



Press contacts: Maureen Sheehy (msheehy@kilpatricktownsend.com) or Osha Neumann (oshaneumann@gmail.com, (510) 717-8604).

Historic Lawsuit Settled on Behalf of Albany Housing Advocates and 28 Residents of the Albany Bulb

SAN FRANCISCO (April 23) – [Kilpatrick Townsend & Stockton](#) along with the [East Bay Community Law Center](#) and the [Homeless Action Center](#) announced that today they have settled the lawsuit against the City of Albany (the City) on behalf of Albany Housing Advocates and 28 homeless Albany residents who currently live on a closed landfill known as the Albany Bulb. Plaintiffs sued Albany for violation federal and state disability laws and homeless Bulb residents' constitutional rights, including 4th Amendment property protections.

The 28 residents will be entitled to a \$3,000 cash payment in exchange for their agreement to vacate the Bulb and remove all their personal property no later than April 25, 2014. In lieu of removing their personal property at their own expense, they may designate personal property to be removed and stored by the City for up to 120 days. Plaintiffs who do not accept the settlement will be entitled to dismiss their claims without prejudice. The Settlement Agreement is attached.

“For a number of Albany residents experiencing homelessness, the Bulb has been a place they call home for 15 or more years. To simply evict them without providing any compensation to assist with additional housing arrangements was not acceptable. This agreement gives these residents recognition that they have a voice and are not simply anonymous individuals,” said **Maureen Sheehy**, who led the effort for Kilpatrick Townsend.

The lawsuit and request for a temporary restraining order was filed in November of last year after the City failed to respond to a demand letter asking the City to postpone its plan to evict Bulb residents in the middle of November as winter approached. Plaintiffs asked that they not be evicted until a plan was developed to provide them access to suitable housing. Plaintiffs' complaint asserted that the City's offer to set up a temporary shelter in portable trailers parked next to the entrance road to the landfill was insufficient given that the portables would be inaccessible to many Bulb residents with disabilities, there would not be enough beds for everyone who was evicted, and they would not provide people the right to privacy that they enjoyed in their homes on the Bulb.

In November, the U.S. District Court in San Francisco cleared the way for the City to evict nearly 60 homeless people residing on the Bulb. In December, The City of Albany began enforcing section 8-4 of the Albany Municipal Code and began evicting and destroying some

of the residents' homes. The lawsuit contended that City's enforcement of section 8-4 violated the Constitution, as it essentially made it illegal to be homeless in Albany.

"We are happy to have reached a resolution and are hopeful that this settlement will send a message that homeless people should be treated with dignity and respect," said **Patricia Wall**, Executive Director of the Homeless Action Center. "Like other U.S. citizens, homeless people also have rights under the Constitution," she added.

Osha Neumann of the East Bay Community Law Center, who has been working with residents of the Bulb for 15 years, struck a bitter-sweet note: "What is sad," he said, "is that when this case is done Albany will have destroyed a rare and admirable community of people society calls homeless. On the Bulb they had homes! Now many of them will be back on the street. I'm glad we got some of them bit of compensation. That's more than they usually get when kicked out of town. But the fact that they're getting kicked out of town is the problem. And that struggle isn't over."

###