

## FOR IMMEDIATE RELEASE

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## **Where Do We Go? Denounces Defamatory Claims in Unfiled, But Much-Publicized, Complaint by Businesses Threatening Berkeley for Failing to Remove Encampments.**

### **Berkeley, CA**

Where Do We Go? today denounced defamatory allegations in a much-publicized complaint for injunctive relief in which various Berkeley businesses are named as plaintiffs. As of today, the complaint has not been filed in Alameda County Superior Court or served on the City of Berkeley.

In the complaint the plaintiffs allege “Upon information and belief, encampment residents refuse shelter on the advice of advocates, including from the Where Do We Go? organization in Berkeley.” Ian Cordova Morales, WDWG President, responded, “That is a flat out lie. We have never encouraged anyone to refuse shelter. On the contrary, we have done everything that we can to help people navigate the maze of obstacles that prevents people from obtaining shelter. We have advocated relentlessly on every level of government for more shelter and for more transitional and permanent housing.”

The complaint further alleges that “Upon information and belief, the City is threatened with litigation by organizations such as Where Do We Go? And/or the East Bay Community Law Center whenever the City wants to clean up encampments.” To this allegation, Andrea Henson, Executive Director and lead legal counsel of Where Do We Go? Responded: “We do not file lawsuits whenever the City wants to clean up encampments. That’s nonsense. We have worked with the City on numerous occasions to find ways to clean encampments that does not result in the displacement of the communities that are created there and the destruction of property. We have sued and have vigorously advocated to defend the constitutionally protected rights of unhoused people. We have sued and vigorously advocated to obtain for unhoused people with physical and mental disabilities accommodations required by the Americans With Disabilities Act, in the way that the City of Berkeley implements its policies and practices regarding people experiencing homelessness.

It appears the announcement of this complaint was timed to coincide with the Berkeley City Council meeting at which it had on its agenda a proposal, which would result in the removal of the encampment at Harrison Street (one of the main focuses of the complaint). It’s unclear at this point whether the announcement was a ploy to influence the Council. It’s unclear whether the plaintiffs will get around to filing it. In any case what the business plaintiffs and

their lawyers have done is set up a conflict between the rights of business owners, purportedly harmed by the encampments, and the Constitutionally protected rights and rights under the ADA of the unhoused residents of the encampments about which they complain. Those rights include the right under the 14<sup>th</sup> Amendment not to have their life, liberty, and property put in danger by actions of the City Government, the Fourth Amendment right against having their property unreasonably seized; and the rights of the many people in those encampments who suffer from mental and physical disabilities, to be given the help and time and resources they need to comply with any requirements imposed upon them by the City.

The conflict between the rights of the unhoused and the rights of the businesses is entirely avoidable. It is a result of failed policies by the City of Berkeley (as well as the county, state, and federal government). People in the encampments about which the businesses complain, have moved into proximity with those businesses, because they were forced out, over and over again, from encampments that did not place them on those businesses' doorsteps. The people in those encampments have, often for years, seen their applications for housing languish at the bottom of endless waiting lists. The people in those encampments have health needs that have not been met, including needs from support for their mental and physical health. The people in those encampments have wanted sanitation facilities and regular garbage pickup, and what they've gotten, for all their wanting, are complaints about how unhealthy the encampments are. Where Do We Go? has tried to meet some of their needs, but we are a tiny organization and cannot do what government has failed to do over and over again. The filing of this complaint is another unhelpful and counterproductive intervention by self-interested parties in a crisis caused by our failure to ensure that everyone, at a minimum, has a roof over their heads and a place to shelter from the storm. And the people who are suffering the most from that failure are the unhoused who are still asking Where Do We Go?."

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