

IN THE COURT OF APPEALS OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT, DIVISION FIVE

RAMONA MAYON,

COURT OF APPEAL No. A171913

Plaintiff and Appellant,

v.

SUPER. CRT No. CGC-24-611907

LONDON BREED,

Defendant and Respondent.

Appeal From an Order

From the Superior Court, County of San Francisco

Honorable Judge Richard B. Ulmer

APPELLANT'S OPENING BRIEF

Ramona Mayon (pro se)
1559 Sloat Blvd. Ste B-Bx 175
San Francisco, CA 94132
tel: 415-595-6308
ramonamayon@yahoo.com

TABLE OF CONTENTS

	Page
TABLE OF AUTHORITIES	3
STATEMENT OF CASE	4
STATEMENT OF APPEALABILITY	5
STATEMENT OF FACTS	5
ARGUMENTS	6
I. Respondent incorrectly characterizes the Appellant as a guest, in spite of long-term habitation;	
II. Appellant did not file an administrative claim prior to filing the complaint because she did not seek to prove damages, only declaratory relief	
CONCLUSION	8
CERTIFICATE OF COMPLAINT	9

TABLE OF AUTHORITIES

SAN FRANCISCO ADMIN CODE CHAPTER 49A	Page 4
CAL. CIVIL CODE § 1771	Page 4
CAL. WELFARE & INSTITUTIONS CODE § 8255	Page 4
CAL. COV CODE § 65662(c)	Page 5
CAL. CIVIL CODE 1941.2	Page 6
CAL. CIVIL CODE 1953	Page 6
CAL. GOV CODE § 910(d)	Page 7
<i>Covina Manor v. Hatch</i> 133 Cal. App. Supp. 790 (1955)	Page 7

STATEMENT OF CASE

During the winter of 2023-2024, Appellate collected signatures from her neighbors to form a tenants' union under San Francisco Administrative Code Chapter 49A so as to confront their landlord in the firmest way under law available to them. In the role of tenant union's representative, Appellant filed a complaint against the Respondent on January 26, 2024 (page 10) alleging that the written agreement all residents were required to sign upon entry to the Department of Homelessness and Supportive Housing (HSH)'s "Safe Parking Program" had been a public deceit, per CCC § 1771, made collectively against the entire community residing at said City facility by ignoring the law that controls so-called "Navigation Centers", based on the verbage of Welfare and Institutions Code 8255. She asked only for declaratory relief. The Respondent filed a Demurrer on February 29, 2024 (page 119). Appellant opposed the Demurrer on March 13, 2024 (page 140). Respondent replied to the opposition of the Demurrer on March 20, 2024 (page 149). Respondent amended the Demurrer on April 24, 2024 (page 163). Respondent finally replied to the complaint on May 21, 2024 along with a notice of non-opposition to the amended Demurrer. The court found in favor of the Respondent on May 29, 2024 (page 221). Respondent filed an ex parte motion to dismiss the case on July 10, 2024 (page 224), which was denied in order to allow Appellant to answer on August 14, 2025 (page 266). Case was dismissed on Aug 20, 2024 (page 272).

STATEMENT OF APPEALABILITY

This is an appeal from a judgment of the San Francisco Superior Court and is authorized by California Code of Civil Procedure § 904.1(a)(1).

STATEMENT OF FACTS

The offending phrase that is contrary to the controlling law (WIC § 8255) for any program operated as a “Navigation Center” is from Exhibit C of the complaint (page 75 of the Record), circled for emphasis. This is the program participant agreement all must sign with the Respondent, who has both seal and name in upper right-hand corner: “This Safe Parking Program does not provide permanent parking or housing, and guests at the site **do not have tenancy rights.**” (Respondent’s emphasis)

Exhibit D from the complaint is the Dept. of Public Works memo re. CEQA exemption and contains full description of relevant facts on the formation and under what government codes did this illegal RV park happen. The last page of the memo contains a perturbing phrase (page 83 of the Record), circled for emphasis: “Regarding terminology, Government Code Section 65662(c) and Welfare and Institutions Code Section 8255 refers to the residents of low-barrier navigation centers as ‘tenants;’. HSH

prefers to use the word ‘client’ instead, as people staying in HSH-owned and operated navigation centers neither sign a lease nor provide payment for services and shelter.”

It was in reading this, the Appellant saw the most direct way to improve the bleak material conditons in the camp (pages 20 - 39) and began collecting signatures (pages 50 – 73), then filing a legal challenge to the document that openly attempts to withdraw rights from an entire class of people, I.e. those who live in facilities operated as “Navigation Centers” within San Francisco.

ARGUMENT

I.

RESPONDENT INCORRECTLY CHARACTERIZES APPELLANT AS A GUEST, IN SPITE OF LONG-TERM HABITATATION

Under California Civil Codes 1942.1 and 1953, one cannot be made to give up or sign away one’s tenants’ rights. Here the Respondent did exactly that, admitting it on page 103 of the record, in her first motion for a Demurrer: “Plaintiff’s reference to declaratory relief is simply defective as there is ‘no actual controversy’. The laws specifically and clearly define a tenant as a person living in a “residential dwelling unit” who pays rent. Plaintiff lives in her own RV and does not pay rent to anyone. Under San Francisco’s Safe Parking Program, Plaintiff expressly agreed that she was a guest, not a tenant.”

Per *Covina Manor v. Hatch* 133 Cal. App. Supp. 790 (1955). the residents at the Safe Parking Program would be legally defined as “tenants at will”, with tenancy not based on an express rental agreement (or rent), but rather one that was created when the tenant took possession of the premises with the landlord’s permission, but for no stated term and without payment of rent.

Moreover, if the legislature had desired residents of “Navigation Centers” to be guests, they would have used that word, instead of the word ‘tenant’ thirteen (13) times in Welfare and Institutions Code 8255, the law that controls these establishments.

II.

APPELLANT DID NOT FILE AN ADMINISTRATIVE CLAIM PRIOR TO FILING
THE COMPLAINT BECAUSE SHE DID NOT SEEK TO PROVE DAMAGES,
BUT ONLY DECLARATORY RELIEF

In listing the information that is to put in the Administrative Claim form, before filing a tort action against the Respondent, it requires, per Cal. Government Code 910(d):
A general description of the indebtedness, obligation, injury, damage, or loss incurred so far as it may be known at the time of presentation of the claim.

Appellant went to court to clarify a legal definition: tenant or guest. It was for purpose of understanding her status under law, not for the act of suing the Respondent.

CONCLUSION

It's a brand-new thing, what California cities are doing for Persons Experiencing Homelessness (PEH), even having a Dept of Homelessness could be looked at as a compassionate thing. It would be if standards and laws were observed. In this matter, relief would be a ruling that defined what a person is, after thirty months in an illegal (but still long-term), RV park that somehow escapes every possible habitability code while fetching in millions of dollars in spite of its residents paying zero rent. I would conclude this brief by saying that they are paying with their health, their dignity, and yes, their freedom of choice in where (and how) to live. The very least they deserve is the proper name for what they are, even if all they are to the Respondent are pesky occupiers of (still) broken-down and unregistered RVs. If there's not enough record said and documented before the lower court, then the Appellate would ask that to be allowed to hold a trial over the matter of said definition of the residents of San Francisco's "Safe Parking Program": are we tenants or guests?

Respectfully,

/s/ Ramona Mayon

dated Feb 17, 2025

CERTIFICATE OF COMPLIANCE

Pursuant to rule 8.204(c) of the California Rules of Court, I hereby certify that this brief contains 1,313 words. In making this certification, I have relied on the word count of the computer program used to prepare the brief.

Signed _____

/s/ Ramona Mayon