

"It is fundamentally a war between classes, not a difference of opinion between Democrats and Republicans. On many of these issues, ostensibly liberal people can be just as bad or worse than conservatives."

— Peter Marin, activist and writer

by Robert Norse

Glen Mowrer, an attorney with the Committee for Social Justice in Santa Barbara, has won a court ruling that temporarily halts enforcement of a pair of anti-homeless ordinances aimed at making it impossible for poor residents of this affluent seaside city to reside in their vehicles.

On Thursday, March 27, a Santa Barbara judge granted a temporary restraining order that precludes enforcement of two ordinances that impose a two-hour limit on parking a recreational vehicle (RV) anywhere in the city, and ban RV parking from 2 a.m. to 6 a.m. on all public streets.

Peter Marin, founder of the Committee for Social Justice, said the court ruling "shows we have an argument that is compelling enough to make someone sit up and take notice." On April 11, a court hearing will be held to decide if the temporary injunction will be made permanent.

Three years ago, the Committee for Social Justice began its push to educate politicians about the naked fact that affordable housing for a poor person in Santa Barbara is, as likely as not, a vehicle.

Marin struggled unsuccessfully through meeting after meeting to get local officials to set aside parking places for those living in vehicles. They established space for only 15 vehicles in a town where Homes on Wheels estimates 400 vehicles are occupied by more than 500 people.

During that time, former Chief Public Defender Glen Mowrer successfully fielded scores of homeless cases, reversing several camping convictions by using the important "necessity" defense to argue that violating laws regarding dwelling in vehicles is justi-

fied to avoid the greater evil suffered when people go without any shelter at all.

In response, city authorities ignored their own task force recommendations and passed two new laws criminalizing van dwellers. One set an iron-clad two-hour limit on parking a recreational vehicle anywhere in the city. The second banned all RV parking from 2 a.m. to 6 a.m. on all public streets and parking lots. More than 100 tickets have been issued under these laws, according to Mowrer, with \$23 fines for each ticket. Multiple unpaid fines lead to vehicle booting and subsequent towaways or "home-nappings."

Fighting these tickets requires a tedious, time-consuming journey through an administrative process, first in the police department, then in front of a hearing officer appointed by the SBPD, then an appeal to a court, then a trial. After all this, it's still not clear that the necessity defense can be as strongly argued, because the process is civil and administrative rather than criminal.

On March 19, Mowrer struck back by filing for an injunction against the two

laws aimed at rolling the homeless out of town. Scouring law books and legal precedents, Mowrer came up with several arguments. The state vehicle code pre-empted the field with its requirement that you can't enforce any parking limits (other than No Parking signs from 2 a.m. to 6 a.m.) unless they are universally posted, so as to provide adequate notice to vehicle owners. City authorities don't want to post every street in the city and, on March 25 at a hearing, acknowledged as much. The city attorney indicated he would be trying to post appropriate notices on all incoming roads.

As for the 2 a.m.-6 a.m. "no [homeless] parking" signs, Mowrer argued that the City cannot ban RVs, a special class of vehicles. An attorney general's opinion held that it's ban all vehicles or ban none.

Additionally, the tanglewire of laws in Santa Barbara attacking homeless people violates the right to travel. When taken together, these laws — those against sleeping in vehicles, those that bar living in RVs outside parks, the 2 a.m.-6 a.m. ban, the law against parking for longer

than two hours — present an impassable barrier for any RV user trying to travel.

Excoriating politicians who have defeated efforts to set up legal RV parking areas, Peter Marin said, "I'm too old to have hopes any longer about changing the minds of... bureaucrats, but it is astonishing and people should make note that this is a liberal council that voted 4-3 against the Iraqi war. It voted 5-2 in favor of depriving the homeless of a place to park their vehicles, and against any alternative public space for them to park. What we have here are clearly liberal people fucking over the poor. Not surprising.

"It is fundamentally a war between classes, not a difference of opinion between Democrats and Republicans. On many of these issues, ostensibly liberal people can be just as bad or worse than conservatives. It's important that people not misunderstand who's doing this to whom."

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Taking Bigoted City Laws to Court in Santa Barbara