

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [BOS Legislation, \(BOS\)](#)
Subject: FW: File #200758—Settlement of Lawsuit - Hastings College of the Law—OPPOSE
Date: Tuesday, August 18, 2020 3:02:31 PM
Attachments: [2020.08.18 - Settlement of Lawsuit - Hastings College of the Law—OPPOSE.pdf](#)

From: Wes Saver <wsaver@glide.org>
Sent: Tuesday, August 18, 2020 1:55 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Cc: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>
Subject: File #200758—Settlement of Lawsuit - Hastings College of the Law—OPPOSE

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Ms. Calvillo and Distinguished Members of the San Francisco Board of Supervisors,

Please find the attached position letter on behalf of GLIDE in opposition to the settlement of the lawsuit between the City and Hastings College of the Law.

Thank you for your consideration.

Sincerely,

Wesley Saver

--

Wesley Saver, MPP

Policy Manager

Center for Social Justice

GLIDE 330 Ellis Street, Room 506, San Francisco, CA 94102

OFFICE (415) 674-5536 | **MOBILE** (847) 682-8639 | **PRONOUNS** He/Him

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to which they are addressed. If you have received this email in error please notify the sender. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of Glide. Finally, the recipient should check this email and any attachments for the presence of viruses. GLIDE accepts no liability for any damage caused by any virus transmitted by this email.



August 18, 2020

The Honorable Norman Yee
President, San Francisco Board of Supervisors
San Francisco City Hall
1 Dr. Carlton B. Goodlett Pl., #244
San Francisco, CA 94102

Submitted via electronic mail

Re: File #200758—Settlement of Lawsuit - Hastings College of the Law—OPPOSE

Dear President Yee and Supervisors:

On behalf of GLIDE, we urge you, the San Francisco Board of Supervisors, to reject the settlement of the lawsuit filed by Hastings College of the Law (UC Hastings) against the City and County of San Francisco. Furthermore, we respectfully request you to issue instructions to the City to negotiate an agreement that ensures critical protections and provides for more resources for people experiencing homelessness. The Board of Supervisors should send a clear message to UC Hastings and the City that the University does not get to determine San Francisco's response to the needs of an impoverished community.

As a leading social service provider in San Francisco's Tenderloin neighborhood, in the ever-changing landscape of the pandemic, GLIDE continues to meet the growing needs of the city's most vulnerable residents. We have modified and expanded essential services to address rising unemployment, food insecurity, and other vulnerabilities among unhoused and extremely-low-income people to support thousands of individuals and families through a deeply precarious and challenging time, while also helping them establish foundations for meaningful change.

Almost two months into San Francisco's order to shelter-in-place, UC Hastings sued the City and County of San Francisco, demanding that the tents across the Tenderloin neighborhood be removed. A little over a month later, the City and UC Hastings entered into a settlement agreement without the participation of any unhoused person. Since the beginning of the pandemic, we have been advocating that the City move unhoused persons into hotels to protect them from COVID-19. Although we support the City's recent efforts to move persons into these hotel rooms, the agreement lacks basic constitutional protections, especially for persons with disabilities, and does not compel the City to procure enough hotel rooms to adequately shelter or provide real solutions to the over 2,000 unhoused San Franciscans in the area.¹

Troubled by the implications of such a lawsuit during the global pandemic, we at GLIDE, along with over two dozen other Tenderloin and San Francisco based organizations sent a [letter to UC Hastings Chancellor David](#)

¹ <https://www.courthousenews.com/wp-content/uploads/2020/05/SFTenderloinBlight-COMPLAINT.pdf>

[Faigman with an attached pledge](#): that any settlement must respect legal precedent, Centers for Disease Control and Prevention guidelines,² and the broader human rights of unhoused in the Tenderloin. Faigman dismissed our concerns and refused to sign the pledge. Concurrent to our efforts, UC Hastings students and alumni began organizing and subsequently expressed their concerns with the lawsuit in an open letter to the University.³ With our concerns dismissed and legal proceedings continuing, Coalition on Homelessness, Hospitality House, and Faithful Fools filed in the courts to join the UC Hastings lawsuit as an interested party in an effort to stave off the worst parts of the UC Hastings lawsuit.⁴ Though included, the unapproved settlement had already been agreed upon.

Lawyers from the City and UC Hastings had met extensively, culminating in the June 12 announcement⁵ by Mayor London Breed of a [settlement](#), unapproved by the courts or the Board of Supervisors. The unapproved settlement stipulated that the City would transition approximately 375 people, or just 18 percent of the Tenderloin unhoused population, into hotels and safe shelter villages in an attempt to clear tents from sidewalks. Furthermore, the settlement stated that the City and UC Hastings share a “goal of permanently reducing the number of tents, along with all other encamping materials and related personal property, to zero.” An unreasonable expectation, when only 18 percent of residents were to be offered alternative shelter. Over 40 organizations, including GLIDE, signed a [letter](#) asking the City to reject the stipulated agreement, and we now ask the same of you.

As members of the GAO, please recommend that the Board of Supervisors reject the UC Hastings settlement, and call for an agreement that incorporates protections for persons with disabilities and safeguards the constitutional rights of people experiencing homelessness. You have the opportunity to allow for a more humane, person-centered approach to acquiring resources for the Tenderloin’s unhoused.

By rejecting the settlement, the GAO can:

- Avert the disaster of a “zero tents” policy with “enforcement measures” set against the reality of over 1,600 unhoused now left in the Tenderloin;
- Heed the widespread calls to remove the police from their roles in HSOC and DPW, and ensure SFPD will not participate in efforts to move people into alternative housing sites;

² Centers for Disease Control and Prevention “Interim Guidance on Unsheltered Homelessness and Coronavirus Disease 2019 (COVID-19) for Homeless Service Providers and Local Officials,” May 13, 2020.

<https://www.cdc.gov/coronavirus/2019-ncov/community/homeless-shelters/unsheltered-homelessness.html>

³ Sisto, Carrie, “UC Hastings students, alumni warn lawsuit could increase police force against unhoused,” *Hoodline*, June 1, 2020. <https://hoodline.com/2020/06/uc-uc-hastings-students-alumni-warn-lawsuit-could-increase-police-force-against-unhoused>

⁴ Howey, Brian, “Nonprofits Want Added Homeless Protections in UC Hastings Lawsuit Against SF,” *SF Public Press* June 11, 2020. <https://sfpublicpress.org/nonprofits-want-added-homeless-protections-in-uc-uc-hastings-lawsuit-against-sf/>

⁵ City and County of San Francisco, Office of the Mayor, “San Francisco and UC Hastings and Co-Plaintiffs Announce Settlement Agreement Regarding Tenderloin,” June 12, 2020. <https://sfmayor.org/article/san-francisco-and-uc-uc-hastings-and-co-plaintiffs-announce-settlement-agreement-regarding>

- Prevent the establishment of a dangerous precedent of litigating away the unhoused; and,
- Allow the Coalition on Homelessness, Hospitality House, and Faithful Fools—parties who were granted intervention in the lawsuit but who did not have an opportunity to participate in the initial settlement discussions—a seat at the table to ensure the interests of the Tenderloin’s unhoused are represented, and that any settlement provides for protection of unhoused people’s rights and acquisition of the necessary resources to meet their needs.

We ask that the Board of Supervisors return the settlement with instructions to:

- Ensure that the settlement leads with a health-based response to homelessness during COVID-19, that centers on meeting the needs of human beings, not on the removal of tents;
- Ensure that the settlement contains provisions that ensure that the City offers reasonable accommodations to persons with disabilities in implementing the agreement;
- Ensure that the City increases the resources that those unhoused community members have access to in order to move off the streets, such as hotel rooms; and,
- Ensure that the agreement includes protections against unlawful property confiscations.

The settlement between the City and UC Hastings did not call for one additional hotel room beyond what was already promised, and instead will lead to the criminalization of visible poverty without offering unhoused people the services they need to get off the streets. The focus on tents, rather than individuals, is deeply dehumanizing; the settlement’s stated goal of permanently ridding the Tenderloin of tents will necessitate policing and sweeps, which does nothing to abate homelessness. This settlement sets a disturbing precedent, and people experiencing homelessness in the Tenderloin and in your districts deserve better. For these reasons and more, GLIDE opposes the UC Hastings settlement, and **we urge you to please vote no on the ordinance**. If you have any questions about our position, you may contact me via email at wsaver@glide.org.

Sincerely,



Wesley Saver
Policy Manager, GLIDE

Cc: Angela Calvillo, Clerk of the Board, via angela.calvillo@sfgov.org
San Francisco Board of Supervisors via Board.of.Supervisors@sfgov.org