

Press Release

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Kirkland and Disability Rights Legal Center File Lawsuit Today Challenging Ordinance Affecting Homeless and Those with Disabilities

ORANGE COUNTY, Dec. 8, 2022 — Kirkland & Ellis and Disability Rights Legal Center (“DRLC”) filed a lawsuit today in Orange County Superior Court challenging the legality of Chapter 8.46 of the Fullerton municipal code outlawing people living in their vehicles within city limits.

On behalf of Harry Langenbacher, Frederick Clayton Moon, Jacqueline Danis, Jeanette Hodge, and Housing is a Human Right Orange County (“HHROC”), Kirkland and DRLC assert that Chapter 8.46 violates the California Constitution’s due process and equal protection clauses, excessive fines clause, the right to travel, Gov. Code Section 11135, and thereby constitutes an unlawful use of public funds under Civil Code Section 526a.

Under Chapter 8.46, the City of Fullerton unjustifiably expels the vehicularly housed and targets people with disabilities by making it illegal for anyone to stop or park a recreational vehicle within city limits unless the person has a valid city-issued parking permit, the lawsuit alleges. Penalties for violating Chapter 8.46 include citations, fines, and towing of the vehicle. The lawsuit seeks restitution and a court order prohibiting enforcement of the ordinance in its current form.

“While Chapter 8.46 is allegedly purposed to ‘mitigate the public health and safety concerns,’ its overbroad and vague language has resulted in the arbitrary and discriminatory expulsion of Orange County’s most vulnerable residents—the vehicularly housed—a population who needs to rely on their vehicles for safety, storage, transportation, and more. This ordinance has upended lives and caused undue additional trauma to persons who already bear the great weight of homelessness,” the lawsuit alleges.

“Fullerton is one of many cities that are terribly cruel to people who are unhoused. We know that those who are living in their vehicle are under extreme financial and social hardship, trying to maintain their dignities and freedoms,” said Pat Davis, co-founder of HHROC. “This action will serve as a reminder to our city leaders, that those who have limited to no resources have important legal rights too.”

“The City of Fullerton treats people who are vehicularly housed as a blight, not worthy of even being present within its limits. Under Chapter 8.46, people are separated from their families, friends, medical care, and other essential services,” states Corrigan Lewis, Senior Staff Attorney at DRLC. “This is unacceptable. Through this lawsuit, we hope to end this dehumanizing practice and to hold the City accountable for its discriminatory actions.”

For more information, contact:

Olivia Clarke, Kirkland PR Director
(312) 862 2461 olivia.clarke@kirkland.com

Corrigan Lewis, DRLC Senior Staff Attorney
(213) 736-1334 cll@drlcenter.org

About Kirkland & Ellis

With a global platform of more than 3,000 lawyers in 18 cities across the United States, Europe and Asia, Kirkland & Ellis provides elite legal services and a relentless commitment to client service. Kirkland is a market-leader in each of its core practice areas, including private equity, M&A and other complex corporate transactions; investment fund formation and alternative asset management; restructurings; high-stakes commercial and intellectual property litigation; and government, regulatory and internal investigations. To learn more, please visit www.kirkland.com.

About Disability Rights Legal Center

Founded in 1975, Disability Rights Legal Center (DRLC) is a 501(c)(3) non-profit, public interest advocacy organization that champions the civil rights of people with disabilities through education, advocacy, and litigation. To learn more, please visit www.thedrhc.org.