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City of Eureka Halts Enforcement, Will Reconsider Illegal Anti-Homelessness Law

EUREKA, CA, December 30, 2020 – An anti-homelessness ordinance set to take effect at midnight tonight has been set aside by the City of Eureka. City Council will reconsider the ordinance at its next meeting on January 5, 2020. The ordinance made it unlawful to camp in almost every part of the City, including Old Town, the Waterfront, and all City parks and recreational trails; it defined camping as living outdoors as well as occupying a vehicle in the restricted zones.

The City initially adopted the ordinance despite warnings by community advocates, including Legal Services of Northern California, that it violates recent federal court decisions and despite the fact that the City has insufficient shelter space. Shortly after receiving a letter from Legal Services of Northern California and Disability Rights California urging the City to take immediate action to halt enforcement of this ordinance, City Attorney Robert Black informed advocates that it would not be enforced and, instead, reconsidered with minor modifications.

Advocates, on behalf of unsheltered clients, are urging the City Council to refrain from criminalizing homelessness. “Now, more than ever, the City needs to show up for its most vulnerable. Rather than putting its efforts toward circumventing the constitutional protections of homeless individuals, the City should focus on ensuring all its residents’ basic needs are met,” said Rebecca Smith, of Legal Services of Northern California. “We call on the City to seize this opportunity to reconsider its approach to homelessness in our community, and to commit itself to effective, evidence-based solutions to support Eureka

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residents who do not have shelter. The public health and safety of the community during this devastating time depends on the support of our leaders.”

Affordable Homeless Housing Alternatives (AHHA), a nonprofit organization that provides services to homeless residents of Humboldt County and operates under the guiding principle that everyone has the right to safe, legal shelter with dignity and respect, also spoke out against the ordinance: “I have a lot of concerns about the new ordinance, mostly because I think it will become harder to support people who are being forced to leave the areas where they have found a modicum of support from AHHA and other advocates and programs, and I believe those who are not allowed in restricted public spaces will find it harder when moved on to get what they need, especially rest. It will become harder for our organization to reach many of those who can now access our services as people are dispersed from the restricted areas. We operate our mobile shower program in one of those areas in Eureka, for example,” said AHHA’s president, Nezzie Wade.

The ordinance will force those who currently live unsheltered in the City of Eureka to go someplace else. Carolyn Navarre, a LSNC client, worries about the added stress of being criminally cited: “I am a 63 year-old homeless and disabled woman. I try hard to comply with the law. Due to circumstances beyond my control, I’ve found myself without shelter. I am doing the best I can to survive and find housing. I am scared that enforcement of this ordinance will subject me to criminal penalties just because I do not have shelter. I don’t know where I will be allowed to sleep, or how I will get there. I have PTSD from surviving a violent crime, and I don’t feel safe in many parts of the city. I also have physical disabilities that severely limit my mobility and cause me chronic pain.” Ms. Navarre reports being told to vacate from several locations in the City, and has been directed by police officers to locations on the fringes of City limits, where she does not feel safe.

Disability Rights California (DRC), the federally designated protection and advocacy agency in California that advocates for the rights of people with disabilities, joins the call on the City to rethink the ordinance. “Rather than finding solutions to house unsheltered people with disabilities, Eureka’s ordinance punishes people with disabilities by making camping unlawful. This would be bad in normal times, but in the middle of a massive public health emergency, Eureka’s policy is disastrous. This pandemic has been especially cruel for people with chronic health conditions and mental health disabilities—a huge portion of the homeless population—who have no home to shelter in. The City’s policy criminalizes and frightens people with disabilities who are simply trying to survive. It can do better,” said Lucia Choi, an attorney at DRC.

The ordinance also conflicts with guidance by the Center for the Disease Control and Prevention, which cautions that removing unsheltered people from where they are camping “increases the potential for infectious disease spread.”¹ Requiring those without shelter to move around the City to attempt to comply with this ordinance in the midst of a deadly surge in COVID-19 infections and hospitalizations, and with temperatures lowering this winter, could result in significant consequences to the public health of our community.

¹ “Interim Guidance on Unsheltered Homelessness and Coronavirus Disease 2019 (COVID-19) for Homeless Service Providers and Local Officials”, available at: <https://www.cdc.gov/coronavirus/2019-ncov/community/homeless-shelters/unsheltered-homelessness.html>.

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[About Legal Services of Northern California](#)

The mission of Legal Services of Northern California is to provide quality legal services to empower the poor to identify and defeat the causes and effects of poverty within our community, efficiently utilizing all available resources. For over 60 years Legal Services of Northern California (LSNC) has been fighting for the civil rights of our clients. LSNC is the strong voice that continues to speak out on behalf of our clients living in our communities, even as the state and local “safety nets” for the poor continue to crumble.

[About Disability Rights California](#)

Disability Rights California is the agency designated under federal law to protect and advocate for the rights of Californians with disabilities. The mission of DRC is to advance the rights, dignity, equal opportunities, and choices for all people with disabilities.