

**Published 9/14/23 in The Union newspaper, Grass Valley, Calif.**

## **The art of social justice**

By Tom Durkin  
Sierra Roots Media

Sometimes you have to “fight city hall.” Sometimes you must support it.

City hall in this case is Nevada County government. And in this case, as creative director of the Sierra Roots/No Place to Go Project, I’m supporting Nevada County’s progressive efforts to mitigate homelessness and the lack of affordable housing.

Tuesday afternoon, the supervisors made it easier to do “urban lot splits” and build accessory dwelling units (ADUs) on properties in “urban clusters” in unincorporated areas of the county.

Specifically, the supervisors voted unanimously to adopt a resolution amending Nevada County General Plan Chapter 1: Land Use Element Policy 1.2.1.b, Policy 1.2.4.B, and Policy 1.7.2 Chapter II. Then they adopted an ordinance amending Chapters II and IV of the Nevada County Land Use and Development Code.

The urban clusters affected include Lake of the Pines, Alta Sierra, Lake Wildwood and other wealthy U.S. Census tracts within the spheres of influence of Grass Valley and Nevada City.

Remarkably, there was no NIMBY (not in my backyard) opposition during the public hearing

Maybe they understand their own backyards are still safe. They have the absolute right not to build an ADU in their backyard. They don’t, however, have the right to prevent their neighbor from putting an ADU in her own backyard.

Or maybe they didn’t read the notices from the Planning Department.

In any case, it’s not much, actually. As Supervisor Heidi Hall noted, “We didn’t create any housing.” The county just made it easier for anybody to build new housing.

### **ME VS. “CITY HALL”**

About this time five years ago, a similar proposal to permit property owners to build ADUs came before the board. On advice of county counsel, the board

unanimously rejected the unanimous recommendation of the Planning Commission.

That seriously annoyed me. People are homeless because there's no damn housing for us. I had just started living in a trailer. Time to fight city hall. I wrote an Other Voices "We need ADUs, not excuses."

And I kept writing. I was openly – and sometimes unfairly – critical of county government regarding housing and homeless issues. But, over the years, I've come to know and respect people like Ryan Gruver, director of the Nevada County Health and Human Services Agency.

He told me he didn't mind the criticism. He was just glad that I was bringing it up.

Gruver and Housing Director Mike Dent and Behavioral Health Director Phebe Bell have all been generous with their time and knowledge. I am shamefully backlogged on the stories I promised them I would write, but I do carry around and use what I've learned from them

In the spirit of bringing it up, I've become impressed with the county's increasingly coordinated and effective multi-agency attack on homelessness and the housing shortage.

But it's not enough. Not nearly.

## **OUTSIDE THE BOX**

My job is to unbox conventional thinking. That's why the Upstate California Creative Corps gave Sierra Roots a substantial grant to hire me to practice the creative art of social justice.

Civil rights, antiwar protests, fathers' rights, Native American rights, women's rights, legalization of cannabis and homeless rights. I've marched in the streets L.A. and San Francisco and negotiated in the inner sanctums state government in Sacramento.

I'm perfectly capable of organizing a civil action at Rood Center. In fact, I did earlier this year and Board of Supervisors Chairman Ed Scofield was concerned.

After the hysterical and entirely counterproductive protests by so-called "patriots" in past years, Mr. Scofield was worried we'd bring more of the same.

We came to the board in an orderly and respectful way, offering solutions, not complaints. Ed thanked us for being civil.

Ed told me he didn't think he'd like me. The feeling was mutual. Turns out: We get along great. We've had several deep discussions about alternative dwelling units (AltDUs) as a partial mitigation of the homeless/housing crisis.

(AltDUs are cars, trailers, RVs, shipping containers, yurts, unpermitted tiny homes and any other "desperation housing" people have devised for themselves.)

## **IN THE ROOM**

After a few meetings, Ed brought in Senior Analyst Jeffrey Thorsby. And then, he brought in County CEO Alison Lehman. Okay, I'm "in the room." This is getting serious.

I presented an informal Sierra Roots/No Place to Go Project position paper that suggests, among other things, that the county should stop forcing people to relocate for zoning violations when there is no place to go.

Instead, if people are living responsibly, or trying to, Code Compliance should require code-equivalent solutions that allow the tenants to live safely where they are – and the county should pay for the improvements.

I saw Alison's eyes widen when she read that. But she didn't blink.

My reasoning is compelling. It is the county's moral and legal duty to ensure there is enough housing for its citizens. That's not happening. Therefore, people must seek housing wherever and however they can – and it's wrong to punish them by forcing them to relocate when there is no place to go.

It can be argued that forcing people to move is a violation of the restriction against "cruel and unusual punishment" in the Eighth Amendment to the U.S. Constitution.

That was the successful argument used in *Martin v. Boise*, a landmark ruling from the Ninth Circuit Court of Appeals that prohibits law enforcement from fining or arresting people camping on public land if the community does have enough shelter beds to offer the campers.

## **SEEKING ELEGANCE**

It is yet to be seen if anything comes of these tentative discussions with "city hall," but I sincerely believe Mr. Scofield and Ms. Lehman genuinely care about homelessness and housing, as do all the other supervisors and staff.

I'm hoping that by working together, we come up with bold and elegant solutions that neither of us would have thought of by ourselves.

Let's make emergency housing for the people by the people one of the many solutions we need to end homelessness.

*Tom Durkin is member of The Union Editorial Board and the creative director of the Sierra Roots/No Place to Go Project, which is funded by a grant from the Upstate California Creative Corps. He may be contacted at [tomdurkin@sierra-roots.org](mailto:tomdurkin@sierra-roots.org).*