:00 Pm), <http://www.sandiegouniontribune.com/news/data-watch/sdme-homeless-deaths-20161128-story.html>.

homeless in the City, 60.2% reported a long-lasting medical condition and 49.5% reported having a mental illness.⁴

Homeless adults aged 50 and older also have rates of chronic illness and geriatric conditions similar to or higher than those of adults living in housing that are 15-20 years older.⁵ One in three homeless individuals deal with mental illness, which can be compounded by other illnesses and/or substance abuse. Approximately 14 to 21 percent of homeless individuals are victims of crimes, contrasted with only two percent of the general population.⁶

Pursuant to California Social Services Welfare and Institutions Code 15610.07 and .35, the California Health and Safety Code, and the California Code of Regulations Title 9 and 22, it is the duty and responsibility of the County and City Board of Supervisors, City Council, Nick Macchione, Director of County of San Diego Health and Human Service Agency, Helen Robbins-Meyer, Chief Administrative Officer, Wilma J. Wooten, Public Health Officer & Director Public Health Services, Richard C. Gentry Director of the San Diego Housing Commission (SDHC), Mayor Todd Gloria, the State (Governor Gavin Newsome, Kimberly Johnson Director of California Department of Social Services, Ben Carson Secretary/Director, U.S. Department of Housing and Urban Development), and any protection or advocacy agency or entity that is designated by the Governor to fulfill the requirements and assurances under the Protection and Advocacy for the Mentally Ill Individuals Act of 1986, as amended, contained in Chapter 114 (commencing with Section 10801) of Title 42 of the United States Code, and applicable law to “provide protective services to adults who are unable to protect their own interests, to provide the care custodian of goods or services, including:

- (a) Medical care for physical and mental health needs
- (b) Assistance in personal hygiene,
- (c) Adequate clothing, (d) Adequately heated and ventilated shelter,
- (e) Protection from health and safety hazards,
- (f) Protection from malnutrition, under those circumstances where the results include, but are not limited to, malnutrition and deprivation of necessities or physical punishment and
- (g) Transportation and assistance necessary to secure any of the needs set forth in subdivisions (a) to (f), inclusive that are necessary to avoid physical harm or mental suffering.”

⁴ Project Homeless Connect Report, SAN DIEGO HOUSING COMMISSION (April 15, 2015), http://www.sdhc.org/uploadedFiles/Housing_Innovations/Project_Homeless_Connect/2015Project%20Homeless%20Connect%20Report_04.15.15.pdf.

⁵ Jennifer Goldberg et al., How to Prevent and End Homelessness Among Older Adults, Justice in Aging (April 2016), <http://www.justiceinaging.org/wp-content/uploads/2016/04/homelessnessolder-adults.pdf>.

⁵ Caton, Carol. “Congress Can’t Afford to Cut Housing for the Mentally Ill.” CityLab. Accessed October 11, 2019.

⁶ Caton, Carol. “Congress Can’t Afford to Cut Housing for the Mentally Ill.” CityLab. Accessed October 11, 2019. <https://www.citylab.com/housing/2017/05/how-funding-to-house-mentally-ill-homeless-is-a-financial-gain-not-drain/525597/>.

Such aid, care and support are to be administered in such a way as to restore such persons to a condition of self-care or self-support.

Article 1 § 1 of the California Constitution states, “All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy.” In the United States, an article in the December 15, 1890, issue of the *Harvard Law Review*, written by attorney Samuel D. Warren and future U.S. Supreme Court Justice, Louis Brandeis, entitled "The Right to Privacy,"⁷ is often cited as the first explicit declaration of a U.S. right to privacy. Warren and Brandeis wrote that privacy is the "right to be let alone," and focused on protecting individuals. A constitutional violation occurs when a person "has been needlessly deprived of their constitutional right to be undisturbed."

The City in October, 2020, released a [report](#) proclaiming that CleanSD confiscated “7 tons of waste,” which was homeless property.

Article I, § 7 and 15 of the California Constitution states, “A person may not be deprived of life, liberty, or property without due process of law or denied equal protection of the laws; constitute a violation of the Equal Protection Clause of the 14th Amendment to the United States.”

California Penal Code [Section 146](#) makes it a crime for the government to confiscate citizens’ property which includes a homeless person.

Yet the City (which does not maintain scheduled homeless encampment clean-ups and performs duties that should rightly be performed by the Environmental Service Department), gives 6 million dollars each year in CleanSD funding to the San Diego Police Department for overtime. A recent [budget monitoring report](#) stated this end of the fiscal year it expected to be \$6.9 million. Can you say.... OVER BUDGET?

CALIFORNIA UPHOLDS RIGHTS OF RUNAWAY CHILDREN AND ANIMAL TO BE SHELTERED, BUT NOT FOR VUNERABLE ADULTS

Pursuant to §62.601 of the San Diego County Code (see also, West’s Ann. Cal. Penal Codes §§597(f), (s) and 597.1), the County who receive funding, are required under law to provide for the protection and right of stray animals to be sheltered and runaway children to be admitted to emergency shelter without parental consent,⁸ but has no protection for vulnerable adults, including those who are disabled or impeded on gaining entry into a shelter due to criminal background who need shelter for safety and health reasons.

Title II of the ADA, 42 U.S.C. § 12132, provides that: “[N]o qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity or be subjected to

⁷ “The Right to Privacy (Article).” In *Wikipedia*, November 9, 2019. [https://en.wikipedia.org/w/index.php?title=The_Right_to_Privacy_\(article\)&oldid=925374259](https://en.wikipedia.org/w/index.php?title=The_Right_to_Privacy_(article)&oldid=925374259).

⁸ https://en.wikipedia.org/wiki/Right_to_housing#cite_note-13

discrimination by any such entity. Under the ADA's broad language, a "program, service, or activity" includes within its scope "anything a public entity does."⁹

California Constitution Section 17 provides that "Cruel or unusual punishment may not be inflicted, or excessive fines imposed."

Protecting the constitutional rights of everyone, even those who are homeless, is of the upmost importance for protecting our freedom. Therefore, both legislators - by way of developing and amending laws - and judges - via hearing arguments and creating case law - must re-examine the County's failure to provide adequate housing, its failure to recognize the right to shelter, its failure to restore adult dependents of the County and State to self-care and self-support due to its impact in order to preserve liberty and uphold the Constitution.

WE THE HOMELESS, (residents and victims of the County of San Diego California and citizens of the United States), disabled, suffering from mental illness and/or medical illnesses, poverty-stricken, who are unable to protect our own interests, provide for ourselves, and dependents falling under the legal protection of Adult Protective Services of this County and the State of California pursuant to law (California Social Services Welfare and Institutions Code 15610.07 and .35, the California Health and Safety Code, and the California Code of Regulations Title 9 and 22), must depend on the County and State for basic life necessities and to provide the care custodian of goods or services mandated therein to restore us to self-care and self-support.

WE THE HOMELESS, have a statement of right as California citizens under California Constitution Article 1 at § 1 to obtain happiness and safety, and that it is the goal of government, including at the City level, to provide happiness and safety for its' citizens, ensure its' citizens' rights are protected, and that any violations of such are countered with judicial redress and remedy, where available.

WE THE HOMELESS contend that in living on the streets being subject to its dangers, its threats, and conditions, one can develop Post Traumatic Street Disorder (PTSTD). We further contend that homelessness in itself is a disability given that a majority of homeless are unable to participate in any Counties affordable housing program given that they are indigent, have poor credit, own pets, RV's, or Trailers (many of which were forced to purchase due to being unable to afford affordable housing and to shelter themselves during the Pandemic). The Constitution uphold the right of all to adequate housing, despite economic status, credit status, criminal background or mental or physical illness.

WE THE HOMELESS charge the County and State with recklessly endangering our health and safety by:

a) Acting with reckless disregard or deliberate indifference to the dangers—malnourishment, illness, and/or lack of shelter—they were creating for us in failing to provide adequate shelter and affordable housing, forcing us to live homeless on the streets.

⁹ Yeskey v. Pennsylvania Dep't of Corr., 118 F. 3d 168, 171 & n. 5 (3d Cir. 1997), aff'd 524 U.S. 206 (1998) (quoting 28 C.F.R. Pt. 35, App. A, preamble to ADA regulations).

Forcing us to live in constant fear of being ticketed, arrested, and have their property impounded, stolen and/or confiscated and daily fear of attack or harassed, fined, or arrested for violating city ordinances for acts related to living the streets. Leaving us to sleep with little comfort (disturbed and not left alone) at night in fear of the City harassing and ticketing us or some other harm befalling on us in being cruelly forced to be homeless without shelter, housing, adequate access to restroom facilities, or warmth, all at risk to our health, safety, and well-being.

b) Failing to respond timely and with due diligence to the 2017 hepatitis outbreak which claimed 20 people's lives, many of them homeless,

c) Failing to conduct COVID testing prior to the admittance into the Convention Center Shelter which resulted in more than 160 people contracting COVID-19,

d) Failing to investigate report(s) of Contractors' (e.g., Arbor E&T, LLC dba Equus Workforce Solutions (formerly called ResCare) underqualification's which may have led to one suicide (the body discovered in the room five days later) and deprived us of the goods and services due to us under the law and engaged in unethical, unsafe conduct and practices. For example, the Contractor failed to conduct COVID testing on new entries or staff, including 12 individuals surviving a horrific car incident under the bridge on March 15, 2021, all of whom the City said qualified for immediate admittance into the High-Risk COVID-19 non-congregate shelter program. The concern here is, did the City do so to avoid being sued for its contributory negligence in leaving the homeless on the streets? To add, surviving victims were moved (despite no longer being in uncontrollable danger, given the fact the accident already occurred, the driver was detained, and his vehicle was no longer operating) by first responders before moving the victims into the middle of the street and delaying them medical attention and care.

e) Failing to perform its duty under law to restore us to self-care and self-support in providing the goods and services due to us under law by deliberately and recklessly leaving us homeless on the streets despite the known health and safety dangers and concerns through its deliberate failure to provide reasonable accommodations for all homeless in San Diego, including those who are disabled and living in their RV's or trailers who have been and continue to be prohibited from shelter entry and/or acquiring housing assistance and placement due to criminal backgrounds

f) Misuse of funding to help the homeless which has injured us mentally and physically depriving of the goods and services due to us under law.

For example, in 2020 the city of San Diego had [4,887](#) homeless residents or about 65 percent of the county's total homeless population. The [budget in 2020-2021](#) the City allotted \$64 million to fund a new Homelessness Strategies Department, an amount that would have covered the average rent in San Diego (\$1,820) for seven months for all those homeless individuals.¹⁰ In March 1, 2020, the city budgeted \$40 million for "Operation Shelter to Home." This program (taxpayer-funded) merely provided shelter in the San Diego Convention Center to prevent the spread of the novel coronavirus that causes COVID-19 and provided no "homes" to the homeless population.

¹⁰ <https://www.sandiegouniontribune.com/opinion/commentary/story/2021-07-20/san-diego-homeless-budget-affordable-housing#:~:text=In%20its%202020%2D2021%20budget,homeless%20person%20in%20the%20city.>

In September of 2020, the city of San Diego was awarded [\\$37.7](#) million from California's Project Homekey program (an initiative championed by Governor Newsome) to [convert hotels and other properties into thousands of permanent homes](#) for homeless Californians. \$37.7 million could have covered four months of rent for all homeless in the County.

On March 22, 2021, San Diego Mayor Todd Gloria boasted that [Homekey](#) temporarily housed 330 people, which is [\\$114,000](#) per person. Based on an \$1,820 average rent in the San Diego metro area and San Diego's estimated homeless population of 5,000, that amount could have covered seven months' rent for every homeless person in the city.¹¹

The total cost that the County allotted to Contractor (Equus Workforce Solutions) was \$140.6 million dollars. Despite the County awareness that the Contractor was under scrutiny for its mismanagement and underqualification¹² it kept funneling millions upon millions to Equus after its initial 30 million dollar contract. \$140.6 million could have provided 16 months of rent to each homeless individual or provided over 29,291 homeless individuals throughout in the "Golden State" of California (which ranked [50th in quality of life](#)) and has the highest homeless population in the nation of around 160,000) with rapid housing utilizing 3D rapid printing technology.¹³

In a response to the homeless crises Governor Newsome proposed a court program that would force homeless individuals with severe mental illnesses and addiction disorders into treatment.¹⁴ Last year 200 people under the Laura's Law were forced into court ordered treatment. The new proposal could force an estimated 7,000 to 12,000 homeless into treatment.¹⁵

WE THE HOMELESS have suffered and continue to suffer pain and suffering, humiliation, and embarrassment (infliction of emotional distress) from the County and State's failure to perform its duty under law to restore us to self-care and self-support in providing the goods and services due to us under law

CONCLUSION

WHEREAS the County has acted with a deliberate reckless disregard to the safety and well-being of homeless in the San Diego County, breaching its duty to provide the care custodian of goods or services due to us under law which have impeded on restoring us to self-care and self-support, WE THE HOMELESS, demand a Cease and Desist to County Human Rights Violations and request the following relief:

¹¹ <https://www.sandiegouniontribune.com/opinion/commentary/story/2021-07-20/san-diego-homeless-budget-affordable-housing#:~:text=In%20its%202020%2D2021%20budget,homeless%20person%20in%20the%20city.>

¹² <https://www.cbs8.com/article/news/local/inewsourcesan-diego-county-gave-contractor-83-million-bonus-covid-hotels/509-743d5656-1e7c-4942-acd6-5f9268c7ed48>

¹³ (e.g., [Winsun 3D Printing Construction Technology](#) (which was used to print out 10 houses in 24 hours all for about \$4800 each, a five story apartment block and an 11, 840 square foot residence for \$161,000,¹³ which in 2017 struck a 1.5 billion dollar deal with a Saudi Arabian, leasing 100 3D printers,¹³ or San Francisco's based New Story (a social housing nonprofit to end global homelessness) who partnered up with Icon to [3D Print build](#))).

¹⁴ <https://www.theguardian.com/us-news/2022/mar/03/california-proposal-forced-unhoused-treatment>

¹⁵ <https://www.pbs.org/newshour/nation/gov-gavin-newsom-proposes-court-ordered-mental-health-treatment-for-homeless-people>

1) For homeless individuals presently in the Fairfield and Comfort Inn

a) As adult dependents due to the abuse of the County and State as mentioned herein and supported with the attached Declaration who face being returned to the streets or unfavorable shelter conditions we request the appointment of a representative of adult protective services.

b) Given that we face being forced onto the streets or homeless shelter (after being verbally advised for months that they would be provided with permanent housing and received unqualified improper and unethical care and support under County contract despite reports known to the County as to the contractor (ResCare/Equus) under qualifications and its failure to conduct further investigation into such) and the County's breach of duty to provide the care custodian of goods or services due to us under law, we request our immediate removal from the underqualified Contractors care and provide us with immediate motel vouchers until the County is able to provide us with reasonable and viable permanent housing accommodations instead of shelters where they genuinely face high risk of diseases, violence, theft and potentially unlawful conditions,

c) Without undue delay, (given that the County failed to COVID test us or staff prior to entry into the program and while at the program and evidence from a County shelter (Convention Center) finding that 160 were inflicted), we request COVID testing for us be conducted.

2) As a result of the County's continued failure to provide reasonable housing accommodations to homeless disabled individuals living in their RV'S and Trailers (who may or may not be able to gain entry into shelters or housing due to criminal background) to provide them with immediate motel vouchers with lot space to park their RV's or trailer, or pay for storage of them at a secure location until the County is able to provide them with reasonable and viable permanent housing accommodations instead of shelter options where they genuinely face a high risk of diseases, violence, theft and potentially unlawful conditions,

3) As a result of the County's continued deliberate reckless disregard to the to the safety and well-being of homeless in the San Diego County, including those disabled and adult dependents of the County, breaching its duty to provide the goods and services due to us under law which have impeded on restoring homeless in San Diego County to self-care and self-support and the imminent risk of harm to homeless individuals on the streets we demand that funding be allotted for true viable and sustainable housing, employment, training center, and essential support services development and support services for the homeless and poverty stricken utilizing 3D Rapid Printing Technology¹⁶ (e.g., [Winsun 3D Printing Construction Technology](#) (which was used to print out 10 houses in 24 hours all for about \$4800 each, a five story apartment block and an 11, 840 square foot residence for \$161,000,¹⁵ which in 2017 struck a [1.5 billion dollar deal](#) with a Saudi Arabian leasing 100 3D printers, or using San Francisco's based New Story (a social housing nonprofit to end global homelessness) who partnered up with Icon to [3D Print build](#))) with the vision that [homelessness can be ended](#) not only in San Diego, but California and elsewhere.

Utilizing Winsun 3D printing the cost to the County to house those 4,887 homeless individuals at \$4,800 could have been \$23,457,600. In reference to the amounts allotted described above, if the County had instead put money to 3D printed houses for the homeless, they would still have just over \$117.1 million dollars available for public use.

4) Prohibit the City from ticketing, fining impounding San Diego homeless cars, trailers, and RV's, until the city can reasonably accommodate this individuals with permanent housing.

DATED THIS 4th day of March 2022.

WE THE HOMELESS VICTIMS

*"You can only protect your liberties in this world by protecting
the other man's freedom. You can only be free if I am free."*

Clarence Darrow

"By The Homeless for the Homeless"

Document Prepared by Coalition for True World Change (C4TWC), a San Diego based Homeless Ministry Advocating the Ending of Homelessness and Poverty through 3D Rapid Printing Building Technology, for the Right to Housing & Shelter, and for Homeless Rights & Justice.