

1 20, 2021.

2 When the Court granted the preliminary injunction, the Court noted that “the keystone of  
3 the preliminary injunction is the current dire state of the COVID-19 pandemic.” Dkt. 27 at 2.  
4 Additionally, the Court explained that “[a]s vaccines roll out and the pandemic eases, dispersal of  
5 homeless persons from the encampments may no longer put them at greater risk for COVID-19,  
6 and re-evaluation of the injunction will be necessary.” As the Parties acknowledge, the COVID-  
7 19 crises, including in the City and the County of Santa Cruz (“County”), has improved  
8 dramatically. Dkt. 61 at 2; Dkt. 62 at 2. Defendants have presented evidence that there are only  
9 53 active known cases in the County, negligible COVID-19 hospitalizations, and an Effective  
10 Reproduction Number ( $R_e$ ) that is currently reported as approximately 0.5. Dkt. 61 at 3; Dkt. 61-1  
11 Declaration of Catherine Bronson (“Bronson Decl.”) ¶¶ 5-6, 8. Additionally, Defendants state that  
12 as of June 21, 2021, approximately 70% of the total population in the 95060 zip code, where the  
13 Benchlands is located, have received at least one vaccine dose and 60% of the total population is  
14 fully vaccinated. Dkt. 61 at 3; Dkt. 61-1 Bronson Decl. ¶ 10.

15 Of particular significance to the Court, Defendants present strong evidence of the  
16 accessibility of the COVID-19 vaccine to the residents of the Benchlands. Every person who  
17 occupied one of the original designated spots in the encampment was offered the vaccine. Dkt.  
18 61-2 Declaration of Chris Monteith (“Monteith Decl.”) ¶ 4. The camp stewards, two City  
19 employees who are at the encampment 20-30 hours per week, continue to raise the availability of  
20 vaccines with the residents. *Id.* ¶¶ 3, 7, 9-10. Any resident who expresses an interest in receiving  
21 a vaccine is encouraged to engage with the health services provider who visits the site weekly to  
22 administer vaccines or to access a local clinic. *Id.* ¶¶ 6, 10. The vaccines are provided at no cost  
23 to the recipients. Dkt. 61 at 3. However, evidence from both Plaintiffs and Defendants  
24 demonstrate that the number of residents in the Benchlands who are willing to be vaccinated  
25 remains low. Dkt. 61-2 Monteith Decl. ¶¶ 9-12; Dkt. 61-1 Bronson Decl. ¶ 3; Dkt. 62 Declaration  
26 of Alicia Kuhl (“Kuhl Decl.”) ¶ 5.

27 At the hearing, Plaintiffs argued that the City had assumed a duty to educate or persuade  
28 residents of the encampment to get the COVID-19 vaccine. As discussed above, Defendants have