



San Diego City Attorney Jan I. Goldsmith

NEWS RELEASE

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Contact: Gina Coburn, Communications Director: (619) 533-6181

JUDGE MODIFIES 2007 COURT ORDER PRECLUDING ENFORCEMENT OF ILLEGAL LODGING LAWS

San Diego, CA: United States Federal Magistrate Judge William McCurine, Jr. has amended a 2007 Court Order that precluded the City of San Diego from enforcing illegal lodging laws between the hours of 9:00 p.m. and 5:30 a.m. A copy of the Court Order is attached.

The 2007 Order resulted from a settlement agreement reached between the City and the plaintiffs. The current amendment was negotiated to allow enforcement where a person refuses to take an available shelter bed in the downtown area. In those circumstances, San Diego Police Department may enforce the illegal lodging law by ticketing or arresting the violator. Attorneys for the plaintiffs and the City Attorney's Office have also agreed to work with the San Diego Superior Court on a process for handling these illegal lodging cases.

The agreed-upon amendment of the Court Order was the result of a working group that included Council Member Kevin Faulconer, San Diego Police Department, attorneys Scott Dreher and Tim Cohelan representing the plaintiffs and Deputy City Attorney Dan Bamberg representing the City.

"Those who worked on this should be commended for cooperating with one another to develop a method for the SDPD to once again be able to enforce illegal lodging laws," said Deputy City Attorney Dan Bamberg. "We plan to continue our efforts on other legal issues involving the homeless."

"For the first time in three years, the City has some clear direction allowing us to enforce the law during the late evening and early morning hours where shelter is available," said City Attorney Jan Goldsmith. "This will not end homelessness, but it is a step in the right direction."

"If there are beds available, homeless people should not be sleeping on the streets," Councilmember Faulconer said. "We are close to developing the City's first permanent full-service homeless shelter in Downtown San Diego, and I am going to continue to push for additional beds and services throughout the City."

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