

Judge temporarily bars Oakland from clearing notorious homeless encampment

The court order follows several others that have tied Bay Area cities' hands

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A federal judge has temporarily barred Oakland from clearing the last vestiges of what has become the city's most notorious encampment and one of the most prominent symbols of the Bay Area's homelessness crisis.

The court order means that for now, dozens of people living on a vacant, city-owned lot off Wood Street in West Oakland cannot be forced to relocate amid ongoing rain and flooding. The camp is home to roughly 55 people — the last holdouts in the area after Caltrans recently removed between 200 and 300 people from a neighboring lot — and the city intended to start the closure process Monday.

The judge's decision comes as a [wave of storms](#) has drenched the Bay Area for the past 10 days — with the wet weather showing no sign of letting up this week — and experts are concerned about a [“trifecta”](#) of COVID-19, RSV and influenza viruses taking hold this winter.

“The plaintiffs have raised serious questions that the state will violate their constitutional rights by placing them in increased danger by being forced out of shelter during severe weather, in the midst of an ongoing ‘tripledemic,’ and without adequate plans to provide shelter,” wrote U.S. District Judge William Orrick, who last year issued a similar order temporarily barring Caltrans from clearing the neighboring camp.

Even so, Orrick indicated this latest court-ordered ban is likely to be brief. Both sides will appear in court Jan. 18, at which point the judge will decide whether to lift or extend the ban.



The problem, according to the court, is that the city has a little more than two-dozen shelter beds available — not enough to shelter everyone living at the Wood Street encampment. Furthermore, those beds are in a dorm-style shelter where many residents share one room. That setup isn't feasible for everyone, according to the plaintiffs, as it's untenable for people with certain mental health conditions, and it would force residents to leave behind their pets and belongings.

The city is building a new tiny home community down the road from the encampment, which will be able to shelter at least 31 unhoused residents in small, private dwellings. But it won't be ready until Jan. 20. Another 29 new RV parking spaces will be available by Jan. 17.

"The closure should be postponed until those new spaces are available," the judge wrote.

Oakland, which has said it expects to be able to shelter everyone from the encampment who wants shelter, argues it needs to be able to clear the camp to make way for a 170-unit affordable housing development slated to be built there. The project already has been delayed because of economic uncertainty and staffing shortages — and until the encampment is gone, the city says it can't apply for the funding it needs for the project.

The city attorney's office declined to comment on the judge's ruling.

The court order marks the latest development in an ongoing saga surrounding the controversial camp, which has occupied the Wood Street area for years. Caltrans in October [removed the majority](#) of the camp's occupants when it cleared a vacant lot the agency owns off Wood Street. Many residents displaced from that camp have since moved down the road to an encampment they call "the Commons" — the camp at the heart of the current lawsuit.

Both camps were much more than a cluster of tents — they had become functioning communities. The Caltrans camp had toilets, a [hot shower, gardens, common areas](#) and tiny homes built by residents and volunteer activists. The Commons has solar panels to help residents charge phones and other devices.

But frequent fires, some of which impacted Interstate 80, 880 and the transition lanes to 580 that run above the encampment, prompted everyone from Caltrans to city officials to [Gov. Gavin Newsom](#) to call for the camp to be shut down. Oakland [spent nearly \\$80,000 responding to 63 fires](#) at the Caltrans-owned Wood Street property between October 2021 and 2022.

Despite dangers posed by encampments and mounting public pressure from neighbors to close them, Oakland is far from the first city to have its hands tied by a court order over concerns that unhoused people are forced to move without being provided adequate shelter options. Last month, a federal judge temporarily barred San Francisco from clearing homeless encampments throughout the city. Over the summer, Judge Orrick [temporarily barred Caltrans](#) from clearing the encampment on its land off Wood Street. And a judge briefly barred [San Jose](#) from clearing an encampment at Columbus Park in November.

Oakland initially planned to start clearing the Commons on Monday, and posted notices last month warning residents they would have to move out. But the city changed its tune Friday, citing the stormy weather. Instead, new notices posted at the camp advised, the city would start deep cleaning the site, and residents would need to vacate the property between 9 a.m. and 1 p.m. every day this week. The city intended to start closing the camp after the cleaning was complete.

But that wasn't good enough for the judge, who worried residents wouldn't be protected from the rain while they had to leave the camp during the cleaning.

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