

Case No. 21-55395  
(Consolidated with Case Nos. 21-55404 & 21-55408)

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

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LA ALLIANCE FOR HUMAN RIGHTS, et al.,

Plaintiffs-Appellees,

v.

CITY OF LOS ANGELES, et al.,

Defendants-Appellants.

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Appeal from the United States District Court  
for the Central District of California  
Case No. 2:20-cv-02291-DOC-KES  
The Honorable David O. Carter

**BRIEF OF UNITED WAY OF GREATER LOS ANGELES AS *AMICUS  
CURIAE* IN SUPPORT OF DEFENDANTS-APPELLANTS AND  
INTERVENOR-APPELLANT**

**FILED WITH CONSENT FROM ALL PARTIES  
[Fed. R. App. P. 29(a)]**

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**CORPORATE DISCLOSURE STATEMENT**

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure, counsel for the *Amicus Curiae* United Way of Greater Los Angeles certify that (1) United Way of Greater Los Angeles does not have any parent corporations, and (2) no publicly held companies hold 10% or more of the stock or ownership interest of United Way of Greater Los Angeles.

Dated: June 10, 2021

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### **INTEREST OF *AMICUS CURIAE* AND INTRODUCTION**

As set forth below, Amicus Curiae United Way of Greater Los Angeles (“UWGLA”), a 501(c)(3) nonprofit organization, has a significant and direct interest in the outcome of Defendants-Appellants City of Los Angeles (“L.A. City”) and County of Los Angeles (“L.A. County”) and Intervenor-Appellants Cangress’, dba Los Angeles Community Action Network, appeal of the preliminary injunction issued by Judge David O. Carter of the United States District Court, Central District of California, on or about April 20, 2021. The parties conferred pursuant to Circuit Rules 27-1 and 29-3, and all parties consented to the timely filing of this amicus brief. Pursuant to Federal Rule of Appellate Procedure 29(a)(2), UWGLA respectfully submits this brief.

UWGLA’s mission is to permanently break the cycle of poverty for L.A. County’s most vulnerable residents, low-income families, students, veterans, and people experiencing homelessness. UWGLA brings together public, private, and nonprofit partners to improve the quality of life for all residents of L.A. County by working to ensure that everyone has access to housing, quality education, and the resources and support to be economically stable. UWGLA convenes cross-sector partnerships to develop solutions to societal challenges, uses advocacy and public policy to change ineffective systems that sustain the cycle of poverty and homelessness, and invests in a network of 130 nonprofit programs that helps people with low-incomes and who are homeless to move out of poverty and

homelessness across L.A. County.<sup>1</sup>

A key example of the kind of work that UWGLA has led the way in developing, and one which it continues to actively support, is the Los Angeles Coordinated Entry System (“CES”), a countywide system that the UWGLA successfully piloted in 2013 and which now has expanded to provide services and rehousing for people experiencing homelessness (“PEH”) across L.A. County. UWGLA has identified the District Court’s preliminary injunction as a major impediment to the operation and goals of CES which UWGLA supports and helped to create; therefore, UWGLA has a strong interest in advocating for the District Court’s preliminary injunction order to be vacated.

**STATEMENT REGARDING FEDERAL RULE OF APPELLATE  
PROCEDURE 29(A)(4)(E)**

This brief has been authored solely by counsel for *amicus curiae*, UWGLA. No counsel for any party authored the brief in whole or in part. None of the parties or their counsel or any other person besides UWGLA contributed money that was intended to fund the preparation or submission of this brief.

**STATEMENT OF THE CASE**

UWGLA adopts the Statement of the Case set forth in Intervenor-Appellant’s Opening Brief. The following additional details are presented for background and context.

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<sup>1</sup> See generally Home for Good, *Who We Are – Our History – From the Beginning*, we’ve set the stage for transformative change, at <https://homeforgoodla.org/who-we-are/our-history/>

**A. GENERAL INTRODUCTION**

Over the past decade, stakeholders from across the region – including service providers, L.A. City and L.A. County departments and agencies, LAHSA, UWGLA, and others have built a collaborative system and process to efficiently and effectively rehouse people who are experiencing homelessness. In just a few years CES has transformed and drastically improved how we, as a society, can work to end homelessness by assessing unhoused people, prioritizing them based on their vulnerability, and matching them to permanent housing resources that meet their specific needs. This intentional, methodical work has resulted in an increasing amount of people being housed permanently every year. We respectfully provide this information to help inform the Court about this system and the ways in which the District Court’s preliminary injunction will harm this good work.

**B. EFFORTS OF THE UNITED WAY OF GREATER LOS ANGELES TO ADDRESS HOMELESSNESS**

As one of the primary non-governmental organizations participating in policy-making decisions in L.A. County around the issue of homelessness, UWGLA is relied upon to raise and invest flexible philanthropic resources to provide concepts and initiatives that impactfully address the issue and bring them “up to scale” so that they can be sustained by public resources and partners on an ongoing basis. In 2010, UWGLA worked with the L.A. Area Chamber of Commerce to launch “Home For Good” (“HFG”), a community-driven initiative to end homelessness in L.A. County. Since then, this initiative has grown into a cross-sector partnership of over 300 community partners that has come together to

build systems of change to end homelessness. UWGLA and HFG bring together public agencies and private philanthropy to invest in solutions to homelessness through the “Home For Good Funders Collaborative,” which since its inception in 2011 has raised and aligned more than \$62 million in private funding - leveraging more than \$5 billion in public resources.

A key example of the kind of solution championed by UWGLA and HFG is the Los Angeles Coordinated Entry System, which UWGLA and HFG successfully piloted in 2013. Due to UWGLA’s efforts and support, CES’ scope encompasses all of L.A. County, creating for the first time a countywide system of coordination and management for scarce housing resources and services needed to efficiently and effectively rehouse PEH.<sup>2</sup> CES, which continues to be supported by UWGLA, is currently operated by the Los Angeles Homeless Services Authority (“LAHSA”), a joint powers authority.<sup>3</sup>

### **C. LOS ANGELES COORDINATED ENTRY SYSTEM (“CES”)**

#### **1. UWGLA Worked to Create CES to Address Local and Countywide Needs**

Prior to the development of CES by UWGLA and its partners, the process for accessing supportive housing and voucher programs aimed at serving PEH were inefficient, inequitable, piecemeal, and inconsistent across L.A. County.<sup>4</sup>

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<sup>2</sup> See Los Angeles Homelessness Services Authority, *About LAHSA*, at <https://www.lahsa.org/about>.

<sup>3</sup> See Los Angeles Homelessness Services Authority, *The Homeless Crisis Response System for Los Angeles County*, at <https://www.lahsa.org/ces/>.

<sup>4</sup> See generally United Way of Greater Los Angeles, *Coordinated Entry System*, at <http://ceslosangeles.weebly.com/about-ces.html>.



Indeed, the process for the rehousing of PEH relied mainly on individually managed waitlists and/or first come, first served policies that required unhoused people to submit applications for every housing opportunity, which were few and far between.<sup>5</sup> This meant that homeless individuals seeking rehousing could only access opportunities if they had the personal capacity to research the process, the ability to navigate complex systems while facing multiple bureaucratic dead ends, and the mobility to travel across L.A. County to locations where they had to wait in long lines for even a chance at housing.<sup>6</sup>

This kind of arrangement ignored racial disparities within the homeless population and disadvantaged the most vulnerable people in our communities.<sup>7</sup> Critically, with no coordination across L.A. County and no focused consideration of regional outcomes and goals, there were significant “service deserts” where PEH were not reached. There was simply no effective plan or system for how the L.A. County region could comprehensively end homelessness at scale.

## **2. UWGLA and Partners First Piloted CES in the City of Los Angeles’ Skid Row**

To address these challenges, UWGLA and Home For Good began by piloting CES in Skid Row in 2013. The implementation of CES resulted in permanent rehousing for many of the hardest-to-house chronically homeless

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<sup>5</sup> *See id.*

<sup>6</sup> *See id.*

<sup>7</sup> *See* Los Angeles Homeless Services Authority, *Coordinated Entry System (CES)*, at [http://ceslosangeles.weebly.com/uploads/1/2/2/1/1221685/lahsa\\_ces\\_brochure.pdf](http://ceslosangeles.weebly.com/uploads/1/2/2/1/1221685/lahsa_ces_brochure.pdf).

individuals living outside, demonstrating that a different approach was possible.<sup>8</sup> Additional motivation for CES to develop included a change that occurred in 2012 to federal regulations which henceforth required that jurisdictions work to establish “a centralized or coordinated assessment system that will provide a comprehensive assessment of the needs of individuals and families for housing and services” as a condition for receiving homelessness funding from the U.S. Department of Housing and Urban Development.<sup>9</sup>

### **3. UWGLA and Partners Expand CES Countywide**

With a successful pilot project under its belt and with federal regulations compelling local providers, agencies, and local governments, UWGLA proceeded to organize and partner with stakeholders (front-line service providers and homeless coalitions) across L.A. County to build a coordinated countywide rehousing system through an expanded CES. The goal of CES expansion was to create a rehousing and services system that promoted CES’ person-centered processes, increased access and reduced barriers for clients, strategically prioritized resources, and ensured program and service consistency across an L.A. County-

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<sup>8</sup> Home for Good, Who we are – Our History - *From the beginning, we’ve set the stage for transformative change*, at <https://homeforgoodla.org/who-we-are/our-history/>.

<sup>9</sup> U.S. Department of Housing and Urban Development, *Homeless Emergency Assistance and Rapid Transition to Housing: Continuum of Care Program*, 77 Fed. Reg. 45,422, at 45,423 (July 31, 2012) (Interim Rule 24 CFR Part 578), at <https://www.govinfo.gov/content/pkg/FR-2012-07-31/pdf/2012-17546.pdf>.

wide system.<sup>10</sup> In order to accomplish this, a community design team was commissioned for CES, composed of frontline services staff that included formerly homeless individuals.<sup>11</sup> The result is a countywide system that works to connect persons with the highest needs and the most vulnerable PEH to specific services and resources that address their needs through a “no-wrong door” approach.

Today, with CES, outreach and housing system navigation is organized through networks of service providers across L.A. County, divided into 8 regions known as Service Planning Areas, or SPAs, with smaller regional hubs within those areas.<sup>12</sup> CES is also divided into three separate systems to serve three distinct populations: families, youth, and adults. This CES infrastructure creates full geographic coverage of homeless services across L.A. County, balancing local community and regional solutions with the need for a countywide system.

The foundation for coordinating care across organizations, regions, and the system is the “CES assessment,” a common set of intake questions to assess the vulnerability, specific housing and service needs, and client choice preferences of every PEH. A critical component of the assessment is the VI-SPDAT (Vulnerability Index - Service Prioritization Decision Assistance Tool), which asks a series of questions about a PEH’s history of housing and homelessness, health & wellness, risks, socialization/daily functioning, and personal circumstances to

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<sup>10</sup> See generally United Way of Greater Los Angeles, *Coordinated Entry System*, at <http://ceslosangeles.weebly.com/about-ces.html>.

<sup>11</sup> *Id.*

<sup>12</sup> See County of Los Angeles, Public Health, *Service Planning Areas Map*, at <http://publichealth.lacounty.gov/chs/SPAMain/ServicePlanningAreas.htm>.

provide an acuity score to help communities triage and match individuals to the specific available housing intervention that best meets their need.

The countywide implementation of CES has resulted in more people being rehoused than ever before - from a more diverse set of communities. In 2014, LA's rehousing system connected 9,658 individuals to permanent housing. However, over the past 3 years, CES has helped 64,568 people to move from the streets to permanent housing.<sup>13</sup> This would have been impossible a decade ago, and only accomplished through CES's collaborative, intentional, systemic approach to homelessness. Furthermore, from its inception, CES was built with the intention to grow and improve to meet the evolving needs of individuals and families that it services and the broader conditions and stakeholders of which it is comprised. It includes transparent policies and processes driven by providers and people experiencing homelessness that govern CES and ensures consistency, equity, and accountability across L.A. County.

CES also provides a structure for accountability, the identification of challenges, and the means to continuously improve how to serve and rehouse PEH. An example of this is the continuing improvement of the CES assessment, which is currently being evaluated, researched, and refined by some of the area's leading researchers on homelessness to ensure accurate measuring of relative vulnerability, minimization of racial bias, and the making of better matches to housing options

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<sup>13</sup> Los Angeles Homeless Services Authority, *State of Homelessness Presentation*, at 19, at <https://www.lahsa.org/documents?id=5196-state-of-homelessness-presentation>

based on an individual's strengths and needs.<sup>14</sup>

Thus, the coordinated CES approach is in the process of accomplishing the rehousing of homeless individuals in a way that overcomes the piecemeal localized approach that existed prior to CES' countywide implementation. Since the issuance of the preliminary injunction, UWGLA has urgently studied the District Court's order and concludes that it will be a major impediment to the coordination, operation, and public interest aims of CES and the system's effective work in rehousing thousands of people every year.<sup>15</sup>

## **ARGUMENT**

### **THE PRELIMINARY INJUNCTION HARMS THE PUBLIC INTEREST**

A party seeking a preliminary injunction must demonstrate (1) a likelihood of success on the merits; (2) a likelihood of irreparable injury in the absence of an injunction; (3) that the balance of equities tips in the moving party's favor; and (4) that an injunction is in the public interest. *Garcia v. Google, Inc.*, 786 F. 3d 733, 740 (9th Cir. 2015) (citing *Winter v. Nat. Res. Def. Council*, 555 U.S. 7, 24 (2008)). *Amicus* UWGLA concurs with—and will need not repeat here— all of the legal arguments asserted by appellants L.A. City, L.A. County, and Cangress, in support of the appeal and request to vacate the District Court's preliminary

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<sup>14</sup> Los Angeles Homeless Services Authority, *Coordinated Entry System (CES)*, at [http://ceslosangeles.weebly.com/uploads/1/2/2/1/1221685/lahsa\\_ces\\_brochure.pdf](http://ceslosangeles.weebly.com/uploads/1/2/2/1/1221685/lahsa_ces_brochure.pdf).

<sup>15</sup> The provisions of the preliminary injunction are contained in the District Court's Order, and are summarized in Intervenor-Appellant's Opening Brief; thus, they will not be repeated here. *See* Intervenor's Opening Brief, at 10-12.

injunction order. UWGLA will focus instead on the final two preliminary injunction elements, that is, asserting that the balance of equities tips in appellants favor, and that the preliminary injunction is not in the public interest. Indeed, when a government agency is party to an injunction as it is here, the last two factors merge. *Drakes Bay Oyster Co. v. Jewell*, 747 F. 3d 1073, 1092 (9th Cir. 2014) (citing *Nken v. Holder*, 556 U.S. 418, 436 (2009)). Ultimately, the burden of demonstrating that the preliminary injunction is in the public interest falls on the moving party. *Winter*, 555 U.S. at 24. As L.A. City, L.A. County, and Congress have asserted, Plaintiffs-Appellees fail to meet their burden of showing that such a dramatic interference with the provision of homeless services in L.A. City and L.A. County is warranted and would be in the public interest.

UWGLA strongly asserts that the preliminary injunction on balance would be contrary to the public interest if implemented. And, in the preliminary injunction context, “a stronger showing of one element may offset a weaker showing of another . . . .” *Doe v. Kelly*, 878 F. 3d 710, 719 (9th Cir. 2017). Here, the District Court’s preliminary injunction order, if it is allowed to stand, will harm the public interest by critically undermining the collaborative and equitable CES system that L.A. City, L.A. County, LAHSA, UWGLA, and others have built to engage and match PEH to the specific housing resources and services on a countywide basis to best meet a PEH’s individual needs. Indeed, by issuing a preliminary injunction that targets limited homelessness resources which will be deployed indiscriminately in Skid Row in L.A. City, and encouraging a “hyper-local approach” across L.A. County rather than a coordinated systemic one, the

District Court's preliminary injunction will result in a return to the same blunt force, fragmented, scattershot approach to homelessness that defined the Los Angeles region prior to CES.

There is no doubt that the crisis and suffering on the streets of L.A. City and within L.A. County must be addressed with tremendous urgency and resources. However, this must not come at the cost of undermining the smart, comprehensive strategies that prioritize people based on their needs, and which treat the challenge as the regional issue that homelessness is. For decades, local responses to people living on our streets was to manage them with piecemeal emergency services and localized approaches that were disconnected from one another, with no long-term strategy, regional goals, or measures of progress on an issue that affects an entire L.A. County region. These interventions were inefficient, inequitable, and insufficient in actually providing PEH with the resources they need to “come inside” and “stay inside.”

By contrast, CES has demonstrated that when permanent housing resources, like housing vouchers or supportive housing units, are available the homeless service providers working across the county can quickly rehouse people living outside and end their homelessness. Furthermore, CES has created the transparency, collaborative processes, and structures to address “at scale” issues of inefficiency, inaccessibility, and systemic racism - all serious issues that the District Court's preliminary injunction rightly highlights and purports to address.

Unfortunately, the preliminary injunction would have the effect of disrupting the countywide CES strategy, thereby undermining what is actually working to

bring people permanently “inside” while not actually ending homelessness for any more people since the preliminary injunction (1) does not call for the creation of new permanent housing and (2) would divert focus and resources away from permanent housing in favor of emergency shelters and temporary solutions. By focusing an already scarce pool of (temporary) resources primarily on a single community (which only accounts for 10% of Los Angeles County’s homelessness), it also returns the entire region to a time in which you had to be unhoused in “the right part of town” in order to access housing resources. In addition, those offered temporary housing would eventually return to the streets since the preliminary injunction would exhaust the financial resources and disrupt the processes needed to support permanent and sustainable exits from homelessness. Thus, the preliminary injunction would damage all the progress that stakeholders have made in building a countywide system and long-term vision that is in the process of ending homelessness.

If the District Court is attempting to address the crisis of unsheltered homelessness and the impacts of structural racism, it should focus on policies and factors that are driving people to lose their housing and the lack of affordable permanent housing units available to quickly help people get back into permanent housing, as well as a sufficient level of funding for critical supportive services like substance use counseling and mental health support. The District Court should not undercut the CES system that, despite only having been funded on a countywide scale for the last four years, is supporting a homelessness response system that is now rehousing over 20,000 people a year. The District Court’s preliminary



injunction, on balance, is not in the public interest and should be vacated.

**CONCLUSION**

In addition to the arguments put forth by Defendants-Appellants L.A. City, L.A. County, and Intervenor-Appellant Cangress, *Amicus* UWGLA asserts that on balance, the public interest demands that the District Court's preliminary injunction order be vacated.

Dated: June 10, 2021

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**CERTIFICATE OF COMPLIANCE**

Pursuant to the Federal Rules of Appellate Procedure, Rules 29(a) and 32(a)(7) and Ninth Circuit Rule 32-1, I certify that *Amicus Curiae* United Way of Greater Los Angeles' brief complies with the type-volume limitation set forth therein because this brief contains 2990 words, excluding the parts of the brief exempted by Federal Rule of Appellate Procedure 32(f).

This brief complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5), and the type-style requirements of Federal Rule of Appellate Procedure 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using Microsoft Word 2016 word processing program, a 14-point font size, and the Times New Roman type style.

Dated: June 10, 2021

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**STATEMENT OF RELATED CASES**

The following cases in this Court are deemed related to this case pursuant to Ninth Circuit Rule 28-2.6: Nos. 21-55404 and 21-55408. These three appeals were consolidated by this Court on May 13, 2021.

Dated: June 10, 2021

KAUFMAN LEGAL GROUP, APC

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**CERTIFICATE OF SERVICE**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within entitled action. My business address is Kaufman Legal Group, 777 South Figueroa Street, Suite 4050, Los Angeles, California, 90017.

On June 10, 2021, I served true copies of the following document(s):

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I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit using the appellate CM/ECF system, which will send notification of such filing to the attached Electronic Service List for this Case.

Executed on June 10, 2021, at Los Angeles, California.

s/ Victoria C. Caiazzo

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