



May 26, 2020

Honorable David O. Carter  
Via email: DOC\_Chambers@cacd.uscourts.gov

Re: LA Alliance for Human Rights v. City of Los Angeles; County of Los Angeles  
Case No. 2:20-cv-02291

Dear Judge Carter:

The Brentwood Homeowners Association (“BHA”) is a nonprofit, voluntary homeowner association that represents 4,500 single family homes and condos in the territory north of San Vicente Blvd. and west of the 405. Adjacent to BHA territory is a major homeless encampment on the sidewalk under the jurisdiction of the County of Los Angeles that is outside the fence of the Veteran’s Administration (“VA”) property (the “San Vicente Encampment”).

Almost all the facts and circumstances regarding homeless encampments that are alleged in the Complaint in the subject case are true with respect to the San Vicente Encampment. The residents, workers, and guests of the BHA, and the commercial establishments on San Vicente Blvd serving the BHA members, as well as the persons populating the San Vicente Encampment, are adversely impacted by conditions similar to the facts and circumstances described in the Complaint.

#### **CIRCUMSTANCES THAT SHOULD BE CONSIDERED**

BHA respectfully requests that, in connection with adjudicating and/or settling the Complaint, consistent with the decision in *Martin v. City of Boise*<sup>1</sup>, the Court consider the following:

1. **Merely supplying more beds is a simplistic and ineffective response to the choice made by many homeless to remain in homeless encampments.** Many of the homeless in Los Angeles are Veterans. The choice of many of these Veterans to not accept housing can be concluded from the fact that on the priority list of homeless housing in the County of Los Angeles, Veterans rank third - behind only families with children and the disabled - therefore, they have early access to most homeless housing and shelters. But these Veterans, as well as many other homeless persons, choose to remain unsheltered even when offered housing. Hence, it makes no sense to blindly require the creation of beds that will not be occupied before there may be appropriate enforcement actions to protect the public health, safety, and welfare.

---

<sup>1</sup> “[S]o long as there is a greater number of homeless individuals in a jurisdiction than the number of available beds in shelters, the jurisdiction cannot prosecute homeless individuals for involuntarily sitting, lying, and sleeping in public.”

2. **Available but unused capacity.** The VA has an average of 50 beds in various homeless, rehab, medical and mental health programs every night.
3. **Unused HUD vouchers.** Veterans have the option of combining their HUD housing vouchers to live together and in larger, more expensive units, however, Veterans vouchers are going unused as Veterans attempt to live alone, in highly expensive areas, versus living in middle income neighborhoods or closer to regional VA centers.
4. **The policies of the Federal government intensify the problem.** The Department of Defense releases more "end of career" military personnel into the SoCal region than any other area in the USA; these new military Veterans are released into one of the most expensive regions in the country without a defined pathway to housing, jobs or education.
5. **The process of the Federal government does a disservice to Veterans.** The majority of homeless Veterans in Los Angeles suffer from PTSD with secondary substance abuse; the Department of Defense releases front line military Veterans from the service without an MRI or comprehensive exam for PTSD, leaving military personnel to rapidly decompensate into homelessness, often accompanied with criminal legal issues.
6. **The VA imposes barriers to the ability of homeless Veterans in the San Vicente Encampment being able to reside on VA land instead of the sidewalk.** The VA barriers to Veterans being able to reside on VA land adjacent to the San Vicente Encampment include: (i) a Veteran must be able to show that he/she was honorably discharged; (ii) a Veteran must not use an unlawful substance on the VA campus; (iii) a Veteran must not use alcohol on the VA campus.
7. **Unreasonable entry requirements at City's winter overnight shelter at Armory.** For the past few years, the City supported a winter-months overnight shelter at the Federal Armory located less than one mile from the San Vicente Encampment. However, homeless persons at the San Vicente Encampment were not permitted to walk to the Armory and access shelter from the cold or inclement weather. Instead, the only way a homeless person could access the Armory was to load on a bus that originated many miles from the Armory.

## **POSSIBLE SOLUTIONS**

BHA respectfully suggests that the Court consider the following items as part of any resolution of the San Vicente Encampment situation:

1. **LA City-owned property**. We believe that the City of Los Angeles owns many parcels of property that would be suitable for sheltering the homeless, but that the City has been reluctant to enable such use on such property. Examples of such property include City-owned parking lots and the County-City vacant courthouse property on Santa Monica Blvd in West Los Angeles. Please consider requiring an inventory of City-owned property that is vacant and/or unimproved with a structure.
2. **LAPD and Sheriff personnel**. It is well established that outreach workers and service providers approaching homeless individuals are significantly more successful when they are accompanied by officers from the LAPD or Sheriff's Office. And yet we believe that the homeless detail of the LAPD is woefully understaffed – 2 individuals for the entire West Los Angeles area of over 60 square miles. We believe the County Sheriff's homeless detail is also understaffed. Please consider requiring that these law enforcement homeless details be increased.
3. **Americans with Disabilities Act**. We believe the San Vicente Encampment is in violation of the Americans with Disabilities Act. Please consider the respective responsibility of the Defendants for violations of the Act and requiring them to take appropriate action.
4. **No County law regarding sidewalk camping**. We believe that LA County has no law prohibiting the San Vicente Encampment that is on property under the jurisdiction of LA County. A successful resolution of the situation requires pressure on many homeless persons to take advantage of appropriate shelter when it becomes available. Please consider requiring LA County to enact laws or regulations regarding camping on sidewalks.
5. **A data-driven outreach system**. Instead of remaining reactive, the City Controller recommends creating **HomeSTAT**, a data-driven system similar to those used by public safety and social service agencies across the country. HomeSTAT would reshape homeless outreach in L.A. by enabling LAHSA to collect real-time data and use it to evaluate performance and make informed decisions about resource allocation moving forward. While City departments collect data on homeless encampments and a variety of other things, there is currently no data-driven program to inform proactive outreach decisionmaking for LAHSA. Please consider requiring the Defendants to adopt a data-driven outreach system and ***a performance-based process for outreach and***

***homelessness services.***

6. **City Controller Recommendations.** The LA City Controller has recently issued several reports and audits concerning the deficiencies of the City and County with respect to their efforts to reduce the number of unsheltered persons. These include excessively high-cost projects (with a high percentage of “soft costs” – 40% for consultants, lawyers, architects, etc., and only 11% is for land) and a very slow development process. These reports include specific recommendations to correct the deficiencies. Please consider requiring the Defendants to present a matrix of these recommendations and the action that each of the Defendants has taken, and will take, in connection with each recommendation.

Respectfully submitted,



Kathleen Flanagan  
President

cc: Matthew Donald Umhofer, mumhofer@spertuslaw.com  
Elizabeth A. Mitchell, emitchell@spertuslaw.com  
Mary Wickham, MWickham@counsel.lacounty.gov  
Mike Feuer, Mike.Feuer@lacity.org