

May 25, 2021

The Honorable Judge David O. Carter, LA Human Rights Alliance, and the City and County of Los Angeles:

We, Women In Skid Row, represent a collective of community members, stakeholders and advocates of unhoused people of Skid Row, and we are extremely troubled by the consequences for our community should the Court's injunction be implemented. Despite purporting to be an attempt to combat the circumstances created by historical racism, displacement, and houselessness, especially for bodies of color, this injunction reads like the blueprint for white supremacy and systemic racism. The Court's ruling details how this country has upheld these harmful systems in the past, and yet only continues and expands upon these tactics, predominately targeting and impacting women on the streets and in our Skid Row community, especially those in the sex trade, drug users, trans people, queer people, gender nonconforming people and BIWOC. Painting unhoused people's needs in a few broad brushstrokes, the injunction categorically fails to consider the nuanced needs of women, people of color, and other marginalized people based on sexism, patriarchy, heterosexism, transphobia, stigma of drug-use and survival sex work, and daily exposure to gender violence and sexual violence. Instead, this ruling pushes these vulnerable populations to the crossroads of an order that provides multiple pathways to incarceration and mental health difficulties. It does this in part through the imposition of an arbitrary timeline that places the demands of downtown business owners' before human rights considerations for the people most impacted, amounting to state-sanctioned violence on so many of the community of residents in Skid Row and dozens of smaller communities of unhoused people across the county, conveniently not represented as plaintiffs or consulted to discover their true needs.

Through this letter, we hope to address several concerns that are particular to the unhoused community that we believe have not been sufficiently considered when issuing this injunction. For the purposes of this letter, we will focus on Skid Row, because this is our community. We care for all the community members of Skid Row, but we will speak especially to the unique issues faced by the groups of unhoused Angelenos targeted and unduly burdened by this injunction: women, Black, Indigenous and people of color, and people who use drugs or engage in sex work.

One glaring issue with the injunction is that the timeline for offering and accepting housing is not based on reality and raises significant constitutional concerns. While seemingly giving women "priority" by placing them at the center of the city's earliest

deadline to offer shelter, the injunction actually places extra burdens on women by giving them less time to make decisions for themselves about whether and under what conditions to accept such an offer. Further, the timeline is inconsistent with current policy for temporary and emergency shelters, which usually allows individuals to stay for 90 days. According to the injunction's timeline, if a woman accepts shelter at the earliest offer (assuming availability of adequate shelter that matches their needs), by the time they have reached their maximum shelter time and are forced back onto the streets, they will still be targeted in the inevitable post-offer police sweeps of Skid Row *despite the fact that they accepted shelter when offered*. This creates an equal protection and due process imbalance, as women who accept shelter and comply with the injunction will then be equally as vulnerable to incarceration as those who do not accept.

In fact, this entire order paradoxically puts more onus on the unhoused community than it does on the city that has utterly failed to help them. By creating such a black-and-white timeline with no nuance or consideration for the actual needs of the unhoused community, unhoused individuals will be forced to make major life decisions on where and how they live or face incarceration and loss of their possessions. All the city needs to provide to be in compliance with the *Boise* decision is an "adequate" alternative to the street. But who decides what is "adequate?" Surely those unhoused would have a better idea of what is adequate to meet their needs than the city that wants so desperately to have them simply disappear. For example, emergency shelters are not adequate alternatives to the street. They are not a long term solution for housing, but rather part of the revolving door that contributes to the endless cycle of incarceration and homelessness; many people end up back out on the streets and unhoused, making these shelters just another pathway to incarceration post-injunction.

Not only are shelters not long-term solutions, they are not safe places, especially for women and particularly trans women. People in shelters, particularly women, often experience discrimination, verbal and emotional abuse, physical or sexual assault, increased vulnerability to COVID and other illnesses, and exposure to bed bugs and other various infestations which thrive in shelters. Shared bathrooms in shelters are unsafe for trans and gender non-conforming folks. Most importantly, shelters do not help residents get housed and often re-traumatize unhoused individuals. This is especially true for women, who are primarily on the streets due to experiences with domestic/family violence and other forms of violence. In fact, in this very injunction, the Court explains that "with demand for shelter outpacing supply, and with shelters being often inhospitable places for women even when they are available, it is no surprise that the number of unaccompanied women living on the streets continues to grow." (page 65). Despite laying out this accurate analysis of why many women do not enter shelters, the proposed solution would inevitably result in criminalization of those who

feel safer remaining on the street. Further, shelters take away residents' autonomy; some shelters even lay claim to monetary resources residents receive from the government like general relief, food stamps, or SSI. Shelters are not the solution for homelessness.

Any analysis of the undue burden faced by women would be incomplete without mention of the feminization of poverty. Women are experiencing poverty at a disproportionately higher rate than men.¹ A steady decrease in low-cost housing has resulted in a dramatic increase in homelessness for women. As a result, women are forced into inadequate dwellings and shelters, where they are often the victims of violence and abuse by shelter workers or others in proximity. The services provided for women in these environments are not equipped to meet even their most basic needs. Now, as a result of a global pandemic, with mass evictions looming as a result of a global pandemic, special consideration must be given for women and children who are vulnerable to poverty, violence, and abuse. Women need dignified housing services. Women experience violence at a higher rate than others, and are then re-traumatized by violent interventions launched against homeless people. It is our obligation as a society to prevent the continuation of this cycle of violence. Over-reliance on models that have already proved to be failures, including using emergency shelters as long-term solutions to homelessness, will only perpetuate this vicious cycle.

We realize that this issue is nationwide, but nowhere represents the plight of the unhoused like Skid Row. The United States has been called out by the United Nations Special Rapporteur on Extreme Poverty and Human Rights as utterly failing to protect the human rights of those experiencing extreme poverty and homelessness.² The US has turned a blind eye to international human rights standards detailed by the United Nations in several treaties.³

Housing must as well be safe under international law, which includes protection of women and girls against domestic violence, in accordance with the UN Declaration on the Elimination of Violence against Women.

¹ Downtown Women's Action Coalition, *DWAC Needs Report*, p. 33 (2020).

² United Nations Human Rights Council, Report of the Special Rapporteur on extreme poverty and human rights on his mission to the United States of America, A/HRC/38/33 (2018).

³ The International Covenant on Economic, Social and Cultural Rights requires that parties "[...] recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing" (art. 11.1), and that men and women have an equal right to enjoy this right (art. 3). In addition, all States must guarantee the right to adequate housing without any discrimination of any kind, including in relation to sex (art. 2.2). The Convention on the Elimination of All Forms of Discrimination against Women requires that States "shall ensure to such women the right [...] (h) to enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications"(art. 14.2).

In 2020 the Human Rights Council urged States to “prevent and respond to the increase in violence against women and girls amid the COVID-19 pandemic...”⁴. Further, the Council has urged States to “ensure women’s equal right to adequate housing as a component of the right to an adequate standard of living in all aspects of housing strategies, including through equal access to credit, mortgages, home ownership and rental housing, to take the safety of such housing properly into account, especially when women and children face any form of violence or threat of violence, and to undertake legislative and other reforms to realize equal rights for all with respect to property and inheritance.” (Resolution 43/14). Our international partners understand the necessity of true, safe, whole-person housing; why do we continue to ignore it?

The women who live in Skid Row are part of the larger Skid Row community. And the people who live in this community - whether housed or unhoused - do not want to be displaced from their own support networks and service organizations into other districts. Due to the complex and long history of Skid Row, it is today a community that has developed special resources to serve the special needs of its members. Women who belong to this community need access to these local resources organically formed to meet their needs, because those resources do not exist in other places. These resources include safe spaces, empowerment and assistance programs for women and health and mental health resources. These resources provide accessible, trauma-informed, and harm-reduction oriented care tailored to the needs of the community. Many in Skid Row live with complex medical conditions such as cancer, HIV/AIDS, heart failure, chronic lung conditions, and other illnesses. These conditions require not just complex medical management, but expert knowledge in providing care in a trauma-informed, patient-centered, harm-reduction oriented manner. Clinics in Skid Row have developed long standing patient relationships with community members by building relationships with outreach teams, community groups, and advocates.

Other organizations in the Skid Row community offer harm reduction services to the people who use drugs (PWUD) and sex workers who are unhoused. Harm reduction is an evidence based public health approach that emphasizes reducing the negative effects of drug use rather than eliminating drug use or attaining abstinence. Harm reduction saves lives. This can be accomplished through a wide range of practices and policies that include, but are not limited to: access to naloxone, the lifesaving opioid overdose reversal drug; access to clean drug use paraphernalia, such as syringes and pipes, to prevent the spread of disease; access to condoms, and; connection to medically assisted treatment for substance use disorder, should an individual choose to take that step. Harm reduction is reconnecting isolated people with a nonviolent part of society, through trauma informed care, after years of systemic

⁴ Resolution 44/17, <https://undocs.org/en/A/HRC/RES/44/17>

assault and battery. The nation has become used to the term “harm reduction” through the COVID-19 pandemic, but harm reduction is also about building trust to combat the forces of shame and stigma that damage people, because of systems and ideologies. Harm reduction is about systems change; it is a social justice movement that advocates for people. It holds a harmful system accountable, rather than pushing people to comply with what is seen as socially acceptable behavior. Harm reduction connects vulnerable people to care, while advocating for them.

Harm reduction should be used in the same way for sex work. Sex work should be recognized as work and, as a legitimate labor choice, it should be subject to labor rights. Due to current stigma and criminalization, however, there are risks to this work. Harm reduction can be used to reduce any harmful effects associated with sex work and support the health, wellness and safety of sex workers, rather than the current attitude of attempting to offer “salvation”.

We would like to acknowledge that there is a large population of female presenting sex workers and PWUD in Skid Row. There is also an intersection between sex work, drug use, and homelessness. There can be a hesitancy to address the intersection between drug use and sex work, especially within the sex worker community, and there can be a hesitancy to fully embrace sex workers within all communities. The source of this is stigma and it puts us at an impasse around deep conversation. This injunction presents no instruction on how to address these issues and ignores that many housing options offered to the unhoused are restrictive around drug use and sex work. Offering housing without a harm-reduction focus will fail.

The complex networks of support on Skid Row are lifesaving to many extremely vulnerable people. They also allow for people to have continuity in their medical care and access to wellness and preventative care, rather than only accessing emergency services when conditions become severe and acute. Not only are these humane approaches to healthcare, these interventions are proven overall cost-saving mechanisms. The order as it stands will destroy these complex and long-standing relationships, and ultimately lead not just to worsening health conditions, direct harm to community members, but also to increased cost to emergency service providers and medical systems. This order protects the interests of Real Estate businesses and developers who want to gentrify the Skid Row area by forcing the poor people who already live here out. Skid Row is already a viable community, improvements to the area should benefit the people who already live there and the communities of unhoused people that have made Skid Row their home. This is a historical community that needs to be protected.

The boundaries of Skid Row were established in 1976 when the city implemented the recommendations made in the “Blue Book” discussed in the injunction; the boundaries are from 3rd street in the North, to 7th street in the South and from Main street in the West to South Alameda street in the East. The full title of the book is “Report of the Citizens Advisory Committee on the Los Angeles City Central Business District Development Plan,” and it is misrepresented as a plan that was designed to contain homeless people. The actual proposal of the plan was to preserve any existing affordable housing and upgrade the existing SRO hotels in Skid Row into additional safe and affordable housing, so that the people who were already living in the neighborhood would be permanently housed. The implementation of this plan created a community of long term residents in the hotels that use the services that consolidated in Skid Row.

This hotel community is less visible than the people living in the streets, but it too needs to be acknowledged and protected. At this moment Skid Row is the only neighborhood in Los Angeles which offers housing at levels that are more affordable than the standard unaffordable “affordable housing” for poor people. Recognizing this need and the special opportunities that Skid Row offers as a neighborhood, the LA Department of City Planning has created a special zone in Skid Row: the iX1 zone as part of the DTLA 2040 community plan. This zone allows restricted affordable units for Deeply Low, Very Low, Low and Moderate Income households, in addition to supportive housing uses. This is a visionary approach to ending homelessness and redlining. The zone should be expanded and implemented throughout all of Los Angeles.

The Court’s injunction lays out the ways in which racism has impacted Angelenos of color, specifically Black Angelenos, pushing many into houselessness. The injunction correctly notes that “people of color are disproportionately affected by the [affordable housing] shortage...In some instances, housing discrimination in Los Angeles County is directed explicitly at Black people” (26) and “Project Roomkey rooms have been disproportionately made available to white homeless Angelenos...Between 365,000 and 495,000 households in Los Angeles County face imminent risk of eviction, most of whom are lower-income people of color, in particular Black Angelenos”(18) Recognizing these imbalanced circumstances, a proposal to offer shelter to Angelenos followed by criminalization of those who remain outside is an absurdity. Despite acknowledging the ways in which housing and shelter programs routinely neglect and discriminate against Black unhoused Angelenos, the injunction fails to adequately address this problem. Furthermore, any plans that seek to disperse, decompress and dilute the community, particularly Black people-power and voter power of Skid Row attempts to remove the interests of and disenfranchise unhoused Skid Row residents while pandering to the interests of business owners and developers.

While purporting to task the city with housing the population of Skid Row and other unhoused communities, the injunction instead shifts the burden onto the unhoused population itself, by criminalizing those who choose not to accept temporary, dangerous, or inadequate housing options. Further, this will disproportionately impact Black unhoused Angelenos even if they *do* choose to accept housing for the structural racism reasons noted by the court. At best, the actions proposed by the court sacrifice the current unhoused population's safety, autonomy, and dignity for a potentially more equitable future. Yet, lacking the necessary actions to attain such a future, this injunction only uses the history of racism and discrimination in order to camouflange a move to sweep away and banish unhoused Angelenos. This move will inevitably disproportionately impact Black unhoused, and soon-to-be-unhoused, Angelenos.

No housing program will be successful without using a Housing First model. "Housing First" is an evidence-based approach to serving people experiencing houselessness that recognizes people must first be able to access a decent, safe place to live, that does not limit length of stay, before stabilizing in other areas of their lives. This requires the removal of barriers to accessing the housing, like requirements for sobriety or absence of criminal history. A Housing First approach values the unhoused person's choice not only in where to live, but *whether to participate in services*. This housing can be supportive housing or other type of re-housing, but ultimately the goal is not just to put someone in a house, but to make the other accommodations needed for housing stability and quality of life. The core components of Housing First have even been codified into California Law.⁵ And yet, the Court's injunction does not take into consideration the full experience of an unhoused person, simply shuttling them into housing or arresting them if they do not or cannot comply. We appreciate the desire to house our unhoused community. It is an extremely worthy goal. But without the viewpoint of Housing First, there is no acknowledgement of the humanity of persons unhoused - this injunction seeks to move unhoused people around like property.

While this order offers a historical account of the systemic racism that has a permanent and ongoing effect on Los Angeles, it only reinforces the status quo by forcing prescribed solutions for the unhoused without consulting them or their grassroots community associations. We appeal to you to overturn or reconsider this ruling in order to better reflect the true systemic changes that must be made in order to address the issues facing unhoused communities, especially those facing women and BIPOC. In closing, we believe this order manipulates public perception, deliberately deceiving the concerned public to believe that this demand on the city will be the "quick fix" that people in power are looking for.

⁵ Codified as California Welfare & Institutions Code § 8255.

Burying damaging actions underneath a 100-page historical lesson preamble hides the likely result of this injunction: the continued stigma of the unhoused as deserving of less autonomy and dignity and the employment of state violence to forcibly remove them in violation of their basic human rights.

We, Women In Skid Row, propose the following actions in place of this potentially disastrous injunction:

1. Long Term and Permanent housing for the people currently unhoused in Skid Row to be housed in the revitalized Skid Row designated area between 3rd and 7th street and Alameda to Main street. As a community, we are tied to this place with networks and resources, offering housing in other areas of Los Angeles will destroy these connections.
2. Any enhancements, such as “affordable” housing, services, and other facilities, made to Skid Row should benefit the housed and unhoused long-term communities of Skid Row and not outside business and development interests.
3. Expand the LA Department of City Planning iX1 zone created as a part of the DTLA 2040 community plan. This zone allows restricted affordable units for Deeply Low, Very Low, Low and Moderate Income households, in addition to supportive housing uses. This is a visionary approach to ending homelessness and redlining - this zone should be expanded to include all of Skid Row and should also be implemented throughout all of Los Angeles.
4. Require the city to provide harm reduction and housing first models that house people without requiring them to be punished, take classes, convert to religions, or change their behaviors in order to be housed. This approach addresses the whole person and acknowledges there is no one-size-fits-all solution or programming.
5. Require special consideration of women’s needs, addressing their experiences of violence and need for safety in all options for housing.
6. Re-examine HHH allocations. Many of the “letters of commitment” given to developers are now toxic because of association with Jose Huizar.
7. Use CARES Act funds to house people in hotels (100% reimbursement to LA City).
8. Ensure that the voices of Skid Row impacted residents and others experiencing homelessness are at the forefront and guide this effort.
9. Allow people to choose where they want to live and prioritize the services they want and need.
10. Convert all vacant city and county owned property into housing that can be used for women and families.

For all of the reasons stated above we strongly advise against the issuance of this injunction and actions specific to Skid Row. If the true objective being to address homelessness, real, permanent homes should be offered and not a re-serving of what has been made available in the past. People placed in shelters are still unhoused. Shelters do not address homelessness, nor does criminalizing those who do not accept shelter.

To bring an end to the ways in which displacement, institutional violence and structural racism decimates unhoused communities, the voices of those in communities like Skid Row must be heard. We need look no further than the outcomes of shelter and enforcement in Orange County. A displacement of people, who remain unhoused.

Skid Row is our home, it is a community we love, we see what works and what does not. We have recommendations from impacted, unhoused women in our community - this is the instruction real solutions must follow. Those with lived experience know what they need and have proven solutions that foster self-determination, stress the need for stable housing and do not involve the police at any step of the process.

There is no way to credibly implement housing solutions for women without the voices, experience, expertise, and Herstories of women in our communities.

Respectfully,

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