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15 *and Los Angeles Catholic Worker*

16 **UNITED STATES DISTRICT COURT**  
17 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

18 LA ALLIANCE FOR HUMAN  
19 RIGHTS, ET AL.,

20 Plaintiff(s),

21 v.

22 CITY OF LOS ANGELES, ET AL.,

23 Defendant(s).

24 LOS ANGELES COMMUNITY  
25 ACTION NETWORK, LOS  
26 ANGELES CATHOLIC WORKER,  
27 AND ORANGE COUNTY  
28 CATHOLIC WORKER,  
Intervenor(s)

CASE NO. 2:20-cv-02291-DOC-KES

Assigned to Judge David O. Carter

**INTERVENORS' OPPOSITION  
TO PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION**

[concurrently filed with Declarations  
of Gary Blasi, Daniel Flaming, Dr.  
Sam Tsemberis, and Sara Shortt]

Complaint Filed: March 10, 2020

Hearing

Date: May 10, 2021

Time: 8:30 a.m.

Location: Courtroom 9D  
411 West Fourth St.,  
Santa Ana, CA 92701

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1       **I. INTRODUCTION**

2           Plaintiffs LA Alliance and eight individual plaintiffs bring this motion for an  
3 order from this Court, requiring among other things, an order requiring the City in  
4 90 days to “clear the sidewalk, public streets, and public spaces” of Skid Row, and  
5 keep those areas free of homeless encampments by requiring the City to enforce its  
6 anti-camping ban within the roughly 50 square blocks that make up the Skid Row  
7 neighborhood. Plaintiffs’ Notice of Motion and Motion for Preliminary Injunction  
8 (Notice) at iv. In support of its motion, Plaintiffs tell a story of containment: a  
9 specific and concerted strategy, orchestrated by the City and potentially the County  
10 of Los Angeles for decades, to keep poor, unhoused people in the Skid Row  
11 neighborhood of Los Angeles.

12           But as spelled out in detail below and in the declarations of experts who  
13 have worked in and around Skid Row for decades, there has been no policy of  
14 Containment since at least the 1980s; on the contrary, the City of Los Angeles has  
15 deployed significant resources to displace unhoused and poor people living in Skid  
16 Row. Despite those efforts, unhoused people remain in the neighborhood. Now  
17 Plaintiffs seek a court order to accomplish what they had been unable to  
18 accomplish on their own: the removal and erasure of unhoused people from Skid  
19 Row.

20           In addition to failing to provide sufficient evidence to prove the existence of  
21 a widespread policy of containment, Plaintiffs fail to meet their burden of proving  
22 that an injunction of this magnitude is in the public interest. In fact, Plaintiffs put  
23 forth no argument whatsoever why the requested relief serves the public interest, or  
24 why Plaintiffs’ proposed strategy for addressing the homelessness crisis is  
25 appropriate.

26           Far from not being in the public interest, as laid out below and in the  
27 declarations submitted in opposition to Plaintiffs’ motion, the relief requested in  
28 this motion would significantly the thousands of unhoused residents in Skid Row

1 who would be subjected to the City’s actions in compliance with that order. It  
2 would replicate many of the failed policies that led to the homelessness crisis in the  
3 first place, and it would also dramatically undermine efforts to bring unhoused  
4 residents inside. *See* Declaration of Dr. Sam Tsemberis; Declaration of Gary  
5 Blasi; Declaration of Sara Shortt; Declaration of Daniel Flaming.

6 Plaintiffs attempt to convince this Court to substitute their judgment for the City  
7 and the County, but there is no basis for the Court to do so in this case. On this  
8 record, Plaintiffs have failed to establish that they are likely to succeed on the  
9 merits of their claims, nor have they cleared the incredibly high bar for an  
10 injunction of the type they are seeking here. It would be an abuse of discretion to  
11 find that Plaintiffs are entitled to a preliminary injunction, let alone order the broad  
12 relief requested here.

## 13 II. LEGAL STANDARD

14 A preliminary injunction is an “extraordinary and drastic remedy.” A party  
15 seeking a preliminary injunction must make a “clear showing” that: (1) they are  
16 “likely to succeed on the merits,” (2) “likely to suffer irreparable harm”; (3) “the  
17 balance of equities tips in [their] favor”; and (4) the injunction “is in the public  
18 interest.” *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). The  
19 burden of making a clear showing for each of the factors rests with the moving  
20 party. *Id.*

21 Mandatory injunctions that require the party enjoined to “take action” like the  
22 one sought here “go[] well beyond simply maintaining the status quo *pendente*  
23 *lite*” and they are “particularly disfavored.” *Garcia v. Google, Inc.*, 786 F.3d 733,  
24 740 (9<sup>th</sup> Cir. 2015) (quoting *Stanley v. Univ. of S. Cal.*, 13 F.3d 1313, 1320 (9<sup>th</sup>  
25 Cir. 1994) (internal citations omitted); *Marlyn Nutraceuticals, Inc. v. Mucos*  
26 *Pharma GmbH & Co.*, 571 F.3d 873, 879 (9<sup>th</sup> Cir. 2009) (citation omitted). When  
27 faced with a request for a mandatory injunction, the “district court should deny  
28 such relief ‘unless the facts and law clearly favor the moving party.’” *Id.* (quoting

1 *Anderson v. United States*, 612 F.2d 1112, 1114 (9th Cir. 1979)). Mandatory  
2 injunctions should not issue in “doubtful cases.” *Id.* (citing *Park Vill. Apartment*  
3 *Tenants Ass'n v. Mortimer Howard Trust*, 636 F.3d 1150, 1160 (9th Cir. 2011).

4 **III. PLAINTIFFS ARE UNLIKELY TO SUCCEED ON THE MERITS**  
5 **OF THEIR CLAIMS BASED ON LOS ANGELES’S ALLEGED**  
6 **CONTAINMENT POLICY**

7 In its motion, Plaintiffs bring a number of claims against the City and County  
8 of Los Angeles, based on what they allege is a failure of the City and County to  
9 address this City’s homelessness crisis, and in particular, what they allege is a  
10 decades-long policy of containment, which concentrated very poor individuals into  
11 a small area of downtown Los Angeles,” Brief at 7. They assert that this policy  
12 resulted in the violation of Plaintiffs’ rights, and they argue that expansive court  
13 intervention “is required because the City and County have for decades, chosen,  
14 implemented, and enforced a policy of ‘Containment’ in which they have  
15 concentrated PEH in Skid Row.” Brief at 4. According to Plaintiffs, the City has  
16 continued to pursue this policy, concentrating services and therefore poor people in  
17 the 50 block area east of Downtown Los Angeles for the last 45 years.

18 Each of Plaintiffs’ substantive legal arguments in Plaintiffs’ motion for  
19 preliminary injunction rely on the existence of this policy. The City’s affirmative  
20 act of creating this policy and continuing to implement it in Skid Row is a  
21 necessary factual predicate for each of Plaintiffs’ claim. *See e.g.*, Brief at 29  
22 (alleging in support of its state-created danger theory that Defendants adopt[ed]  
23 and implement[ed] policies that have created danger to Plaintiffs and PEH); Brief  
24 at 30 (basing procedural due process claims on the City’s failure to provide process  
25 related to the containment policy); Brief at p. 31, 32 (containment policy  
26 substantial factor in creating nuisance); Brief at 34, 35. (“containment policy  
27 placed disabled PEH in dangerous conditions where they were very likely to be  
28 harmed,” in violation of the Americans with Disabilities Act).

1 Except that this “containment strategy” has not been the City’s policy in Skid  
2 Row for decades. *See* Blasi Decl., ¶¶ 18-36. While the City adopted the Central  
3 Business District Redevelopment Plan in 1976, as part of that plan, the City  
4 incorporated the “Blue Book,” a proposal drafted by advocates in Skid Row,  
5 including Jeff Dietrich, who founded Intervenor LA Catholic Worker. *Id.* at ¶ 28.  
6 The plan spoke of a “containment policy;” the main purpose of the compromise  
7 was to preserve thousands of units of affordable housing east of Downtown Los  
8 Angeles, which were already concentrated in the area and as Plaintiffs admit,  
9 would have been slated for demolition without the adoption of this agreement. *Id.*  
10 at ¶¶ 28-31. As a result of the adoption of the “Containment Policy,” these  
11 affordable housing units were preserved and continue to serve as an invaluable  
12 source of affordable housing for low-income residents. *Id.* On the other hand, the  
13 City’s strategy of policing only around the margins of Skid Row was temporary.  
14 Homelessness continued to grow beyond the boundaries of Skid Row. Within less  
15 than ten years, the City began yet again to push for the displacement of poor  
16 people and homeless residents from Skid Row. *Id.* To do so, it used both land use  
17 strategies and the deployment of significant law enforcement resources to enforce  
18 provisions of the LAMC municipal code. In fact, it has consistently sought to do  
19 what Plaintiffs seek an order compelling the City to do here: enforce provisions of  
20 the City’s municipal code in order to displace unhoused people from Skid Row.

21 The most salient example of that policy was the Safer Cities Initiative, which  
22 the City launched in 2006. *See id.* ¶ 22. The initiative deployed LAPD officers  
23 into Skid Row to enforce quality of life ordinances. *Id.* Far from failing to enforce  
24 its laws as Plaintiffs allege, Brief at 12, SCI resulted in the issuance of 1,000  
25 tickets and 750 arrests in Skid Row, per month, for minor offenses like jaywalking.  
26 SCI continued for years; the deployment was renamed RESET in or around 2016  
27 but this specialized detail of LAPD officers continues to be deployed just in Skid  
28 Row.



1 Plaintiffs themselves concede that the Containment Strategy was officially  
2 repudiated more than five years ago with the passage of a city council motion  
3 calling for the distribution of resources throughout Los Angeles. *See* Brief at 6  
4 (citing CF 16-0046 and accompanying motion). Since then, the City adopted a  
5 Comprehensive Homelessness Strategy and launched the A Bridge Home shelter  
6 program, which has been successful in siting shelters throughout the City’s 15  
7 council districts.<sup>1</sup> The first ABH shelters have all been built outside Skid Row.  
8 In fact, only two of the 30 ABH shelters constructed on in the works has been cited  
9 in Skid Row. Similarly, the vast majority of Proposition HHH-funded affordable  
10 units are being constructed outside the boundaries of Skid Row.

11 Plaintiffs also fault the City for providing services to unhoused residents of  
12 Skid Row, suggesting that the provision of these services causes unhoused people  
13 to remain in Skid Row—Plaintiffs seem to suggest that these services are a sort of  
14 “attractive nuisance.”<sup>2</sup> Yet the history of these services belies their argument that  
15 the services caused people to come to Skid Row, rather than were provided simply  
16 to meet the needs of the population already there (and only after significant  
17 advocacy on behalf of people in Skid Row). In fact, one of the services mentioned  
18 by Plaintiffs is storage for people’s belongings; ironically, the Central City East  
19 Association itself created the facility to address the accumulation of property in  
20 Skid Row and ran the program for many years.<sup>3</sup> And of course, Plaintiffs are

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23 <sup>1</sup> *See* “A Bridge Home,” available at  
24 <https://www.lamayor.org/ABridgeHome>, last accessed on April 19, 2021.

25 <sup>2</sup> Plaintiffs go so far as to fault the City for providing COVID-19 vaccines in  
26 order to prevent an outbreak of COVID-19 in Skid Row. *See* Brief at Notably, the  
27 most significant outbreaks of COVID-19 occurred in congregate shelters, not in  
homeless encampments in Skid Row.

28 <sup>3</sup> Gale Holland, “Council Oks \$3.7 million for skid row cleanup, valet cart  
storage,” *Los Angeles Times*, May 13, 2014, available at

1 simply incorrect that the City has not provides storage facilities in other parts of  
2 the City: the CCEA storage model has been replicated around Los Angeles, and the  
3 City has opened storage facilities in at least San Pedro, Echo Park, El Pueblo, and  
4 North Hollywood. The City is in the process of opening similar facilities in  
5 Council District 8 and identifying a location for a similar facility in Council  
6 District 4. Therefore, while the provision of these services is a far cry from what is  
7 needed city-wide to meet the needs of unhoused residents both within Skid Row  
8 and throughout the City, the existence of these facilities further illustrates that  
9 Plaintiffs’ merits arguments are built on faulty premises about the City’s strategies  
10 in Skid Row.

11 Similarly, Plaintiffs contend that the City has not provided Skid Row with the  
12 same municipal services as other areas of Los Angeles. While the City has  
13 undoubtedly failed to provide the types of services demanded by Intervenors and  
14 unhoused residents, such as toilets and routine trash services, the City certainly has  
15 provided significant “comprehensive cleanups” that displace unhoused residents.  
16 In fact, Skid Row is one of only two locations in Los Angeles that has a dedicated  
17 team conducting cleanups of homeless encampments. Unlike the vast majority of  
18 Los Angeles, which is subjected to sporadic street cleanings, teams operate four  
19 days a week, on a two week rotation. Operation Healthy Streets began in Skid  
20 Row following the district court ruling in *Lavan v. City of Los Angeles*, 797  
21 F.Supp.2d 1005 (C.D. Cal. 2011), and was dramatically expanded from a week-  
22 long cleanup once every two months to a four day a week deployment in June

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<https://www.latimes.com/local/lanow/la-me-ln-skid-row-cleanup-20140513-story.html>.

1 2016, following the issuance of another preliminary injunction in *Mitchell v. City*  
2 *of Los Angeles*, 2:16-cv-01750-SJO-JPR (C.D. Cal).<sup>4</sup>

3 Plaintiffs’ solipsistic and inaccurate recitation of the history and current  
4 conditions in Skid Row undermines Plaintiffs’ entire motion. The premise that  
5 the City has pursued a Containment Policy is the factual predicate for each of  
6 Plaintiffs’ legal arguments in favor of the motion for a Preliminary Injunction.

7 For example, Plaintiffs allege that the City has created dangerous conditions in  
8 Skid Row, which gives rise to a violation of Plaintiffs’ substantive due process,  
9 based on a “state created danger theory.” *See e.g., Munger v. City of Glasgow*  
10 *Police Dept.* 227 F.3d 1082, 1086 (9th Cir. 2000) (as a general rule, members of  
11 the public have no constitutional right to sue public employees who fail to protect  
12 them against harm inflicted by third parties, but recognizing the that there is an  
13 exception where “there is affirmative conduct on the part of the state in placing the  
14 Plaintiff in danger). But while Plaintiffs overwhelmingly trade in general tropes  
15 about the “dangers of Skid Row,” the only affirmative act Plaintiffs identify is the  
16 creation of the Containment Policy in 1976, and even if such a policy existed, a  
17 general land use policy is not the kind of “affirmative act” that can “create an  
18 actual, particularized danger.” *Hernandez v. City of San Jose*, 897 F.3d 1125 (9th  
19 Cir. 2014).<sup>5</sup>

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22 <sup>4</sup> Plaintiffs argue that the *Mitchell* settlement prevented the City from  
23 enforcing provisions of Los Angeles Municipal Code in Skid Row while it  
24 remained free to enforce those provisions elsewhere. However, since April 2020,  
25 the enforcement of the so-called “bulky item provision” has been the subject of an  
26 another injunction, issued in *Garcia v. City of Los Angeles*, 2:29-cv-06182-DSF-  
PLA (C.D. Cal.).

27 <sup>5</sup> On the other hand, what Plaintiffs are asking the Court to order here: the  
28 City to offer “shelter” to unhoused people and then “clear sidewalks, public  
streets and public areas” and prohibit camping in the designated areas, would

1 Similarly, with regards to its procedural due process claim, the Alliance  
2 contends to that “Defendants for 40 years repeatedly taken action to concentrate  
3 PEH in unsafe areas in Skid Row.” Brief at 30. Plaintiffs’ argument appears to be  
4 that the Containment Policy was “implemented without proper procedures for the  
5 people affected by it.” Brief at 30. But the Containment Policy was part of a land  
6 use policy passed more than 40 years ago.<sup>6</sup> As such, their due process challenge to  
7 the containment policy is little more than a challenge to the adoption of a land use  
8 policy, dressed up as a constitutional challenge. And as with all land use  
9 challenges, there is a strict statute of limitations, which ran in 1976. *See* Cal.  
10 Health & Safety Code § 33500 (“The adoption or amendment of a redevelopment  
11 plan, or the findings or determinations of the relevant body, made before January  
12 1, 2011, must be challenged within 90 days of that adoption, amendment, finding,  
13 or determination”).<sup>7</sup>

14 Plaintiffs also identify this Containment Policy as the substantial factor  
15 causing the nuisances that Plaintiffs allege exist in Skid Row, Brief at p. 31, 3,  
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18 actually be analogous to the state-created dangers prevented by the Court in  
19 *Santa Cruz Homeless Union v. Bernal*, 2021 WL 222005 (N.D. Cal. Jan. 20,  
20 2021) (granting preliminary injunction where the City placed unhoused residents  
21 at a known risk, including where, for example, local governments forcibly  
22 removed unhoused individuals, in violation of Centers for Disease Control  
23 guidelines that prevent the displacement of people living in homeless  
24 encampments to congregate shelters or into other communities).

25 <sup>6</sup> The Containment Policy adopted in 1976 was an amendment to the Central  
26 Business District Redevelopment Plan because it placed “limitations and controls”  
27 on “all matters involving the Central Business District Redevelopment Project[.]”

28 <sup>7</sup> The purpose behind such a narrow statute of limitations is simple: it gives  
agencies clarity and certainty and prevent challenges after public funds have been  
spent and people and businesses have been relocated. *Redevelopment Agency v.*  
*Herrold*, 86 Cal. App. 3d 1024, 1029 (1978); *Plunkett v. City of Lakewood*, 44 Cal.  
App. 3d 344, 347 (1975). Quite simply, it is to prevent what Plaintiffs purport to  
do here: challenge the zoning decisions adopted 45 years ago.

1 even though the fact that a nuisance results from a discretionary policy decision  
2 undermines Plaintiffs’ argument that it is entitled to judicial intervention to abate  
3 any possible nuisance. *See Friends of H St. v City of Sacramento*, 20 Cal.App.4<sup>th</sup>  
4 152, 165 (1993) (refusing to rule on a nuisance claim because it stemmed from a  
5 policy decision related to the use of public spaces and holding that courts lack the  
6 authority to interfere with local legislative decisions such as traffic regulation and  
7 the use of streets). Finally, the with regards to the ADA claim, the Alliance argues  
8 that the “containment policy placed disabled PEH in dangerous conditions where  
9 they were very likely to be harmed.” Brief at 34. *See also* Brief at 35 (further  
10 explain that the containment policy “deliberately placed mentally ill people in an  
11 area that causes and perpetuates mental illness, and it placed substance abusers in  
12 an area replete with the illegal trafficking of dangerous and addictive drug users”).  
13 Brief at 35.

14 Plaintiffs rest its claims for equitable relief in this case on a theory that the City  
15 and County have affirmatively created the harsh conditions in Skid Row as a result  
16 of a specific and purposeful Containment Policy; even if there were merit to any of  
17 these arguments, the fact that the City simply has not pursued a Containment  
18 Policy in Skid Row in decades underscores the lack of evidence and legal support  
19 for Plaintiffs’ request for a preliminary injunction.

20 **IV. THE PROPOSED INJUNCTION IS AGAINST THE PUBLIC**  
21 **INTEREST**

22 Plaintiffs spend so much time discussing the impact of the homelessness crisis  
23 and the purported Containment Policy on LA Alliance’s predominately housed  
24 members, that they fail to account for the fact that “[a] preliminary injunction is an  
25 extraordinary remedy never awarded as of right.” (internal citations omitted).  
26 Even if a party proves they are likely to succeed on the merits and will suffer  
27 irreparable harm, a Court considering a request for a preliminary injunction must  
28 still “balance the competing claims of injury [and] consider the effect on each party

1 of the granting or withholding” of the injunction. *Amoco Prod. Co. v. Vill. of*  
2 *Gambell*, 480 U.S. 531, 542 (1987). Likewise, Court must also weigh its impact  
3 on the public interest, which “primarily addresses impact on non-parties rather than  
4 parties.” *Bernhardt v. Los Angeles Cty.*, 339 F.3d 920, 931–32 (9th Cir. 2003)  
5 (internal quotation marks and citation omitted) (citing *Weinberger v. Romero-*  
6 *Barcelo*, 456 U.S. 305, 312 (1982)). This requirement “embodies the Supreme  
7 Court's direction that[,] in exercising their sound discretion, courts of equity should  
8 pay particular regard for the public consequences in employing the extraordinary  
9 remedy of injunction.” *Id.*

10 Plaintiffs barely make reference to these other factors; yet, as with all of the  
11 *Winter* factors, the burden of demonstrating that the preliminary injunction is in the  
12 public interest falls on the moving party. *Winter*, 555 U.S. at 24. That is  
13 especially true where the request would have significant and widespread  
14 implications, as it would here: Plaintiffs ask this Court to grant an incredibly  
15 broad, mandatory injunction that would require the City and County to radically re-  
16 shift their priorities and practices away from a needs-based system of care and  
17 towards a location-based model of housing, and then deploy its police force to  
18 enforce an anti-camping ordinance against some of the most vulnerable members  
19 of the community. Plaintiffs fail to put forth any argument, let alone evidence to  
20 meet its burden of showing that such a dramatic encroachment into the provenance  
21 of the City and the County is warranted, let alone why such a broad injunction is in  
22 the public interest. This alone should defeat Plaintiffs’ motion. *See Park Village*  
23 *Apartment Tenants Ass'n v. Mortimer Howard Trust*, 636 F.3d 1150, 1162–63 (9<sup>th</sup>  
24 Cir. 2011)

25 As Intervenors’ experts explain, such a wide-reaching order would not serve the  
26 public interest; in fact, just the opposite. The requested relief would have a  
27 significant negative impact not only on people living in Skid Row, but also to those  
28 people experiencing homelessness outside of Skid Row, and the community as a

1 whole. While housing everyone currently living in Skid Row would be a laudable  
2 goal, the order sought by Plaintiffs is not aimed at achieving that goal; instead, it  
3 will elevate form over substance, offers of shelter over real housing solutions. And  
4 in doing so, it will undermine any progress currently being made towards actually  
5 finding housing solutions for people on Skid Row and throughout Los Angeles.

6 First, the requested order requires the City and County to only “offer and if  
7 accepted to provide shelter or housing” to each person on Skid Row. Notice of  
8 Motion at ii. An offer of shelter may be meaningless if it does not take into  
9 account the needs and priorities of people experiencing homelessness. *See*  
10 *Flaming Decl.*, ¶¶ 13-14 (describing research into the unique needs of people  
11 experiencing homelessness), 15-18 (research into why a person may enter into a  
12 shelter); *Shortt Decl.*, 16-17 (describing obstacles experienced by unhoused  
13 individuals seeking shelter).

14 Moreover, the proposed injunction presumes that individuals on Skid Row have  
15 not been offered or have not been in shelter before; however, as many of Plaintiffs’  
16 own declarants make clear, many individuals living on the streets in Skid Row  
17 have already been offered or even had places in shelter, yet they still remain on the  
18 street. *See e.g.*, *Decl. of May Brannon*, ¶ 4 (previously lived in a hotel but was  
19 evicted after she was unable to pay rent); *Decl. of Ann Jackson*, ¶ 4 (previously  
20 housed at Downtown Women’s Center but left because of conditions in the  
21 shelter); *Decl. of Wenzial Jarrell*, ¶ 10 (offered housing options but declining  
22 because of the conditions in the shelters). As explained by Sara Shortt, the former  
23 Director of the C3 outreach program in Skid Row, most people in Skid Row have  
24 been offered shelter in the past, but because “the shelter and temporary programs  
25 [their] clients used did nto provde exits from the street and into permanent  
26 housing.” Instead, they observed a “churn” effect where people were offered  
27 various short term housing programs that did not necessarily result in something  
28 permanent.” *Shortt Decl.*, ¶ 11. Instead, it perpetuated a revolving door of



1 homelessness. *See also* Flaming Decl., ¶ 18 (the most important reason people do  
2 not enter into shelter is that programs end without other alternatives for people  
3 experiencing homelessness).

4 An order requiring the City and County to spend 90 days offering shelter to  
5 people living in Skid Row would replicate this “churning” effect, and the  
6 requirement of an offer of “shelter” would likely be little more than a procedural  
7 speedbump, slowing down the rush towards criminalization. It would result in  
8 very few people ending up housed, while detracting from other interventions that  
9 are more likely to result in housing placements. Then, after ninety days, the City  
10 would be required to begin enforcing its anti-camping ban in Skid Row, which  
11 would result in either people being arrested or displaced from Skid Row into other  
12 communities. And such disruption would have longstanding negative  
13 consequences, undermining the any attempt or opportunity to provide real housing  
14 solutions to people living on the streets. Shortt Decl., ¶ 12 (explaining that this  
15 churn effect is counterproductive); *see also* Tsemberis Decl., ¶¶ 16-20.

16 Even if individuals do accept an “offer of shelter or housing,” the requested  
17 injunction completely ignores the cyclical nature of homelessness, and in  
18 particular, the shelter system. In fact Plaintiffs’ own declarants illustrate this:  
19 individuals routinely cycle in and out of the shelter system because the interim  
20 housing system fails to offer a path to permanence, and most people in the shelter  
21 system wind up back on the streets. Only 16 percent of individuals in the City’s A  
22 Bridge Home exit into permanent housing. The lack of permanent housing options  
23 available following a shelter stay mean that individuals routinely move from  
24 temporary shelter to the street and back into shelter. *See* Flaming Decl., ¶ 18.  
25 Requiring the City to clear Skid Row in 90 days by offering shelter will do little to  
26 disrupt this cycle: individuals will continue to cycle out of the shelter system back  
27 onto the streets. That that occurs, people exiting the shelter system simply will not  
28 be able to return to Skid Row. This may result in cleaner sidewalks, but it will not



1 help the people who once resided in Skid Row. In fact, it will cause even further  
2 disruption to their lives, since they will be displaced further into the community,  
3 away from existing support systems. Tsemberis Decl., ¶ 19, 21. They would be  
4 displaced further, which is certainly not in their interest, nor in the public interest  
5 at large.

6 And of course, while Plaintiffs may contend that the clearing of Skid Row  
7 could be achieved without the deployment of law enforcement, the history of Skid  
8 Row suggests otherwise. *See* Blasi Decl., ¶¶ 16-26; Shortt Decl., ¶¶ 18-25.

9 Moreover, Plaintiffs’ motion is predicated on a perceived failure of law  
10 enforcement to enforce the municipal code in Skid Row; the City and County  
11 would certainly be unable to ensure compliance with a court order requiring it to  
12 “clear sidewalks, public street, and public places” in Skid row, or prohibit camping  
13 throughout the pendency of the injunction without the use of law enforcement. *See*  
14 Notice at iv. This is particularly true, given that Plaintiffs’ proposed preliminary  
15 injunction presumes that “there are a fixed number of homeless people living in  
16 Skid Row, and that if they are housed, sheltered or removed from the area, the  
17 homelessness problem would be solved.” Tsemberis Decl., ¶ 18. However, as Dr.  
18 Tsemberis explains, “thousands of people are housed in LA County each year and  
19 still the numbers increase because the front door for people to fall into  
20 homelessness-the structural housing and economic problems remain the same.”  
21 *See also* Flaming, Decl. ¶¶ 10-12 (explaining that, for every individual identified in  
22 the Point in Time count, 1.96 people are homeless in a given year). Therefore,  
23 “clearing” Skid Row will not result in a reduction in homelessness; it will simply  
24 result in a reduction of people in Skid Row.

25 Coupling an offer of shelter with the threat of arrest can exacerbate existing  
26 mental health and trauma responses, which as Plaintiffs concede, are endemic  
27 among people experiencing homelessness. The negative impact of criminalization  
28 has been documented for decades and likely has contributed to the significant

1 mental health issues experienced by people living in Skid Row. *See e.g.*, Shortt  
2 Decl., ¶ 23. Moreover, an order requiring the City to enforce its anti-camping ban  
3 would increase the number of interactions between unhoused individuals and law  
4 enforcement. These interactions can quickly escalate into the use of force by law  
5 enforcement—in 2019, fully one third of all use of force incidents committed by  
6 the Los Angeles Police Department involved a person experiencing homelessness.<sup>8</sup>  
7 Those interactions often have fatal consequences.<sup>9</sup> Plaintiffs do not, nor can they  
8 provide any explanation why an order requiring the City and County to adopt a  
9 policy long-repudiated by experts on mental health, housing, and homelessness,  
10 would be in the public interest.

11 Finally, nothing in the proposed order requires the City and County to create  
12 new housing or even new shelter resources to provide shelter to the individuals  
13 living on Skid Row; it simply requires the City and County to offer shelter and  
14 housing to those individuals that Plaintiffs view as causing a nuisance. Such a  
15 court order would undoubtedly result in the deprioritization of thousands of people  
16 outside of Skid Row, who would not be offered shelter as a result of the Court-  
17 mandated reorientation of resources away from a need-based model and towards  
18 meeting this mandatory order.

---

21  
22 <sup>8</sup> Los Angeles Police Department, “Use of Force Year End Review,  
23 2019,” available at [http://lapd-  
24 assets.lapdonline.org/assets/pdf/2019\\_uof\\_review.pdf](http://lapd-assets.lapdonline.org/assets/pdf/2019_uof_review.pdf).

25 <sup>9</sup> *Id.* For example, in 2015, Los Angeles Police officers shot and killed  
26 Charly ‘Africa’ Keunang in Skid Row; the LAPD was later found liable in a civil  
27 suit brought by Mr. Keunang’s family. *See* Alene Tchekmedyian, “LAPD officers  
28 are found liable in skid row shooting death of Charly ‘Africa’ Keunang,” May 10,  
2018. Also in May 2015, LAPD officers shot and killed Brandon Glen, another  
young Black man who was houseless in Venice. In 2019, 23 percent of all officer-  
involved shootings involved people experiencing homelessness.

1 The request for a broad, sweeping mandatory injunction requires a  
2 significant showing that such an order is in the public interest. *See Winter*, 555  
3 U.S. at 20. The effect of an order requiring the City to offer shelter or housing to  
4 and then clear Skid Row may result in less visible homelessness within the 50  
5 square block area of Skid Row; but it certainly cannot be said to be in the best  
6 interest of the nonparties who are displaced or the rest of Los Angeles.

7  
8 **V. CONCLUSION**

9 For the foregoing reasons, Intervenors oppose Plaintiffs' Motion for  
10 Preliminary Injunction.

11  
12  
13 Dated: April 19, 2021

Legal Aid Foundation of Los Angeles,

14 By: \_\_\_\_\_/s\_\_\_\_\_  
15 Shayla Myers  
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18  
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15 *and Los Angeles Catholic Worker*

16 **UNITED STATES DISTRICT COURT**

17 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

18 LA ALLIANCE FOR HUMAN  
19 RIGHTS, ET AL.,

20 Plaintiff(s),

21 v.

22 CITY OF LOS ANGELES, ET AL.,

23 Defendant(s).

CASE NO. 2:20-cv-02291-DOC-KES

Assigned to Judge David O. Carter

**DECLARATION OF PROFESSOR**  
**EMERITUS GARY L. BLASI IN**  
**SUPPORT OF INTERVENORS'**  
**OPPOSITION TO PLAINTIFFS'**  
**MOTION FOR PRELIMINARY**  
**INJUNCTION**

1  
2 I, Gary L. Blasi of Los Angeles, California, declare:

3  
4 1. I am submitting this declaration in support of Intervenors' Opposition  
5 to Plaintiffs' Motion for Preliminary Injunction (PI). I make this declaration based  
6 on my personal knowledge and information I have read and come to learn in my  
7 profession, except where I have indicated otherwise. If called as a witness, I could  
8 and would testify competently and truthfully to these matters.

9 **BACKGROUND**

10 2. I am Professor of Law Emeritus at the UCLA School of Law, where I  
11 was a faculty member from 1991 to 2012. I have a master's degree in Political  
12 Science from Harvard University and a Bachelor of Arts in Political Science from  
13 the University of Oklahoma. After an apprenticeship at the Echo Park Community  
14 Law Office in Los Angeles, I passed the California bar exam in 1976.

15 3. For the past 38 years, my research, work with students, pro bono legal  
16 and consulting work, and volunteer work with nonprofit organizations has focused  
17 on homelessness, especially in Los Angeles, including the causes of homelessness  
18 and public policies and laws that contribute either to its amelioration and reduction  
19 or to its aggravation.

20  
21 4. For the eight years before joining the law faculty at UCLA, my legal  
22 practice involved the coordination of litigation and policy advocacy on behalf of  
23 homeless individuals and families in Los Angeles County. Beginning as an  
24 attorney at the Legal Aid Foundation of Los Angeles (LAFLA) in 1993, I have  
25 spent hundreds of hours in Skid Row, interviewing both housed and homeless  
26 individuals, nearly all of them single adults. During this period, I was among the  
27 lawyers who represented unhoused people living on the streets of Skid Row in  
28 litigation against the City of Los Angeles as it pursued policies and practices to

1 aggressively police the unhoused population, especially people in encampments.  
2 Also beginning in 1983, I also became deeply involved in non-litigation policy  
3 development and advocacy regarding homelessness in Skid Row and elsewhere, as  
4 a leader of the Los Angeles Coalition on the Homeless (later, the Los Angeles  
5 Coalition to End Hunger and Homelessness), Homeless Health Care Los Angeles,  
6 and the National Coalition for the Homeless.

7 5. Between 1987 and 1991, I was fully occupied with managing large  
8 scale litigation on behalf of unhoused people, primarily directed against the County  
9 of Los Angeles. In that context, I was frequently in Skid Row and continued to  
10 observe policing of unhoused people.

11 6. After becoming a law professor in 1991, I worked with UCLA law  
12 students in clinical course projects dealing with particular problems in Skid Row,  
13 including policing and other criminal justice issues. My work was always based on  
14 information from both observations and interviews with homeless people and  
15 others.

16 7. Since 2012, I have maintained an active research and pro bono  
17 consulting practice. A true and correct copy of my curriculum vitae is set forth in  
18 Exhibit 1.

19 8. I have been asked by the Intervenors in this case to provide opinions  
20 about the Plaintiffs' Motion for Preliminary Injunction. I am not being  
21 compensated for the time I spend on this case, nor is any compensation to me  
22 contingent upon my opinions or the outcome of the case. The materials I have  
23 relied upon are set forth in the footnotes of this Declaration.

24  
25 **SUMMARY**

26 9. The admonition attributed to Hippocrates, "First, do no harm," is  
27 generally associated with medical practice, but it has much wider application.  
28 After having been deeply involved for 38 years in responding to the long-standing

1 crisis of homelessness in Los Angeles, particularly in Skid Row, I have learned  
2 that however bad things have become, they can always be made worse.

3 10. For reasons detailed below, despite the emotionally compelling  
4 presentation in Plaintiffs' PI Motion, the orders they seek from this Court will  
5 make the situation in Los Angeles dramatically worse. Of course, whether it would  
6 be "worse" depends on one's perspective and interest. I believe that the orders  
7 sought would, at least in the short run, improve the appearance of the streets of  
8 Skid Row and greatly increase the market value of real estate in those 50 square  
9 blocks. However, based on my experience and research, it is my opinion that the  
10 relief requested by plaintiffs would also have the unintended consequence of (1)  
11 worsening the circumstances of the unsheltered homeless in Skid Row as well as  
12 the rest of the City, and (2) degrading the quality of life of both the housed and  
13 unhoused outside Skid Row. The requested relief would thus disserve the public  
14 interest, including the interests of the 4 million residents of the City of Los Angeles  
15 and the 6 million other residents of Los Angeles County, including the hundreds of  
16 thousands of Angelenos who are either now unhoused, or will be in the coming  
17 months as the COVID-19 related limitations on evictions begin to expire on July 1,  
18 2021.

19  
20 11. First, Plaintiffs' PI Motion sometimes glosses over the difference  
21 between shelter and housing, as if these were the same. They are not. Shelter  
22 entails the provision of a place to sleep for some hours each night, generally with  
23 no guarantee of being able to return the next night, with very little privacy,  
24 stability, or autonomy and very restricted ability to maintain possessions, a pet, an  
25 intimate relationship, or social connections: things that all humans require.  
26 Housing, even the most meagre housing, has none of these limitations. Thus, for  
27 very understandable reasons, many unhoused people will go to some lengths to  
28 maintain their privacy and autonomy and refuse an offer of shelter, but not of

1 housing. When the offer of shelter is combined with the threat of arrest if they  
2 remain in an encampment, they will move to a location where they believe the  
3 risks of arrest are lower. Plaintiffs’ Motion implicitly assumes this fact, arguing  
4 that the concentration of unhoused people in Skid Row results in part from a lack  
5 of policing in Skid Row that traces to a “containment zone” policy in 1976. As I  
6 explain in some detail below, encampments on Skid Row have continued to be the  
7 subject of intensive enforcement efforts over the last 45 years.

8       12.     Second, it is highly unlikely that the City and/or County would  
9 provide housing rather than shelter unless specifically ordered to do the former.  
10 Hotel and motel rooms, such as those provided through Project Roomkey and  
11 utilized for some of those in the recent removal of unhoused people from Echo  
12 Park, occupy a middle ground. Although they can be utilized as housing, with the  
13 limited time of stay, addition of strict curfews and no-visitor rules and other  
14 limitation on autonomy, such as not being given a key to their own room, they  
15 share some features of shelter that cause some unhoused people to move if forced  
16 to, but remain in a tent. More practically, unless the City and County are prepared  
17 to commandeer hotel or motel rooms (for which they are unlikely to be reimbursed  
18 by the federal government because the cost is determined much later), the number  
19 of available rooms is declining as the pandemic recedes.  
20

21       13.     Third, if the City and County were ordered to provide housing to  
22 individuals living in Skid Row, intensified police enforcement would likely not be  
23 necessary to move people from the streets into housing. When people living in  
24 encampments are offered housing and believe the offer, in my experience, they are  
25 highly likely to accept it without any encouragement or force from a police officer.  
26 That was, for example, the case with the “Project 50” experiment conducted by the  
27 County of Los Angeles, in which nearly 100% of those offered real housing  
28 accepted the offer.



1 14. Enforcement would, of course, still be necessary to ensure that,  
2 following the court-ordered clearing of Skid Row, the City continued to enforce  
3 the anti-camping ban against any of the more than 25,000 individuals remaining on  
4 the streets throughout the City and County of Los Angeles, or the thousands of  
5 individuals falling into homelessness each month did not enter Skid Row, seeking  
6 the services offered by the many service providers who would remain in Skid Row.

7 15. Fourth, forcing unsheltered homeless people from encampments into  
8 overcrowded congregate shelters will slow the progress we are making in ending  
9 the COVID-19 pandemic, for reasons clearly explained by the Centers for Disease  
10 Control and Prevention (CDC).

11 16. Fifth, the plaintiffs are asking this Court to impose the requested  
12 remedies during a time Los Angeles is facing a large increase in evictions,  
13 especially of families who will remain unhoused and in desperate need. In May, I  
14 published a study projecting that, absent massive intervention, 365,000 households  
15 in Los Angeles County will lose their housing this year, including 558,000  
16 children.<sup>1</sup> Other estimates, including those from the Aspen Institute, were higher.<sup>2</sup>  
17 Thankfully, there has been significant intervention by all levels of government,  
18 including a moratorium on most evictions that expires June 30, 2021. However, the  
19 effectiveness of those interventions in reducing eviction cases filed July 1, 2021  
20 and after, is highly uncertain. The injunction sought by the plaintiffs would force  
21 the City and the County to divert resources desperately needed to keep families  
22  
23

24  
25  
26 <sup>1</sup> Blasi, Gary (2020), UD Day: Impending Evictions and Homelessness in Los Angeles. UCLA:  
27 Luskin Institute on Inequality and Democracy, May 28, 2020, available at  
<https://escholarship.org/uc/item/2gz6c8cv>.

28 <sup>2</sup> Benfer, <https://www.aspeninstitute.org/blog-posts/the-covid-19-eviction-crisis-an-estimated-30-40-million-people-in-america-are-at-risk> Emily et al., August 7, 2020, The COVID-19 Eviction Crisis: an Estimated 30-40 million People in America are at Risk, Aspen Institute, available at /

1 housed in order to force people currently in encampments into shelters. The  
2 injunction would also prevent individuals who are newly homeless from camping  
3 in Skid Row, artificially cutting off an area of the City that includes a significant  
4 number of social services, as Plaintiffs outline in their Preliminary Injunction  
5 motion. The numbers of unhoused persons in tents in Skid Row may decline, but  
6 the number of encampments would increase significantly in other areas of the City  
7 and County. That result would serve some private interests, but it cannot serve the  
8 public interest.

9       17. According to the narrative presented to the Court in Plaintiffs’  
10 Motion, the current state of Skid Row is in large part the product of a deliberate  
11 policy and practice of “containment” of unhoused people in Skid Row that was  
12 enacted in 1976 and continues, at least in practice, to this day. Plaintiffs claim that  
13 this policy enacted 45 years ago is responsible for the concentration of shelter,  
14 housing and services for the homeless Skid Row that has attracted unhoused  
15 people to Skid Row. Plaintiffs also claim that Skid Row has long been and is now  
16 an “enforcement-free zone.” (Plaintiffs’ Motion at 2). Neither of those claims is  
17 correct. I address the “enforcement free zone” claim first.  
18

19                   **POLICING SKID ROW AND THE CONTAINMENT POLICY**

20       18. Whatever the policy and practice may have been before 1983, the City  
21 abandoned any pretense of maintaining an “enforcement free zone” after the  
22 population of Skid Row began to grow dramatically in that year, primarily because  
23 of an increase in the numbers of Black men coming into Skid Row. Thousands of  
24 people, most of them Black men, have been harassed, cited, or arrested by LAPD  
25 in Skid Row since 1983. Skid Row has been and continues to be the locus of some  
26 of the most intensive and focused policing ever conducted in Los Angeles. I have  
27 first-hand knowledge of the examples cited below.  
28

1           19.     In May 1985, police raided the residents of an encampment known as  
2 Justiceville, a self-organized encampment of about 60 people on a vacant private  
3 lot located directly behind what has long been known as the “Hippie Kitchen” at  
4 6<sup>th</sup> and Gladys Street.<sup>3</sup> Attorneys negotiated with the City and LAPD the peaceful  
5 and nonviolent arrest of the 12 Justiceville residents who intended to engage in civil  
6 disobedience and refuse orders to leave the property.<sup>4</sup> After their displacement  
7 from Justiceville, only a few residents were able to secure shelter that was safer  
8 and cleaner than that encampment. Many moved to other encampments outside  
9 Skid Row.

10           20.     In February 1987, the City launched a much larger series of what the  
11 Los Angeles Times called “raids” on Skid Row encampments. As that newspaper  
12 reported at the time:

13                   “Los Angeles city officials said Wednesday that a series of Skid  
14 Row raids, initially described as a crime sweep, are, in fact,  
15 designed to rid the area of its numerous makeshift encampments  
16 of homeless people.

17                   ...

18                   Los Angeles Deputy Mayor Grace Davis confirmed Wednesday  
19 night that the sweep, expected to focus on 10 homeless camps  
20 during the next two months, is meant to dismantle the makeshift  
21 settlements and help their inhabitants relocate in nearby shelters.

22                   ...

23                   [CRA President James] Wood said the impetus for the sweep  
24 came from Central City East, a business group representing about  
25 40 companies on Skid Row that for two years have been urging  
26 City Hall to take more aggressive action against crime and to  
27 clean up the area.

28                   \_\_\_\_\_

<sup>3</sup> Because that encampment had drawn significant media attention, no unannounced raid was conducted.

<sup>4</sup> See, Police Arrest 12 in Shutdown of 'Justiceville', Author: Clayton, Janet: Los Angeles Times, 10 May 1985:

1 . . .  
2 As the same time, [Central City East Director Lauri] Flack  
3 acknowledged that Central City East is not receptive to the  
4 creation of new shelters in the area of Skid Row, between San  
5 Pedro and Alameda and 3rd and 7th streets, where most of  
6 members of the association are located. The group is urging the  
7 city to adopt a community plan for the area that would make it  
8 difficult to build any more low-cost residential hotels of the kind  
9 that currently house most of Skid Row's 11,000 to 12,000  
10 residents.

11 . . .  
12 The raids have provoked the ire of several social service  
13 providers, although they have involved no arrests. They contend  
14 that the sweep is pointless and ill-timed, coinciding, they say, with  
15 a diminishing supply of affordable Skid Row hotel rooms.

16 . . .  
17 The Skid Row sweep began Tuesday morning as squad cars and  
18 sanitation trucks surrounded a small enclave at 6th Street and  
19 Stanford Avenue. It resumed Wednesday, targeting two locations,  
20 including a large camp on South Towne Avenue that is regarded  
21 as one of Skid Row's more law-abiding settlements.<sup>5</sup>

22 21. The LAPD raid on the last encampment mentioned in the story above,  
23 on Towne Avenue, resulted in litigation against the City. A Los Angeles Superior  
24 Court judge in that case issued an injunction requiring the City to provide adequate  
25 notice to those in encampments before such “street cleaning” sweeps, to allow  
26 people to move their belongings to the other side of the street. Discovery in that  
27 case also revealed that the City’s actual policy was to be anything but tolerant of  
28 unhoused people in the alleged “containment” zone.

**SAFER CITIES INITIATIVE OF 2006 AND BEYOND**

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<sup>5</sup> See Clifford, Frank, “Raids Meant to Rid Skid Row of Its Homeless Encampments,” Los Angeles Times, February 19, 1987.

1           22.     At UCLA School of Law, I developed and taught a clinical seminar  
2 called Fact Investigation in Complex Settings, in which I and twelve upper class  
3 law students who were spending 20 hours per week participated in intensive fact  
4 investigations. One was focused on the conduct and effects of the “Safer Cities  
5 Initiative” that the City and LAPD launched in Skid Row in September 2006. In  
6 the course of that investigation, my students and I obtained through the Public  
7 Records Act about 15,000 pages of documents and several computer databases. We  
8 also interviewed more than 200 people. The final result was a report, *Policing Our  
9 Way Out of Homelessness? The First Year of the Safer Cities Initiative on Skid  
10 Row*, published by the Inter-University Consortium Against Homelessness in  
11 2007.<sup>6</sup> As detailed in that report, the Safer Cities Initiative (SCI) demonstrated that  
12 the actual policy of the City of Los Angeles toward the unhoused in Skid Row was  
13 about as far from “tolerant” as it is possible to get, marked by a concentration of  
14 police force likely exceeded only in a war zone. As became obvious through our  
15 investigation, the principal aim of the SCI was not to “contain” unhoused people in  
16 Skid Row, but to make their lives so miserable that they would leave Skid Row  
17 and go somewhere – anywhere—else. This was achieved by flooding the 50 square  
18 blocks of Skid Row with an additional 50 uniformed officers, plus the mounted  
19 police of the Metropolitan Division, and most of the undercover narcotics officers  
20 in the City. The first year cost of just the additional 50 LAPD officers in the 0.85  
21 square miles of Skid Row exceeded the City’s general fund budget for homeless  
22 shelter and services in the remaining 465 square miles in the City.  
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27 <sup>6</sup> *Policing Our Way Out of Homelessness? The First Year of the Safer Cities Initiative on Skid*  
28 *Row*, (hereafter UCLA Report) available at  
[http://www.ced.berkeley.edu/downloads/pubs/faculty/wolch\\_2007\\_report-card-policing-homelessness.pdf](http://www.ced.berkeley.edu/downloads/pubs/faculty/wolch_2007_report-card-policing-homelessness.pdf).

1           23.     The prelude to the Safer Cities Initiative had begun in 2003, with a  
2 dramatic increase in arrests referred to the City Attorney for violation of LAMC  
3 41.18(d), which made it a crime to “sit, lie or sleep” in public spaces, in an obvious  
4 targeting of unhoused persons. Between January 1, 2003 and March 4, 2004,  
5 LAPD made 1,474 arrests in Skid Row for violation of this section. The increased  
6 enforcement of 41.18(d) continued. But in April 2006, the Ninth Circuit issued its  
7 opinion *in Jones v. City of Los Angeles*, 444 F 3d. 1118, 1138 (2006). As a result,  
8 the SCI could no longer easily rely, as they had intended, on Section 41.18(d) as  
9 the primary law enforcement tool. The tool they turned to instead was novel:  
10 pedestrian violations for jaywalking or traffic signal violations, the fine for which  
11 came to \$159, which would almost certainly go unpaid, resulting in the issuance of  
12 an arrest warrant. The extraordinary density of police force assigned to Skid Row  
13 and inability of homeless people to escape police monitoring by staying home,  
14 meant that the likelihood of a subsequent encounter with an LAPD officer, a  
15 warrant check, and a trip to jail was very high. During this period, residents of Skid  
16 Row were between 48 and 69 times more likely to receive a pedestrian citation  
17 than residents of the rest of Los Angeles.<sup>7</sup> In an area with a total population, both  
18 housed and unhoused, of about 10,000 people, in the first 10 months of operation,  
19 officers assigned to SCI issued about 1,000 citations and made about 750 arrests  
20 per month. And it did appear, at least for a time, that the visible street-dwelling  
21 population of Skid Row declined, but only as the number of unhoused people  
22 living outside the boundaries of the Safer Cities Initiative, including La Placita and  
23 Pershing Square, also increased significantly.  
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<sup>7</sup> UCLA Report, p. 30

1 24. Reviewing the evidence as to the effects of the SCI, Professor Alex  
2 Vitale of Brooklyn College summarized the results of the SCI as follows: "The SCI  
3 may have succeeded in displacing people from Skid Row, but it has not reduced  
4 homelessness. In fact, it has made it more difficult for many people to escape  
5 homelessness."<sup>8</sup>

6 25. The Safer Cities Initiative in Skid Row did not end in 2006. Indeed, it  
7 continues to this day under either that or another name. For example, in 2015,  
8 LAPD commenced large scale sweeps in Skid Row. As described in the Los  
9 Angeles Times:

10 [S]kid row people said in July that they noticed new signs  
11 ordering homeless people to store or remove their property. . . .  
12 "Warning notices" went up declaring that "all lodgings need to  
13 be moved off the sidewalk." The notices, under the heading  
14 "Safer Cities Initiative," also say: "When: Every day of the  
15 week, Sunday to Saturday including holidays. Where: The  
16 sidewalks of the Skid Row Area."<sup>9</sup>  
17

18 26. Police sweeps of encampments, both in Skid Row and elsewhere,  
19 have never stopped, although they have been limited to constitutional means by  
20 federal courts. Subject to those constraints, encampment sweeps have continued  
21 across the City, including Skid Row. Those constraints, however, come from the  
22 United States Constitution and not the "Containment Policy" of 1976.  
23

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26 <sup>8</sup> Alex S Vitale, 'The Safer Cities Initiative and the Removal of the Homeless: Reducing Crime  
27 or Promoting Gentrification on Los Angeles' Skid Row' (2010) 9 *Criminology & Pub Pol'y* 867,  
869.

28 <sup>9</sup> Gale Holland, "Homeless sweeps increasing?; LAPD says they're not, but advocates for  
homeless on skid row say otherwise," *Los Angeles Times*, Aug. 23, 2015, B3.



1 **THE CONTAINMENT POLICY AND THE CONCENTRATION OF**  
2 **SERVICES IN SKID ROW**

3  
4 27. Plaintiffs' Motion asserts that the other major component of the  
5 "containment" policy is the City and County's unwarranted concentration of  
6 shelter, housing, services, and "amenities" in Skid Row. That concentration exists,  
7 but the causes of concentration are the reverse of those asserted by plaintiffs. The  
8 concentration of housing for the extremely poor in Skid Row, as compared to the  
9 rest of the City, is primarily the consequence of development history of Los  
10 Angeles dating back at least 100 years, long before the "containment policy," when  
11 private developers built a large number of low-cost SRO (single resident  
12 occupancy) hotels to rent to very low income people, primarily white men, who  
13 survived by means of day labor available in the area and, beginning in the 1930's,  
14 subsistence payments from General Relief from the County.

15 28. The development future of Skid Row became a major issue in Los  
16 Angeles after the re-development of Bunker Hill, which displaced about 15,000  
17 low-income renters. The goal of advocates for the extremely poor was to see that  
18 that destruction of cheap housing was not repeated in Skid Row. The business and  
19 political elite looked east to Skid Row and saw not only an unpleasantness that was  
20 "too close" to the new development on Bunker Hill, but also the location of land  
21 on which to extend further development. Charles F. Elsesser of LAFLA, Jeff  
22 Dietrich of Intervenor Los Angeles Catholic Worker, and others looked at Skid  
23 Row and saw housing for which there was a desperate need. The intervention of  
24 advocates for the unhoused, including those at LAFLA and the Los Angeles  
25 Catholic Worker, prevented the primary source of actual housing for the very poor  
26 in Skid Row - the SRO's - would have been demolished, as happened in virtually  
27 every other major city in the United States. The 1976 plan resulted from an  
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1 agreement that advocates and lawyers for the extremely poor would not obstruct  
2 further redevelopment to the east of Bunker Hill, provided the City and its  
3 Community Redevelopment Agency (CRA) would not demolish the SRO housing  
4 stock in Skid Row and would also support the creation of a non-profit, SRO  
5 Housing, Inc, that would rehabilitate some of the SRO's. Another non-profit, Skid  
6 Row Housing Trust, Inc., was later created by some of the same advocates out of  
7 frustration with the efforts of the CRA in this regard. Together, SRO Housing and  
8 Skid Row Housing Trust rehabilitated and still operate thousands of units of  
9 housing in Skid Row.

10 29. The people who live in that housing are not homeless and are certainly  
11 not in encampments, either in Skid Row or anywhere else in the City. They are in  
12 housing in Skid Row, not because of a policy of "containment" but because the  
13 housing was already in place and full of people who would otherwise be homeless,  
14 and because the City and advocates agreed to preserve what housing stock for the  
15 extremely poor was already in Skid Row. Today, despite the often appalling  
16 appearance on its streets, Skid Row is a community with many long term residents  
17 in the SRO housing that was saved. While the City can certainly be criticized for  
18 its ineffectiveness in producing more interim and low-cost housing outside Skid  
19 Row, those failures have not been the result of the asserted containment policy.  
20 Those failures cannot be remedied by excluding housing from Skid Row.

21 30. Beyond the SRO hotels, the largest private providers of shelter and  
22 temporary housing in Skid Row are the religiously affiliated missions that were  
23 also located in Skid Row long before 1976. The largest of these missions, the  
24 Union Rescue Mission (URM), was founded in 1891 near Second Street and Main  
25 Street, just outside the semi-official boundaries of Skid Row. It is true that URM  
26 was paid \$6.5 million by the City's Community Redevelopment Agency (CRA) in  
27 to relocate in 1991 to its current location deeper into the heart of Skid Row, but all  
28

1 the other missions were already there. The homelessness problem in Los Angeles  
2 would be far worse today if not for the bargain that was struck in 1976, leaving in  
3 place both the SRO housing and the missions.

4 31. As for services for the unhoused in Skid Row, they have historically  
5 been located in Skid Row because that was where the need was located. For  
6 example, at least since the 1930's the only "safety net" program available to single  
7 adults without children has been General Relief. The largest concentration of  
8 people eligible for General Relief was for decades was located in Skid Row. For  
9 decades the processing of applications for General Relief were accepted at what  
10 was known as the Unattached Men's Center, at 811 E. 4<sup>th</sup> Place. The same work is  
11 still done at the same location in 2021, in what is now the Civic Center office of  
12 the County's Department of Public Social Services (DPSS). The welfare office was  
13 located there, and homeless men referred there, because of the concentration of  
14 potentially eligible people in the area and because the County provided temporary  
15 shelter to homeless people by giving them vouchers to use at the only hotels which  
16 would accept them, the SRO hotels in Skid Row.

17  
18 32. When I and others first sued the County about the General Relief  
19 program in 1983, those vouchers were worth \$8.00 and successful applicants  
20 received \$221 per month, which was enough to rent a room in Skid Row at the  
21 time. Unfortunately, the County's General Relief program still provides exactly the  
22 same dollar amount, \$221 per month. That fact has far more to do with the  
23 numbers of homeless people on the streets of Skid Row than does the maintenance  
24 of the DPSS office on 4<sup>th</sup> Place for at least the past 50 years.

1 I declare under penalty of perjury under the laws of the United States of America  
2 that the foregoing is true and correct, and that this Declaration was executed this  
3 19th day of April 2021, at Los Angeles, California.

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7 Professor Gary L. Blasi  
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Exhibit 1

April 2021

**Gary L. Blasi**

Professor of Law Emeritus

UCLA School of Law  
385 Charles E. Young Dr. East  
Los Angeles, CA 90095  
(213) 304-4502  
[blasi@law.ucla.edu](mailto:blasi@law.ucla.edu)

Education & Certification

M.A., Harvard University, Political Science, 1969  
B.A., University of Oklahoma, Political Science 1966  
California bar exam, passed 1976

Fields of Specialization

Teaching: clinical teaching, public interest

Research: The causes of homelessness and how those causes are understood by researchers, policymakers, and the public, with a particular focus on the role of race in such attributions. Research also examines public policy, advocacy, and legal system engagement with homelessness. Extensive research regarding homelessness and responses to homelessness in Los Angeles. Research regarding factors contributing to extreme poverty and homelessness, including substandard K-12 school, employment discrimination, and implicit bias.

Employment

UCLA School of Law, 1991- (Emeritus, 2012)  
Opportunity Under Law Initiative at the Public Counsel Law Center, Special Counsel, 2014-  
Western Center on Law and Poverty, Of Counsel, 2015-2020  
Stanford Law School, Visiting Professor of Law, 2002-2003  
Legal Aid Foundation of Los Angeles, 1978-1991

- Director, Homelessness Litigation Unit, 1984-1991
- Co-Director, Eviction Defense Center, 1983-1984
- Staff Attorney, 1978-1983

Partner, Smith, Blasi, Honig, Yavenditti and Smith, 1976-1978  
Echo Park Community Law Office, Los Angeles, Apprentice and Law Clerk, 1971-1976

Other Current Experience

Housing Works, Board Member, 2015-, Vice President, 2019-

April 2021

Pathways Housing First Institute, Founding Member and Board Officer (Secretary), 2019-  
Economic Roundtable, Board Member, 2018-

### Other Past Experience

UCLA Institute for Research on Labor and Employment, Acting Director, 2006-2007

~40 years of leadership positions in nonprofit organizations addressing homelessness and extreme poverty, including:

- National Coalition for the Homeless, President
- Homeless Health Care Los Angeles, President
- Los Angeles Coalition to End Hunger and Homelessness, President
- Comic Relief, Founding Board Member and Treasurer
- Vets Advocacy, Inc., Founding Board Member

### Awards & Fellowships

Earl Johnson Equal Justice Award, Western Center on Law and Poverty, 2016

California Lawyer of the Year, Public Interest (on behalf of homeless military veterans), 2016

California Lawyer of the Year, Public Interest (on behalf of homeless and indigent welfare recipients), 2015

Loren Miller Legal Services Award from the State Bar of California, 2013

Humanitarian Award, American Civil Liberties Union (ACLU) of Southern California, 2012

Graduate Prize Fellow, Harvard University

Woodrow Wilson Fellow, Harvard University

Carl Albert Award, University of Oklahoma

Lottinville Prize, University of Oklahoma

### Publications

#### *Books*

Grading the School Accountability Report Card (with Neil Peretz, Andrea Luquetta and Gabriel Baca). UCLA/IDEA (2005).

#### *Articles & Book Chapters*

*Housing Justice in the Time of COVID-19*, UCLA Luskin Institute on Inequality and Democracy (3-part report)

- *For the Crisis Yet to Come: Temporary Settlements in the Era of Evictions* (with Hilary Malson), July 21, 2020.

April 2021

- *Hotel California: Housing the Crisis* (with Ananya Roy, Jonny Coleman, and Elana Eden), July 7, 2020.
- *UD Day: Impending Evictions and Homelessness in Los Angeles*, May 28, 2020.

System Justification Theory and Research: Implications for Law, Legal Advocacy, and Social Justice (with Jon Jost), in *Ideology, Psychology, and Law*, (edited by Jon Hanson, Oxford University Press, 2011).

Are Ideal Litigators White? Measuring the Myth of Colorblindness (with Nilanjana Dasgupta, Kumar Yogeeswaran, & Jerry Kang), 7 *Journal of Empirical Legal Studies* 886-915 (2010).

Do Antidiscrimination Regimes Discriminate? Processing Claims through Administrative and Legal 'Pyramids' and the Role of the Plaintiffs' Bar: A California Case Study (with Joseph W. Doherty), *UCLA School of Law Research Paper No. 10-25, 5<sup>th</sup> Annual Conference on Empirical Legal Studies Paper* (July 16, 2010).

The Los Angeles Taxi Workers Alliance (with Jackie Leavitt), in *Working for Justice: The L.A. Model of Organizing and Advocacy*, (edited by Ruth Milkman, Joshua Bloom and Victor Narro, Cornell University Press, 2010).

California Employment Discrimination Law and Its Enforcement: The Fair Employment and Housing Act at 50 (with Joseph Doherty), *UCLA School of Law Research Paper No. 10-06* (2010).

Framing Access to Justice: Beyond Perceived Justice for Individuals, 42 *Loyola Los Angeles Law Review* 913-48 (2009).

Lawyers, Clients and the "Third Person in the Room", 56 *UCLA Law Review Discourses* 1 (2008).

Grassroots Organizing, Social Movements, and the Right to High Quality Education (with Jeannie Oakes, John Rogers, and Martin Lipton), *Stanford Journal of Civil Rights and Civil Liberties* 339 (2008).

Default Discrimination: Law, Science, and Unintended Discrimination in the New Workplace, in *Behavioral Analyses of Workplace Discrimination*, (edited by G. Mitu Gulati and Michael Yelnosky, Kluwer, 2007).

System Justification Theory and Research: Implications for Law, Legal Advocacy, and Social Justice (with John T. Jost), 94 *California Law Review* 1119-68 (2006).

April 2021

Accountability for Adequate and Equitable Opportunities to Learn (with Jeannie Oakes and John Rogers), in *Holding Accountability Accountable: What Ought to Matter in Public Education*, (edited by Ken Sirotnick, Teachers College Press, 2004).

Fifty Years after Brown v. Board: Five Principles for Moving Ahead, 19 *Berkeley Women's Law Journal* 443-51 (2004). Reprinted in 15 *Berkeley La Raza Law Journal* 115-23 (2004); 2 *Asian Law Journal* 324 (2004); and 6 *African-American Law and Policy Report* 242 (2004).

How Much Access? How Much Justice?, 73 *Fordham Law Review* 865-81.

Advocacy Against the Stereotype: Lessons from Cognitive Psychology, 49 *UCLA Law Review* 1241-81 (2002). Reprinted in 18 *Civil Rights Litigation and Attorney Fees Annual Handbook* (edited by Steven Saltzman et. al., Clark Boardman Callaghan, 2002).

Reforming Educational Accountability, in *California Policy Options 2002*, (UCLA Anderson Forecast and UCLA School of Public Policy and Social Research, 2002).

Implementation of AB633: A Preliminary Assessment, A report for a Joint Committee of the Legislature, (2001).

Advocacy and Attribution: Shaping and Responding to Perceptions of the Causes of Homelessness, in 19 *St. Louis University Public Law Forum*, 207 (2000). Reprinted in *Representing the Poor and Homeless: Innovations in Advocacy* (edited by Sidney D. Watson, American Bar Association, Commission on Homelessness & Poverty, 2001). Reprinted in *Race, Law and Society* (edited by Ian Haney Lopez, 2017).

Creating a Program in Public Interest Law and Policy at a Public Law School: The UCLA Experiment, in *Educating for Justice: Social Values and Legal Education*, (edited by Jeremy Cooper and Louise Trubek, Dartmouth Press, 1997). Reissued 2018 by Routledge.

Teaching Lawyering as an Intellectual Project, 14 *Journal of Professional Legal Education* 65-75 (1997).

What Lawyers Know: Lawyering Expertise, Cognitive Science, and the Functions of Theory, 45 *Journal of Legal Education* 313-97 (1995).

And We Are Not Seen: Ideological and Political Barriers to Understanding Homelessness, 37 (4) *American Behavioral Scientist* 563-86 (1994).

What's a Theory For? Notes on Reconstructing Poverty Law Scholarship, 48 *University of Miami Law Review* 1063-97 (1994).

The "Homeless Seminar" at UCLA, 42 *Washington University Journal of Urban & Contemporary Law* 85-99 (1992).



April 2021

Litigation on Behalf of the Homeless (with James Preis), in *Homelessness: A National Perspective*, 309-21 (edited by Marjorie Robertson and Milton Greenblatt, Plenum, 1992). Reprinted in *Homelessness A National Perspective* (edited by Marjorie J. Robertson, Milton Greenblatt, 2013).

The Role of Legal Aid Organizations, in *Helping Homeless People, in Homelessness: A Prevention-Oriented Approach*, 299-308 (edited by Rene I. Jahiel, Johns Hopkins, 1992).

Governance, Program Control, and Authority (with Armand H. Levin et al.), in *Under the Safety Net: The Health and Social Welfare of the Homeless in the United States*, 263-74 (edited by Philip W. Brickner, Norton, 1990).

Social Policy and Social Science Research on Homelessness, 46 *Journal of Social Issues* 207-19 (1990).

Litigation Strategies for Addressing Bureaucratic Disentitlement, 16 *NYU Review of Law & Social Change* 591-603 (1988). Reprinted in 366 *PLI/LIT* 285 (1988).

Litigation on Behalf of the Homeless: Systematic Approaches, 31 *Washington University Journal of Urban & Contemporary Law* 137-42 (1987). Reprinted in 331 *PLI/LIT* 173 (1987).

Database Programs and Litigation Support, *Advocates Computer News* (Mar.-Apr. 1986).

Litigation Concerning Homeless People, 4 *St. Louis University Public Law Forum* 433-43 (1985).

The Case of the Unsued Tenant: *Arrieta v. Mahon*, 1 *California Real Property Law Journal* 27 (1983).

#### *Other Publications*

Legal Right to Shelter, *Los Angeles Lawyer*, Vol. 42. Issue 9, (December 2019), pp. 30-35.

2008 Report Card on Homelessness in Los Angeles. With Inter-University Consortium Against Homelessness (2008).

Did the Safer Cities Initiative in Skid Row Reduce Serious Crime? (with Forrest Stuart), *Research Report* (2008).

L.A.'s Homeless: A Progress Report (with Jennifer Wolch and Michael Dear), *Los Angeles Times* (June 22, 2008).

Stuck on Skid Row (with Philip F. Mangano), *Los Angeles Times* (October 29, 2007).

April 2021

Policing Our Way Out of Homelessness? The First Year of the Safer Cities Initiative on Skid Row, *Inter-University Consortium Against Homelessness* (2007)

Ending Homelessness in Los Angeles. With Inter-University Consortium Against Homelessness. (2007) and *A Reality-Based Approach to Ending Homelessness in Los Angeles*, January 30, 2007.

Five Steps to Get Out of Skid Row (with Michael Dear and Jennifer Wolch), *Los Angeles Times* (December 21, 2006).

Driving Poor: Taxi Drivers and the Regulation of the Taxi Industry in Los Angeles (with Jacqueline Leavitt), *Institute for Research on Labor and Employment* (2006).

The Trouble with the State's Exit Exam, *Sacramento Bee* (June 13, 2005).

8 Mile, *UCLA Magazine* 25-26 (Spring, 2004).

Far Along Yet Far From Equal, *Los Angeles Times* (January 11, 2004).

Evaluation of the Van Nuys Legal Self-Help Center Final Report (with UCLA Law School Empirical Research Group) (2001-02).

Let Jurors Complain and Courts Listen, *Los Angeles Times* (July 22, 2001).

If You've Seen Slums, You Know A Lot About Our Schools, *Los Angeles Times* at B9 (May 19, 2000).

Bill Smith: In Memoriam, 56 *National Law Guild Practitioner* 185-189 (2000).

Slum Conditions Affect All of Us, *Los Angeles Times* at B7 (Feb. 10, 1999).

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15 *and Los Angeles Catholic Worker*

16 **UNITED STATES DISTRICT COURT**

17 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

18 LA ALLIANCE FOR HUMAN  
19 RIGHTS, ET AL.,

20 Plaintiff(s),

21 v.

22 CITY OF LOS ANGELES, ET AL.,

23 Defendant(s).

CASE NO. 2:20-cv-02291-DOC-KES

Assigned to Judge David O. Carter

**DECLARATION OF DANIEL  
FLAMING IN SUPPORT OF  
INTERVENORS' OPPOSITION  
TO PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION**

1  
2 I, DANIEL FLAMING, declare:

3 1. I am the President of the Economic Roundtable. I have personal knowledge  
4 of the facts set forth below and, if called to testify to these facts, I could and  
5 would do so competently.

6 2. The Economic Roundtable is a nonprofit urban research organization that  
7 creates *knowledge for the common good*. Our mission is to conduct research  
8 and implement programs that contribute to the sustainability of individuals  
9 and communities. The guiding values for carrying out our mission are:

10  
11 a. *Knowledge*: Develop information as a force for systemic change and  
12 public good.

13  
14 b. *Social Initiative*: Act to end unfair situations and empower  
15 marginalized and vulnerable individuals to live better lives.

16  
17 c. *Open Access*: Provide immediate, free access to information without  
18 barriers.

19  
20 d. *Stewardship*: Ensure that the public benefits from the resources  
21 available to and created by the Roundtable.

22  
23 e. *Independence*: Act based on principles, mission and values.

24 3. The Economic Roundtable carries out large-scale data analyses to identify  
25 actionable solutions to crucial social, economic and environmental problems  
26 facing communities, including affordable housing policy and homelessness.  
27 Our research findings are made available to public policy makers, affected  
28 communities and the general public.

1 4. I have been with the Economic Roundtable since its inception. From 1983  
2 to 1991, the Economic Roundtable was a research group within Los Angeles  
3 County government. In 1991, the Board of Supervisors unanimously  
4 endorsed converting the Economic Roundtable into an independent research  
5 organization to work on social and economic problems. All of the  
6 Roundtable's work is linked to building a sustainable economy and inclusive  
7 communities.

8 5. The Economic Roundtable maintains a website where its reports may be  
9 accessed. The URL is [economicrt.org](http://economicrt.org)

10 6. My declaration addresses several areas of research by the Economic  
11 Roundtable that are relevant to the issues now before the Court. These  
12 include: 1) the difficulty of accurately counting homeless residents; 2) the  
13 gap between point-in-time homeless counts and the annual number of  
14 individuals who experience homelessness; 3) the diversity of needs among  
15 homeless residents; and 4) explanations given by unsheltered residents of  
16 Skid Row for why they chose not to be in a shelter. What we have learned is  
17 summarized here and the full reports are attached.  
18

19 ***Counting Homeless Residents:***

20 7. The Economic Roundtable analyzed the accuracy of the annual homeless  
21 counts carried out by the Los Angeles Homeless Services Authority  
22 ("LAHSA") from 2007 through 2017 in a report titled, "*Who Counts:  
23 Assessing Accuracy of L.A.'s Homeless Count.*" The Report was issued in  
24 November, 2017. I am a co-author of the Report. A true and correct copy  
25 of the Report is submitted with my declaration at Exhibit A.

26 8. The Report found that this effort, which is planned year-round, drawing on  
27 hundreds of staff and thousands of volunteers, produces estimates of the  
28 number of homeless residents and their attributes that have large

1 measurement errors. The count data is not reliable enough to be used for  
2 comparing the number or population composition of homeless residents  
3 from different years.

- 4 9. The relevant point is that it is very difficult to accurately count people who  
5 do not have fixed dwelling places, who may seek invisibility, and are off of  
6 the “data grid.” Consequently, using the count data to formulate a threshold  
7 point at which government officials could enforce criminal laws for people  
8 experiencing homelessness in public places – i.e., 60% of the Point-in-Time  
9 number “sheltered” – would set a level that is significantly below the actual  
10 number of people who are unhoused in Los Angeles at any one time and  
11 over the course of the year. In addition, LAHSA’s Point-in-Time results for  
12 2019 and 2020 calculated annual increases of slightly more than 12 and 14  
13 percent, respectively, of the number of people experiencing homelessness in  
14 the City of Los Angeles. Given the number of individuals included as  
15 unhoused in the annual January count, this percentage translates to several  
16 thousand more individuals living on the streets each year.

17  
18 ***Gap between Point-in-Time and Annual Homeless Counts***

- 19 10. Reliable estimates of the number of people who are homeless during a year  
20 and the amount of time that they spend homeless are important for evidence-  
21 based intervention. In the case of housing, the resource being allocated is  
22 static – beds and rooms in buildings – but the population is cumulative.
- 23 11. Our statistical model for converting the number of people who are homeless  
24 on a single night into the number of people who are homeless over the  
25 course of a year is described in a report titled, “[\*Estimating the Annual Size of\*](#)  
26 [\*the Homeless Population in Los Angeles Using Point-In-Time Data.\*](#)” This  
27 Report was issued in 2018. A true and correct copy of the Report is  
28 submitted with my declaration at Exhibit B. Although I am not a co-author

1 of this Report, in my role as president of the Economic Roundtable, I  
2 reviewed the Report prior to its publication.

3 12. Two key findings in the Report support the proposition that the annual  
4 homeless count is, as it describes, only a point in time and does not fully  
5 capture the total number of individuals who will experience homelessness  
6 throughout the year. The first finding is that for every homeless person  
7 on a given night, 1.96 people are homeless over the course of a year. The  
8 second finding is that individuals spend an average of 7.1 months homeless  
9 over the course of a year. This means that each homeless person in a point-  
10 in-time count represents a need for 13.9 months of housing during the year.  
11 On a given night, about half of the people experiencing homelessness have  
12 been homeless for over a year. However, our model suggests that group only  
13 accounts for a third of the annualized population. On the other hand, it is  
14 likely that a quarter of the annualized population was homeless for only two  
15 months or less. As noted above, while the number of individuals  
16 experiencing homeless at any one time varies greatly, the available shelter  
17 beds are static.

18  
19 ***Diversity of Needs among Homeless Residents***

20 13. Our research has also documented the wide diversity among people who are  
21 dwelling in places not meant for human habitation. One-size-fits-all  
22 solutions are counter-productive. There is diversity in age, gender, ethnicity,  
23 education, household structure, duration of homelessness, employment  
24 history, medical problems, justice system involvement, cause of  
25 homelessness, and type of assistance being sought. This diversity is  
26 documented in our report titled, "[\*Escape Routes: Meta-Analysis of\*](#)  
27 [\*Homelessness in L.A.\*](#)" issued on April 24, 2018. I am a co-author of the  
28



1 Report. A true and correct copy of the Report is submitted with my  
2 declaration as Exhibit C.

3 14. Different groups of homeless residents need different types of help in order  
4 to escape homelessness. A recent evaluation of Los Angeles County's  
5 homeless initiative found that that the growth in homelessness is from  
6 persistently homeless individuals. The important implication of this finding  
7 is that a growing number of homeless residents face significant barriers to  
8 escaping homelessness and need substantive assistance rather than yet  
9 another quick-fix response. This report is titled, "[LA County's Homeless](#)  
10 [Initiative Annual Performance Evaluation: Year 4 Outcomes.](#)" A true and  
11 correct copy of the Report is submitted with my declaration as Exhibit D.

12 ***Reasons for Not Choosing to Reside in a Shelter***

13 15. One of our early homeless research projects at the Economic Roundtable  
14 was to survey individuals living on the sidewalks of Skid Row. The results  
15 of this survey are described in "*Homeless Workers: A Labor Market*  
16 *Analysis*," published in 1997. I am co-author of the Report. A true and  
17 correct copy of the Report is submitted with my declaration at Exhibit E. I  
18 believe that what we found is still applicable today.

19 16. One of the questions we asked in the tent-to-tent survey of people who had  
20 chosen not to be in a shelter was, "When you have to choose between  
21 staying on the street or try to enter a residential program, what things are  
22 important?"

23 17. Homeless individuals identified the three factors that are most important  
24 when choosing between staying on the street and trying to enter a residential  
25 program: 1) Protecting their sense of dignity (very important to 81%), 2)  
26 Personal safety (64%), 3) Being with friends (64%).  
27  
28

1 18. We also asked, “How important are the following reasons in explaining why  
2 homeless people go through programs for helping them get off the streets,  
3 but still return to Skid Row?” The most important reason was identified as a  
4 serious problem by 80% of the respondents: “Programs end without giving  
5 people money or a place to go.”

6 19. To sum up the findings from our work that are applicable to alleviating  
7 homelessness in Skid Row are: 1) it is difficult to count the number of  
8 people who are homeless, 2) the need for housing is greater than the number  
9 of people counted on a single night, 3) needs are diverse and call for  
10 individualized rather than standardized interventions, and 4) interventions  
11 that do not respect individuals’ dignity and provide long-term solutions are  
12 likely to be resisted.

13  
14 I declare under penalty of perjury that the foregoing is true and correct.

15 Executed April 18, 2021 at Los Angeles, California.  
16

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DANIEL FLAMING  
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15 *and Los Angeles Catholic Worker*

16 **UNITED STATES DISTRICT COURT**  
17 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

18 LA ALLIANCE FOR HUMAN RIGHTS,  
19 ET AL.,

20 Plaintiff(s),

21 v.

22 CITY OF LOS ANGELES, ET AL.,

23 Defendant(s).

) CASE NO. 2:20-cv-02291-DOC-KES

) Assigned to Judge David O. Carter

) **DECLARATION OF SAM TSEMBERIS**  
) **IN SUPPORT OF INTERVENORS'**  
) **OPPOSITION TO PLAINTIFFS'**  
) **MOTION FOR PRELIMINARY**  
) **INJUNCTION**

) Complaint Filed: March 10, 2020

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DECLARATION OF SAM TSEMBERIS, Ph.D.

I, Sam Tsemberis, Ph.D., state and declare as follows:

1. I make this declaration based on my training as a clinical-community psychologist and three decades of clinical observations, treatment and research with people experiencing homelessness, except where I have indicated otherwise. If called as a witness, I could and would testify competently and truthfully to these matters.

2. I have been retained by counsel for Intervenor Los Angeles Community Action Network and Los Angeles Catholic Worker to provide an expert opinion regarding the propriety and effectiveness of the proposed Preliminary Injunction sought by Plaintiffs in *LA Alliance for Human Rights, et al. v. City of Los Angeles*, CV-02291 DOC-KES. In preparation for the statements and opinions contained in my declaration, I reviewed Plaintiff's Notice of Motion and Motion for Preliminary Injunction in the above-referenced case, and the accompanying declarations submitted in support of the motion.

3. I received my B.A. in Psychology and English Literature from Concordia University in Montreal, Quebec in 1970. I received a M.A. in Psychology from the New School for Social Research in New York City in 1975. I then obtained my Ph.D. in Clinical-Community Psychology from New York University in 1985.

4. Founder of several non-profit organizations operating housing and treatment services for people with mental illness and addiction experiencing homelessness (literally living on the streets or in and out of shelters, jails, and hospitals). I am the Founder and Executive Director of the Pathways Housing First Institute, which provides consultation, technical assistance, implementation support to agencies and governments seeking to end street homelessness by using the Pathways Housing First approach. This is work performed in person and online in domestic and international settings. I regularly consult on programs addressing homelessness, mental illness, and addiction across the United States and Canada, the EU, Australia, and New Zealand. A true and correct copy of my curriculum vitae is attached to this Declaration.

5. I am the author of *Housing First: The Pathways Model to End Homelessness for People with Mental Health and Substance Use Disorders*, Dartmouth PRC/Hazelden Evidence Based Practice Series, Hazelden Publishing (2010). I am also the co-author of *Housing First:*

1 *Ending Homelessness, Transforming Lives, and Systems Change*, Oxford University Press  
2 (2016). My research work has been published in 74 peer reviewed journals, and I have conducted  
3 presentations at over 250 conferences and meeting of professional groups in the past 25 years.

4 6. I founded Pathways to Housing, Inc., the organization that developed the Housing  
5 First program, first in New York City in 1992, and later in Washington, DC (2003), Philadelphia  
6 (2009), Burlington, Vermont (2009) and in partnership with Step Up in Atlanta GA (2019). I  
7 also serve as the Executive Director for the Greater Los Angeles VA-UCLA Center of  
8 Excellence for Training and Research on Veterans Homelessness and Recovery and serve on the  
9 faculty at UCLA Department of Psychiatry and Biobehavioral Sciences.

10 7. Due to my work, I have received numerous awards and honors including the  
11 Distinguished Contribution to Independent Practice award from the  
12 American Psychological Association (2016) and the Meritorious Service Cross awarded by the  
13 Lieutenant Governor of Canada (2018).

14 8. I originated the “Housing First” model of addressing the issue of homelessness.  
15 Housing First is a permanent supported housing program that is especially effective in housing  
16 that cohort of the homeless population characterized as “chronically homeless” and often deemed  
17 “difficult to treat” and “not housing ready” by traditional homeless service providers. Housing  
18 First is a well-documented, complex clinical intervention based on a consumer-directed  
19 philosophy which has two key program components – a) permanent rental subsidies and b)  
20 support service adequate to meet client needs. This model has produced positive research  
21 outcomes in randomized-control clinical research trails in the US, Canada, and France (Tinland,  
22 A., Loubiere, S., Boucekine, M., Boyer, L., ... Auquier, P. (2020). Effectiveness of a housing  
23 support team intervention with a recovery-oriented approach on hospital and emergency  
24 department use by homeless people with severe mental illness: a randomized control trial.  
25 *Epidemiology and Psychiatric Sciences*, <https://doi.org/10.1017/S2045796020000785>.

26 9. Housing First is a paradigm shift from traditional homeless services that require  
27 sobriety, psychiatric treatment, and program compliance as a precondition for shelter or housing  
28 which then place many more conditions on consumers if they are going to receive housing. Such  
conditions may make sense for some shelter residents who are able to manage such regimens. In  
Housing First programs, rather than housing being offered as reward for treatment compliance or  
good behavior, it is offered as a basic human right.

1           10. Under the Housing First program, apartments are rented from community  
2 landlords. The program pays a rent subsidy, and this augmented by the participants paying 30%  
3 of their income (if they have any) towards the rent. Participants live in “normal” housing that is  
4 socially integrated into the community. They are expected to meet the terms and conditions of a  
5 standard lease and must also agree to accept a regular home visit by a member of the support  
6 services team.

7           11. It is important to distinguish Housing First from other traditional programs for the  
8 homeless where housing and services are both located in the same building (a single-site  
9 program). Exits or evictions from single-site programs result in an exit from housing as well as a  
10 discontinuation of support services. In HF programs, services are in the community but remain  
11 separate from the housing. If clients are evicted from their apartments by the landlord, they are  
12 not discharged from the support services. In fact, support service staff will help them through the  
13 crisis of eviction and assist with moving them into the next place.

14           12. Support services staff consists of a combination of social workers, mental health  
15 counselors, addiction specialists, peer specialists, and can include nurses and other treatment  
16 professionals. The composition and size of the team depends on the size of the program. Staff all  
17 make regular home visits to support the well-being of the client. The program uses a harm  
18 reduction approach and a stages of change theoretical framework, trauma informed care, and  
19 other clinical interventions with proven effectiveness for the conditions faced by this  
20 population. Prochaska, J. O., & DiClemente, C. C. (1983), *Stages and processes of self-change  
of smoking: Towards an integrative model of change*, Journal of Consulting and Clinical  
Psychology, 51, (3), 390-395.

21           13. This consumer-directed approach is the philosophical foundation of the  
22 entire Housing First program. Participants with complex problems are welcomed, accepted, and  
23 encouraged to set their own goals. Client choice is what drives the type and sequence of services.  
24 Since most clients want housing as the very first step, the program became known as “housing  
25 first”—it was the first service that most clients requested when given a real choice. The  
26 consumer-directed service and treatment approach of Housing First is consistent with the  
27 principles and practices of recovery-focused care. The treatment and support offered after the  
28 person is housed contributes to achieving high rates of housing stability and improvements in  
self-reported quality of life. Housing First programs have consistently achieved an 80% rate of



1 housing stability compared to 40% of treatment first approaches which lack the commitment to  
2 rehouse. Aubry, T., Tsemberis, S., Adair, C.E., Veldhuizen, S., Steiner, D., et al., *One Year*  
3 *Outcomes of a Randomized Controlled Trial of Housing First in Five Canadian*  
4 *Cities*, Psychiatric Services, 66(5), 463-469 (2015). The 80% housing retention rate presents a  
5 profound challenge to clinical assumptions held by many supportive housing and shelter  
6 providers who regard the chronically homeless as “not housing ready.” Tsemberis, S., Gulcur, L.,  
7 & Nakae, M., *Housing First, Consumer Choice, and Harm reduction for Individuals Who Are*  
8 *Homeless with Dual Diagnoses: A 24 Month Clinical Trail*, American Journal of Public Health,  
94, 4, at 654 (2004).

9 14. It is my understanding that Plaintiffs in the *LA Alliance* matter are seeking an  
10 injunction that would require the following which would be relevant to my opinion:

11 a. the City and County of Los Angeles to, within 90 days, offer homeless  
12 residents in an area to be defined by the court, but no less than: between 3<sup>rd</sup> and 8<sup>th</sup> Street to the  
13 North and South and Alameda and Main to the East and West, either shelter or housing (I shall  
14 hereafter refer to this geographic area as “Skid Row”);

15 b. the County of Los Angeles to, within 90 days, offer homeless residents of  
16 Skid Row emergency, interim, or permanent housing and treatment to those who are in need  
17 of special placement through the Department of Mental Health or Department of Public Health;

18 c. that after alternative shelter is offered within the aforementioned 90 days,  
19 the City shall clear sidewalks, public streets, and public places where these same homeless  
20 residents of Skid Row live or have lived; and

21 d. prohibit Skid Row residents from returning to the area by enacting and  
22 enforcing camping prohibitions during the pendency of the preliminary injunction.

23 15. It is also my understanding that Plaintiffs allege  
24 that the necessity for the proposed injunction are based on the following:

25 a. the current conditions on Skid Row pose a public health risk of  
26 communicable disease and are not sanitary;

27 b. Skid Row is unsafe;

28 c. Skid Row sidewalks are inaccessible for individuals in wheelchairs; and

d. the City and County acknowledge the need for a solution.

1           16. As I indicated above, Housing First takes a consumer-directed approach  
2 which when implemented achieves an 80% rate of housing stability for formerly homeless  
3 individuals in the program. Plaintiffs’ injunction proposes a completely different and ultimately  
4 an ineffective approach, i.e., displacing people out of Skid Row into shelters or other unspecified  
5 places with no long-term strategy that promotes housing stability or recovery-focused care,  
6 especially for individuals with mental illness is not a remedy for homelessness or a cure for the  
7 illnesses that ail them. It is simply a dispersion and displacement of the problem.

8           17. Rather than provide housing, the effect of Plaintiffs’ plan will be to create a vast  
9 temporary shelter system that, because of the City’s dismal experience in moving people from  
10 shelters to housing, ensures that this will be a part of the permanent landscape of the  
11 Los Angeles homeless services sector. Right now, most services in the Skid Row area are  
12 designed with the idea that homelessness is an emergency that requires an emergency  
13 response. This approach represents a fundamental misunderstanding of the structural forces (e.g.,  
14 lack of supply of affordable housing, low wages, low benefits and entitlements so that those who  
15 are extremely poor are permanently priced out of the housing market) remain homelessness and  
16 homelessness will continue to increase unless these structural economic issues are addressed.  
17 More and more people will become homeless at a rate faster than they can be sheltered or moved  
18 somewhere else.

19           18. Plaintiffs’ plan appears to assume that there are a fixed number of homeless  
20 people living in Skid Row, and that if they are housed, sheltered, or removed from the area,  
21 the homelessness issue will be resolved. This is not the case. Thousands of homeless people are  
22 housed in LA County each year and still the numbers increase because the front door for people  
23 to fall into homelessness—the structural housing and economic problems remain the same.

24           19. Displacing homeless residents of Skid Row under the terms of Plaintiffs’  
25 proposed injunction will not prevent homeless residents from returning to the same area one or  
26 two years later. Most services are located in Skid Row and a move outside the area to place  
27 where there are few services or accommodations will result in people returning to the services  
28 they know.

          20. In addition, coercing individuals out of Skid Row and into shelters or other  
unspecified housing, within the timetables called for in the proposed injunction, fails to  
acknowledge that for most people who have mental illness or who suffer from addiction, a cure

1 or effective treatment may require months or years – a timeframe that is inconsistent with  
2 placement in shelters or temporary housing. Numerous studies and clinical trials show that while  
3 40% of the people in these programs may eventually get into stable housing, over 80% of the  
4 people in the Housing First model get into permanent housing and keep it. Tsemberis, S., *From*  
5 *streets to homes: An innovative approach to supported housing for homeless individuals with*  
6 *psychiatric disabilities*, Journal of Community Psychology, 27, 225-241 (1999); Tsemberis,  
7 S., Gulcur, L., & Nakae, M., *Housing First, Consumer Choice, and Harm reduction for*  
8 *Individuals Who Are Homeless with Dual Diagnoses: A 24 Month Clinical Trail*, American  
9 Journal of Public Health, 94, 4, 651-656 (2004); Aubry, T., Tsemberis, S., Adair, C.E.,  
10 Veldhuizen, S., Steiner, D., et al., *One Year Outcomes of a Randomized Controlled Trial of*  
11 *Housing First in Five Canadian Cities*, Psychiatric Services, 66(5), 463-469 (2015). The  
12 difference between these outcomes highly significant, the 80% to 85% effectiveness for ending  
13 homelessness by Housing First programs is tantamount to having a vaccine for homelessness.

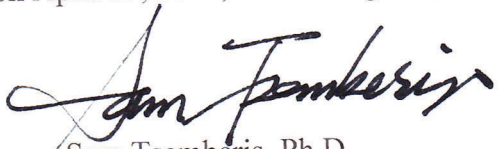
13 21. Then for those who do not accept the offer of shelter or unspecified housing,  
14 under the injunction, they will be forced to leave Skid Row. Displacement of the nature and  
15 scope proposed by Plaintiffs is not a solution to homelessness and will not improve the mental  
16 health of people who experience mental illness. Forcing homeless residents of Skid Row to leave  
17 the area will disrupt all their existing networks and relationships and untether them from support  
18 services already there. Sweeps and other coercive tools will cause homeless people to lose  
19 personal items, important documents, fragile possessions, and medications. Displacement will  
20 only force individuals to move to other neighborhoods where support services are more limited  
21 or nonexistent, and where hostility to their presence would be the same or greater than where  
22 they are currently located. It is setting up the homeless for failure, conflict with the community  
23 and other adverse outcomes.

23 22. There is nothing clear delineated in Plaintiffs' plan for provision of support  
24 services. There is no clear housing advocacy to enable people to exit the shelter into stable  
25 permanent housing. There is no identified number of housing vouchers or units that would allow  
26 people to enter community-based housing. If the plan had as a purpose to help people who are  
27 homeless to leave homelessness, it would require resources for rent and resources for services  
28 once people are housed. Rather, the proposed injunction will only remove individuals from an

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area that is service-rich, to locations that are lacking in services, putting them in a more precarious situation than the one they just left.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on April 19, 2021, at Los Angeles, California.



Sam Tsemberis, Ph.D.

# EXHIBIT 1

**SAM TSEMBERIS, Ph.D.**  
[sam@pathwayshousingfirst.org](mailto:sam@pathwayshousingfirst.org)  
1-917-584-3348

**EDUCATION:**

1966-1970: B.A., Psychology & English Literature, Concordia University, Montreal, Que.  
1973-1975: M.A., Psychology, New School for Social Research, New York, NY  
1978-1985: Ph.D., Clinical-Community Psychology, New York University, NY

**INTERNSHIP/RESIDENCY:**

1980-1981 Externship, Bronx State Psychiatric Center, Einstein Medical Center, Bronx, NY  
1981-1982 Internship in Psychology, Bellevue Hospital, NYU Medical Center, NY  
1982-1983 Chief Psychology Intern, Bellevue Hospital, NYU Medical Center, NY

**LICENSURE**

1985-present Clinical Psychologist, New York State, #008481-1

**POSTDOCTORAL TRAINING:**

1986-1988: Family Systems Fellowship, Salvador Minuchin, MD, Family Studies Center, NY and Children's Hospital of Philadelphia.

**PROFESSIONAL ACTIVITIES:**

American Association Psychiatric Rehabilitation - Board member  
American Public Health Association - member  
American Psychological Association -member

**BOARDS:**

2008-present US Association for Psychiatric Rehabilitation  
2010-present Editorial Board, American Journal of Psychiatric Rehabilitation  
2012-present Journal of Social Distress and the Homeless  
2019-present Pathways Housing First Institute  
2020-present Cooper Housing Institute

**ACADEMIC APPOINTMENTS:**

1981-2008 Clinical Assistant Professor, Dept. of Psychiatry, NYU Medical Center  
1985-1988 Clinical Assistant Professor, Department of Psychiatry, SUNY Downstate Medical Center  
2013-2014 Associate Professor, School of Graduate Studies, Department of Psychiatry, University of Toronto  
2015-2016 Visiting Research Fellow, Trinity College, Dublin.  
2008-2018 Clinical Assistant Professor, NYPH, Department of Psychiatry, Columbia University Medical Center  
2018-present Clinical Associate Professor, UCLA, Department of Psychiatry and Biobehavioral Sciences, UCLA, Los Angeles, CA.

## **PROFESSIONAL EXPERIENCE**

### **Non-profit Management**

- 1992-2014 Founder and Executive Director of the Pathways to Housing, Inc. Organization that developed the Housing First program, (150 employees \$24M annual budget).
- 2003-2014 Founder and Executive Director of Pathways to Housing, Washing, DC (75 employees, \$12M)
- 2009-2014 Founder and Executive Director of Pathways to Housing, Philadelphia, PA (35 employees, \$7M)
- 2009-2014 Founder and Executive Director of Pathways to Housing, Vermont (20 employees \$3M)
- 2018-present Founder and Executive Director Pathways Housing First Institute (Consulting, training, and research in US and Internationally).

### **Hospital/Medical Centers, Community Mental Health Clinics, Private Practice**

- 1980-1988 Family Therapist, Hellenic American Neighborhood Action Committee, Astoria, Queens (part time).
- 1980-1983 Senior Program Analyst, Quality Assurance, Department of Mental Health, NYC Health and Hospitals Corporation.
- 1983-1987 Director of Program Evaluation and Quality Assurance at the State University of New York, Downstate Medical Center, Department of Child and Adolescent Psychiatry.
- 1984-2012 Private practice in psychotherapy: individual, family, couples (part time)
- 1988-1989 Research Scientist, New York State Psychiatric Institute, Columbia Presbyterian Medical Center.
- 1988-1995 Director, Project H.E.L.P. (Homeless Emergency Liaison Project) New York City Health and Hospitals Corporation; Bellevue & Gouverneur Hospitals.
- 1990-1995 Executive Director of Choices Unlimited, a drop-in center for individuals experiencing homelessness and psychiatric symptoms, an NIMH Research Demonstration Project (part time).
- 2003-2008 Executive Director, ACT Training Institute, training curriculum and coordination for New York State's 75 ACT teams (part time).
- 2017-2019 Clinical Director of 'A Way Home's' *Housing First for Youth* research demonstration project (part time).
- 2017-present Executive Director, VA-UCLA Center of Excellence for Training and Research on Veterans Homelessness and Recovery (part time).
- 2019-present Director of Housing First, Step Up on Second, Santa Monica, CA.
- 2020-present Clinical Director, Trans Housing Coalition, Atlanta, GA.

### **Teaching Experience**

- 1982-2008 Clinical Assistant Professor, Dept. Psychiatry, New York University Medical Center: teaching and supervising interns, fellows, and residents in psychology,



- social work, and psychiatry, teach undergraduate and graduate programs at NYU Graduate School of Arts and Sciences.
- 2013-2014 Visiting Scientist, and Associate Professor at University of Toronto, Department of Psychiatry; teaching and supervision at St. Michael's Hospital.
- 2015-2016 Visiting Research Fellow, Trinity College, Dublin, Ireland
- 2008-2018 Clinical Assistant Professor, New York Presbyterian Hospital, Department of Psychiatry, Columbia University Medical Center.
- 2018-2020 Clinical Associate Professor, UCLA, Department of Psychiatry and Biobehavioral Sciences, UCLA Medical Center.

**HONORS AND SPECIAL AWARDS:**

- 1975 Frieda Wunderlich Fellowship, Graduate, New School for Social Research
- 1980 Canada Council Fellow, Canadian Government, doctoral research at NYU
- 2001 Special Achievement Award, National Alliance for the Mentally Ill NYC
- 2002 Special Recognition Services Award, New York University, Division of Nursing
- 2002 Marty Smith Memorial Award for Outstanding Contribution to the Advancement of Services for People with Psychiatric Disabilities, New York Association for Psychiatric Rehabilitation
- 2004 Leadership and Advocacy in Public Health, Public Health Association of NY
- 2005 Distinguished Administrator Award, American Association of Psychiatric Administrators, NY Chapter
- 2005 Gold Award in Community Mental Health, American Psychiatric Association, Institute for Psychiatric Services
- 2006 Macy Award for Individual Achievement, National Alliance to End Homelessness
- 2008 Behavioral Healthcare Champion, National Council on Behavioral Healthcare
- 2011 Distinguished Contribution Award, NY Association for Psychosocial Rehabilitation
- 2013 Housing Hall of Fame, Affordable Housing and Finance
- 2014 Distinguished Contribution to Practice in Community Psychology, Society for Community Research and Action, American Psychological Association.
- 2016 Distinguished Contribution to Independent Practice, American Psychological Association
- 2018 Meritorious Service Cross (Civil Division) for outstanding accomplishment to benefit Canadians (for Developing the Pathways Housing First): Governor General of Canada.

**RESEARCH GRANTS:**

- 2017-2019 A Way Home Canada: research grant received by A Way Home from Employment and Social Development Canada; (role: Clinical Director for development, implementation, and evaluation of Housing First program for youth) (\$8,450,000 3 years).
- 2012-2017 NIMH, Peer-led Lifestyle Program in Supportive Housing (R01MH104574), Columbia School of Social Work (role: co-investigator) (\$1,200,000 3 years)
- 2013-2016 US Department of Health and Human Services (Administration for Community Living) and the grant number is H133G130086. Examining Determinants of



- Community Participation among Persons with Psychiatric Disabilities. John Jay College, CUNY (role: advisor/consultant) (\$1,750,000 3 years).
- 2012-2015 SAMHSA (Substance Abuse and Mental Health Services Administration). Healthworks! Integrating health care into mental health and addiction treatment. Services grant awarded to Pathways to Housing DC. (role: Project Director). (\$1,350,000 3 years).
- 2011-2014 SAMHSA “Introducing Housing First in Rural Vermont” 1UD1T1023514-01 Three years of funding awarded (role: Principal Investigator) (\$1,173,828 3 years).
- 2011-2014 Veteran’s Administration Training Grant – 14 City Housing First Demonstration Project; (role: project Director) (\$171, 247 3 years).
- 2009-2014 Mental Health Commission of Canada – National Implementation of Randomized Control Trial of Housing First (\$110 million/5 years) (role: research advisor and lead trainer).
- 2009-2014 Training Grant from Mental Health Commission of Canada: (role: project director) (\$978,000 for 3 years).
- 2009-2014 SAMHSA “Integrating Peer-Led Illness Management and Recovery (IMR)” 5H79SM059196-02 Four years of funding awarded (role: Project Director) (\$1,980,235 for 5 years).
- 2009-2014 SAMHSA “Introducing Housing First-Assertive Community Treatment in Vermont” 5H79SM059197-02 Four years of funding awarded (role: Project Director); (\$1,596,200 for 5 years)

**Past Support:**

- 1990-1993 NIMH “Taking Psych Rehab to the Streets” R01-MH48215 Three years of funding awarded (role: Co-Principal Investigator) (\$2,890,149 for 3 years).
- 1998-2002 SAMHSA CMHS-CSAT “From Streets to Homes: A consumer Preference Independent Living Model” 4UD9SM51970-03-2 Three years of funding awarded (role: Principal Investigator) (\$1, 130,000 for 5 years).
- 1998-2000 SAMHSA “Supportive Housing Study” 4UD9SM51970–03–2 (role: Co Principal Investigator) (\$1,320,000 for 3 years).
- 2002-2004 SAMHSA CSAT, “A comparison of treatment first versus housing first programs for individuals who are homeless and have psychiatric disabilities and substance abuse disorders” 1KD1T12548-01 Two years of funding awarded (role: Principal Investigator) (\$1,120,000 for 3 years).
- 2004-2008 NIMH, “Consumers perceptions of Mental Health Services” R01-MH69865 Four years of funding awarded (role: Co-Principal Investigator) (\$1,250,000 for 5 years).
- 2009-2014 Columbia University Center for Homelessness Prevention Qualitative Assessment of the Usefulness of a Peer-Run Resource Center (role: Co-Investigator) (\$3,250,000 for 5 years).
- 2010-2013 University of California, San Diego – Fidelity Assessment of California’s Full Partnership Programs; (role: co-investigator) (\$264,403 for 3 years).

**LECTURES AND PRESENTATIONS**

Presentations at local, national, and international conferences and at meetings of

professional groups are more than 250 over the past 25 years.

**PUBLICATIONS/BIBLIOGRAPHY:**

**RESEARCH PAPERS (PEER REVIEWED JOURNALS) (74):**

**1980**

1) Miller, F., Tsemberis, S., Grega, D., and Malia, G. (1980). Neighborhood Satisfaction Among Urban Dwellers. Journal of Social Issues, 36, 107-117.

**1981**

2) Felton, B. J., Hinrichsen, G. A., & Tsemberis, S. (1981). Urban-suburban differences in the predictors of morale among the aged. Journal of Gerontology, 36 (2), 214-222.

3) Uleman, J. , Miller, F. , Henken, V. , Riley, E. , and Tsemberis, S. (1981). Visual and Social Perspectives. Replications in Social Psychology, 2, 54-58.

**1987**

4) Christ, A., Tsemberis, S., & Andrews, H. (1987). Childhood Disorder DRG: Viability in a prospective payment system. Journal of the Academy of Child and Adolescent Psychiatry, 26, 6, 825-828.

**1988**

5) Tsemberis, S., & Sullivan, C. (1988). Seclusion in context: Introducing a seclusion room into a children's unit of a municipal hospital. American Journal of Orthopsychiatry, 58, 462-465.

**1989**

6) Christ, A., Andrews, H., & Tsemberis, S., (1989). Childhood Disorder DRG: Fiscal consequences. Journal of the Academy of Child and Adolescent Psychiatry, 28, 729-733.

7) Christ, A., Tsemberis, S. & Andrews, H. (1989). Childhood Disorder DRG: Considerations for a predictive model. Journal of the Academy of Child and Adolescent Psychiatry, 28, 47-52.

**1991**

8) Cohen, N. L., & Tsemberis, S., (1991). Emergency psychiatric intervention on the street. New Directions for Mental Health Services, 52, 3-16.

**1994**

9) Alpert, M., Pouget, E., Minor, S., Tsemberis, S., Trujillo, M. (1994). Some effects of folate deficiency on mental status in street dwelling homeless mentally ill. Biological Psychiatry, 35, 9, 699-699.

**1996**

10) Tsemberis, S. Miller, A. C., & Gartner, D. (1996). Expert judgements of computer-based and clinician written reports. Computers in Human Behavior 12, 1, 167-175.

**1999**

11) Tsemberis, S. & Asmussen, S. (1999). From Streets to Homes: The Pathways to Housing Consumer Advocacy Supported Housing Model. Alcoholism Treatment Quarterly, 17, 1, 113-131.

12) Tsemberis, S. (1999). From streets to homes: An innovative approach to supported housing for homeless individuals with psychiatric disabilities. Journal of Community Psychology, 27, 225-241.

13) Tsemberis, S. & Elfenbein, C. (1999). A perspective on voluntary and involuntary outreach services for the homeless mentally ill. New Directions for Mental Health Services, 82, 9-19.

**2000**

14) Tsemberis, S., & Stefancic, A. (2000). The role of an espiritista in the treatment of a

homeless, mentally ill Hispanic man. Psychiatric Services, 51, 12, 1572-74.

15) Shern, D. L., Tsemberis, S., Anthony, W., Lovell, A.M., Richmond, L. (2000). Serving Street-Dwelling Individuals Psychiatric Disabilities: Outcomes of a Psychiatric Rehabilitation Clinical Trial. American Journal of Public Health, 90, 12, 1873-1878.

16) Tsemberis, S., & Eisenberg, R. (2000). Pathways to housing: A supported housing program for street dwelling individuals with psychiatric disabilities. Psychiatric Services, 51P, 4, 487-493.

#### **2003**

17) Tsemberis, S., Moran, L., Shinn, B., Shern, D., & Asmussen, S. (2003). Consumer preference programs for individuals who are homeless and have psychiatric disabilities: A drop-in center and a supported housing program. American Journal of Community Psychology, 32, 3/4, 305-317.

18) Tsemberis, S., Rogers, S.E., Rodis, E., R., Dushuttle, P., Skryha, V. (2003). Housing satisfaction for persons with psychiatric disabilities. Journal of Community Psychology, 31, 6, 581-590.

19) Gulcur, L., Stefancic, A., Shinn, B., Tsemberis, S., & Fischer, S. (2003). Housing, hospitalization, and cost outcomes for individuals with psychiatric disabilities participating in housing first and continuum of care programs. Journal of Community & Applied Social Psychology, 13 (2), 171-186.

#### **2004**

20) \*Stefancic, A., Schaefer-McDaniel, N. J., Davis, A. C., & Tsemberis, S. (2004). Maximizing follow-up of adults with histories of homelessness and psychiatric disabilities. Evaluation & Program Planning, 27, 433-422.

21) Yanos, P., Barrow, S., Tsemberis, S. (2004). Community Integration in the Early Phase of Housing Among Homeless Persons Diagnosed with Severe Mental Illness: Successes and Challenges. Community Mental Health Journal, 40, 2, 133-150.

22) Tsemberis, S., Gulcur, L., & Nakae, M. (2004). Housing First, Consumer Choice, and Harm reduction for Individuals Who Are Homeless with Dual Diagnoses: A 24 Month Clinical Trial. American Journal of Public Health, 94, 4, 651-656.

#### **2005**

23) Greenwood, R.M., Schaefer-McDaniel, N., Winkel, G., & Tsemberis, S. (2005). Decreasing psychiatric symptoms by increasing choice in services for adults with histories of homelessness. American Journal of Community Psychology, 36, 4, 223-238.

#### **2006**

24) Felton, B., Barr, M., Clark, G., and Tsemberis, S. (2006). ACT team members responses to training in recovery-oriented practices. Psychiatric Rehabilitation Journal, 30, 2, 112-119.

25) Padgett, D., Gulcur, L., Tsemberis, S. (2006). Housing First services for people who are homeless with co-occurring serious mental illness and substance abuse. Research on Social Work Practice, 16, 1, 74-83.

#### **2007**

26) Tsemberis, S., McHugo, G., Williams, V., Hanrahan, P., & Stefancic, A. (2007). Measuring homelessness and residential stability: The residential timeline followback inventory. Journal of Community Psychology, 35, 1, 29-42.

27) Yanos, P., Felton, B., Tsemberis, S., Frye, V. (2007). Exploring the role of housing type, neighborhood characteristics, and lifestyle factors in the community integration of formerly homeless persons diagnosed with mental illness. Journal of Mental Health, 16, 6, 703-717.

28) Salyers, M.P. & Tsemberis, S. (2007). ACT and recovery: Integrating evidence-based

practice and recovery orientation on Assertive Community Treatment teams. Community Mental Health Journal, 43 (6), 619-641.

29) Gulcur, L., Tsemberis, S., Stefancic, A., Greenwood, R.M. (2007). Community integration of adults with psychiatric disabilities and histories of homelessness. Community Mental Health Journal, 43 (3), 211-28.

30) \*Stefancic, A., Tsemberis, S. (2007). Housing First for Long-Term Shelter Dwellers with Psychiatric Disabilities in a Suburban County: A Four-Year Study of Housing Access and Retention. J. Primary Prevention, 28, 265-279.

#### **2008**

31) Fischer, S., Shinn, M., Shrout, P., Tsemberis, S. (2008). Homelessness, Mental Illness, and Criminal Activity: Examining Patterns over Time. American Journal of Community Psychology, 42, 251-265.

#### **2009**

32) McGraw S., Larson M., Foster S., Kresky-Wolff M., Botelho E., Elstad E., Stefancic A., Tsemberis S. (2009) Adopting Best Practices: Lessons Learned in the Collaborative Initiative to Help End Chronic Homelessness (CICH). The Journal of Behavioral Health Services and Research, Vol 37(2), 197-212.

#### **2010**

33) Gilmer, T. P., Stefancic, A., Ettner, S. L., Manning, W. G., & Tsemberis, S. (2010) Effect of Full Service Partnerships on Homelessness, Utilization and Costs of Mental Health Services, and Quality of Life Among Adults with Severe Mental Illness. Archives of General Psychiatry. Vol 67 (6), 645-652.

#### **2011**

35) Yanos, P. T., Stefancic, A., & Tsemberis, S. Psychological community integration among people with psychiatric disabilities and nondisabled community members. Journal of Community Psychology, 39 (4), 390-401.

36) Henwood, B., Weinstein, L., Tsemberis, S. Creating a Medical Home for Homeless Persons With Serious Mental Illness. Psychiatric Services, 62 (5), 561.

#### **2012**

37) Tsemberis, S. Housing First: Basic tenets of the definition across cultures. European Journal of Homelessness, 6, 2, 168-175.

38) Yanos, P. T., Stefancic, A., & Tsemberis, S. Objective community integration of mental health consumers living in supported housing and of others in the community. Psychiatric Services, 63 (5), 438-444.

39) Stefancic, A., Hul, L., Gillespie, C., Jost, J., Tsemberis, S., & Jones, H. Reconciling Alternative to Incarceration and Treatment Mandates with a Consumer Choice Housing First model: A Qualitative study of Individuals with Psychiatric Disabilities. Journal of Forensic Psychology Practice, 12, 4, 382-408.

40) Appel, P.W., Tsemberis, S., Joseph, H., Stefancic, A., Lambert-Wacey, D., Housing First for Mentally Ill Homeless Methadone Patients. Journal of Addictive Disease, #1, 270-277.

41) Cabassa, L.J. Parcesepe, A., Nicasio, A., Baxter, E., Tsemberis, S., and Lewis-Fernandez, R. Health and wellness photovoice project: engaging consumers with serious mental illness in health care interventions. Qualitative Health Research, 23, 5, 618-630.

42) Tsemberis, S., Kent, D., & Respress, C. Housing stability and recovery among chronically homeless persons with co-occurring disorders in Washington, DC. American Journal of Public Health, 102, 1, 13-16.

#### **2013**

- 43) Weistein, L.C., LaNoue, M.D., Plumb, J.D., King, H., Stein, B., and Tsemberis, S. A primary care-public health partnership addressing homelessness, serious mental illness, and health disparities. Journal of the American Board of Family Medicine, 26, 279-287.
- 44) Gilmer, T., Stefancic, A., Sklar, M., & Tsemberis, S. Development and validation of a housing first fidelity survey. Psychiatric Services, 64, 9, 911-914.
- 45) Stefancic, A, Henwood, B., Melton, H., Shin, SM, Lawrence-Gomez, R., and Tsemberis, S. Implementing Housing First in Rural Areas: Pathways Vermont, American Journal of Public Health, 103, 206-209.
- 46) Tsemberis, S., Housing First: Implementation, dissemination, and program fidelity. American Journal of Psychiatric Rehabilitation, 16, 235-239.
- 47) Stefancic, A., Tsemberis, S., Messeri, P., Drake, R., and Goering, P. The Pathways Housing First fidelity scale for programs serving individuals with psychiatric disabilities. American Journal of Psychiatric Rehabilitation, 16, 240-261.
- 48) Henwood, B., Shinn, M., Tsemberis, S and Padgett, D. Examining provider perspectives within Housing First and traditional programs. American Journal of Psychiatric Rehabilitation, 16, 262-274.
- 49) Keller, C., Goering, P., Hume, C., Mcnaughton, E., O'Campo, P., Sarang, A., Thompson, M., Valle, C., Watson, A., and Tsemberis, S. Initial implementation of Housing First in five Canadian Cities: How do you make the shoe fit, when one size does not fit all? American Journal of Psychiatric Rehabilitation, 16, 275-289.
- 50) Greenwood, R.M., Stefancic, A., Tsemberis, S., and Busch-Geertsema, V. Implementation of Housing First in Europe: Success and challenges in maintaining model fidelity. American Journal of Psychiatric Rehabilitation, 16, 290-312.
- 51) Gilmer, T., Ojeda, V.D., Hiller, S., Stefancic, A., Tsemberis, S., and Palinkas, L.A. Variations in full service partnerships and fidelity to the Housing First Model. American Journal of Psychiatric Rehabilitation, 16, 313-328.
- 52) Greenwood, R., Stefancic, A., & Tsemberis, S. Housing First for homeless persons with psychiatric disabilities: Program innovation, research, and advocacy. Journal of Social Issues, 69, 4, 645-663.
- 53) Nelson, G., Stefancic, A., Rae, J., Tsemberis, S., et al. Early Implementation Evaluation of a multi-site Housing First intervention for people with mental illness; A mixed Methods Approach. Evaluation and Program Planning, 43, 16-26.
- 2014**
- 54) Tsemberis, S. Evidence based values in housing and treatment. Psychiatric Services, 65, 3, 1.
- 55) Gilmer, T.P., Stefancic, A., Tsemberis, S. & Ettner, S.L. Full-Service Partnerships Among Adults with Serious Mental Illness in California: Impact on Utilization and Costs. Psychiatric Services, 65, 9 112-1125.
- 56) Stergiopoulos, V., Gozdzik, A., O'Campo, P., Holtby, A.R., Jeyaratnam, J., & Tsemberis, S. Housing First: Exploring participants early support needs. BMC Health Services Research, 14, 167-182.
- 57) Gilmer, T.P., Stefancic, A., Katz, M.L., Sklar, M., Tsemberis, S., & Palinkas, L.A. Fidelity to the Housing First model and effectiveness of supported housing. Psychiatric Services, 65, 1318-1324.
- 2015**
- 58) Goering, P., Veldhuizen, S., Nelson, G., Stefancic, A., Tsemberis, S., Adair, C., Distasio, J., Aubry, T., Stergiopoulos, V., & Streiner, D. (2016). Further validation of the Pathways Housing



First Scale. *Psychiatric Services*, 67, 111-114. <http://dx.doi.org/10.1176/appi.ps.201400359>  
59) Aubry, T., Tsemberis, S., Adair, C.E., Veldhuizen, S., Steiner, D., et al. One Year Outcomes of a Randomized Controlled Trial of Housing First in Five Canadian Cities. *Psychiatric Services*, 66, 5, 463-469.

60) McNaughton, E., Stefancic, A., Nelson, G., Caplan, Tsemberis, S et al. Implementing Housing First Across Sites and Over Time: Later Fidelity Implementation Evaluation of a Pan-Canadian Multi-Site Housing Program for Homeless People with Mental Illness. *American Journal of Community Psychology* 03/2015.

61) Aubry, T., Nelson, G., & Tsemberis, S., Housing First for People with Severe Mental Illness Who Are Homeless: A Review of Research Findings from At Home/Chez Soi Demonstration Project. *The Canadian Journal of Psychiatry*, 467-474.

#### 2016

62) Volk, J., Aubry, T., Goering, P., Adair, C., ... Tsemberis, S. Tenants with additional needs: when housing first does not solve homelessness. *Journal of Mental Health*, 25, 2, 169-175

63) Aubry, T., Goering, P., Veldhuizen, S., Adair, C., ... Tsemberis, S. A multi-city RCT in Five Canadian Cities of Housing First with Assertive Community Treatment for Persons with Serious Mental Illness and a History of Homelessness. *Psychiatric Services*, 67:275-281; <http://dx.doi.org/10.1176/appi.ps.201400587>.

64) Smelson, D. A., Zaykowski, H., Guevermont, N., Siegfriedt, J., ... Kane, V. (2016). Integrating permanent supportive housing and co-occurring disorder treatment for individuals who are homeless. *Journal of Dual Diagnosis*, 4, 2, 193-201.

#### 2017

65) Macnaughton, E., Worton, K.S., Nelson, G., .... Tsemberis, S. Final cross-site report on Housing First implementation in six Canadian communities. Waterloo, ON: Wildred Laurier University.

66) Worton, K., Hasford, J., Macnaughton, E., Nelson, G., ... Tsemberis, S. (2017). Understanding systems change in early implementation of Housing First in Canadian communities: an examination of facilitators/barriers, training/technical assistance and points of leverage. *American Journal of Community Psychology*, 61, 118-130. 0:1-13 DOI 10.1002/ajcp.12219

#### 2018

67) Nelson, G., Macnaughton, E., Worton, S.K.\*, Tsemberis, S., MacLeod, T., Stergiopoulos, V., Goering, P., Aubry, T., Hasford, J., & Distasio, J. (2018). Systems change in the context of an initiative to scale up Housing First in Canada. *Journal of Community Psychology*, DOI: 10.1002/jcop.22095.

68) Macnaughton, E., Nelson, G., Worton, S.K.\*, Tsemberis, S., MacLeod, T., Stergiopoulos, V., Aubry, T., Hasford, J., Distasio, J., & Goering, P. (2018). Navigating complex implementation contexts: Overcoming challenges and achieving outcomes in a national initiative to scale out Housing First in Canada. *American Journal of Community Psychology*, DOI: 10.1002/ajcp.12268

69) Watson, D. P., Ahonen, E. Q., Scuman, V., Brown, M., Tsemberis, S., et al. The housing first technical assistance and training (HFTAT) implementation strategy: outcomes from a mixed methods study of three programs. *Substance Abuse Treatment, Prevention and Policy*, 13, 32 <https://doi.org/10.1186/s13011-018-0172-3>

70) Rae, J., Samosh, J., Aubry, T., Tsemberis, S., Agha, A. and Shah, D. (2018) What Helps and What Hinders Program Fidelity to Housing First: Pathways to Housing DC, *European Journal of Homelessness* 12(3), 107-132.

## 2019

71) Nelson, G., Worton, K.S., Macnaughton, E., Tsemberis, S., .... Distasio, J. (2019). Systems change in the context of an initiative to scale up Housing First in Canada. *Journal of Community Psychology*, 47, 7-20.

72) Hasford, J., Nelson, G., Worton, K.S., Macnaughton, E., Tsemberis, S., ... Goering, P. Knowledge translation and implementation of Housing First in Canada: a qualitative assessment of capacity building needs for an evidence-based program. *Evaluation and Program Planning*, 75, 1-9.

## 2020

73) Brown, M., Anh-Dao Tran, C., Cummings, C., ... Tsemberis, S. Attempting Randomized Housing First Research in a Community Context: Reflections on Failure. *American Journal of Community Psychology*, <https://doi.org/10.1002/ajcp.12421>

74) Nelson, G., Aubry, T., Tsemberis, S., & Macnaughton, E. Psychology and Public Policy: The Story of a Housing First Project for Homeless People with Mental Illness. *Canadian Psychology*, Vol. 6, No. 3, 257-268.

## **CHAPTERS (24):**

### 1987

1. Orfanos, S., & Tsemberis, S., (1987). A needs assessment of the Greek American Schools in New York City. In S. Orfanos, H. Psomiades, and J. Spiridakis (Eds.), Education and Greek Americans: Process and Prospects (p.185-201).

### 1989

2. Rotheram, M. & Tsemberis, S., (1989). Social competency training programs in ethnically diverse communities. In L. Bond, B. & Compass (Eds.), Primary Prevention and Promotion in the Schools (P. 297-318). Newbury Park, CA: Sage Publications.

### 1993

3. Tsemberis, S., Cohen, N. L., & Jones, R. (1993). Conducting emergency psychiatric evaluations on the street. In S. Katz, D. Nardacci, & A. Sabatini (Eds.), Intensive Treatment of the Homeless Mentally Ill (p. 71-89). Washington, DC: American Psychiatric Press, Inc.

### 1996

4. Tsemberis, S. (1996). From outcasts to community: A support group for homeless men. In A. Andronico (Ed.), Working with Men in Groups (p.35-49). Washington DC; American Psychological Association Press.

5. Tsemberis, S., & Orfanos, S. D. (1996). Greek American Families. In M. McGoldrick & J. Giordano (Eds.) Ethnicity and Family Therapy (p. 517-529). New York: Guilford Press.2004

### 1997

6. Shern, D. L., Tsemberis, S., Winarski, J., Cope, N., Cohen, M., & Anthony, W., (1997). A psychiatric rehabilitation demonstration for individuals who are street dwelling and seriously disabled. In W. Breaky & J. Thompson (Eds.), Mentally Ill and Homeless: Special programs for special needs (p 119-149). The Netherlands: Harwood Academic Publishers.

### 1998

7. Shinn, M. & Tsemberis, S. (1998). Is housing the cure for homelessness? In S. Oskamp (Ed.), Addressing Community Problems: Research and Intervention, (pp. 52-77). Thousand Oaks: Sage Publications

**1999**

8. Tsemberis, S. (1999). Greek American families: Immigration, acculturation, and psychological well-being. In S. Tsemberis, H. Psomiades, & A. Karpathakis (Eds.) Greek American Families: Traditions and Transformations (pp. 197-223). New York: Pella Press.

**2004**

10. \*Tsemberis, S. (2004). Housing First. Encyclopedia of Homelessness (Vol 1, pp. 277 - 280.) Thousand Oaks: Sage.
11. \* Tsemberis, S. and O'Callaghan, S. (2004). Harm Reduction. Encyclopedia of Homelessness (Vol 1, pp. 189 -193). Thousand Oaks: Sage.

**2007**

12. Barrow, S., McMullin, S., Tripp, J., & Tsemberis, S. (2007). Consumer Integration and self-determination in homelessness research, policy, planning, and services. National Symposium on Homelessness Research, 3-1 – 3-55. Housing and Urban Development (HUD), Washington, DC.

**2010**

13. Tsemberis, S. (2010) Housing First: Ending Homelessness, Promoting Recovery, and Reducing Costs. In Gould Ellen I., O'Flaherty B. (Eds.). How to House the Homeless (pp. 37-56). New York: Russell Sage Publications.

**2011**

14. Tsemberis S., Henwood B. (2011) Housing First: A Guide for Clinicians. In Estrine S.A., Hettenbach M.G., Arthur H.G., and Messina M. (Eds.). Service Delivery for Vulnerable Populations: New Directions in Behavioral Health. (pp.183-pp.203) New York: Springer Publishing.

**2012**

15. Nelson G., Goering P., & Tsemberis, S. (2012) Housing for People with Lived Experience of Mental Health Issues: Housing First As a Strategy to Improve Quality of Life. In Walker, C., Johnson, K., & Cunningham, L. (Eds.) Community Psychology & the Socio-economics of Mental Distress. (pp.191-206) New York: Palgrave Macmillian.

16. \*Tsemberis, S., Henwood, B., Yu V., Whoriskey A., & Stefancic A. (2012) The Role of Psychiatry in Permanent Supported Housing. In McQuiston H., Sowers W., Ranz J., and Maus Feldman J. (Eds.) Handbook of Community Psychiatry. (pp. 349-368) New York: Springer.

**2013**

17. Salyers M., Stull L., & Tsemberis, S.. (2013). Assertive Community Treatment and Recovery. In V. Vandiver (Ed.) Best Practices in Community Mental Health: A Pocket Guide, (p103-115). NY, NY: Oxford University Press.

18. Tsemberis, S. & Henwood, B. Housing First: Homelessness, Recovery, and Community Integration. In V. Vandiver (Ed.) Best Practices in Community Mental Health: A Pocket Guide, (p. 132-150). NY, NY: Oxford University Press.

**2014**

19. Ridgway, P., & Tsemberis, S. Housing. In Best Practices in Psychiatric Rehabilitation, 2<sup>nd</sup>



Edition, (Chapter 10, p. 147-163). Psychiatric Rehabilitation Association, Publisher.

20. Goering, P., & Tsemberis, S., Housing First and System/Community Transformation. In G. Nelson, B. Kloos, & J. Ornelas (Eds.) *Community Psychology and Community Mental Health: Towards Transformative Change* (Ch. 13. P. 278-291). Oxford University Press.

### **2015**

20. Tsemberis, S. & Henwood, B. The Housing First Approach. In D. Burnes & D. DiLeo (Eds.), *Ending homelessness: why we don't and how we can*. (pp. 159-175). Lynne Rienner Publishers.

### **2017**

21. Tsemberis, S., & McNaughton, E. Homelessness and Challenges of Community Care. In N. Okkels, C. B. Kristiansen, & P. M. Jorgensen (Eds.), *Mental Health and Mental Illness in the City*. Meteor-Springer.

22. MacNaughton, E., Worton, K., Nelson, G., Hasford, J. & Tsemberis, S. Final Cross-site Report on Housing First Implementation in Six Canadian Communities.

<http://homelesshub.ca/resource/final-cross-site-report-housing-first-implementation-six-canadian-communities>

### **2018**

23. Tsemberis, S. What is the role for shelters in Housing First? In James Hughes (Ed.) *Beyond shelters: solutions to homelessness in Canada from the front lines* (pp. 20-45). Toronto, Canada, Lorimer & Co. publishers.

24. Tsemberis, S., & Gurdak, K., Housing First: from streets to homes to recovery. In Christian Laval (Ed.), *Housing First: au-dela du sans-abrisme et de la psychiatrie*, Vie Sociale, Centre National du Livre, 23, 31-52.

### **BOOKS (3):**

#### **1999**

Tsemberis, S., Psomiades, H., & Karpathakis, A. (Editors). Greek American Families: Traditions and Transformations. New York: Pella Press

#### **2010**

Tsemberis, S. (2010) Housing First: The Pathways Model to End Homelessness for People with Mental Illness and Addiction Manual. Center City: Dartmouth PRC/Hazelden Evidence Based Practice Series, Hazelden Publications. (The Housing Frist Manual has been translated into Spanish, French, Norwegian, Czech, and Polish).

#### **2016**

Padgett, D., Henwood, B., & Tsemberis, S. (2015). Housing First: Ending Homelessness, Transforming Lives, and Systems Change. New York: Oxford University Press.



1 I, Sara Shortt, M.S.W., state and declare as follows:

2 1. I make this declaration based on my personal knowledge as well as information I  
3 have read and come to learn in my profession, except where I have indicated otherwise. If  
4 called as a witness, I could and would testify competently and truthfully to the facts below in a  
5 court of law.

6 2. I have been retained by counsel for Intervenor Los Angeles Community Action  
7 Network and Los Angeles Catholic Worker to provide a declaration regarding the propriety and  
8 effectiveness of the proposed Preliminary Injunction sought by Plaintiffs in *LA Alliance for*  
9 *Human Rights, et al. V. City of Los Angeles*, CV-02291 DOC-KES. In preparation for the  
10 statements and opinions contained in my declaration, I reviewed Plaintiff's Notice of Motion  
11 and Motion for Preliminary Injunction in the above-referenced case, and the accompanying  
12 declarations submitted in support of the motion.

13 3. I received a Bachelor of Arts degree in Sociology from Lewis and Clark College  
14 in Portland, Oregon in 1992, then spent seven years working as a professional tenant organizer  
15 and community activist before obtaining my Master's in Social Work from San Francisco State  
16 University in 2002. I then spent more than two years as the Director of the Subsidized Housing  
17 Counseling Program at the Housing Rights Committee of San Francisco before assuming the  
18 position of the Committee's Executive Director, a position I held through December 2015.

19 4. I have received numerous recognitions and awards from community organizations  
20 advocating for housing rights; honors from the San Francisco Board of Supervisors for the work  
21 I have done in my field; and in 2009 received the Housing Justice Award from the National  
22 Housing Law Project. I also have been published in the L.A. Times and profiled in the San  
23 Francisco Chronicle.

24 5. Currently, I serve as Director of Public Policy and Community Organizing at  
25 Community Housing Partnership, a supportive housing provider that houses over 1,500  
26 formerly homeless residents of the County of Los Angeles.

27 6. From 2016 to 2018, I served as director of the C3 (City, County, Community)  
28 program developed by The People Concern. The program was comprised of 24 staff divided

1 into multi-disciplinary teams providing services in LA’s Skid Row neighborhood. Staff  
2 included RNs, mental health clinicians, substance use counselors, and peer outreach workers  
3 provided by LAHSA, DMH, DHS, BHS and AmeriCorp.  
4

5 Scope and necessity of Skid Row services

6 7. The C3 program was an intensive outreach effort by qualified and credentialed  
7 experts, along with peers who have lived experience with homelessness. Through the program,  
8 outreach was provided daily (Monday through Friday) to people experiencing homelessness on  
9 the streets on Skid Row. At the time I administered the program, there were 4 teams of 6  
10 workers that each covered one “quadrant” of Skid Row. Teams were able to become intimately  
11 familiar with their area and due to the consistent, daily field outreach they were well known and  
12 easily recognized by prospective clients.

13 8. The program was an evidence-based, best practices model. An unprecedented  
14 amount of resources were on the table, backed by strong government and community support  
15 and staffing that brought a high level of skills, experience, credentials, training and expertise.  
16 The C3 model was positioned to provide highly effective outreach outcomes due, in part, to the  
17 following:

- 18 a. Multi-disciplinary teams of staff able to address an array of needs  
19 including not just housing but mental health, substance use, and other medical matters;
- 20 b. Cooperation of City and County agencies, who could facilitate access to  
21 government resources, services and programs;
- 22 c. Intensive focus on outreach to residents of Skid Row living outside, for  
23 the specific purpose of getting people into housing, sending staff onto the streets every day to  
24 work a small area of “turf” and truly get to know their clients and their needs;
- 25 d. Time investment and physical access to Skid Row residents: C3 was  
26 unique in the world of outreach because it was able to take numerous repeated engagements over  
27 time to build trust with clients and reliably assess their needs. The fact that C3 staff could be  
28 persistent and provide continuous ongoing engagement with individuals greatly increased the

1 chances of getting them indoors. The relatively fixed locations of tents and encampments also  
2 meant that people could be easily found and contacted. Such reliable access is necessary for staff  
3 because there are multiple steps over time to the process of getting clients housed.

4 8. As a result of the intensive engagement and connection with our clients in Skid  
5 Row, the C3 outreach teams were able to effectively move a number of people into permanent  
6 housing. This type of outreach took time, but when we could place a person in a permanent  
7 situation, it ultimately meant they had a greater chance of staying housed. We frequently placed  
8 people in housing throughout Los Angeles, not just in the Skid Row area.

9 9. As the former director of a program that was equipped to deliver the most  
10 successful results in homeless outreach on Skid Row, I have many doubts about the efficacy of  
11 the Plaintiffs' proposed injunctive plan to move all homeless residents on Skid Row into  
12 housing or shelter within 90 days. I also have grave concerns about the consequences of the  
13 proposed enforcement measures.

14 10. In my experience, most Skid row tent dwellers have already been offered, or  
15 already used, the same services proposed in the plan, yet we have not seen a major reduction of  
16 tents on Skid Row. The plan relies on an assumption that the simple answer to getting people  
17 housed is just to offer them services. However, a significant portion of those living on the  
18 streets of Skid Row are not there because they have never interfaced with the homeless response  
19 system. In fact, many are there even though they already have, or even because of their  
20 interaction with housing and shelter programs in the past. Through our own interviews with  
21 clients or when reviewing a client's history in the County's Homeless Management Information  
22 System (HMIS)<sup>1</sup> we very often found that they had utilized services in the past. The clients  
23 were back out on the streets because those housing services (primarily either shelters or interim  
24

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25  
26 <sup>1</sup>HMIS, an electronic system run by the Los Angeles Homeless Services Authority, tracks  
27 registered individuals who are experiencing or have experienced homelessness to facilitate  
28 consistent, holistic provision of services. The system logs interactions logs services provided  
and interactions with service providers such as C3.

1 housing) were temporary, due to the well-documented shortage of permanent affordable  
2 housing available to those in extreme poverty,

3 11. Even were housing availability not a problem, the shelter and temporary housing  
4 programs our clients used did not provide exits from the streets and into permanent housing.  
5 What we observed was a “churn” effect where people were offered various short term housing  
6 programs that did not necessarily result in something permanent.

7 12. Short-term housing programs were not just ineffective; they were counter-  
8 productive. The “revolving-door” process that put the unhoused back out onto the streets after  
9 short-term housing expired posed an obstacle to inspiring interest in potential clients. People  
10 either knew firsthand, or from others around them, that after a month or two on a cot in a  
11 shelter, they would likely find themselves back out on the street. They did not feel it was worth  
12 it to leave the streets, just to return again shortly.

13 13. People aren’t camped on Skid Row because they have not been offered shelter  
14 slots before. Shelter slots and short-term housing do not solve their problems. It is therefore  
15 wrong to assume that barraging the area with offers of shelter will lead to a significant decrease  
16 in tents.

17 14. It should also be noted that even within the proposed 90-day injunctive period,  
18 even many who might have accepted offers will have concluded their housing term and thus be  
19 back out on the streets by the time enforcement begins.

20  
21 Availability and accessibility of shelter beds and housing

22 15. Of course, we found that there are a portion of Skid Row tent residents who  
23 would be very happy to accept offers of shelters and temporary housing. We did our best to seek  
24 those people out and work aggressively to get them connected to a resource. We found it  
25 frequently very frustrating, however, since there simply were not enough resources available to  
26 all those who wanted them. Slots in shelters were limited and it was even more challenging to  
27 find a bed in interim housing. We were very often in a position of turning people away when  
28 they sought housing resources, or at least telling them they had to wait.

1 16. Even when beds were available, eligibility criteria and other barriers to admission  
2 posed further problems for getting people into these programs. It was not as simple as matching  
3 a bed to a person in need. For instance, sometimes a client would not have an ID, or needed a  
4 TB test. Other times they were missing necessary medical history documents or mental health  
5 records. And this was in the best of worlds. C3 worked with some of the lowest-barrier  
6 programs and had the support and cooperation of government agencies who ran the relevant  
7 housing programs.

8 17. Given my experience, it is hard to imagine an ability to provide housing and  
9 actually move in the thousands of people living on Skid Row's streets within 3 months. It  
10 would take a very serious expansion of resources, a rapid development of housing programs,  
11 and an overhaul of eligibility and admissions policies and requirements to even come close to  
12 housing just the slice of people who are willing and ready to work with outreach workers.

13  
14 Consequences of criminalization

15 18. Based on my experience working in Skid Row and my other experience working  
16 with people to obtain housing, the biggest concern I have about Plaintiffs' proposed injunction  
17 is the provision that would require the City to enforce an anti-camping ban in Skid Row after all  
18 individuals in Skid Row have been offered housing. Individuals who are displaced from Skid  
19 Row will almost certainly lose connection with services and providers in Skid Row. This will  
20 make it far more difficult to keep in contact with a person to identify a housing opportunity that  
21 may be available for our client.

22 19. The use of enforcement to shut out people from camping in Skid Row raises other  
23 concerns in terms of the impact of this kind of enforcement would have in terms of outreach  
24 workers' ability to house people living on Skid Row. At C3, I witnessed two key ways in which  
25 interactions with the criminal justice system generally undermined people's chances to become  
26 housed, and lengthened their stay on the streets of Skid Row.

27 20. Firstly, our teams came across people every day who had become homeless and  
28 were unable to leave the streets due to the fact that they had criminal records. They were living

1 in tents, some for many years, because they were unable to obtain gainful employment that paid  
2 enough to afford rent in Los Angeles. Additionally, clients were denied assistance from housing  
3 programs due to arrests or convictions on their records. If the goal is to get people out of  
4 homelessness, ticketing, citations and arrests will make it nearly impossible.

5 21. Secondly, in countless cases we observed our clients receiving various “quality of  
6 life” citations while they were living on the streets. These citations derailed our ability to get  
7 them housed. Even if individuals were not arrested for the citations, they would frequently not  
8 know about court dates, lose their tickets in encampment cleanups, or in the elements, and they  
9 would miss their court dates. When that would happen, the Court would issue a warrant for  
10 failure to appear, and often, our clients would be arrested because of those warrants. In other  
11 instances, since people could not afford to pay the fines associated with the citations, courts  
12 would issue warrants that ended in jail time and criminal records for our clients. The records  
13 would then appear on background checks for housing and put them out of the running for  
14 available units.

15 22. Another way our ability to house people was undermined was when important  
16 paperwork would be lost during sweeps or arrests (such as birth certificates or IDs), which were  
17 necessary to get into a housing unit. Clients may have made it close to the end of a long process  
18 to get into a unit, only to have to go back to the end of line since they did not have their  
19 documents.

20 23. Tickets, citations and sweeps are entirely antithetical to the goal of housing  
21 homeless people. Simply put, the more our clients interfaced with law enforcement, the harder  
22 it became to house them.

23 24. Huge numbers of people are living on the streets of Skid Row for the very reason  
24 that they have experienced law enforcement in the past. To believe that a plan that results in  
25 increased law enforcement interactions is to ignore this fact.

26 25. From my experience, the proposed plan creates a situation where we set people up  
27 for failure and then penalize them when they fail. Based on history, evidence, and experience, it  
28 is simply wrong to expect that 2,000 people can be housed from Skid Row in 90 days. This is an



1 impossible goal and should not be used as a threshold justifying the use of law enforcement in  
2 removing people's homes. If the ultimate goal is to end homelessness on Skid Row, this plan  
3 will not only be ineffective; it will produce the opposite effect.  
4

5 I declare under penalty of perjury under the laws of the United States of America that the  
6 foregoing is true and correct. Executed on April 19, 2021, at Los Angeles, California.  
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8 

9 Sara Shortt, M.S.W.  
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**DECLARATION OF SARA SHORTT IN SUPPORT OF INTERVENOR'S OPPOSITION TO MOTION  
FOR PRELIMINARY INJUNCTION**

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