

# [***1 allegation in DA's lawsuit against Sacramento over homelessness can move forward, judge rules***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6BYY-NXN1-JBSS-S004-00000-00&context=1516831)

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SACRAMENTO ([*KOVR*](https://www.cbsnews.com/sacramento/news/sacramento-da-homeless-lawsuit-loophole/?intcid=CNM-00-10abd1h)) -- A judge ruled only one part of Sacramento County District Attorney Thien Ho's lawsuit against the capital city can move forward, scaling back the original allegations to crack down on homelessness.

Ho sued the city back in September and broke down three main allegations that the city is allowing the homeless to pollute waterways and endanger public health. The lawsuit centered on the city's response to the homeless crisis, claiming it failed to enforce city ordinances and ban daytime camping.

The lawsuit argued two other points: that the city created a public nuisance by allowing homeless camps to stay on public property and that the city violated the state's water code by allowing waste from homeless encampments to end up in area rivers.

It was Sacramento Superior Court Judge Jill H. Talley's final ruling on Monday that had city and county leaders with statements on the next steps and reactions to one out of the three main allegations staying with the lawsuit to move forward.

"Since the District Attorney's Office filed the lawsuit last year, the City has done more enforcement and compliance in the last 7 months than they have done in the last 7 years. The City's data dashboard shows an increase in enforcement and clean up. The community has seen and felt the difference. We intend to amend the complaint and proceed forward. We will not give up on the City of Sacramento."

- Sacramento County District Attorney's Office

The third allegation outlined in the lawsuit that will move forward is the DA's argument that the city violated the state's Fish and Game Code by allowing debris and trash to end up in area waterways.

"It has been clear from day one that the DA's case was flawed from a legal perspective, and we are pleased the Court has affirmed this by largely rejecting his arguments in its final ruling. While the DA may attempt to amend his complaint, the City is imploring him to do the right thing and bring this case to an end. The DA's efforts have resulted in nothing more than a waste of taxpayer money and a drain on City, County and Court resources.

What this case has proven beyond any shadow of a doubt is that playing ***politics*** with homelessness helps no one. Right now, both the City and County of Sacramento need to be focused on providing outreach and support to unsheltered residents. It is time for the DA to finally abandon this exercise and start contributing to the ongoing work to create meaningful and lasting solutions to the homelessness crisis. As I have stated before, collaboration - not provocation - is the right path to success."

- Susana Alcala Wood, Sacramento City Attorney

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By Madisen Keavy

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