



October 11, 2018

Dennis J. Herrera  
San Francisco City Attorney  
City Hall, Room 234  
1 Dr. Carlton B. Goodlett Place  
San Francisco, California 94102  
VIA EMAIL and REGULAR MAIL

Dear Mr. Herrera:

We write on behalf of the San Francisco Coalition on Homelessness to demand that the City of San Francisco (the “City”) immediately cease towing and impounding vehicles on the basis of unpaid parking tickets, unless and until the City establishes that the vehicle owner has the financial means to pay the outstanding tickets.

Each year, the City orders more than 4,000 vehicles towed solely on the basis of unpaid parking tickets, or for failure to register a vehicle as a result of unpaid parking tickets. Such tows cause tremendous and irreparable hardship to the vehicle owners – most of whom are low-income individuals who are unable to pay the underlying tickets. Many of those vehicle owners are homeless and rely on their vehicles for shelter as well as their sole source of income. Others require their cars to get to work, to medical appointments, or to school.

Currently, the City has no means to determine whether a vehicle owner has the ability to pay accrued parking tickets before towing a vehicle for nonpayment of those tickets. The City does not provide specific notice to a vehicle owner before implementing a tow for unpaid tickets, and it does not inform the vehicle owner that there are alternative payment options if they cannot afford to pay the tickets in full. Nor does the City have any process for inquiring into the owner’s ability to pay in advance of a tow. Even after completing a tow, the City does not provide the vehicle owner with an opportunity to show their inability to pay, and it does not provide any mechanism for a vehicle owner to recover without charge a vehicle that has been unconstitutionally towed: tow hearing officers consistently and specifically decline to consider constitutional authority.

Because the City retains all towed vehicles until the owner has paid all tickets and tow fees in full, and because most low income and homeless people cannot afford to pay the astronomical ticket and tow fees, the City’s towing practice has the practical result of permanently depriving low income and homeless people of their cars.

The City's towing practice violates basic constitutional principles, including, but not limited to, the rights to be free from unreasonable seizures and excessive fines and the rights to equal protection and due process of law. As the U.S. District Court for the Northern District of California recognized in its October 10, 2018 Order granting a preliminary injunction in the matter of *Smith v. Reiskin*, N.D. Cal. Case no. 3:18-cv-01239-JSW (the "*Smith Action*"), there is no legal precedent permitting the City to seize and retain a vehicle for unpaid parking tickets "if its owner cannot afford the parking tickets" where the sole basis for the seizure is "an effort to secure repayment of the debt owed." Additionally, the Court's order demonstrates that towing vehicles for unpaid parking tickets when the owner is homeless and relies on the vehicle for shelter or work creates significant hardship and may result in irreparable harm.

The undersigned and other advocates for low income San Franciscans have had many conversations with City officials about these same concerns – both before and after filing the *Smith Action*. To date, the City has not agreed to any meaningful change in its towing practices. In order to avoid additional litigation, we ask that the City immediately cease its practice of towing vehicles for unpaid parking tickets and work with the undersigned to develop mechanisms to ensure that no vehicle is towed simply because the owner could not afford to pay parking tickets and that no vehicle is towed in a manner that violates the constitutional standards identified herein. We respectfully request that you respond to this letter by Friday, October 19.

Sincerely,

/s/

BAY AREA LEGAL AID  
Rebekah B. Evenson  
Claire Johnson Raba

/s/

LAWYERS' COMMITTEE FOR CIVIL RIGHTS  
OF THE SAN FRANCISCO BAY AREA  
Elisa Della-Piana  
Jude Pond

Cc (Via email only):

Edward D. Reiskin, Director of Transportation, San Francisco Municipal Transportation Agency  
William Scott, Chief of Police, San Francisco Police Department