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# Federal court lifts Santa Cruz homeless camp injunction

## Union vows to fight for housing and homelessness rights



The crowded condition of the San Lorenzo Park homeless encampment put residents at high risk of a COVID-19 outbreak. (Shmuel Thaler — Santa Cruz Sentinel file)

By [Jessica A. York](mailto:jyork@santacruzsentinel.com) | [jyork@santacruzsentinel.com](mailto:jyork@santacruzsentinel.com) | Santa Cruz Sentinel

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SANTA CRUZ — A federal judge ordered the lifting of an injunction Tuesday evening barring the City of Santa Cruz from clearing a homeless encampment from the city’s 11-acre San Lorenzo Park after more than a year.

The ruling, by U.S. District Court Northern District Magistrate Judge Susan van Keulen, was set to become effective just after 12:01 a.m. Thursday.

Van Keulen found it to be “of particular significance” that the city provided strong evidence of COVID-19 vaccine accessibility to residents of the Benchlands. Combined with the general downward trend in COVID-19 cases among vaccinated populations and the city’s efforts to inform the residents of the availability of the vaccine “significantly ameliorated the state-created danger that is the underpinning of the preliminary injunction.”

The decision came six hours after attorneys for plaintiffs Santa Cruz Homeless Union and Food Not Bombs and the city met via video conference for a [status update on the preliminary injunction](#), where both sides had been ordered to show cause for why the injunction should remain active. City attorneys argued the order should be lifted, while the plaintiffs' attorney argued the should remain in place.

A release Wednesday from California Homeless Union Statewide Organizing Council general counsel Anthony Prince, who represented plaintiffs in the case, cited the case as “a decisive, lifesaving, long-running legal victory” unseen elsewhere in the country.

“We accomplished our objective,” Homeless Union President Alicia Kuhl is quoted in the release. “We knew the injunction could not last forever, but we succeeded in stopping the city from destroying the encampment at the height of the pandemic. This is our victory because we know we saved lives.”

An emergency order preventing the city from its stated plan to fully empty an encampment of more than 100 people in the upper San Lorenzo Park area came at the end of December, when the plaintiffs initially filed the civil rights lawsuit. Van Keulen followed the short-term order with the longer preliminary injunction Jan. 20. Since that time, the order had been modified to allow the city to relocate more than 100 tents and their occupants into the park's lower benchlands area, along the San Lorenzo River. City Attorney Tony Condotti told van Keulen during a previous status conference that the city did not have immediate plans to empty the park, should the preliminary injunction be dissolved.

Van Keulen's order stated that “evidence from both Plaintiffs and Defendants demonstrate that the number of residents in the Benchlands who are willing to be vaccinated remains low.” She also wrote she recognized the concern in filings from plaintiffs that highlighted the advent of the contagious Delta variant of the COVID-19 virus. “... The City's demonstrated efforts to ensure the accessibility of the vaccine to the residents in the Benchlands again obviates any state-created danger,” van Keulen wrote.

The union will continue to fight for housing, homelessness rights and the union's expansion, according to Prince.