

# SYSTEMIC ADVOCACY DIGEST



Wednesday, April 24, 2024

**Systemic advocacy is CRLA's hallmark and the key to lasting change for the communities we serve. All staff play a role in fulfilling our organizational commitment to creating systemic impact alongside our clients. The summaries below highlight the wide variety of systemic advocacy CRLA advocates have engaged in over the past few months.**



- Upholding the civil rights and dignity of people experiencing homelessness
- Monitoring school districts to support LGBTQ+ students
- Contesting Source of Income Discrimination
- Participating in appellate court amicus activity to impact the law
- Reducing the Unlawful Detainer Default Rate in San Joaquin County
- Litigating to change unlawful employment practices in the agricultural industry
- Challenging racially discriminatory access to safe drinking water



# Upholding the civil rights and dignity of people experiencing homelessness

## The Issue

The City of San Luis Obispo adopted various policies that penalize people because they are unhoused.

## The facts

The City of San Luis Obispo had extremely limited shelters or alternative housing for its large unhoused population. The City's response to unhoused residents was typically to close homeless encampments and engage in enforcement practices of issuing citations for violations of anti-camping and related ordinances. These efforts frequently involved the unlawful seizure and destruction of personal property by City officials.

## CRLA's Response

A number of unhoused people sought assistance from CRLA to address these challenges. Former CRLA SLO Directing Attorney Frank Kopcinski and Ilene Jacobs, along with co-counsel Public Interest Law Project and private attorney Babak Naficy, filed a lawsuit in federal court against the City of SLO. The lawsuit alleged various Constitutional and disability discrimination claims against the City. Current SLO Directing Attorney Sasha Aguilar, along with co-counsel and additional support provided by Stephanie Miranda and Mariah Thompson, successfully settled the lawsuit. The settlement centered on the City's interactions with the unhoused and providing additional shelters. The City agreed to make numerous policy improvements, including:

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# Upholding the civil rights and dignity of people experiencing homelessness

## Continued

- The establishment of housing alternatives co-located with supportive services on public or available private property within the City, as well as throughout the County.
- Adherence to temporary storage guidelines to protect the property of the unhoused.
- The establishment of a fee waiver program for anti-camping ordinance fines imposed on the unhoused.
- City staff engaged in delivery of direct field services to unsheltered persons shall receive enhanced training above the minimum required by applicable licensing and supplemental training on health and safety, de-escalation, and crisis intervention for persons experiencing mental health issues.

The City waived all pending anti-camping penalties assessed against the named Plaintiffs, paid each Plaintiff \$7,500, and paid attorneys' fees of \$210,000 to Plaintiffs' counsel.

# Monitoring school districts to support LGBTQ+ students

## The Issue

The Patterson Joint Unified School District (PJUSD) considered amending its anti-discrimination and harassment policies to require involuntary outing of gender identify information of LGBTQ+ students.

## The facts

PJUSD has a strong anti-discrimination and harassment policy that has been in place since at least 2018. The policy allows LGBTQ+ students to confidentially reveal their own personal information with trusted school staff, knowing that any information discussed about their gender identity could not be shared with anyone else without their consent. PJUSD recently proposed reversing this policy to require all school district employees to notify the District's compliance officer any time they learn confidential information about a student's gender identity, even if the student did not consent. The District would then be required to notify the student's parents within three days

## CRLA's Response

CRLA Co-Director of Community Workers Thalia Gastelum presented public comment at a PJUSD Board meeting. Her comment provided factual information about CRLA's experiences with clients of all ages who experience unsafe living situations, physical and emotional abuse, and homelessness due to a lack of support from their families when they come out or are outed. Thalia also described the school board's legal obligations to protect LGBTQ+ students from discrimination and to ensure that their policies align with anti-discrimination laws, and the importance of fostering a school environment that is supportive and inclusive of all students. PJUSD did not modify its current policy, and CRLA is continuing to monitor board meeting agendas.

# Contesting Source of Income Discrimination

## The Issue

A landlord attempted to evict our clients because they did not want to accept Section 8.

## The facts

Our clients lived in a duplex for several years and their landlords issued a series of notices explicitly terminating their tenancy because the landlords did not want to accept Section 8. After CRLA sent a demand letter, the landlords doubled down and returned the clients' portion of rent claiming it was a partial payment and told our clients if they wanted to remain in the duplex they had to pay the Section 8 portion of the rent too. The landlords then pursued an unlawful detainer (UD) based on alleged owner move-in.

## CRLA's Response

CRLA Supervising Litigation Attorney Chloe McGrath Wright and Legal Director Aurora Thome represented the clients in the eviction, served discovery, and the UD was dismissed the day before our motion to compel discovery was supposed to be heard. In addition to preserving the clients' right to remain in their housing, CRLA also filed a complaint with the California Civil Rights Division (CRD) to seek relief for the source of income discrimination. During mediation of the CRD claim, the landlords asked to "pause" the mediation under the pretext of considering our clients' offer.

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# Contesting Source of Income Discrimination Continued

The clients were willing to settle for a nine-month agreement not to evict for no-fault just cause, payment of \$5,000, training, waive three month's rent, and a positive reference from landlord if clients moved out. The landlord never responded to that offer, and instead issued a notice to terminate our client's tenancy during the mediation pause. CRLA then filed a complaint in superior court. Our clients endured regular harassment by their landlords, but were able to find a new rental to move to a few months later.

The clients achieved a very positive settlement of their lawsuit: they agreed to accept a payment of \$90,000 from their landlords, and also had nearly \$3,000 in past-due rent waived. The clients were able to keep their Section 8 voucher and are very happy in their new rental.

# Participating in appellate court amicus activity to impact the law

## The Issue

In *City of Gilroy v. Superior Court*, a Public Records Act (PRA) case brought by Law Foundation of Silicon Valley, the Sixth Appellate District ruled that a public agency could fail to conduct a reasonable search and review in response to a PRA, and then destroy responsive records via a document-destruction policy, with no legal consequence.

## The facts

PRA requests are an important tool used by CRLA and other social justice organizations to monitor the actions and inactions of government agencies. In the *City of Gilroy*, despite a pending PRA that was still being pursued by the Law Foundation of Silicon Valley, Gilroy continued to apply its ordinary records retention and destruction schedule and destroyed responsive documents. The trial court concluded that “the City violated the CPRA by failing to conduct a reasonable search, by failing to timely reply and also by providing boilerplate objections that fail to identify why any withheld records were exempt.” Because there were no more records in existence to produce, the Sixth Appellate District concluded, no declaratory relief could issue. In other words, there was no legal consequence whatsoever for Gilroy’s undisputed failure to comply with the law and the City had no obligation to retain records that are responsive to a pending PRA request.

## CRLA’s Response

Left unchallenged, the Appellate Court decision could severely limit the effectiveness of PRAs submitted to agencies that want to shield their activities from public scrutiny. CRLA joined with other legal services organization and signed on to an amicus letter prepared by Disability Rights Education & Defense Fund that urged the California Supreme Court to grant review in *City of Gilroy v. Superior Court*. In late February 2024, the Supreme Court granted review of this case.

# Reducing the Unlawful Detainer Default Rate in San Joaquin County

## The Issue

A very high percentage of tenants facing eviction do not file an answer to unlawful detainer complaint within the required five days.

## The facts

Failing to answer an unlawful detainer complaint within five days allows the landlord to obtain a default judgment against the tenant which almost always results in the tenant being evicted. By filing a timely answer, tenants at least have a fighting chance of defeating the unlawful detainer complaint and remaining in their housing.

## CRLA's Response

CRLA advocates in San Joaquin County, both from the Tenant Justice Project and the Rural Justice Unit, have partnered to make a concerted effort to assist tenants facing a UD action to file timely responses and thereby reduce the number of tenants who lose their housing because of a default judgment entered against them. TJP and RJU advocates assisted clients with filling out answers, sponsored answer workshops, and provided other self-help resources to ensure that tenants know their rights and can preserve their right to trial by filing timely UD answers.

Data show that CRLA's efforts are paying dividends for San Joaquin County tenants. In 2021 when TJP took on providing additional self-help support for tenants (answer workshops, self-help resources) from the Court Self-Help Center, the UD default rate in San Joaquin County declined from 46% in 2020 to 42%. The UD default rate has steadily declined each year, and in 2023 dropped to 33%.



# Litigating to change unlawful employment practices in the agricultural industry

## The Issue

Agricultural workers were required by their employer to wait in the field without compensation for up to two hours each day until they were allowed to clock in to harvest lemons.

## The facts

Each workday of the lemon harvest season, CRLA's clients reported to a designated location to be driven to work by their employer. The daily drive from Yuma, Arizona, where they lived, to the fields near Calipatria in Imperial County, California, took about 1.5 hours. When they arrived at the field, their employer required them to wait in the fields for about two hours each day before they could clock in to start picking the lemons. Many members of the crew requested assistance from CRLA.

## CRLA's Response

CRLA filed a lawsuit on behalf of 22 individual clients against the farm labor contractors (FLCs) as well as Lemonica, the farm operator. AWP Coachella Staff Attorney Rocio Ortiz is lead counsel on the case and is supported by the full Coachella team, Directing Attorney Rosemary Bautista, Community Worker Lorena Martinez, and Administrative Legal Secretary Carmen Rodriguez, and Senior Litigator Josephine Weinberg. The lawsuit alleges that the FLCs and the farm operator are jointly responsible for the employment law violations. In addition to seeking recovery of wages due for all uncompensated time for the 22 plaintiffs, the lawsuit also seeks to recover penalties for about 200 other crew members and demands that the employers change their employment practices to comply with laws related to the payment of wages.

# Challenging racially discriminatory access to safe drinking water

## The Issue

Communities of color suffer the brunt of dangerous water contamination resulting from agricultural contaminants such as nitrate-based fertilizers.

## The facts

In small community water systems throughout California, those serving higher percentages of Latinx populations are statistically more likely to have tap water with higher levels of nitrate. In the Central Coast, low-income communities and communities of color experience disproportionately high concentrations of nitrates in their water supply compared to wealthier and/or whiter communities in the same region. In areas where substantial numbers of both Latinx and farmworker communities live, nitrate contamination is particularly acute, in some cases two or three times the state Maximum Contaminant Level (“MCL”). Consequently, Latinx communities disproportionately experience both acute and long-term health, social, and economic impacts associated with nitrate contamination in comparison to white communities.

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# Challenging racially discriminatory access to safe drinking water Continued

On behalf of their group clients Salinas Comité and Misión San Lucas, Erin Noel and Elias Rodriguez, with strong assistance from Mariah Thompson filed a 56-page Title VI Complaint with the United States Environmental Protection Agency. Additionally, CRLA's Water Justice and Data Science Fellow Jake Dialesandro analyzed drinking water well data in the Central Coast to support the Title VI complaint. The Complaint requests that EPA:

Immediately and thoroughly investigate the State Water Board's noncompliance with Title VI of the Civil Rights Act

Require the State Water Board to set enforceable limits for the application and discharge of nitrogen into groundwater to protect the public health of the Central Coast region.

Require full compliance with Title VI in policies that regulate nitrate contamination as a condition of Federal EPA funding of the State Water Board

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**THANK YOU  
FOR  
READING!**

Interested in working with CRLA on systemic advocacy? Please contact our Pro Bono team: **[probonosupport@crla.org](mailto:probonosupport@crla.org)**