



March 25, 2020

Governor Gavin Newsom
1303 10th Street, Suite 1173
Sacramento, CA 95814

Re: Homelessness and COVID-19

Dear Governor Newsom:

We are a coalition of organizations whose advocacy efforts include housing justice and the rights of unhoused people. We write to ask that you issue an Executive Order clarifying that Executive Order N-33-20 does not require people who are currently unhoused in California to find shelter indoors; that the provision of outreach and support to unhoused people is an essential service exempted from Executive Order N-33-20; and that a law enforcement approach of sweeping or dismantling homeless encampments during the State of Emergency relating to COVID-19 that you declared on March 4th is inconsistent with the public health safety practices that Executive Order N-33-20 seeks to implement.

Shelter-In-Place

When six counties in the Bay Area issued virtually identical shelter-in-place orders on March 16th, the orders excluded individuals experiencing homelessness from the requirement to shelter in their residences. The orders encouraged homeless individuals to obtain shelter and urged government agencies to provide shelter for those individuals.

Your subsequent Executive Order N-33-20, the statewide shelter-in-place order, does not contain any clarification regarding how people who are unhoused would comply with the order that “all individuals living in the State of California . . . stay home or at their place of residence” Of course, sheltering indoors is impossible for Californians who are living outside. The homes of unhoused people are often tents or vehicles, which are outlawed forms of shelter in many jurisdictions across the State, notwithstanding the lack of safe indoor alternatives. We therefore ask that you clarify in a new Executive Order that the shelter-in-place requirements in Executive Order N-33-20 do not apply to unhoused people, and that local governments must not use the statewide order as a justification to punish unhoused individuals for their inability to shelter indoors, confiscate their belongings, or require them to move to a shelter.

Aiding the Unhoused as an Essential Service

The Governor’s Office should also make clear in a new Executive Order that people providing outreach and essential services, such as food, medication, wellness checks, and other support, to homeless individuals are engaging in essential activities and are permitted to continue working under Executive Order N-33-20.

ACLU Foundation of Northern California
Abdi Soltani, Executive Director
39 Drumm Street
San Francisco, CA 94111
(415) 621-2493

ACLU Foundation of Southern California
Hector Villagra, Executive Director
1313 West Eighth Street
Los Angeles, CA 90017
(213) 977-9500

ACLU Foundation of San Diego & Imperial Counties
Norma Chavez-Peterson, Executive Director
P.O. Box 87131
San Diego, CA 92138
(619) 232-2121

Compliance with the CDC Interim Guidance on Encampment Sweeps and Seizure of Survival Gear

In the absence of any explicit statement from the Governor's Office regarding the applicability of Executive Order N-33-20 to unhoused people, we have heard from across the State disturbing accounts of local governments that are continuing to conduct "sweeps" of homeless encampments, confiscating property, and directing people to disband encampments and "move along" under threat of arrest.

These outcomes are directly contrary to the Centers for Disease Control and Prevention's Interim Guidance for Responding to Coronavirus Disease 2019 Among People Experiencing Unsheltered Homelessness (CDC Interim Guidance), a copy of which is attached. The CDC declares that dislocating existing encampments during this public health emergency endangers the entire community. The CDC urges governments not to clear encampments during community spread of COVID-19. Sweeps cause people to disperse throughout the community, elevating the risk of disease being spread to those new areas. Sweeps furthermore sever connections with service providers by displacing people to areas where they cannot be found or from which they cannot access needed services.

Likewise, seizure of tents, tarps, medications, and other survival gear makes homeless individuals, who are already five times more likely than members of the general public to be hospitalized, even more vulnerable to hospitalization due to COVID-19. Instead of clearing encampments, the CDC advises governments to instruct people staying in encampments to set up sleeping areas with at least twelve feet of space per person and to provide hygienic services such as portable latrines and handwashing stations.

The most critical prevention measure in the CDC Interim Guidance is physical distancing, a measure that is directly undermined by the forced relocation of people from encampments into congregate shelters.¹ The conditions of traditional homeless shelters make social distancing and isolation impossible. A single case of coronavirus among shelter residents could rapidly multiply, infecting a large number of residents and staff. Congregate shelters can be especially problematic for people experiencing homelessness who have disabilities, such as being immunocompromised. Such people have a much higher risk of contracting COVID-19 in a congregate shelter and may be safer living unsheltered in their own tent.

We appreciate the efforts shown at state and local levels to procure indoor isolation housing for unhoused people, both to decrease the risk of exposure for people who do not have COVID-19 and, for those who do acquire COVID-19, to enable self-isolation to avoid transmitting the virus to others. Consistent with the CDC Interim Guidance, we strongly support the provision of adequate isolation housing for anyone who needs it, but we oppose any policies that would force unhoused people into congregate shelters, where their risk of infection will be exponentially increased.

¹ The ACLU of California submitted a letter to the Director and State Public Health Officer on March 16, 2020, outlining concerns with the unacceptable risk of contagion and outbreak in homeless shelters during the COVID-19 pandemic.

March 25, 2020

Page 3 of 7

We therefore ask that you immediately issue a clarifying Executive Order that provides:

- (1) Executive Order N-33-20's requirement that California residents stay in their homes does not apply to unhoused people;
- (2) People who provide outreach and other essential services to unhoused individuals are performing an essential activity exempted by Executive Order N-33-20; and
- (3) Local jurisdictions must comply with the CDC Interim Guidance for the duration of the COVID-19 State of Emergency, and must (a) halt encampment sweeps and property confiscation including tents, and (b) provide outdoor encampments with CDC-recommended hand-washing and other sanitation facilities.

We appreciate your prompt attention to these critical issues.

Sincerely,

1. ACLU of California
2. Disability Rights Advocates
3. Disability Rights Education and Defense Fund
4. Lawyers' Committee for Civil Rights of the San Francisco Bay Area
5. National Coalition for the Homeless
6. National Housing Law Project
7. National Law Center on Homelessness and Poverty
8. Public Advocates
9. Public Counsel
10. Public Interest Law Project
11. Western Center on Law and Poverty
12. ANAKABYAN
13. Anti-Eviction Mapping Project
14. Anti-Police Terror Project
15. Any Positive Change Inc.

16. Asian American Drug Abuse Program
17. Bartz-Altadonna Community Health Center
18. Bay Area Legal Aid
19. Berkeley Free Clinic
20. Bill Wilson Center
21. Causa Justa :: Just Cause
22. Center for Health & Prevention at the Community Action Partnership of San Luis Obispo
23. Centro Legal de la Raza
24. Coalition on Homelessness, San Francisco
25. Community Clinic Association of Los Angeles County
26. Community Forward SF
27. Community Housing Partnership
28. Community Legal Services in East Palo Alto
29. Compass Family Services
30. Desert AIDS Project
31. Disability Rights California
32. Disability Services and Legal Center
33. Do No Harm Coalition at University of California San Francisco
34. Drug Policy Alliance
35. East Bay Getting to Zero
36. ELDR Center
37. Eviction Defense Collaborative
38. Fair Housing Advocates of Northern California
39. Fijate Bien Program, MPact Global Action

40. Fresno Barrios Unidos
41. GLIDE
42. Gubbio Project
43. Harm Reduction Coalition of San Diego County
44. **HealthRIGHT 360**
45. HEART L.A.
46. Homeless Action!
47. Homeless Emergency Service Providers Association of San Francisco
48. Homeless Prenatal Program
49. Hospitality House
50. Inland Empire Harm Reduction
51. Jobs for Justice
52. Justice Teams Network
53. LAGAI – Queer Insurrection
54. Larkin Street
55. Law Foundation of Silicon Valley
56. Lava Mae X
57. Legal Aid Foundation of Los Angeles
58. Legal Aid of Marin
59. Legal Aid Society of San Mateo County
60. L.A. Care
61. Los Angeles Christian Health Centers
62. Los Angeles LGBT Center
63. Mental Health Advocacy Services, Inc.

64. Mental Health Association of San Francisco
65. Mission Neighborhood Health Center/Mission Neighborhood Resource Center
66. National Health Care for the Homeless Council
67. National Lawyers Guild – SF Bay Area Legislative Reform Committee
68. National Sobering Collaborative
69. Positive Women’s Network – USA
70. Public Law Center
71. Sacramento Regional Coalition to End Homelessness
72. Sacred Heart Community Service
73. San Francisco AIDS Foundation
74. San Francisco Hepatitis C Task Force
75. San Francisco Rising
76. San Francisco Tenants Union
77. Silicon Valley De-Bug
78. St. Anthony Foundation
79. St. James Infirmary
80. Supportive Housing Provider Network
81. Swords to Plowshares
82. Think Dignity
83. Transitions Clinic Network
84. TruEvolution
85. United Council of Human Services
86. Venice Family Clinic
87. Western Regional Advocacy Project

88. Women Organized to Respond to Life Threatening Diseases (WORLD)

cc: David Chiu, Assembly Member, Seventeenth District
Dr. Sonia Angell, State Public Health Officer and Director of the California Department
of Public Health

Encl.