



# CITY ATTORNEY DENNIS HERRERA NEWS RELEASE

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## Herrera, tenant groups sue U.S. Postal Service over mail delivery to SRO residents

### ***New USPS policy halts secure mail service to individual tenants, inflicts devastating hardships on many low-income San Franciscans***

SAN FRANCISCO (May 5, 2009)—The United States Postal Service is violating federal constitutional guarantees and its own regulations because of a new policy that deprives residents of single room occupancy hotels, or SROs, equal and adequate mail delivery in San Francisco, according to a lawsuit filed today by City Attorney Dennis Herrera and a coalition of tenant advocacy organizations. The Central City SRO Collaborative, the San Francisco Tenants Union, and the Housing Rights Committee of San Francisco are represented by the Tenderloin Housing Clinic as co-plaintiffs in the litigation, which Herrera threatened two weeks ago in his demand letter to the U.S. Attorney's Office.

SROs are so named because tenants typically rent a single room with shared access to bathroom and other facilities. They are home to some of San Francisco's most economically disadvantaged residents, including seniors, the disabled and low income individuals and families, some of whom receive supportive services in their residential environment.

The ##-page complaint filed in U.S. District Court this morning challenges a postal service legal interpretation—recently endorsed by the U.S. Attorney's Office—that directs local letter carriers to drop unsecured mail for SRO residents near building entryways and at front desks instead of delivering it to individual locked boxes. San Francisco Postmaster Noemi Luna first notified the City of the policy change in a Dec. 18, 2008 letter to the San Francisco Department of Building Inspection, blaming “current fiscal shortages” for the decision to end mail delivery to individual SRO residents.

“Forcing our poorest residents to bear the brunt of budget cutbacks is not only immoral—in this case, it's also illegal,” said Herrera. “Inadequate and unequal mail delivery can cause devastating hardships on SRO residents, and our investigation has documented heart-breaking consequences of undelivered checks, medical notices, appointment information, personal letters and official correspondence. There is no basis in the law or in postal regulations for this discriminatory practice. I am enormously grateful to the

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Central City SRO Collaborative for their leadership on the issue and their assistance in our investigation and lawsuit. I am also thankful to the Tenderloin Housing Clinic, the San Francisco Tenants Union, and the Housing Rights Committee of San Francisco for joining us in this important litigation.”

Today’s complaint details compelling examples of the devastating effects that unreliable and unsecure mail delivery can have on SRO residents—some of whom have lost financial and medical benefits, faced eviction proceedings, been forced into homelessness, and grown estranged from family and friends as a result. One resident infected with Hepatitis C did not learn of his diagnosis until more than a year later, when he discovered a copy of the long-undelivered letter in his Department of Public Health medical file informing him he had tested positive for the life-threatening blood-borne pathogen. Apart from being unaware of precautions that would avoid spreading the disease to others, the DPH patient lost the advantage that would have accompanied early diagnosis and treatment. Another long-term SRO resident who had been diagnosed with terminal cancer missed appointment notices and even lost Medi-Cal coverage because of the Postal Service’s discriminatory mail delivery policy. Still more SRO tenants lost opportunities to receive timely state and federal benefits as Section 8 housing and SSI because they did not receive notices informing them of their eligibility until after key deadlines had passed. In many cases, the City and its taxpayers provided the economic safety net that the state and federal government should and would have provided if mail had been securely delivered by the U.S. Postal Service to SRO tenants.

Such discriminatory mail delivery practices violate a number of constitutional guarantees, according to the complaint, including equal protection, free speech, freedom of association, and the right to privacy, according to complaint. The federal lawsuit also charges that the delivery policy changes violates the U.S. Postal Service’s own regulations.

In 2006, the City enacted the Residential Hotel Mail Receptacle Ordinance in response to concerns that tenants at SROs were not receiving their mail in a safe, secure and timely manner. The ordinance requires SRO owners to make arrangements with the U.S. Postal Service for the installation of approved receptacles for mail delivery. In her Dec. 18 letter to city officials, however, Postmaster Luna said the City’s ordinance was preempted by federal law to the extent it attempts to interfere with postal service operations.

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