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Federal judge to decide Santa Cruz homeless camp's next step



More than 130 tent sites were relocated in April to the San Lorenzo Park Benchlands under federal court order. On Tuesday, the court will decide whether to dissolve or retain that order moving forward. (Jessica A. York — Santa Cruz Sentinel file)

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SANTA CRUZ — A temporary federal injunction protecting a more than year-old large homeless encampment from a city clear-out could be dissolved this week, as attorneys prepare to plea their case before a judicial magistrate.

As COVID-19 cases began to fall in the spring locally, U.S. District Court Magistrate Judge Susan van Keulen ordered the City of Santa Cruz and lawsuit plaintiffs the Santa Cruz Homeless Union and Food Not Bombs to explain why the order should remain or be dissolved. [During a May status conference](#), van Keulen warned that there was “some life left in the injunction,” but that “the day will come for it to be dissolved.”

In their court filing, attorneys for the City of Santa argued that health and safety conditions had trended downward countywide, when it came to the coronavirus pandemic and local cases.

“Since the injunction was granted, the COVID-19 situation within the County of Santa Cruz has improved dramatically, such that there simply is no longer a factual or legal basis for the Court’s injunction,” the city filing stated.

City Attorney Tony Condotti told van Keulen in May that he did not believe city officials would immediately disband the homeless camp with more than 130 tents and located in the San Lorenzo Park Benchlands, once she dissolved the injunction. The encampment remained mostly undisturbed from March to December 2020, when the city made efforts to clear out the area. A citizen protest and the lawsuit filing in December have since stayed the city’s hand.

Plaintiff’s attorney Anthony Prince argued in his latest filing for the court to retain the preliminary injunction and strengthen it. Prince’s filing recommended the judge order the creation of a formal joint committee that could inspect and investigate health and safety issues at the camp and to require the city to follow federal Centers for Disease Control and Prevention-recommended post-COVID-19 camp transition guidelines. His filing also urged the to court continue to monitor progress toward those points.

“In short, with the rapid spread of the Delta variant, the majority of Benchlands residents unvaccinated and with the CDC still advising against the clearing of encampments and recommending a cautious approach to modifying COVID-19 prevention measures as they pertain to the unhoused, dissolving the current injunction would not only be short-sighted but would undo the substantial progress that has been made with the generally successful relocation of the encampment to the Benchlands,” Prince’s filing reads, in part.

Specific numbers for the number of people who have received COVID-19 vaccinations at the benchlands were not provided. However, in an informal survey by city-hire camp stewards of some 75 occupants, four said they were interested, 34 said they were vaccinated and 36 said they were not interested, per court filings. Santa Cruz County’s Homeless Persons Health Project Manager Joey Crottogini told attorneys for the city that a regular vaccination clinic was held at the Coral Street office and that an outreach team visits the encampment weekly with offers to provide shots on-site, according to the city’s filing. Of some 80% of campers who have been offered a vaccine, “most” have declined, Crottogini reportedly told city attorneys.

The latest city court filings also include details about criminal conditions within the camp. A declaration from Santa Cruz Police Lt. Jon Bush provides a summary of fewer police calls for service, less internal violence and improved fire-safety conditions since the camp moved from upper San Lorenzo Park down closer to the river, but cited a need for continued close police and fire officials’ observation.

A hearing in the case is scheduled for Tuesday morning.

IF YOU GO

- **What:** Santa Cruz homeless lawsuit status conference.
- **When:** 11 a.m. Tuesday.
- **Where:** U.S. Court Northern District of California, San Jose Division.
- **At issue:** Dissolution of the preliminary injunction.
- **Watch:** Zoom: cand.uscourts.gov/judges/van-keulen-susan-svk.

