



AN OPEN LETTER TO THE MAYOR AND CITY COUNCIL

June 3, 2018

Dear Mayor Arreguin and City Council Members

Another unnecessary disaster is in the making.

This is becoming exhausting. And sad. We get turned into broken records. We don't even want to hear ourselves repeating the tired phrases. But we have no choice.

On Memorial Day, the City of Berkeley sent its police to evict dozens of people who had been living in their vehicles on a perfectly empty margin of Marina Boulevard. They'd been there for months, in some cases for a year or more. They asked where they could go, and there was no answer. Just get out. Which they did, under threat of being cited and having their vehicles (their homes) towed. We wish them luck.

Three days later, BPD Officer Scott, accompanied by a representative of the City Manager's office was on the corner of Cedar and Second Street distributing a "Public Notice," dated May 29, the day after Memorial Day. It is addressed to:

Persons lodging/camping on Second Street, Jones Street, Cedar Street, and Virginia Street

Immediately below this description of the intended recipients it states:

Notice of Violation of PC 647e (Lodging on Public Property); Berkeley Municipal Code (BMC) 14.48.020 — Obstruction of Streets/Sidewalk; and Instructions for Retrieval of Unattended Property.

The body of the notice warns in bold type:

Lodging at Second Street, Jones Street, Cedar Street and Virginia Street is not permitted. Please take this opportunity to immediately collect your belongings and leave this location. The City prefers not to have to resort to citation or arrest to gain your compliance with this notice. However, absent voluntary compliance, failure to comply may result in citations and arrest. Arrested individuals may be booked into the Berkeley jail in appropriate circumstances.

I came upon the Officer Scott and the City Manager's representative by chance as I was driving down Cedar. I asked them the question they expected me to ask, "Where are people supposed to go?" and they gave the answer I expected them to give, "We don't know." That sad little exchange happens all too often. They really don't know where people are supposed to go. They just know their job is to kick them out of where they are with grave threats and boldface type. It's not their fault. But it is the fault of the City

I asked when the eviction was going to take place. Neither the representative of the City Manager's office nor Officer Scott would say. Could be the weekend. Could be next week. The notice said immediately.

To the north of where we were standing rows of tents and tarps stretched down Second Street for blocks with vast piles of possessions of various sorts all around and in between. To the south, the block between Cedar and Virginia was fenced off with chain-link fence, behind which sat two empty portables, the future home of a Pathways STAIR Center, that has been rumored to open for some time and might open in June. Or not.

Homeless people who might want to move in will have to wait. But it appears the City won't wait. Won't wait for its own Pathways project. People need to get out "immediately." Tenants facing eviction get 30 days, 60 days. The folks living along Second Street get no time. And aren't even told when the eviction will take place. They must live in fear, in some cases, in terror.

This is really sad. It's really past sad.

"Lodging at Second Street . . . is not permitted," says the notice. It *has* been permitted (tacitly) for months, in fact for over a year. Tacit permission is all that homeless people get in Berkeley these days. They have to read the tea leaves. They have to find a place where it looks like it's okay, a place as out-of-the-way as possible, as innocuous as possible. This is Second Street between Cedar and Jones:



Unpaved. Bordered by the backs of storage facilities. No business opens onto that block. There's not a residence in sight. The City knew people were there. They weren't hiding. The City installed a porta potty on the corner. But now permission (tacit) is being yanked away. With threats of arrest. People who have built lives on this block, terribly difficult,

impossible lives, but lives nevertheless, will become doubly, triply refugees with no homeland in Berkeley.

Here is a picture of that block as it looks today:



Here's a picture of Second Street between Jones and Page:



Move immediately? It's a joke.

I understand that sometimes the fact that some people on the street collect a significant amount of belongings is viewed as a "problem." If it is a problem, it's not just a problem of "stuff" that can be solved by throwing the stuff into a truck and carting it to the dump. It's a human problem that implicates human lives; it needs to be solved humanely. *(If we, the housed, threw all our belongings out onto the street would we have less?)*

Does the City have any idea who's living on Second Street? It's mostly people who have been homeless for many many years for reasons too numerous to mention, but which include the fact that they have significant mental and physical disabilities. They are people with difficult lives who do not deserve to have their lives made more difficult by us. If we can't help, at least let us do no harm.

One person who lives on the street goes by Momma Bear.

This is her home on the block between Cedar and Jones:



She has been living on Second Street for over a year. She moved there when she was evicted from under the Gilman overpass. She had moved to Gilman when she was evicted from the Albany Bulb. When she was on the Bulb she could walk. She built herself a home. She landscaped all around it. Then in July, 2013, she had a terrible accident on her bike. A car came out of a side street and slammed into her, driving the peddle of her bike into her leg. The doctors tried multiple skin grafts to close the wound, but the wound wouldn't close. Living out on the landfill she was unable to keep it clean. Her situation was no better, actually worse, under Gilman. She developed cellulites in both legs. They turned swollen and purple.

Here is a picture of her legs:



Under Gilman, unable to keep the wound clean, unable to bathe, without adequate medical care, she began to lose the use of her legs. She hobbled, leaning on a bicycle and then a walker. She has been on a list for housing, but despite appeals from advocates no housing has been offered. Now, on Second Street she can no longer walk. She is a wheelchair user. She is too weak to get anywhere with a manual chair. Through efforts of advocates she finally obtained an electric wheelchair. But there are no outlets on Second Street. She has no way to charge its battery. So for days she is stuck. Marooned in her hovel. And now, *immediately* she is ordered to leave. And offered no place to go.

And hers is only one story of Second Street.

Is there a point anymore in expressing outrage?

Cannot the City at least wait until the Pathways Project is open?

Enough is enough. The City has an obligation before it evicts people from their homes, carts away their belongings, and criminalizes them, to provide an alternative. That's what morality requires. That's what the law and the Constitution command.

Very truly yours,

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Postscript:

On Monday, June 4, the day after the above letter was sent, City of Berkeley public works crews, accompanied in the early morning by Berkeley police, and utilizing heavy duty trucks and front loaders, carried out the threatened evictions from Second, Jones and Cedars. People struggled to save what positions they could and scattered to neighboring streets, sometimes traveling only a half a block away.

The Pathways Project is scheduled to open June 23.