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

RAMONA MAYON

Plaintiff,

v

**MAYOR DANIEL LURIE, in his official
capacity; HSH DIRECTOR SHIREEN
MCSPADDEN, in her official capacity;
and the CITY AND COUNTY OF SAN
FRANCISCO,**

Defendants

Case:

EX PARTE MOTION

DATE;
TIME::
DEPT:

1 To this Honourable Court,

2
3 This motion for an ex parte order is in relation to San Francisco's Dept of
4 Homelessness and Supportive Housing (HSH) sudden decision Dec 3, 2024 to shutter its
5 "safe parking program", known as the Vehicle Triage Center (VTC) located at 500
6 Hunter's Point Expressway. It is currently hosting 35 RVs or house trailers, with 39
7 people at risk, the vast majority are disabled, elderly, or dying. All are extremely low-
8 income. I say sudden closure because there is nine months left on the current lease, as
9 well as all the nonprofit organizations that run it are fully funded until Dec 31, 2025.
10

11
12 2. Understandably, a city agency makes its decisions at will, but must do so under the
13 City Charter where it clearly states in *section 16.112* there must be a noticed public
14 hearing anytime there is a closure - or reduction of services - of a public facility. There
15 was nothing even resembling this from HSH, just the notice of closure (exhibit A is the
16 Dec 3rd closure announcement and exhibit B is the flyer to announce the onsite meeting
17 Dec 20th to tell us our choices going forward).
18

19 3. The VTC is not a private facility, in that the nonprofit organizations running it are
20 paid from public coffers, it is on public land (Cali State Park + Rec), it is under direct
21 control of HSH, and hosts members of the public, i.e. Persons Experiencing
22 Homelessness (PEH) who live in vehicles. It is simply not OPEN to the public. One can
23 only enter by way of HSH, which is a public agency. Furthermore, HSH receives public
24 funding from HUD to collect PEH data for its ONE records.
25

26 4. However, there is an unusual property right at stake. *SFPD 97* is the law that makes
27 it a misdemeanor to eat or sleep from 10 pm to 6 am in one's "house car" in San
28 Francisco, punishment up to six months in county jail and/or fine. The law was
originally written in 1971, in response to the hippie invasion of Golden Gate Park.

1 It remained untouched until 2019, when the Board of Supervisors sought access to a new
2 kind of grant available to address the needs of PEH. The new and improved *SFPD 97*
3 added “safe parking” and “vehicle triage centers” to how the PEH are dealt with.
4 Basically, a bare bones RV park to host so-called “wrap-around services” to assist PEH
5 transition into “non-vehicular housing”. That’s from the *SF Admin Code Chapter 119*.
6

7 **SEC. 97. USE OF VEHICLES FOR HUMAN HABITATION** 8 **PROHIBITED.**

9 (a) No person shall use or occupy or permit the use or occupancy of any house car, camper or
10 trailer coach for human habitation, including but not limited to sleeping, eating or resting, either
11 single or in groups, on any street, park, beach, square, avenue, alley or public way, within the
12 City and County of San Francisco between the hours of 10:00 p.m. and 6:00 a.m.
13

14 (b) No person shall use or occupy or permit the use or occupancy of any motor vehicle for
15 human habitation, either single or in groups, on any street, park, beach, square, avenue, alley or
16 public way, within a residential neighborhood of the City and County of San Francisco between
17 the hours of 10:00 p.m. and 6:00 a.m. For the purposes of this Section, "motor vehicle" shall
18 mean any self-propelled vehicle other than a house car, camper or trailer coach. "Residential
19 neighborhood" shall mean any area of the City zoned for R-H, R-M or R-C use under the City
20 Planning Code, and "habitation" shall mean the use of a motor vehicle as a dwelling place, and
21 shall not mean the use of a motor vehicle for alleviation of sickness or temporary physical
22 inability to operate such motor vehicle.

23 (Amended by Ord. 417-84, App. 10/5/84)
24

25 **SEC. 97.1. EXCEPTIONS.** 26

27 (a) The General Manager of the Recreation and Park Department may by written permit allow
28 the use or occupancy of any housecar, camper or trailer coach on or in any property under the

jurisdiction of the Recreation and Park Commission when he finds that such use is necessary for the operation and protection of City property and livestock.

The permission granted by the General Manager may be revoked upon five days written notice to the permittee.

(b) **Persons who have been given a license by the City to park and sleep in their vehicle at a Safe Overnight Parking Lot or a Vehicle Navigation Triage Center in accordance with Administrative Code Chapter 119 shall not be subject to the penalties set forth in Section 98 of this Article 1.1 while using or occupying their vehicle for human habitation, provided that such use or occupancy occurs on the premises of the Safe Overnight Parking Lot or Vehicle Navigation Triage Center to which they have been given a license.**

(Added by Ord. 77-71, App. 4/2/71; amended by Ord. 118-19, File No. 190413, App. 6/28/2019, Eff. 7/29/2019)

SEC. 98. PENALTY.

Any person who violates any provisions of this Article shall be deemed guilty of a misdemeanor and upon conviction such person shall be punished by a fine of not to exceed \$1,000 or by imprisonment in the County Jail for a period not to exceed six months, or by both such fine and imprisonment.

(Added by Ord. 77-71, App. 4/2/71)

SEC. 99. SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Article or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Code or any part thereof. The Board of Supervisors hereby declares

1 that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or
2 phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions,
3 paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

4 (Added by Ord. 77-71, App. 4/2/71)
5

6 5. The part of the addendum to *SFPD 97* that relates to a property right is the “**license**”
7 given to the “safe parking” Program Participants to be exempt from punishment if they
8 are within the confines of the VTC. In shuttering the “safe parking” program, — and not
9 making any other legal place available for the license-holders to go live — HSH has
10 triggered the 14th amendment due process clause per *Goldberg v. Kelly* 397 US 254
11 (1970) which found welfare benefits are a matter of statutory entitlement for persons
12 qualified to receive them and procedural due process required a full hearing before said
13 benefits are terminated.

14
15 6. As it relates to the *SFPD 97* license-holders at VTC facing eviction this week, we did
16 nothing wrong to be deprived of a safe place to park our RVs while we waited for the
17 HSH case plan funding for repairs and registration and relocation costs, so as to exit
18 homelessness.

19 7. Regarding notice given to the City about the matters contained in the ex parte motion,
20 on Feb 4, 2025 I (along with four other VTC residents) appeared before the Board of
21 Supervisors and gave them a petition signed by more than 2/3rds of the residents to ask
22 for a 90-day extension on the Feb 14, 2025 closure. I read out loud section 16.112 of the
23 City Charter, as well as California Vehicle Code 22650(b) that states: “Any removal of a
24 vehicle is a seizure under the Fourth Amendment of the Constitution of the United States
25 and Section 13 of Article 1 of the California Constitution and shall be reasonable and
26 subject to the limits set forth in the Fourth Amendment jurisprudence without a warrant.”
27 I also reiterated that we have been told that the sheriff will be here, and if we don't - or
28 can't - leave, our vehicles will be impounded. The on-site case managers have told us the
sheriff's deputies will be coming 2.14.25. Last month, new, much larger and sturdy gates

1 were installed. Last week, more than 20 concrete barriers were lined on the only other
2 fence line that could be used to drive our vehicles out, besides the front gate. When I
3 spoke to the Board of Supervisors on 2.4.25, I specifically said, “We don’t want there to
4 be violence.” Exhibit C is an email yesterday (Feb.10) from the Dept’s ADA liasion,
5 stating “Based on the meeting I was in this morning, there are no plans to have law
6 enforcement presence or impound any vehicles on Friday.” The rest of the email
7 indicates a (possible) change in the mechanic. First mechanic was ... inept. HSH
8 resisted having to admit that. Vehicles (including mine) were damages and/or not
9 actually repaired (Exhibit D is the invoices he was paid for mine).

10 8. There was no stated reason for the “safe parking” program closure (and this sudden,
11 unnecessary, state-created dangerous disruption to 39 lives awaiting their turn in the HSH
12 archaic funding system). However, a year ago, I collected 23 signatures (out of 35
13 residents) and formed a tenants union called the Candlestick 35. To do so, I used the
14 guidelines under SF Admin Code 49a and on Jan 26, 2024 filed a 27-page declaration of
15 horrific living conditions *Mayon v Breed* #CGC-24-611907. The first brief for the appeal
16 #A171913 in that matter is due next week.

17 9. In addition, there is an ongoing HUD investigation of the VTC that has produced for
18 several people, myself included, claims that are in the Conciliation phase. Exhibit E is
19 first page of my Oct 1, 2024 letter from HUD stating my complaint was official filed. I
20 recently receieved a “Hundred Day Letter” asking that I would agree for HUD to take
21 longer (until May) to investigate more deeply. Given that the case started Nov 2023 and
22 has grown to include several peoples claims, I had little choice but to agree. It is my
23 opinion that the reason the VTC is closing (with overt threats of “impound” – see
24 Exhibit F an email from HSH on Dec 27, 2024)

25 10. On Feb 5, I sent a formal request for both 90-day extension and a per-closure
26 noticed hearing. Prior to that, several emails and letters to HSH, the B.O.S., and the
27 Mayor. No answer from anyone on any level.
28

1 11. On Feb 10, 2025, I sent copy of this motion to City Attorney David Chiu and the
2 Mayor, the day before filing it.

3
4 **RELIEF REQUESTED**
5

6 12. HSH must adhere to the City Charter Section 16.112 to hold a pre-closure public
7 hearing with notice;

8
9 13. No impounding of the vehicle homes who are awaiting funding for their case plan;

10
11 14. Extension on closure date to accommodate both the public hearing.
12

13 **CONCLUSION**
14

15 15. To support this ex parte motion, I add two other citations to clearly show what is at
16 stake: *Carney v California* 471 US 386 (1985): motorhome is a hybrid vehicle with most
17 of the privacy interests of a house; *Meyer v Nebraska* 262 US 390 (1923): it is a liberty
18 interest to “establish a home”.
19

20 Respectfully,
21

22
23 _____
24 Ramona Mayon

25 dated Feb 11, 2025
26
27
28

EXHIBITS

- A) Dec 3, 2024 “safe parking” program closure notice
- B) flyer announcing Dec 20, 2024 HSH meeting for residents
- C) email from HSH’s ADA liasion dated Feb 10, 2025
- D) Oct 10, 2024 HUD letter
- E) Nov 13, 2024 fraudulent repair invoices
- F) Dec 27, 2024 email with word “impoundment”

VERIFICATION

I do hereby swear, under the penalty of perjury, the aforementioned is true. This document was prepared by myself and contains 2,024 words.

Dated this 11th of February, 2025

Ramona Mayon