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11 **UNITED STATES DISTRICT COURT**  
12 **NORTHERN DISTRICT OF CALIFORNIA**

13 WESTERN REGIONAL ADVOCACY  
PROJECT, a nonprofit organization, and  
14 CALVIN DAVIS, on behalf of himself and all  
15 other individuals similarly situated,

16 Plaintiffs,

17 v.

18 MAYOR GAVIN NEWSOM, in his official  
capacity, BOARD OF SUPERVISORS OF  
19 SAN FRANCISCO COUNTY, in their official  
capacity,

20 Defendants.  
21

**CLASS ACTION COMPLAINT FOR  
DISCRIMINATION: SECTION 504 OF  
THE REHABILITATION ACT;  
AMERICANS WITH DISABILITIES  
ACT; CAL. CIV. CODE § 51, et seq., CAL.  
GOVERNMENT CODE § 11135, et seq.;**  
**CALIFORNIA WELFARE AND  
INSTITUTIONS CODE §17000, et seq.**

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*WRAP, et. al. v. Mayor Newsom, et al.*  
Class Action Complaint for Discrimination: Americans with Disabilities Act, Section 504 of the Rehabilitation Act,  
Cal. Civ. Code § 51, *et seq.*, Cal. Gov't Code § 11135, *et seq.*, Cal. Welf. & Inst. Code § 17000, *et seq.*

## INTRODUCTION

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2           1.       This lawsuit challenges pervasive discrimination against people with  
3 disabilities who attempt to access San Francisco’s homeless shelter program which fails to  
4 provide essential shelter services to homeless people with disabilities.

5           2.       There are approximately 6,400 homeless people in San Francisco, well over  
6 half of whom are disabled.

7           3.       A central component of the San Francisco homeless program is a bed  
8 reservation and service delivery system labeled Care Not Cash (“CNC”). The major benefits  
9 provided by the CNC program are shelter beds and the advantage of making a 45-day  
10 reservation for a shelter bed.

11           4.       People who are enrolled in Social Security Insurance, Social Security Disability  
12 Insurance, Veterans Benefits, or Disability Benefits are not eligible for CNC. People with  
13 disabilities are thus denied any opportunity to access CNC-only beds and have no opportunity  
14 to make a 45-day shelter bed reservation.

15           5.       In reserving beds solely for CNC participants, the CNC program takes over  
16 three hundred (300) shelter beds out of circulation and makes these beds unavailable to the  
17 general homeless population. Every day many homeless people with disabilities are not able  
18 to find a shelter bed because they are not allowed to participate in CNC.

19           6.       Homeless people with disabilities get a disproportionately small share of shelter  
20 resources in part because many are not permitted to participate in CNC.

21           7.       CNC shrinks the already inadequate number of generally available shelter beds.  
22 In doing so, CNC makes it much harder for people with disabilities to secure one of the  
23 leftover non-CNC beds. The result is that the people who most need aid are effectively  
24 excluded from accessing the San Francisco homeless shelter system.  
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**PARTIES**

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2 14. Plaintiffs are homeless people with disabilities who have been and are being  
3 discriminated against by Defendants' operation of the homeless shelter system and the Care  
4 Not Cash program in a manner that denies Plaintiffs access to San Francisco's homeless  
5 shelter programs and services.

6 15. Plaintiff Western Regional Advocacy Project (WRAP) is a San Francisco based  
7 organization which seeks to advocate for and protect the rights of homeless people, including  
8 homeless people with disabilities.

9 16. WRAP was formed in San Francisco and has, for many years, focused on  
10 fighting homelessness in San Francisco.

11 17. WRAP has six membership organizations which it helps to fund and support.  
12 WRAP's advocacy and outreach work is based on an intimate relationship with its  
13 constituents. The staff of WRAP consists of former homeless people and WRAP advisors are  
14 both direct service workers and homeless individuals themselves.

15 18. A majority of WRAP's leaders and members of committees (including the  
16 constituency of WRAP's member organizations) are people with disabilities. For many  
17 people, WRAP is their singular means of protecting their interests. Many of WRAP's  
18 constituents are homeless in San Francisco.

19 19. WRAP currently expends substantial time and resources on dealing with  
20 mentally ill people who are homeless in San Francisco and on advocacy work concerning city  
21 policies that affect disabled people who are homeless in San Francisco.

22 20. WRAP itself has been injured as a direct result of the Defendants' operation of  
23 the Care Not Cash program. WRAP's interests are adversely affected since they are forced to  
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1 expend resources advocating for their constituency that is excluded from and damaged by  
2 Care Not Cash. Such injury would be directly redressed by a favorable decision in this case.

3 21. Plaintiff Calvin Davis is a homeless individual in the City of San Francisco.

4 22. Because Mr. Davis receives SSI benefits, he is ineligible for General  
5 Assistance. Because Mr. Davis is ineligible for General Assistance, he is prohibited from  
6 enrolling in the Care Not Cash program.

7  
8 23. Mr. Davis is a person with a physical disability. Mr. Davis became disabled  
9 after a serious accident. After his accident, Mr. Davis' body healed improperly and as a result  
10 the left and right side of his body are out of alignment. This disability substantially impairs  
11 his ability to speak and walk. This physical disability is permanent and causes Mr. Davis  
12 significant pain throughout his daily life.

13 24. Mr. Davis' medical condition qualifies him as a person with a disability within  
14 the meaning of all relevant statutes.

15 25. Defendant Gavin Newsom is the Mayor of the City of San Francisco.  
16 Defendant Newsom and his administration implemented and operate the Care Not Cash  
17 program.

18  
19 26. Defendant Board of Supervisors of San Francisco County allocates funds to  
20 operate the Care Not Cash program. In doing so, the Board of Supervisors funds a  
21 government program which unlawfully excludes people with disabilities from accessing  
22 programs and services that are available to similarly situated non-disabled people.

23 27. Defendants, and each of them, operate and maintain the San Francisco  
24 homeless shelter system and provide the service of shelter beds to homeless people in the City  
25 in a manner that unlawfully discriminates against Plaintiffs.  
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## FACTUAL ALLEGATIONS

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2 28. Defendants operate the San Francisco homeless shelter system in such a way  
3 that homeless people with disabilities are being discriminated against and denied meaningful  
4 access to the beds and services offered by that system.

5 29. San Francisco does not have enough shelter beds to house the existing  
6 homeless population. There are approximately three homeless adults in need of emergency  
7 shelter for every one of the existing emergency shelter beds. Most of the people sleeping on  
8 the streets are disabled and sleep on the street because they are unable to get a shelter bed.  
9

10 30. Each night, about 2,800 homeless people sleep without shelter. This number,  
11 however, is likely a gross underestimation, since certain segments of the homeless population,  
12 such as well-hidden people, those who are mobile, those living in their cars, or those sleeping  
13 in areas deemed too dangerous for volunteer counters at night, are particularly likely to be  
14 omitted from homeless counts. Homeless counts also tend to miss a significant segment of the  
15 sheltered homeless: those persons doubled up illegally in public housing or living with  
16 overcrowded families, those living in SROs, as well as those who are not obviously homeless  
17 based on visual assessment.  
18

19 31. A very high percentage of the homeless population in San Francisco consists of  
20 people with disabilities, both mental and physical. A 2007 survey reported that 50% of  
21 individuals in the San Francisco homeless shelter system self-identified as having a disability  
22 that year. According to the San Francisco Plan to Abolish Chronic Homelessness, 30-70% of  
23 the City's homeless are disabled. Some observers put that number closer to 80%. In addition,  
24 San Francisco's last official count found that the number of chronically homeless persons --  
25 who are by definition people with disabilities -- was 1,735.  
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1           32. Defendants operate the homeless shelter system and use the CNC program to  
2 allocate shelter resources and determine which homeless people should be entitled to  
3 preferential bed reservations and case management services.

4           33. Homeless people who receive Social Security Insurance, Social Security  
5 Disability Insurance, Veterans Benefits, or Disability Benefits are automatically ineligible for  
6 the CNC program and the benefits and services it offers.

7           34. One goal of CNC was to drive homeless people out of San Francisco by  
8 reducing General Assistance cash payments to levels so low as to preclude survival, or as the  
9 statute enacting CNC euphemistically explained: the City sought to eliminate “the incentive  
10 for homeless individuals who want cash rather than services to congregate [in San Francisco].”

11           35. A CNC-designated shelter bed is reserved for 45 days whether the CNC  
12 recipient in fact shows up to sleep in the reserved bed or not. Some recipients do not show up.  
13 Consequently, each night there are 60 to 80 CNC reserved beds in the emergency shelter  
14 system left vacant.

15           36. Homeless people who are not CNC enrollees are routinely turned away from  
16 shelters even when there are empty CNC beds inside the shelter. Because any person who is  
17 eligible for disability benefits is not able to participate in the CNC program even if there is an  
18 empty CNC bed at a shelter, a homeless person with a disability may be denied shelter solely  
19 because of his or her disabled status.

20           37. The City allocates at least one quarter of all of the available emergency shelter  
21 beds to CNC participants. The City takes these beds out of circulation and sets them aside for  
22 CNC participants only. Because many homeless people with disabilities are not permitted to  
23 participate in CNC, they are excluded from around 320 beds every day.  
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1           38. Any individual who is not enrolled in CNC must often wait until nearly  
2 midnight to learn if he will be able to sleep in a shelter bed. Non-CNC recipients who try to  
3 access temporarily vacant CNC beds must go through a daily bureaucratic process that  
4 frequently includes multiple visits to resource centers, hours of queuing up for beds and  
5 arduous late night travels across the City.

6           39. The CNC program also provides CNC participants with assistance in obtaining  
7 more permanent shelter in Single Room Occupancy (SRO) housing. People with disabilities  
8 who are excluded from CNC have no opportunity to access these CNC services. These people  
9 receive no preferential treatment to facilitate their placement in an SRO.

11           40. As a result of Defendants' operation of CNC in a way that excludes homeless  
12 people with disabilities, homeless people with disabilities are less likely than their non-  
13 disabled peers to have access to the case management services necessary to transition from  
14 emergency shelter to more permanent SRO housing.

15           41. Despite the fact that there are many thousands of homeless people in San  
16 Francisco who desperately need shelter beds, mental health services, and case management  
17 services, San Francisco for the past several years has engaged in a pattern of eliminating  
18 shelter services, shrinking shelter resources, and closing essential shelters.

19           42. Throughout the years, Defendants have chosen to shrink the resources available  
20 to shelters that provide emergency overnight shelter beds and chairs. For example, this year  
21 San Francisco has decided to close, among others, Ella Hill Hutch shelter that served 100  
22 people per night.

23           43. The total number of shelter beds in San Francisco is frequently overstated and  
24 is constantly changing. For example, Defendants often close down shelters and fail to replace  
25 the lost beds and services. Defendants also frequently change shelter requirements (i.e.,  
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1 shifting from single man to families), eliminate or reduce shelter funding and switch a  
2 centrally located facility to an inconveniently located facility with minimum access.

3 44. The City's constant whittling down of shelter services has resulted in far fewer  
4 services available for all homeless people. With fewer resources available, the demand for the  
5 existing services has increased and this has further marginalized disabled homeless people and  
6 prevented them from having access to the shelter services they desperately need.  
7

8 45. In order to justify their discrimination against disabled homeless people and  
9 cutbacks to essential services, Defendants have inaccurately characterized San Francisco's  
10 homeless population as people who are homeless by choice.

11 46. In fact, homelessness in San Francisco is created by multiple factors beyond the  
12 control of the homeless individuals. These factors include disability, the lack of affordable  
13 housing, gentrification, intensified poverty and unemployment.

14 47. San Francisco has one of the most severe affordable housing shortages in the  
15 country and is consistently cited by the National Low Income Housing Coalition as one of the  
16 least affordable metropolitan area in the country.  
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18 48. The shelter program's systematic exclusion of disabled men and women means  
19 that this most needy class of homeless people are forced to either sleep on the street or  
20 compete for access to a shelter bed in a system where they are severely disadvantaged.  
21 Especially for homeless people with disabilities, the consequences of this system can be life  
22 threatening.

23 49. For all the foregoing reasons, Defendants' operation and maintenance of the  
24 San Francisco homeless shelter system discriminates against people with disabilities and fails  
25 to provide meaningful access to its programs, services, and activities as required by Federal  
26 and State law.  
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1 disability, be excluded from the participation in, be denied the benefits of, or be subjected to  
2 discrimination under any program or activity receiving federal financial assistance.” 29  
3 U.S.C. § 794(a).

4 60. An “individual with a disability” is defined under the statute, in pertinent part,  
5 as “an individual who has a physical or mental impairment which substantially limits one or  
6 more of such person’s major life activities.” 29 U.S.C. § 705(20)(A). The Plaintiffs are, or  
7 represent, qualified individuals with disabilities within the meaning of the applicable statutes.  
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9 61. Section 504 requires the head of every executive agency to promulgate  
10 regulations as shall be necessary to carry out the Act. 29 U.S.C. § 794(a).

11 62. The Department of Housing and Urban Development (“HUD”) regulations  
12 provide that “no qualified handicapped person shall, solely on the basis of handicap, be  
13 excluded from participation in, be denied the benefits of, or otherwise be subjected to  
14 discrimination under any program or activity that receives Federal financial assistance from  
15 the Department.” 24 C.F.R. §8.4(a).

16 63. These regulations prohibit the San Francisco homeless shelter system, from  
17 providing any “housing, aid, benefit, or service, in a program or activity . . . [either] directly or  
18 through contractual, licensing, or other arrangements” in a way that discriminates “on the  
19 basis of handicap.” 24 C.F.R. §8.4(b)(1).

20 64. The regulations define “discrimination” as prohibiting the Defendants from:

- 21 a. “Deny[ing] a qualified handicapped person the opportunity to participate in or  
22 benefit from the housing, aid, benefit, or service;” 24 C.F.R. §8.4(b)(1)(i).  
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24 b. “Afford[ing] a qualified handicapped person an opportunity to participate in  
25 or benefit from the housing, aid, benefit, or service that is not equal to that  
26 afforded others;” 24 C.F.R. §8.4(b)(1)(ii).  
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- c. “Provid[ing] a qualified individual with handicaps with any housing, aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;” 24 C.F.R. §8.4(b)(1)(iii).
- d. “Provid[ing] different or separate housing, aids, benefits or services to handicapped persons or to any class of handicapped persons than is provided to others unless such action is necessary to provide qualified handicapped persons with housing, aid, benefits, or services that are as effective as those provided to others;” 24 C.F.R. §8.4(b)(1)(iv).
- e. “Otherwise limit a qualified individual with handicaps in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by other qualified individuals receiving the housing, aid, benefit, or service.” 24 C.F.R. §8.4(b)(1)(viii).

65. These regulations also require that the San Francisco homeless shelter system to operate and maintain “housing, aids, benefits, and services” in such a way that “afford[s] individuals with handicaps equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement.” 24 C.F.R. §8.4(b)(2).

66. These regulations further define discrimination to prohibit the San Francisco homeless shelter system, directly or through contractual or other arrangements, from “utilize[ing] criteria or methods of administration the purpose or effect of which would—(i) Subject qualified individuals with handicaps to discrimination solely on the basis of handicap, (ii) Defeat or substantially impair the accomplishment of the objectives of the recipients federally assisted program or activity for qualified individuals with a particular handicap involved in the program or activity, unless the recipient can demonstrate that the criteria or

1 methods of administration are manifestly related to the accomplishment of an objective of a  
2 program or activity.” 24 C.F.R. §8.4(b)(4).

3 67. The San Francisco homeless shelter program has received substantial federal  
4 financial assistance at all relevant times, including substantial financial assistance from HUD.

5 68. By their actions or inactions in denying Plaintiffs their right to have access to  
6 the programs, services and activities offered by Defendants, and discriminating against  
7 Plaintiffs solely by reason of their disabilities, Defendants have violated Plaintiffs’ rights  
8 under Section 504(a) of the Rehabilitation Act of 1973 and the regulations promulgated there  
9 under.  
10

11 69. Plaintiffs have no adequate remedy at law and unless the relief requested herein  
12 is granted, Plaintiffs will suffer irreparable harm in that they will continue to be discriminated  
13 against and denied access to the programs, services and activities of the San Francisco  
14 homeless shelters. Consequently, Plaintiffs are entitled to injunctive relief, as well as  
15 reasonable attorneys’ fees and costs.  
16

17 **SECOND CAUSE OF ACTION**  
**TITLE II OF THE AMERICANS WITH DISABILITIES ACT**

18 70. Plaintiffs re-allege and incorporate herein all previously alleged paragraphs of  
19 the complaint.

20 71. Title II of the Americans With Disabilities Act (“ADA”), 42 U.S.C. § 12132,  
21 provides that:

22 [N]o qualified individual with a disability shall, by reason of such  
23 disability, be excluded from participation in or be denied the  
24 benefits of the services, programs, or activities of a public entity,  
or be subjected to discrimination by any such entity.

25 72. The term “disability” includes persons with physical and mental impairments  
26 that substantially limit one or more major life activities. 42 U.S.C. § 12102. The plaintiffs are  
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1 qualified individuals with disabilities within the meaning of 42 U.S.C. § 12102, 42 U.S.C. §  
2 12131, and 28 C.F.R. § 35.104.

3 73. A “public entity” includes state and local governments, their agencies, and their  
4 instrumentalities. 42 U.S.C. § 12131(1). Defendants qualify as a public entities within the  
5 meaning of 42 U.S.C. § 12132 and 28 C.F.R. § 35.104.

6 74. Title II of the ADA generally requires that public entities must operate each  
7 service, program, or activity so that the service, program, or activity, when viewed in its  
8 entirety, is readily accessible to and usable by individuals with disabilities. 28 C.F.R. §  
9 35.150.

10 75. Under the ADA, a program operated by a public entity, like the San Francisco  
11 homeless shelter system, is required to provide disabled persons with “meaningful access” to  
12 enjoy the benefits of programs, services, and activities. Thus, public services must  
13 affirmatively consider the needs of disabled persons who are qualified recipients of such  
14 services.

15 76. Through its establishment of a priority bed system for Care Not Cash  
16 participants, the City and County of San Francisco has created eligibility requirements in its  
17 design and administration of the homeless shelter programs that tend to screen out individuals  
18 with disabilities in violation of 28 C.F.R. § 35.130(b)(8).

19 77. The City and County of San Francisco uses criteria or methods of  
20 administration that have the purpose or effect of defeating or substantially impairing the  
21 accomplishment of the objectives of the public entity’s program with respect to persons with  
22 disabilities in violation of 28 C.F.R. § 35.130(b)(8).

23 78. In providing the aid, benefits, and services associated with the San Francisco  
24 homeless shelter programs, the City and County of San Francisco may not deny the Plaintiffs  
25 the equal opportunity to participate in or benefit from the aid, benefits, or services of said  
26 program. 28 C.F.R. § 130(b)(1)(ii). Further, the City and County of San Francisco may not  
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1 provide Plaintiffs with an aid, benefit, or service that is not as effective in affording the same  
2 opportunity to obtain the same result, gain the same benefit, or to reach the same level of  
3 achievement as provided to persons without disabilities. 28 C.F.R. § 130(b)(1)(iii).

4 79. Title II of the ADA requires the City and County of San Francisco to make  
5 reasonable modifications in the homeless shelter system to avoid discrimination against  
6 Plaintiffs on the basis of disability. 28 C.F.R. § 35.130(b)(7).

7 80. The City and County of San Francisco's conduct constitutes an ongoing and  
8 continuous violation of Title II of the ADA. Unless restrained from doing so, the City and  
9 County of San Francisco will continue to violate the ADA. Unless enjoined, said conduct will  
10 continue to inflict injuries for which plaintiffs have no adequate remedy at law.

11 WHEREFORE, Plaintiffs request relief as set forth below.

12 **THIRD CAUSE OF ACTION**  
13 **TITLE III OF THE AMERICANS WITH DISABILITIES ACT**

14 81. Plaintiffs re-allege and incorporate herein all previously alleged paragraphs of  
15 the complaint.

16 82. Similar to Title II of the ADA, Title III prohibits discrimination against an  
17 individual:

18 on the basis of disability in the full and equal enjoyment of the goods, services,  
19 facilities, privileges, advantages, or accommodation of any place of public  
20 accommodation by any person who owns, leases (or leases to), or operates  
a place of public accommodation.

21 42 U.S.C. § 12182(a).

22 83. 42 U.S.C. § 12181(7)(K) specifically enumerates a homeless shelter as a place  
23 of public accommodation.

24 84. The City and County of San Francisco both owns and operates homeless  
25 shelters and leases shelter space from private entities to temporarily house a portion of the  
26 homeless population of San Francisco.  
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1  
2 89. Plaintiffs reallege and incorporate all previously alleged paragraphs of the  
3 complaint.

4 90. California Civil Code §§ 54 *et seq.* (“Disabled Persons Act”) provides that in  
5 California, “[i]ndividuals with disabilities shall be entitled to full and equal access, as other  
6 members of the general public, to accommodations, advantages, facilities, medical facilities,  
7 including hospitals, clinics, and physicians' offices, and privileges of all common carriers,  
8 airplanes, motor vehicles, railroad trains, motorbuses, streetcars, boats, or any other public  
9 conveyances or modes of transportation (whether private, public, franchised, licensed,  
10 contracted, or otherwise provided), telephone facilities, adoption agencies, private schools,  
11 hotels, lodging places, places of public accommodation, amusement, or resort, and other  
12 places to which the general public is invited, subject only to the conditions and limitations  
13 established by law, or state or federal regulation, and applicable alike to all persons.” Cal.  
14 Civ. Code § 54.1(a)(1).  
15

16 91. Defendant owns, operates, and maintains the San Francisco Homeless Shelter  
17 system which is a “place of public accommodation or other place to which the general public  
18 is invited” within the meaning of Civil Code §§ 54 *et seq.*

19 92. In 1992, the California Legislature amended the Disabled Persons Act to  
20 increase protections for persons with disabilities by “strengthen[ing] California law in areas  
21 where it is weaker than the Americans with Disabilities Act of 1990 ... and...retain[ing]  
22 California law when it provides more protection for individuals with disabilities.” (Stats. 1992,  
23 Chap. 913, §1.) The ADA provides a minimum floor of protections for Californians with  
24 disabilities, while the Disabled Persons Act (like the Unruh Act) offers greater protections  
25 than the ADA.  
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1           93. Under the Disabled Persons Act, “disability” is defined as including mental and  
2 physical disabilities as those terms are defined in Cal. Gov. Code §§ 12926. (*See* Cal. Civ.  
3 Code § 54(b)(1).)

4           94. Under this definition, “[m]ental disability” includes, but is not limited to, all of  
5 the following: (1) Having any mental or psychological disorder or condition, such as mental  
6 retardation, organic brain syndrome, emotional or mental illness, or specific learning  
7 disabilities, that limits a major life activity. . . .” (Cal. Gov’t Code § 12926(i)(1) [emphasis  
8 added].)

9           95. In turn, “[p]hysical disability” includes, but is not limited to, all of the  
10 following: (1) Having any physiological disease, disorder, condition, cosmetic disfigurement,  
11 or anatomical loss that does both of the following: (A) Affects one or more of the following  
12 body systems: neurological, immunological, musculoskeletal, special sense organs,  
13 respiratory, including speech organs, cardiovascular, reproductive, digestive, genitourinary,  
14 hemic and lymphatic, skin, and endocrine. ¶ (B) Limits a major life activity.” (Cal. Gov.  
15 Code §§ 12926(k)(1) [emphasis added].)

16           96. Under California law, “[a] mental or psychological disorder or condition limits  
17 a major life activity if it makes the achievement of the major life activity difficult.” (Cal.  
18 Gov’t Code § 12926(i)(1)(B); *see also* Cal. Gov’t Code § 12926(k)(1)(B)(ii) [using same  
19 definition for physical disability].)

20           97. Under California law, the term “limits” for purposes of defining disability  
21 “shall be determined without regard to mitigating measures, such as medications, assistive  
22 devices, or reasonable accommodations, unless the mitigating measure itself limits a major life  
23 activity.” (Cal. Gov’t Code §§ 12926(i)(1)(A) & (k)(1)(B)(i).)



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No person in the State of California shall, on the basis of . . . disability, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated or administered by the state or any state agency, is funded directly by the state, or receives any financial assistance from the state.

106. Plaintiffs are informed and believe that Defendants have received substantial state financial assistance at all relevant times.

107. Defendants' discriminatory policies and practices deny Plaintiffs full and equal access to shelter beds and services in violation of California Government Code §11135 and the regulations promulgated thereunder.

108. Defendants have violated California Government Code § 11135(b) in that the conduct alleged herein constitutes a violation of the ADA, 42 U.S.C. § 12132.

109. As a proximate result of Defendants' violations of §11135, Plaintiffs and the class have been injured as set forth herein.

110. Unless enjoined, Defendants' conduct will continue to inflict injuries for which Plaintiffs have no adequate remedy at law.

**SIXTH CAUSE OF ACTION**  
**CALIFORNIA WELFARE AND INSTITUTIONS CODE § 17000**

111. Plaintiffs reallege and incorporate herein all previously alleged paragraphs of the complaint.

112. California's Welfare and Institutions Code § 17000 mandates that the County relieve and support all incompetent, poor, indigent persons and those incapacitated by age, disease, or accident.

113. Welfare and Institutions Code §§ 10000, 11000, and 11004 require that such programs be administered humanely and fairly.



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2. An order enjoining Defendants from violating federal and state disability discrimination laws in their operation of the San Francisco homeless shelter program, specifically including Care No Cash;
3. Plaintiffs' reasonable attorneys' fees and costs;
4. Such other and further relief as the Court deems just and proper.

DATED: August , 2008

DISABILITY RIGHTS ADVOCATES

By: \_\_\_\_\_  
Sid Wolinsky  
Julia Pinover  
DISABILITY RIGHTS ADVOCATES

and

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