



Advancing Justice

Housing | Health | Children & Youth



September 5, 2019

Mountain View City Council
500 Castro Street
Mountain View, CA 94041

RE: Renewed Demand Related to an Overnight Oversized Vehicle Parking Prohibition Ordinance

Dear Mayor, Vice Mayor, and Councilmembers:

We understand that the Council has requested staff to prepare a proposed ordinance that would ban the parking of oversized vehicles from 2 a.m. to 6 a.m. on Mountain View city streets, and that the Council will consider such a proposal during its September 24, 2019 meeting. Because restricting the overnight parking of oversized vehicles will have the same effect as a twenty-four hour a day ban, such an ordinance would be unlawful for the same reasons set forth in our May 7, 2019 letter, and we remain prepared to challenge such an ordinance if enacted. An overnight oversized vehicle parking prohibition would make it impossible for people who reside in vehicles such as vans, trailers, and recreational vehicles (RVs) to live anywhere in Mountain View, even though Mountain View is unable to offer these residents indoor shelter space. An overnight parking ban would therefore violate the state and federal Constitutions. Because a ban would disproportionately deny housing to people with disabilities and likely people of color, it would also violate the Fair Housing Act and the Americans with Disabilities Act.

The Bay Area is facing an unprecedented housing affordability crisis. Rents have skyrocketed in Mountain View and surrounding cities in recent years. The median rent in Mountain View has *doubled* in nine years and is now almost \$4,200 a month. For housing to be affordable (defined as costing no more than 30% of gross household income) at that rate, a family would need to earn at least \$168,000 a year. That is out of reach even for people earning four times the minimum wage in Mountain View.

It is therefore no surprise that almost 300 individuals and families in Mountain View have to shelter in RVs or other oversized vehicles as their primary residences, because rental rates are out of control. These are people who contribute to the Mountain View community. They include families with children enrolled in Mountain View Unified School District; community college students; people who work full-time in Mountain View as security guards, bus drivers, day laborers, and grocery store clerks; and people with disabilities who are unable to work and have called Mountain View home for decades.

The message the proposed overnight parking ban would send is one of exclusion. It would pronounce that Mountain View is not open to all – it is only open to the wealthy. It would force people to leave Mountain View, the place these residents rightfully call home and where their families, churches, schools, and workplaces are. We have talked with many people who simply do not know where they would go if Mountain View passed a ban that made it impossible to park overnight, and thus impossible to live here in an oversized vehicle. They should not have to make this choice: their lives are here. Others will be forced to abandon their vehicles and start sleeping in parks or on the streets. The Council cannot rationally believe that this unconscionable, yet likely outcome is in the best interests of this community.

Nor is Mountain View alone in facing the quandary of how to respond to increasing numbers of its community living in vehicles. San Francisco, Berkeley, Oakland, San Jose, Palo Alto, and East Palo Alto, to name a handful, are all struggling with the same trend. Yet none has enforced a complete ban and made it impossible for oversized vehicle dwellers to live in their city limits. We appreciate Mountain View's efforts to expand safe parking options, but that does not provide constitutional cover for banning overnight parking on city streets when there are not enough spaces, and when *Martin v. Boise* requires indoor shelter space before a city can criminalize conduct associated with being unhoused.

We are therefore prepared to challenge any overnight parking ban the Council considers, because it would violate state and federal law, and it would be devastating to hundreds of Mountain View residents. We continue to welcome an opportunity to meet with any of you to provide additional information regarding our assessment of the unlawfulness of any overnight parking ban for oversized vehicles.

Finally, we ask that the agenda for the September 24, 2019 meeting place discussion of any proposed ordinance relating to parking of oversized vehicles first. During the June 11, 2019 meeting, the placement of discussion on the proposed parking ban at the end of the agenda prevented dozens of individuals who wanted to offer public comment from doing so. Public comment and discussion on that agenda item did not start until after midnight, by which time many who work day jobs or have young children had left the meeting. The Council owes the people whose lives would be upended by a parking prohibition the ability to make their views known to the Council and the public without jeopardizing their jobs and family responsibilities.

Sincerely,



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