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**SUPERIOR COURT OF STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

Ramona Mayon, Plaintiff, v. Mayor London Breed and Director Shireen McSpadden of Dept of Homelessness and Supportive Housing of City and County of San Francisco, only in their official capacity, and Does 1-50 Defendants, Real Parties of Interest: Episcopal Community Services; Bayview Hunter's Point Foundation; and Urban Alchemy.	Case No. CGC-24-611907 OPPOSITION TO DEMURRER Date: March 27, 2024 Time: 9.30 am Dept: 302
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1
2 Your Honour,

3 Except in prison, you'll not find a group of who exhibit more deliberate indifference than
4 these defendants and Does 1-50. In spite of filing this case Jan 26, 2024, being inspected by
5 HUD over ADA violations Feb 16, 2024, with accompanying adverse media (both in print +
6 video), visits from the CEOs of the respective non-profit organizations (who receive
7 approximately \$400 per RV per night to provide "services"), an Emergency Meeting with Dept of
8 Homelessness liaison and about a dozen of the people living here, IN SPITE OF ALL THAT, on
9 March 2, 2024, an elderly man died out here - had a heart attack - in part, I am convinced,
10 because of the austere living conditions at the Vehicle Triage Center (VTC). At the very least, his
11 - and everyone else's - rights under the federal and state disability laws were completely ignored.
12 On March 7, 2024, without a moment's notice, I was forced to argue with said HSH liasion and
13 the Dept of Public Works person who designed the VTC, for the right to park my car next to my
14 RV, because I have a letter from my doctor re. mobility issues. I had to argue that should I suffer
15 a medical crisis like my neighbor, (because I have been facing breast cancer for 4 years) I need to
16 be able to get to my car and leave, as he couldn't do, due to the two rows of fencing between him
17 and his car that night in the pouring rain, high winds, at 4 o'clock in the morning. He might still
18 be alive if he could have reached his vehicle. Had he been allowed to use his own heating
19 sources, or provided with electricity (at the moment it is provided 5 pm to 1 am — this utility
20 began ONLY since Jan 24, 2024), he might not have had heart problems in the first place. My car
21 is now allowed to be parked 15' from my RV as "Special Accommodations", as has another
22 handicapped woman out here. We had to fight for it. Now why is that? And what about the
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1 other disabled people suffering in silence?

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3 **ARGUMENT**

4 2. This is not a tort claim asking for money or damages of any kind. I'm asking for a
5 Declaratory Statement to clarify the law that is built into the VTC which is called a "low barrier
6 navigation centers" to be allowed by right by:

7 *Ca. Gov. Code § 65662* (c) It complies with Chapter 6.5 (commencing with Section
8 8255)
9 of Division 8 of the Welfare and Institutions Code

10 ...which states:

11
12 *WELFARE AND INSTITUTIONS CODE*

13 *CHAPTER 6.5. Housing First and Coordinating Council [8255 - 8257.2] 8255:*

14 (a) "Council" means the California Interagency Council on Homelessness, formerly known as the
15 Homeless Coordinating and Financing Council established pursuant to Section 8257.

16 (b) "Core components of Housing First" means all of the following:

17 (1) **Tenant** screening and selection practices that promote accepting applicants regardless of their
18 sobriety or use of substances, completion of treatment, or participation in services.

19 (2) Applicants are not rejected on the basis of poor credit or financial history, poor or lack of
20 rental history, criminal convictions unrelated to **tenancy**, or behaviors that indicate a lack of
"housing readiness."

21 (3) Acceptance of referrals directly from shelters, street outreach, drop-in centers, and other parts
22 of crisis response systems frequented by vulnerable people experiencing homelessness.

23 (4) Supportive services that emphasize engagement and problem solving over therapeutic goals
24 and service plans that are highly **tenant**-driven without predetermined goals.

(5) Participation in services or program compliance is not a condition of permanent housing **tenancy**.

(6) **Tenants** have a lease and all the rights and responsibilities of **tenancy**, as outlined in California’s Civil, Health and Safety, and Government codes.

(7) The use of alcohol or drugs in and of itself, without other lease violations, is not a reason for eviction.

(8) In communities with coordinated assessment and entry systems, incentives for funding promote **tenant** selection plans for supportive housing that prioritize eligible **tenants** based on criteria other than “first-come-first-serve,” including, but not limited to, the duration or chronicity of homelessness, vulnerability to early mortality, or high utilization of crisis services. Prioritization may include triage tools, developed through local data, to identify high-cost, high-need homeless residents.

(9) Case managers and service coordinators who are trained in and actively employ evidence-based practices for client engagement, including, but not limited to, motivational interviewing and client-centered counseling.

(10) Services are informed by a harm-reduction philosophy that recognizes drug and alcohol use and addiction as a part of **tenants’** lives, where **tenants** are engaged in nonjudgmental communication regarding drug and alcohol use, and where **tenants** are offered education regarding how to avoid risky behaviors and engage in safer practices, as well as connected to evidence-based treatment if the **tenant** so chooses.

(11) The project and specific apartment may include special physical features that accommodate disabilities, reduce harm, and promote health and community and independence among **tenants**.

CONCLUSION

1 3. Instead of addressing material conditions at the VTC, as presented in a notice included as an
2 exhibit in the original filing, all that has happened is a new microwave has replaced the old one,
3 staff is now wearing name tags, and a THERAPIST has started coming out on Wednesdays.
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6 4. Urban Alchemy has also started night-time “wellness checks” which, if we were declared
7 tenants, we as a community could stop those due to having the right to “quiet enjoyment of the
8 premises”. We couldn’t be given instant expulsion. Heat would have to be provided for at least
9 thirteen hours. We could cook in our own homes again instead of being served foul and repetitive
10 food at unsafe temperatures. We could have visitors. We could live - and die - with dignity.
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13 5. In closing, I would also ask to address two points made by the deputy City Attorney:
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15 #1) my phone number for the required telephone call for the meet-and-confer is shown correctly
16 on my original filing as #415-595-6308 which is misstated in the Declaration, page 2.
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19 #2) I present as Exhibit A the most recent Admin claim dated Feb 7, 2023 for the broken leaf
20 springs which occurred during the tow here to the VTC Aug 9, 2022. The City Attorney paper
21 shows it denied Feb 28, 2023. In the latter claim I refer to “trauma, distress, humiliation over
22 being forced to this poisonous, remote, isolated, scary location...”
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1 Respectfully,
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3 _____
4 Ramona Mayon

Dated March 13, 2024

7
8 PROOF OF SERVICE

9 I, Mitzi Fata, am above the age of 18 and I am not a party to this action. I hereby certify that on
10 this 13th day of March, 2024 I served the foregoing *Opposition to Demurrer* by causing it to be
11 mailed to:
12

13 City Attorney's Office
14 1 Dr Carlton B Goodlet Plaza
15 San Francisco, California 94102
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19 _____
20 Mitzi Fata
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