

Though the appeals court rejected Mowrer's argument that Santa Barbara cannot selectively ban a type of vehicle, such as an RV, it did intimate it would consider an argument down the road that the law was designed to ban a class of people. This concern about equal protection was the basis on which a "keep off the grass" law in Carmel was thrown out in the late 1960s; specifically designed to remove hippies, the law against "undesirable types" was found to be unconstitutional.

After the appeals court victory, Mowrer got Judge Brown to disqualify himself, and approached a new judge, Denise Debellefeuille. Judge Debellefeuille held the hearing that Brown wouldn't, and rejected the modified signage proposal brought forward by the City. She ruled that the signs were confusing in their wording, looked like general "no parking" signs, were hard to read, and were not placed in enough spots to give adequate notice.

While the case was on appeal, the City continued to give out the suspect tickets to RV dwellers, forcing houseless folks whose vehicles are their homes outside city limits into the county, which has a "no camping" but not a "no parking" law.

Peter Marin, a longtime writer and social activist on homeless issues in Santa Barbara, said, "They've suspended all ticketing. However, they've already broken up the large communities of RVs which had collected in a few places. These [RVs] may have constituted a real problem. But the City could have dealt with them by local signage or

permits on problem streets, without such a draconian law which drove all RV dwellers out of the city."

Mowrer explained, "The City passed a law and started enforcing it without any signs. Then the Court of Appeals found those signs inadequate. The City proposed new signs. Judge Debellefeuille found the modified signage insufficient. Now the City wants to come back into court again with a third version. How many times are we going to have to go through this? We're asking that they wait [and the injunction stays in force] until the trial in February or March."

The problem, Mowrer added, is a selectively enforced ban targeted at houseless people. "I know of three RVs parked on the street. I see them when I walk my dog. These are 'respectable' vans used by families for temporary housing when they visit relatives."

The case hasn't been cheap. Funded most recently by a grant from the Fund for Santa Barbara, it's expected to cost over \$30,000, with expert witness testimony about the adequacy of signage taking up a chunk of the change.

At the case management hearing on December 16, Mowrer argued that the City's repeated attempts to lift the preliminary injunction with yet another "signage" proposal had to wait until the actual trial in March. Judge Debellefeuille agreed. Mowrer further amended the complaint, alleging that the City acted in bad faith and for malicious purposes.

The city attorney said he may appeal Debellefeuille's ruling, which could delay the final resolution of the case another year, leaving the anti-homeless RV law suspended and the homeless people living in vehicles protected. If the City doesn't appeal, Mowrer and Santa Barbara's "RV terminators" are due back in court on February 3, 2005, for an update prior to the actual trial.

Nancy McCradie of Homes on Wheels is a homeless mom and grandmom who has been fighting for civil rights for over a quarter century. "A lot of people in their RVs are pretty disabled," she said. "I'm so glad that we have a judge that understands that this is an economic situation and needs to be addressed as such."

Encouraged by the appeals court ruling, Mowrer will argue at the upcoming trial that the City was motivated by malice towards the group of people identified as occupants of the RVs. This is the equal protection concern successfully raised in the Carmel "hippies off the grass" case.

Mowrer will also argue that the impact of the law unconstitutionally restricts freedom of intrastate travel for RV owners, guaranteed by the state constitution. Santa Barbara's ban on RV parking makes travel problematic or impossible for a targeted group.

Said Mowrer, "Travelers can't park on the streets. If they want to spend a night in a motel and have to park on the street, they can't do it." The maze of ordinances prohibiting camping, sleeping, parking, and parking at certain hours makes up a net. That net, Mowrer argues, has the effect of systematic discrimination — and that discrimination appears to be intentional.

Since Santa Barbara officials had trouble evicting RV dwellers under other codes, the City Council put together this latest law against the advice of their own city commission. It ignores the state law requiring posting and was enforced against a targeted list of more than one hundred RV dwellers. "The list was created ahead of time and those on the list were specifically warned even before the signs were posted," he said.