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## UC Hastings, Other Tenderloin Residents Sue San Francisco Over 'Insufferable' Sidewalk Conditions Amid COVID-19

"The conditions now prevailing in the Tenderloin constitute a violation of the fundamental civil rights of those residing and working there," wrote lawyers for Tenderloin residents suing to force the city to confront encampments and drug-dealing on neighborhood sidewalks.

By Ross Todd | May 04, 2020



**Homeless camp on Eddy and Taylor in San Francisco's Tenderloin on April 3, 2020 (Photo: Jason Doiy/ALM)**

A coalition of businesses and residents of San Francisco's Tenderloin neighborhood, led by the University of California, Hastings College of the Law, have sued the city and county claiming that government officials have allowed the area to become "a containment zone" for drug and homelessness issues in the city.

The federal lawsuit

(<https://www.courtlistener.com/recap/gov.uscourts.cand.359003/gov.uscourts.cand.359003.1.0.pdf>), filed Monday by lawyers at Walkup, Melodia, Kelly & Schoenberger in San Francisco and Greenberg Gross in Los Angeles, claims that the number of homeless people in tents on sidewalks in the working-class neighborhood has more than doubled since March when local "shelter in place" orders took effect to combat the spread of COVID-19. The plaintiffs, who include a local resident confined to a wheelchair, a manager at a single-room-occupancy hotel, and the part-owner of a local cafe, claim that the increase of people residing in the streets has combined with the open-air drug sales in the neighborhood to make conditions "insufferable."

"This is a matter of fundamental fairness; what is a city-wide problem should not be allowed to weigh disproportionately on a low-income working-class neighborhood," the complaint says. "San Francisco should be prohibited from abandoning a single neighborhood, in an apparent effort to spare other neighborhoods the burdens that confront the city at-large."

The complaint brings 14 claims for relief against the city and county including claims that San Francisco's policies regarding the Tenderloin violate the Equal Protection and Due Process clauses of the U.S. Constitution and that the conditions on the streets in the neighborhood violate the Americans with Disabilities Act and amount to a public nuisance. The plaintiffs, in announcing the lawsuit Monday, said they are seeking to force the city to provide solutions for those who currently occupy the sidewalk encampments that take into consideration the safety and health of both those on the street and other neighborhood residents.

"What has long been suffered in the Tenderloin has become insufferable," the complaint says. "The conditions now prevailing in the Tenderloin constitute a violation of the fundamental civil rights of those residing and working there," the complaint says.

According to the complaint, a recent survey by the non-profit organization that cleans litter in the Tenderloin and adjacent neighborhoods found that the number of tents and makeshift shelters there grew from 158 on March 3, to 391 on May 1. The suit also says that the law school has spent an additional \$66,836 on increased safety and security in the first month of the COVID-19 pandemic.

"This case is not about anybody seeking money," said Walkup Melodia's Michael Kelly in a press conference announcing the lawsuit's filing. Kelly, a UC Hastings alum, said although the city had been studying what's going on in the Tenderloin, the time for action is now. "The streets of the Tenderloin were not intended to be campgrounds," he said.

David Faigman, Chancellor and Dean of UC Hastings, said Monday that the lawsuit was seeking a safe and healthy environment for the school's "housed and unhoused neighbors." The dean said that the school had "no other options and no more time to wait." Faigman said in the near term, the lawsuit seeks the immediate deployment of latrines wash stations and potable water in the neighborhood and access to hotel rooms and COVID-19 tests for those living on the streets. Faigman said that the suit also seeks the immediate relocation of tents away from doorways of homes and businesses. In the intermediate-term, the suit seeks the identification of plazas, parks, and parking lots that might offer safer places for temporary encampments where residents can practice social distancing.

The lawsuit notes that students who decline offers of admission to the law school frequently cite the conditions in the neighborhood as a significant factor in their decisions. According to the complaint, one such student responded to a 2020 survey from the school saying: "One of the big reasons I did not go to Hastings is the homeless population surrounding the campus. I quite honestly did not feel safe, and I could not imagine walking home alone at night. I was looking forward to living in San Francisco but was shocked by

the magnitude of the drug use surrounding the campus. . . . My family was harassed and approached by a drug dealer when walking around the campus. I could not imagine attending school in a place where this is a daily occurrence.”



**Dean David Faigman, UC Hastings**

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